

THE
Punjab Legislative Assembly
Debates.

From 1st April to 30th April, 1940.

Vol. XIII.

OFFICIAL REPORT.



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1942.

PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
ASSEMBLY.

Speaker.

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

Deputy Speaker.

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

Secretary.

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

Deputy Secretary.

Khan Bahadur Hakeem Ahmad Shujaa, B.A.

PUNJAB LEGISLATIVE ASSEMBLY.

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

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

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

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

PARLIAMENTARY SECRETARIES.

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

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

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

Chaudhri Tikka Ram, B.A., LL.B., M.B.E., Development (Rohtak North, General, Rural).

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

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

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

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

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

PARLIAMENTARY PRIVATE SECRETARIES—CONCLUDED.

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

MEMBERS.

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 Abdul Rahim, Chaudhri (South-East Gurgaon, Muhammadan, Rural).
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 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed (Batala, Muhammadan, Rural).
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 Balwant Singh, Sardar (Sialkot, Sikh, Rural).
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 Chanan Singh, Sardar (Kasur, Sikh, Rural).
 Deshbandhu Gupta, Lala (South-Eastern Towns, General, Urban).
 Dev Raj Sethi, Mr. (Lyallpur and Jhang, General, Rural).
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 Duni Chand, Lala (Ambala and Simla, General, Rural).
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- Gokul Chand Narang, Dr. Sir, M.A., Ph.D. (West Lahore Division, General, Rural).
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- Gopi Chand Bhargava, Dr. (Lahore City, General, Urban).
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- Hari Lal, Munshi (South-Western Towns, General, Urban).
- Hari Singh, Sardar (Kangra and Northern Hoshiarpur, Sikh, Rural).
- Harjeb 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).

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- Jalal-ud-Din Amber, Chaudhri, B. A. (West Central Punjab, Indian Christian).
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- Kabul Singh, Master (Jullundur East, Sikh, Rural).
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- Kartar Singh, Chaudhri (Hoshiarpur West, General, Rural).
- Kartar Singh, Sardar (Lyallpur East, Sikh, Rural).
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- Kishan Dass, Seth (Jullundur, General—Reserved Seat, Rural).
- Kishan Singh, Sardar (Amritsar Central, Sikh, Rural).
- Krishna Gopal Dutt, Chaudhri (North-Eastern Towns, General, Urban).
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- 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).
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- 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 Husain, 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. Com. (London) (Lyallpur, Muhammadan, Rural).
- Muhammad Qasim, Chaudhri (Bhalwal, Muhammadan, Rural).
- Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed (Shujabad, Muhammadan, Rural).
- Muhammad Saadat Ali Khan, Khan Bahadur Khan (Samundri, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Chaudhri (Sialkot North, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Raja (Chakwal, Muhammadan, Rural).
- Muhammad Shafi Ali Khan, Khan Sahib Chaudhri (Rohtak, Muhammadan, Rural).
- Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed (Lodhran, Muhammadan, Rural).
- Muhammad Yasin Khan, Chaudhri, B.A., LL.B. (North-West Gurgaon, Muhammadan, Rural).
- Muhammad Yusuf Khan, Khan, B.A., LL.B. (Rawalpindi Sadar, Muhammadan, Rural).
- Mukand Lal, Puri, Rai Bahadur (Rawalpindi Division, General, Rural).
- Mula Singh, Sardar (Hoshiarpur West, General—Reserved Seat, Rural).
- Muni Lal Kalia, Pandit (Ludhiana and Ferozepore, General, Rural).
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- Muzaffar Khan, Khan Bahadur Captain, Malik (Mianwali South, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Nawab, C.I.E. (Attock North, Muhammadan, Rural).
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- 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).
 Ranpat Singh, Chaudhri (Karnal North, General, Rural).
 Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).
 Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
 Rur Singh, Sardar (Ferozepore East, Sikh, Rural).
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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).
 Sant Ram Seth, Dr. (Amritsar City, General, Urban).
 Satya Pal, Dr. (Amritsar and Sialkot, General, Rural).
 Shahadat Khan, Khan Sahib Rai (Jaranwala, Muhammadan, Rural).
 Shah Nawaz Khan, Nawab Sir (Ferozepore Central, Muhammadan, Rural).
 Shri Ram Sharma, Pandit (Southern Towns, General, Urban).
 Singha, Diwan Bahadur S. P. (East Central Punjab, Indian Christian).
 Sita Ram, Lala (Trade Union, Labour).
 Sohan Lal, Rai Sahib Lala (North Punjab, Non-Union Labour).
 Sohan Singh Josh, Sardar (Amritsar North, Sikh, Rural).
 Sudarshan, Seth (Eastern Towns, General, Urban).
 Sultan Mahmud Hotiana, Mian, B. A. (Pakpattan, Muhammadan, Rural).
 Sumer Singh, Chaudhri, B.A., LL.B. (South-East Gurgaon, General, Rural).
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 Talib Hussain Khan, Khan (Jhang West, Muhammadan, Rural).
 Tara Singh, Sardar (Ferozepore South, Sikh Rural,).
 Teja Singh, Sardar (Lahore West, Sikh, Rural).
 Uttam Singh Dugal, Sardar (North-West Punjab, Sikh, Rural).
 Wali Muhammad Sayyal Hiraj, Sardar (Kabirwala, Muhammadan, Rural).

ADVOCATE-GENERAL.

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

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 1st April 1940.

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

STARRED QUESTIONS AND ANSWERS.

REMARKS OF THE DEPUTY COMMISSIONER, HOSHIARPUR, AGAINST THE CONGRESS.

***5219. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether it is a fact that the Deputy Commissioner, Hoshiarpur, in a gathering of the people at Dasuya remarked that *Congress was like cholera*?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): The answer is in the negative.

Sardar Hari Singh : May I know if the answer is based on the mere denial of the Deputy Commissioner concerned or was an enquiry made by a higher authority?

Parliamentary Private Secretary : I have stated that the answer is in the negative.

Sardar Hari Singh : I have heard it. Now I want to know through a supplementary question whether an enquiry was made into the matter to find out whether the allegation is correct or not.

Parliamentary Private Secretary : An enquiry was made and the information is what I have stated.

Sardar Hari Singh : Who made the enquiry?

Parliamentary Private Secretary : District officer.

Sardar Hari Singh : Which district officer held the enquiry into the allegation against the Deputy Commissioner?

Parliamentary Private Secretary : I want notice.

Sardar Hari Singh : May I know if this answer that the allegation is quite wrong is merely based on the statement of the Deputy Commissioner concerned against whom this allegation was made?

Parliamentary Private Secretary : I have nothing to add to the reply I have already given.

Sardar Hari Singh : May I take it that no enquiry was made at all into this matter?

Mr. Dev Raj Sethi : Did he make the speech at all?

Parliamentary Private Secretary : I require notice of that question.

Pandit Shri Ram Sharma : May I know if the Deputy Commissioner used the words that "Congress was like cholera"? If so, did he make this remark in a public meeting?

Parliamentary Private Secretary : Well, Sir, the question seeks to elicit information whether the Deputy Commissioner, Hoshiarpur, in a gathering of the people at Dasuya remarked that 'Congress was like cholera' and my answer to this is in the negative.

Pandit Shri Ram Sharma : May I know whether the Deputy Commissioner has toured the *ilaga* of Dasuya?

Parliamentary Private Secretary : I require notice for that.

UNAVAILABILITY OF THE COPIES OF EXTRAORDINARY GAZETTE CONTAINING
DRAFT MOTOR VEHICLE RULES.

***6110. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the copies of the Extraordinary Gazette of the Punjab Government of 4th January, 1940, are out of stock in the Government Book Depôt;
- (b) whether it has come to his notice that the Punjab Motor Union Office asked for some copies of the said issue which the Government Printing, Punjab, expressed inability to supply; if so, the steps taken or proposed to be taken to immediately make the Draft Motor Vehicles Rules, 1940, available to those interested in the motor transport business?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The demand for copies of the draft rules being unexpectedly heavy, the stock ran out for a few days. Extra copies were quickly printed and were on sale on the 13th January.

RATE OF FEES FOR RENEWAL OF DRIVING LICENCES FOR
MOTOR VEHICLES.

***6119. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the rate of fee charged for renewal of driving licenses for the motor vehicles in the Lahore district since 16th December, 1939;
- (b) the rates of similar fees charged in the other districts of the province since the same date;
- (c) whether it is a fact that rates at which this fee has been charged in the Lahore district is different from the rates in the other districts; if so, the reasons therefor;
- (d) the steps taken or proposed to be taken to rectify the mistake committed in charging excess rates in those districts so far?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I am laying on the table a copy of a circular letter which was issued by the Punjab Government in the latter part of December in regard to this subject.

So far as Government are aware, the instructions in this letter are now being followed in all districts:

Sardar Hari Singh : May I know if there has been any difference in the rates in the various districts ?

Parliamentary Secretary : The position has been fully explained in the circular to which I have made reference and a copy of which has been placed on the table.

Sardar Hari Singh : May I know if there has been any departure at all from the circular ?

Parliamentary Secretary : If the honourable member will kindly read the circular he will understand.

Sardar Hari Singh : I have read the circular already. I would like to know if the Parliamentary Secretary is quite sure that there has been no departure from the circular.

Parliamentary Secretary : I think there has been no departure.

Sardar Hari Singh : May I know if the Parliamentary Secretary or the Government has received any representation from the Motor Union regarding the departure made in certain districts from the circular ?

Parliamentary Secretary : I am not aware of any such representation. If my honourable friend gives me notice, I shall try to find out whether any representation was received or not.

Circular letter from A. V. Askwith, Esquire, I.C.S., Home Secretary to Government, Punjab, to All Deputy Commissioners in the Punjab, No. 8844-H. G.-39/44099, dated Lahore, the 22nd December, 1939.

I AM directed to invite attention to the wording of subsection (2) of section 134 of the Motor Vehicles Act, 1939, as re-framed by the Motor Vehicles (Amendment) Act, 1939. The effect of the subsection is to continue the old Punjab Motor Vehicles Rules, 1931, other than the rules prescribing the fees payable for the grant or renewal of driving licences in force up to the 31st March, 1940, unless they are previously cancelled by a notification of the Provincial Government. Enquiries have been made from several quarters as to the fees now chargeable in the Punjab in respect of driving licences. Government are advised that the position is as follows.

2. Fees for the issue and renewal of a driving licence are prescribed in section 7 (8) and section 11 (3) of the Motor Vehicles Act, 1939; and the fees to be charged should henceforth be at these rates. The fee for the original issue of an ordinary driving licence (i.e., a licence to drive vehicles other than public vehicles) has hitherto been Rs. 5 and the renewal fee Rs. 2. The initial fee of Rs. 5 remains unaltered under the new Act, but the renewal fee will now be raised to Rs. 3. Where, however, a licence-holder has, prior to the receipt of this letter, had his licence renewed on the old fee Government do not contemplate that steps should be taken to realise the excess which is strictly due.

3. Under the Punjab rules of 1931 an additional fee of Rs. 4 was payable for the issue and renewal of an endorsement authorizing the holder of an ordinary driving licence to drive a public motor vehicle. There is no provision in the new Act for the levy of a charge for this service, and the old Punjab rules having in this respect become inoperative, the levy of these fees must now be abandoned. If any person who has paid a fee for the grant or renewal of an endorsement on or since the 1st July last applies for a refund, he will have to be given it. If, however, the application is one for the refund of a fee for the renewal of an endorsement, and the applicant paid Rs. 2 only for the renewal of his basic licence, he should be required to pay an extra Rs. 1 for the renewal of the licence (making the renewal fee up to Rs. 3) and be granted a net refund of Rs. 3 only.

4. The fee of Rs. 5 for a driving test, and the fee for a duplicate driving licence prescribed in rule 22 of the Punjab Motor Vehicles Rules, 1931, remain unaffected.

TAN RIDE ON THE CANAL BANK.

***6351. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Irrigation Department pays for the tan ride on the canal bank between Ferozepore Road Bridge and Cantonment Road Bridge ; if so, the annual expenses incurred in this connection and the reason therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The honourable member is referred to the reply already given to the question. No. 5852* (Starred).

Pandit Shri Ram Sharma : May I know whether those figures are given in the answer, which the department has to incur in this connection ?

Parliamentary Secretary : Yes. They are given in the answer. If my honourable friend cares to read it, he will come to know of them.

AGE LIMIT FOR SERVICES OF PATWARIS.

***6353. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the age limit fixed for services of patwaris ;
- (b) whether it was under the instruction of the Government that the Deputy Commissioner, Hoshiarpur, recently terminated the services of 17 patwaris who were above 60 years of age ;
- (c) whether similar action is being taken in other districts ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The attention of the honourable member is invited to paragraph 3.55 of the Punjab Land Records Manual.

(b) If by "instructions" is meant the orders contained in the Manual, yes.

(c) Yes.

Pandit Shri Ram Sharma : May I know if in this connection the Government have issued permanent instructions or they issue them from time to time ?

Parliamentary Secretary : No rules except those which I have referred to exist in this respect.

Lala Duni Chand : Has the Government considered the question that no patwari should be allowed extensions if he has attained the age of 60 ?

Mr. Speaker : That question does not arise out of the answer to the original question.

Pandit Shri Ram Sharma : May I know the upper limit of the age fixed for patwaris beyond which they cannot continue in service ?

Parliamentary Secretary : They are retired after having attained the age of 60.

Pandit Shri Ram Sharma : May I know who exercises the discretion in respect of the retirement of patwaris ?

Parliamentary Secretary : The Government.

Pandit Shri Ram Sharma : May I know if Government is in possession of facts and figures which indicate the number of patwaris above sixty years of age serving the Government?

Parliamentary Secretary : So far as the patwaris are concerned, they are retired at the age of 60 and I have figures regarding those who have retired from service.

Pandit Shri Ram Sharma : But what about those who have not been retired?

Parliamentary Secretary : I do not possess figures in regard to them.

Lala Duni Chand : Is it true that a large number of candidates remain unemployed on account of extensions being granted to patwaris?

Mr. Speaker : That question does not arise.

Mr. Dev Raj Sethi : May I know the number of those patwaris who have been given extensions after the age of 60?

Parliamentary Secretary : I regret I have no such figures, but I have in my possession figures regarding the patwaris retired after the age of 60.

Mr. Dev Raj Sethi : Will the Parliamentary Secretary please read them out?

Parliamentary Secretary : With pleasure. They are like this:—

<i>District.</i>				<i>Number of patwaris retired after the age of</i>
				60.
Rohtak	..	..	..	26
Karnal	..	..	..	2
Ambala	..	..	..	14
Kangra	..	..	..	6
Hoshiarpur	..	..	..	17
Jullundur	..	..	..	24
Ludhiana	..	..	..	38
Ferozepore	..	..	..	27
Lahore	..	..	..	12
Gurdaspur	..	..	..	21
Sialkot	..	..	..	2
Gujranwala	..	..	..	12
Sheikhupura	..	..	..	20
Gujrat	..	..	..	17
Shahpur	..	..	..	15
Rawalpindi	..	..	..	18
Attock	..	..	..	18
Mianwali	..	..	..	6
Montgomery	..	..	..	2
Lyallpur	..	..	..	19
Jhang	..	..	..	13
Multan	..	..	..	25
Muzaffargarh	..	..	..	24
Dera Ghazi Khan	..	..	..	13

Mr. Dev Raj Sethi : May I know why extensions have been granted on such a large scale?

Parliamentary Secretary : My honourable friend has misunderstood the answer. I have read out figures regarding those patwaris who have been retired after attaining the age of 60.

Pandit Shri Ram Sharma : May I know whether extensions are granted for one year or for a longer period?

Parliamentary Secretary : I require notice for that.

Sardar Sohan Singh Josh : Who grants extensions in this case?

Parliamentary Secretary : The Deputy Commissioner.

STRICTURES PASSED AGAINST POLICE BY MR. D. FALSHAW, SESSIONS JUDGE.

***6409. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Finance be pleased to state whether in a murder and riot case of Kasur sub-division in which a man named Akbar was one of the accused, Mr. D. Falshaw, I.C.S., Sessions Judge, passed strictures against the police in the year 1939 and that judgment was forwarded to the District Magistrate for proper action; if so, the action taken or intended to be taken against the police officer concerned?

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

PERMISSION TO APPEAR PRIVATELY FOR THE DEGREE EXAMINATION.

***6413. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether the question of allowing such students as cannot afford to study in colleges as regular students to appear privately for the Degree Examination has been considered by the University; if so, when and with what result?

The Honourable Mian Abdul Haye : The types of non-collegiate students mentioned in chapter XI (pages 180—36) of the Punjab University Calendar for 1939-40 can only appear in the Degree Examination of the Punjab University as private candidates on the conditions specified therein.

Sardar Sohan Singh Josh : May I know whether in addition to teachers other candidates are also allowed to appear in the examinations as private candidates?

Minister : This is a lengthy list and if the honourable member studies it carefully he will get the requisite information.

Pandit Shri Ram Sharma : May I know why different procedures are followed in the case of matriculation and degree examinations inasmuch as in the case of the former, students are allowed to appear as private candidates while in the case of the latter everybody is not allowed to appear as a private candidate?

Minister : I would require notice.

Pandit Shri Ram Sharma : Has the University authorities ever considered the advisability of providing the same facility in the case of degree examinations which they provide to matriculation candidates?

Minister : It is difficult to answer this question off-hand. If you will give notice I will enquire.

Pandit Sri Ram Sharma : Has the Government ever considered this matter of its own accord?

Minister : No, Sir.

DEATH OF MANGAL SINGH, AN UNDERTRIAL PRISONER IN HOSHIARPUR DISTRICT JAIL.

***6427. Chaudhri Kartar Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that one Mangal Singh, son of Shama, who was an undertrial prisoner in the Hoshiarpur District Jail died while under treatment in the Civil Hospital, Hoshiarpur, on July 20, 1989;
- (b) the causes of the death;
- (c) whether it is a fact that *post-mortem* examination of the dead body was not performed; if so, the reasons therefor;
- (d) whether it is a fact that the dead body was not handed over to the relatives of the deceased and was burnt by the authorities; if so, why?

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

(b) He died of hemiplegia*.

(c) No *post-mortem* examination was performed as he died after an illness of 8 weeks and there was no doubt about the cause of death.

(d) The prisoner died at 11-30 A. M. and the dead body was burnt by the jail authorities at 5-30 P. M. as no one came to take it over.

Pandit Bhagat Ram Sharma : May I know whether any notices were issued to the relatives of the man to take away his dead body?

Minister : I do not know. But if the honourable member will take the trouble of giving a notice of this question, I will find out.

Pandit Shri Ram Sharma : Was the death due to natural causes or due to some violence?

Minister : I have said that he had been ailing for three weeks and that he died of hemiplegia which is not induced by any medicine that I know of.

Chaudhri Kartar Singh : Does the Government know that he was arrested because of a quarrel and was very badly wounded at the time of his arrest?

Minister : I do not know.

*Paralysis of one side.

Chaudhri Kartar Singh : Was the real reason of his death the wounds that he had received ?

Minister : Far from it.

Chaudhri Kartar Singh : Does the Honourable Minister know that his relatives were not informed ?

Minister : Not at all. Let me be understood properly when I say 'not at all.' It is not that I do not know the position. The answer I have given is absolutely complete and a leading question is being asked to suggest quite the contrary of what I am stating.

Pandit Bhagat Ram Sharma : May I know what are the departmental instructions issued to the jail authorities in case a person dies ? What is the time limit fixed for the relatives of a dead person to come and claim the dead body ?

Minister : Perhaps the honourable member will remember that the death occurred on the 20th of July, 1939, a fairly hot month and the dead body having been already kept for over six hours, it would not have been proper to keep it any longer.

Sardar Sohan Singh Josh : What is the practice in jail, if a man is likely to die ? Are his relatives informed ?

Minister : The honourable member will kindly give me notice to enable me to give him the precise practice.

Sardar Hari Singh : He does not know the practice.

Minister : I do know.

Lala Duni Chand : Was any information given to his relatives regarding the serious state of his illness, before he died ?

Minister : I think I require notice in this connection.

Sardar Hari Singh : A very bad jail administrator.

Mr. Dev Raj Sethi : Was he straight away admitted to the hospital on being brought to the jail or sent to the general ward ?

Minister : I am not carrying that information with me.

TAKING OF SERVICE BY THE SUPERINTENDENT, DISTRICT JAIL,
AMBALA, FROM THE CONVICTS.

***6428. Lala Duni Chand :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that convicts who are not allowed under the rules to be sent outside the jail have been sent from time to time to serve at the bungalow of the Superintendent, District Jail, Ambala ;
- (b) whether it is a fact that documents in support of the above practice have recently been found and sent to the Inspector-General of Prisons ;
- (c) what action, if any, has been taken in the matter ?

The Honourable Mr. Manohar Lal : (a) Government have no reason to believe that the Superintendent of the District Jail, Ambala, has been using convict labour contrary to the provisions of paragraph 695 of the Punjab Jail Manual.

(b) and (c) In furnishing material for the reply to this question the Jail Superintendent has forwarded to the Inspector-General of Prisons certain documents which were attached to the appeals of some warders who were recently dismissed. These documents are probably the ones that the honourable member has in mind. They are specimens of ordinary jail orders regarding the employment of prisoners and do not show that any irregularities have been committed. If the honourable member wishes me to make further enquiries, perhaps he will be good enough to give me particulars of the statements which have been made to him, indicating the source of his information.

Lala Duni Chand : Has the Finance Minister had an opportunity of looking at the original letters or their photographic copies sent to the Inspector-General showing that the convicts were allowed to go outside the jail and attend at the bungalow of the Jail Superintendent?

Minister : I have given the information so far as I possess it and I have said with regard to documents that I have seen that they are specimen of ordinary jail rules and orders regarding the employment of prisoners, and do not show that any irregularities have been committed. But if the honourable member wishes me to make further enquiries and would indicate exactly what he wishes and give me some idea of the statements made to him, I shall be glad to enquire into this matter.

Lala Duni Chand : Is it not true that the documents referred to in the question, if looked at by the Honourable Finance Minister would show that there is an infringement of the rules?

Minister : Which particular documents?

Lala Duni Chand : The documents referred to in my question and in his answer. Do these documents not conclusively show that the rule was infringed regarding sending of certain convicts outside the jail to serve in the bungalow of the Superintendent?

Minister : What is stated in part (b) of the question is whether it is a fact that documents in support of this practice have recently been found and sent to the Inspector-General of Prisons and to that part of the question I have given very full reply and if that does not satisfy the honourable member and if he is so good as to give the statements to which he would wish me to refer, I shall be glad to do so.

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister aware that the practice of sending prisoners to work in the houses of officers prevails throughout the whole province?

Mr. Speaker : That does not arise out of the question. The question relates to Ambala Jail only.

Khan Sahib Khawaja Ghulam Samad : No doubt it is about Ambala Jail—

Mr. Speaker : The honourable member may give fresh notice of his question.

CONVERSION OF DISTRICT BOARD SCHOOLS, AMBALA, INTO MODEL SCHOOLS.

***6429. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of district board schools converted into model schools in Ambala district during the last three years ;
- (b) the names of the places in the said district where this has been done ?

The Honourable Mian Abdul Haye : (a) and (b) The scheme for opening "model schools" was started in 1938-39. Only two district board schools, one in 1938-39 at Manimazra and the other in 1939-40 at Singh Bhagwantpur, were converted into model schools in the Ambala district. Selection of schools for 1940-41 has not been made yet.

Lala Duni Chand : Has the Government drawn any programme regarding the conversion of certain schools in each district into model schools ?

Mr. Speaker : The honourable member's question relates only to Ambala district.

Pandit Shri Ram Sharma : May I know whether there is any difference between model schools and district board schools ?

Minister : The information which I possessed, I have supplied to the honourable member. If he gives notice of a fresh question I will supply him the requisite information.

Lala Duni Chand : May I know if the Minister of Education is not supposed to have that knowledge ?

Minister : Not every detail of that.

Chaudhri Muhammad Hasan : Is it a fact that grant-in-aid has been increased in the case of these two model schools ?

Minister : I am unable to answer this question without notice.

Pandit Shri Ram Sharma : I want to know whether there is any difference between district board schools and model schools ?

Minister : I have already stated that I require notice for that.

Pandit Muni Lal Kalia : Is there any difference between the two forms of schools ?

Chaudhri Muhammad Hasan : What consideration prevailed with the Honourable Minister of Education to convert these two district board schools into model schools in the Ambala district ?

Minister : The honourable members are aware that when the development scheme is introduced in one tahsil in each district every year, schools in that particular tahsil are converted into model schools and all the aspects of the case are taken into consideration before the decision is taken.

Lala Duni Chand : What was the idea underlying the conversion of ordinary schools into model schools ?

Minister : I have already stated that I require notice.

Khan Sahib Khawaja Ghulam Samad : May I know whether the Government is contemplating a scheme whereby grant-in-aid would be given to those schools which are converted into model schools?

Mr. Speaker : This is a wider question than the original one.

Chaudhri Sumer Singh : Is it not waste of public funds to convert district board schools into model schools?

Mr. Speaker : This is a question of opinion.

Pandit Shri Ram Sharma : May I know whether model school are comparatively more expensive than other schools?

Mr. Speaker : This question has already been put.

DELAY IN THE REGISTRATION OF MONEY-LENDERS IN THE
AMBALA DISTRICT.

***6430. Laia Duni Chand :** Will the Honourable Minister for Finance be pleased to state whether it has come to his notice that the petty money-lenders in particular in the Ambala district have to pay more than the prescribed fees for registration as money-lenders as required by the provisions in the Registration of Money-Lenders Act and it takes an unusually long time for a money-lender in that district to be registered; if so, the action intended to be taken in the matter?

The Honourable Mr. Manohar Lal : No such complaints appear to have been received.

TRANSFER OF SUPERINTENDENTS OF THE OFFICES OF THE DEPUTY
COMMISSIONERS.

***6432. Sardar Partap Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the authority that is responsible for the transfer of the Superintendents of Deputy Commissioners' offices and the rules under which their transfers are made;
- (b) the number of years for which each of the Superintendents now in service has been in each of the offices of the Deputy Commissioners, districtwise?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Commissioner within the division and Government in the case of transfer from one division to another division,—vide rule 22 of the Punjab District Subordinate Service Rules, 1937.

(b) A statement is laid on the table.

Chaudhri Muhammad Hasan : Is it a fact that, as in the case of gazetted officers, the superintendents of the offices of Deputy Commissioners are also transferred after every three years?

Parliamentary Secretary : It is not a fact.

Chaudhri Muhammad Hasan : Was there any complaint against this particular superintendent?

Parliamentary Secretary : Which particular superintendent?

Chaudhri Muhammad Hasan : Superintendent of the office of the Deputy Commissioner, Amritsar.

Parliamentary Secretary : I am not aware of any such complaint having been received.

Statement.

Division.	District.	PERIOD.		REMARKS.
		Years.	Months.	
Ambala ..	Hissar ..	1	6	
	Rohtak ..	0	7	
	Gurgaon ..	0	9	
	Karnal ..	0	9	
	Ambala ..	2	5	
	Simla ..	3	2	
Jullundar ..	Kangra ..	0	3	
	Hoshiarpur ..	3	1	
	Jullundar ..	1	9	
	Ludhiana ..	1	3	
	Ferozepore ..	3	3	
Lahore ..	Lahore ..	0	1	
	Amritsar ..	4	5	
	Gurdaspur ..	0	5	
	Sialkot ..	4	2	
	Gujranwala ..	0	1	
	Sheikhupura ..	2	5	
Rawalpindi ..	Gujrat ..	0	11	
	Shahpur ..	4	2*	*Under orders of transfer to Rawalpindi.
	Jhelum ..	1	3	
	Rawalpindi ..	3	1†	†Has been selected as Superintendent of the office of Commissioner, Ambala Division, and is expected to join his new post shortly.
	Attock ..	0	11	
	Mianwali ..	1	10	
	Montgomery ..	4	8	
Multan ..	Lyallpur ..	2	11	
	Jhang ..	3	4	
	Multan ..	5	5	
	Muzaffargarh ..	3	11	
	Dera Ghazi Khan ..	2	11	

CONSTRUCTION OF DRAINS IN KRISHNA NAGAR.

***6433. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Honourable Finance Minister and Mr. D. A. Howell, Superintending Engineer, Public Health Circle, visited drains in Krishna Nagar area recently ; if so, the result at which they arrived after the inspection of these drains ;
- (b) whether he sent any letter to the Administrator, Municipal Committee, Lahore, in the beginning of December, 1939, asking him to withdraw the order of withholding construction of certain drains in that area ; if so, whether he will be pleased to lay a copy of that letter on the table of the House and also give the exact date of its despatch ;
- (c) whether he has since received any reply to that letter to the Administrator communicating the action taken by him (Administrator) in the matter ; if so, when that reply was received ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes. They felt that a proper system of drainage was needed.

- (b) Government did not issue any letter to this effect.
- (c) Does not arise.

REMOVAL OF LIQUOR SHOPS IN THE AMBALA CITY.

***6434. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the present Municipal Committee, Ambala city, as well as its predecessor ever made a representation to the Government requesting therein to take referendum under Local Option Act for the removal of liquor shops in the city ; if so, what action Government has taken so far or proposes to take now in the matter ;
- (b) whether he will be pleased to lay the relevant portion of the correspondence on the subject on the table of the House ?

The Honourable Mr. Manohar Lal : (a) Yes ; the resolutions were passed by both the present and the previous Municipal Committee of Ambala city, but the Collector, in exercise of his statutory power under proviso to section 6 of the Local Option Act, declared that the resolutions were not binding upon him in view of the existence of the smuggling of liquor into Ambala city and of connivance at illicit distillation in the neighbouring villages of liquor for consumption in the city.

- (b) A copy of the Collector's order is laid on the table.

Order of the Collector, Ambala District, dated 7th February 1940.

The Ambala city, Municipal Committee, passed resolution No. 1 (a), dated the 15th February, 1939, to the effect that country liquor may not be sold by retail at any one of the licensed shops within its limits and that the Collector be moved to hold a referendum.

[Minister for Finance.]

2. The above resolution was not given effect to, as the new voters lists were under preparation and the new elections were at hand. The opinion of the new Committee was asked for and it (*vide* its resolution No. 12, dated the 10th January, 1940), reiterates its resolution No. 1 (a), dated the 15th February, 1939.

3. The following number of liquor cases under section 61 $\frac{1}{2}$ were detected from the Ambala City proper and adjoining villages during the previous years:--

Name of place.	NUMBER OF CASES DETECTED DURING THE YEAR			
	1936-37.	1937-38.	1938-39.	1939-40.
Ambala City ..	2 (including one of working still).	1	..	3
Devinagar ..	..	1	..	5 (including one of working still).
Penjokhra ..	1	1	11	..
Total ..	3	3	11	8

4. The first resolution No. 1 (a) was passed by the Committee on the 15th February, 1939, prior to which date, within a period of two years a case of illicit liquor was detected at Ambala City proper on the 13th September, 1937. During the current year 3 cases of unlicensed sale of liquor have so far been detected from the Ambala City proper and 5 cases of illicit distillation from village Devinagar, which is at a distance of about 2 miles from Ambala City proper.

5. There are several hotel keepers and soda water sellers who are suspected of making illegal sales in Ambala City proper. If as a result of the referendum, the liquor shop is removed outside the municipal limits, the cases of unlicensed sale and illicit distillation will increase, causing corresponding decrease in the sales of the licensed shop.

6. In the circumstances I am of opinion that, within the municipal limits of Ambala City, smuggling of liquor has been carried on and connived at within the two years, preceding the date of passing the aforesaid resolution by the residents of Ambala City. I am also of opinion that the illicit distillation, carried on in the neighbouring villages, is for consumption in Ambala City. I, therefore, under the proviso to section 6 of the local option Act (V of 1923) hold that the aforesaid resolutions of the Committee are not binding upon me.

Pandit Shri Ram Sharma : May I know if the action taken by the Collector was in accordance with the considered policy of the Government?

Minister : The Collector in the exercise of his statutory power was not prepared to accept these resolutions inasmuch as it was within his knowledge that illicit distillation proceeded.

Pandit Shri Ram Sharma : Was the action taken by the Collector in accordance with the considered policy of the Government?

Minister : It is the Government's policy to authorise the Collector to act in a particular way in certain given circumstances and he has done so.

Lala Duni Chand : Has the Honourable Minister of Finance any idea of the facts on the strength of which the Deputy Commissioner refused to give effect to the referendum ?

Minister : The honourable member would see that the Deputy Commissioner passed a lengthy order a copy of which is placed on the table of the House. Moreover, the Deputy Commissioner was not acting in an arbitrary manner. He was acting on the knowledge which he possessed. I have not that knowledge.

Lala Duni Chand : Has the Deputy Commissioner relied upon any cases of manufacture of illicit liquor in Ambala City ?

Minister : Since the honourable member has not read the order I would refer him to paragraph 8 wherein he says—

3. The following number of liquor cases under section 61, ¹/₂ were detected from the Ambala City proper and adjoining villages during the previous years :—

Further on he has set forth the details.

Dr. Gopi Chand Bhargava : The Municipality adopted a resolution on the 15th February 1939 which was suspended by the Deputy Commissioner. Then the same resolution was adopted on 10th January 1940, that is, a year after and the Deputy Commissioner says that he waited for the elections to take place and that a fresh list of voters was being prepared. I want to know why the Collector did not enquire in 1939 whether illicit distillation was going on in that year or not ?

Minister : I cannot say.

Lala Duni Chand : Were cases of illicit distillation started in any court of Ambala and were any persons convicted of illicit distillation ?

Minister : Started when ?

Lala Duni Chand : During the period about which the Deputy Commissioner points out in his order.

Minister : He definitely says that so many cases did, as a matter of fact, exist in the courts of Ambala.

Lala Duni Chand : I want to know whether any cases were started and if so whether they resulted in conviction because by this fact the order of the Deputy Commissioner is strengthened if there have been any cases.

Minister : The Deputy Commissioner has definitely referred to certain cases. If the honourable member wishes further information about these cases individually I am afraid he will have to give me notice.

Lala Duni Chand : Is it not within the knowledge of the Honourable Minister of Finance that Ambala City is not known for illicit distillation ? I have not known of any case during all the time that I have been there.

Minister : I do not know anything about Ambala.

Dr. Gopi Chand Bhargava : May I know whether the simple fact that certain cases of illicit distillation had been found out was sufficient to ignore the referendum ?

Minister : That is a matter of opinion.

Dr. Gopi Chand Bhargava : Was it within the law ?

Minister : Proviso to section 6 of Punjab Act V of 1923 says—

Provided that if the Collector is of opinion for reasons to be recorded in writing that within such local area illicit distillation or smuggling of alcohol has been carried on or connived at, within the two years preceding the date of the passing of such resolution, by any of the residents of such local area, such resolution shall not be binding upon him, unless the Commissioner orders that it shall be so binding.

Dr. Gopi Chand Bhargava : I want to know whether smuggling was connived at by the local board.

Minister : According to the honourable member, obviously by the inhabitants of the local area concerned.

Lala Duni Chand : Has the Honourable Minister considered the question whether the evidence or the report made by the Deputy Commissioner was sufficient not to give effect to public opinion as demonstrated by the result of referendum ?

Minister : The Deputy Commissioner is clothed with statutory powers and I am quite satisfied to accept that where a matter is determinable within his opinion he does exercise his opinion in a particular direction and that is satisfactory.

Lala Duni Chand : As an advocate has he applied his mind to the consideration that it was sufficient ground for the Deputy Commissioner not to give effect to the result of referendum ?

Minister : I do not know what the honourable member means by applying my mind as an advocate, because an advocate considers the matter from one point of view or the other.

Pandit Shri Ram Sharma : Is the Honourable Minister prepared to give an assurance to the effect that by keeping the liquor shops in the town the cases of illicit distillation would decrease ?

Minister : No. I cannot.

Pandit Shri Ram Sharma : May I know how it is presumed that, as a result of referendum, if the liquor shops are removed outside the municipal limits, the cases of illicit distillation would increase ?

Minister : We cannot question the opinion of the Collector in this matter.

Pandit Muni Lal Kalia : May I know from the Honourable Minister whether similar kind of discretion has been exercised by Collectors in cases of other municipalities that have passed resolutions to the same effect ?

Minister : I could not follow the honourable member.

IMPOSITION OF PROFESSIONAL OR HAI SIYAT-TAX BY THE DISTRICT BOARD, GURGAON.

*6435. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state whether he has recently received a representation from Syt. Babu Dyal of village Dharvehra, district Gurgaon, against the imposition and assessment of professional or haisiyat-tax by the District Board, Gurgaon ; if so, what action does he propose to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad): Yes. I have sent it to the Commissioner for disposal.

Pandit Shri Ram Sharma: May I know whether the tax levied by the District Board, Gurgaon, is a haisiyat tax or a professional tax?

Parliamentary Secretary: It is difficult for me to say off-hand whether it is haisiyat tax or professional tax or both. In the question both are referred to.

Mr. Dev Raj Sethi: May I know whether the representation was forwarded with the remarks of the Deputy Commissioner?

Parliamentary Secretary: I have said that there was a remark on the representation and if the honourable member had carefully followed my answer he would not have asked this question. I have said that the representation was forwarded to the Commissioner for disposal.

Pandit Shri Ram Sharma: May I know the nature of the complaint embodied in the representation?

Parliamentary Secretary: I cannot say off-hand whether it was a complaint from a particular individual or against the imposition of haisiyat tax generally.

PUBLIC PROSECUTORS.

*6436. **Khan Sahib Khawaja Ghulam Samad**: Will the Honourable Minister of Finance be pleased to state—

- (a) whether there are any vacancies of public prosecutors to be filled shortly;
- (b) the names of those who are officiating in these vacancies and whether in filling these vacancies permanently the claims of those who are at present officiating are intended to be considered; and, if not, why not;
- (c) whether the instructions fixing communal proportions for services apply to this branch of the service as well;
- (d) names of those who have been appointed or are intended to be appointed in these vacancies by the Government?

The Honourable Mr. Manohar Lal: (a) Three appointments are at present vacant; at Montgomery, Lyallpur and Gujrat.

(b) No officiating appointments have been made, in the ordinary sense of that term, but the work is being temporarily carried on—

At Montgomery by Mr. Rajindra Lal Sawhney, Advocate.

At Lyallpur by Mr. N. S. Chhachhi, Advocate, and

At Gujrat by Lala Eishamber Nath Malhotra, Advocate.

The procedure to be followed in filling vacant appointments of Public Prosecutor is laid down in paragraphs 4·7 and 4·8 of the Punjab Law Department Manual 1938. The lawyers who are temporarily carrying on the work are entitled to be considered with other candidates, but have no preferential claims.

[Minister for Finance.]

(c) Public Prosecutors do not form a service or a "branch of the service", but in filling vacant appointments the accepted principles in regard to communal proportions are kept in view.

(d) No decision has yet been reached.

Chaudhri Muhammad Hasan : May I know whether in view of the communal proportion fixed, the Honourable Minister is aware that there are more posts held by Anglo-Indians and Europeans than actually fixed for them?

Minister : How does this arise out of this question?

Pandit Shri Ram Sharma : How many candidates have applied for the posts that have recently fallen vacant?

Minister : What does the honourable member mean by candidates? No one applies, but very many people try to secure appointments in districts.

Pandit Shri Ram Sharma : May I know the number of candidates whose cases are under consideration at present?

Mr. Speaker : This does not arise.

Pandit Shri Ram Sharma : In part (d) of the question names of those who have been appointed or are intended to be appointed in these vacancies are asked.

Minister : When the names of those who are intended to be appointed are asked, the question amounted to whether there was any decision reached and I have said that no decision has yet been reached.

Pandit Shri Ram Sharma : May I know whether the nephew of an Honourable Minister is trying for the post and his case is being considered most favourably?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hasan : Is it a fact that the main consideration in making public prosecutors permanent is that they are pro-Unionists?

Mr. Speaker : Disallowed.

Lala Duni Chand : May I know if in this case the best available candidates will be appointed or are intended to be appointed?

Minister : Yes.

Khan Sahib Khawaja Ghulam Samad : May I know whether the legal practitioners practising in a district in which there is a vacancy shall be appointed to this post or some outsiders will be taken?

Minister : It is not necessary to appoint them from those districts. Those persons, who are generally carrying on their profession in those districts and whose names are duly sent up and supported by local authorities will be considered along with other names.

Khan Sahib Khawaja Ghulam Samad : May I know whether it is a fact that a list of public prosecutors is kept in each and every district for the vacancies occurring in that district?

Minister : I have already on more than one occasion intimated to this House that those lists were suspended some time ago.

Khan Sahib Khawaja Ghulam Samad : May I know, as the Honourable Minister has said that each vacancy is filled by the Deputy Commissioner, what is the criterion that is kept in view by the Deputy Commissioner when appointing public prosecutors without any list?

Minister : I think the Deputy Commissioner usually knows a good deal about the men practising in the district.

Khan Sahib Khawaja Ghulam Samad : Are we to conclude from it that favouritism must have been in existence in all the districts while appointing these persons?

Minister : I do not conclude like that.

Lala Duni Chand : May I know if Mr. Sri Chand has been appointed a public prosecutor or is going to be appointed as such?

Minister : No such person has been appointed.

Khan Sahib Khawaja Ghulam Samad : May I know the reasons for discontinuing the list which was already in existence?

Mr. Speaker : Disallowed.

Khan Sahib Khawaja Ghulam Samad : The list of public prosecutors has been discontinued and I want to know whether there are any reasons known to the Honourable Minister.

Mr. Speaker : I disallow the question.

DIFFERENT RATES OF TRAVELLING ALLOWANCE ALLOWED BY MAGISTRATES TO M.L.A.'S APPEARING AS WITNESSES.

*6438. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state whether he is aware of the fact that some magistrates posted to various districts in the province allow first class while others allow second class travelling allowance to the members of the Legislative Assembly appearing as witnesses in cases pending before them; if so, the reasons for allowing travelling allowance to these members at two different rates?

The Honourable Mr. Manohar Lal : The rules for the grant of travelling allowance to the witnesses in criminal cases are laid down in Chapter 9-A of the High Court Rules and Orders, Volume III. In the absence of any concrete case it is not possible for the Government to investigate whether there has been any violation of these rules.

Sardar Sohan Singh Josh : Is the Finance Minister aware of the fact that the magistrate posted at Ludhiana allows first class while magistrate posted at Jullundur allows second class travelling allowance? May I know if there is any rule with regard to this discrimination?

Minister : I am not aware of this.

Sardar Sohan Singh Josh : May I know the reason for this discrimination? Why do the Government not make a fool proof rule?

Mr. Dev Raj Sethi : What about the rules about witnesses in civil cases ?

Minister : I thought this question related to criminal cases only.

Tika Jagjit Singh Bedi : Can any member claim first class or second class if he travels in the third class ?

Mr. Speaker : Disallowed.

PUNJABI AND URDU MEDIA OF INSTRUCTION IN PRIMARY AND MIDDLE SCHOOLS IN LAHORE DIVISION.

***6439. Sardar Sohan Singh Josh :** Will the Honourable Minister for Education be pleased to state—

(a) the number respectively of primary and middle schools in the Lahore Division (districtwise) in which Punjabi and Urdu are media of instruction ;

(b) whether there are any rules providing for an arrangement being made for giving instruction through the medium of Punjabi in case a certain number of students express a desire through their parents to be so taught ; if so, whether he will be pleased to lay a copy of these rules on the table of the House ?

The Honourable Mian Abdul Haye : (a) A statement giving the requisite information is placed on the table :—

District.	PRIMARY SCHOOLS.			MIDDLE SCHOOLS.		
	Urdu. medium.	Punjabi medium.	Urdu and Punjabi media.	Urdu medium.	Punjabi medium.	Urdu and Punjabi media.
Lahore ..	255	1	7	89	..	1
Amritsar ..	220	12	18	90	..	1
Gurdaspur ..	197	..	..	128	..	..
Sialkot ..	202	..	..	104	..	..
Gujranwala ..	162	..	..	95	..	..
Sheikhupura ..	209	..	..	99	..	..

(b) No.

SARDAR BHAGAT SINGH OF BILGA.

***6440. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) the date on which and the place from where Sardar Bhagat Singh of Bilga, district Jullundur, was arrested ;

- (b) the place where he is confined at present ;
- (c) whether the Government intend trying him in a court of law ;
- (d) whether he has been arrested under the Defence of India Rules or under the Punjab Criminal Law Amendment Act ;
- (e) whether he is being treated as an A, B or C class prisoner ?

Parliamentary Private Secretary (Sayad Amjad Ali Shah) : (a) On 17th March 1940 from Bilga, Jullundur district ;

- (b) Lahore Fort ;
- (c) This matter is under consideration ;
- (d) Defence of India Rules ;
- (e) The ordinary classification of prisoners does not apply to him.

Sardar Sohan Singh Josh : What does the reply given to part (e) mean ?

Parliamentary Private Secretary : It means that he has not been placed in A, B or C class. The fact is that none of these three classes applies to his case.

Sardar Sohan Singh Josh : May I know after all in which class he will be placed ?

Parliamentary Private Secretary : I have already stated that he has been placed in detinue class which is generally allotted to state prisoners.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware of the fact that the food supplied to this class is to some extent better than that provided to C class ?

Parliamentary Private Secretary : I am afraid it is not correct.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware of the fact that the food supplied to this class is better than that provided for A and B classes ?

Mr. Dev Raj Sethi : Why has he been interned ?

Parliamentary Private Secretary : I want notice for that.

Lala Duni Chand : May I know if it is within the knowledge of the Parliamentary Secretary that this gentleman occupies a very prominent position in the Congress organisation, and, if so, whether any consideration has been given to this fact in the matter of treatment ?

SHORT NOTICE QUESTION AND ANSWER.

POLITICAL PRISONERS ON HUNGER STRIKE IN CENTRAL JAIL, MONTGOMERY.

Sardar Hari Singh : Will the Honourable Minister of Finance be pleased to state whether a number of political prisoners including Messrs. Mirdad Khan and Abdul Karim Shorish are on hunger strike in Central Jail, Montgomery ; if so, reasons for the hunger strike and steps that are being taken to end the same ?

The Honourable Mr. Manohar Lal : No.

Sardar Hari Singh : Entirely not? May I know if they were on hunger strike two or three weeks ago when this question was sent?

Minister : That is not the question. If the honourable member wishes me to make enquiries I will do so at once.

Sardar Hari Singh : I want to know whether they were ever on hunger strike?

Minister : I do not know. They have not been on hunger strike. That is what the question was about.

Sardar Hari Singh : Were they on hunger strike when notice of the question was received?

Minister : No.

Sardar Hari Singh : A little before that?

Minister : No.

Pandit Shri Ram Sharma : Were they on hunger-strike during the last month?

Minister : They are not on hunger strike. How can I guarantee the matter, since they are not on hunger strike?

Dr. Dev Raj. Sethi : Were they on hunger-strike for a day or so during the last month?

BREACH OF PRIVILEGE MOTION.

Dr. Gopi Chand Bhargava (Lahore City, General Urban): Sir, I beg to submit that a grave breach of privilege has been committed as evidenced by the following:—

- (a) the serious insinuations made by the Premier against an unnamed member of the House; his refusal to disclose the name and our being afforded no opportunity to repudiate them.
- (b) the mention of this insinuation in the leading article of the *Civil and Military Gazette*, dated 28th March, 1940.
- (c) in a statement by a correspondent published in the *Tribune*, dated 29th March, 1940.

Sir, I want to say a few words in order to make my point clear. On the day when the adjournment motion was being discussed the Honourable Premier was pleased to say that a member of the House had been inciting the Khaksars to defy the ban in order to mar the All-India Muslim League Session and embarrass the Government. The Honourable Premier further described him as an "old man with young ambitions." We insisted upon the Premier to give the name of that member. But you did not allow him to do so and thus the member remained unnamed. However, I must submit that a libellous charge has been made against a member of this House. It might be said from the Government benches that as the allegations have been made against that member for an action committed outside the House there is no breach of privilege. My submission is that a member can collect material inside and outside the House and whenever he does so, he does as a member of the House. This is his parliamentary work and he is entitled to do it even outside the House. I may also point out that no member in any legislature can ever be deprived of the privilege of

collecting material to lay before the legislature. I must submit that the nature of the matter for which allegations have been made is such that concerns the House, for the member concerned was trying to collect material to lay before the House. What was the result? It is quite clear that the collecting of material and information by the member from the people outside the House resulted in an allegation being made by the Premier to the effect that the member was involved in a political conspiracy. This allegation made by the Honourable Premier agitated the minds of the people outside the House. This did not end here. The Honourable Premier went a step forward. He assured the people that all this bloodshed was due to the hardihood of that member who incited the Khaksars to defy the ban. Even it was published in the newspapers that the particular member would be brought before the Enquiry Committee and that he would be punished by the proper authority. It was also published in the newspapers that the member can possibly be a member of the Opposition and as his purport was to break up the Muslim League Session he must have been a Musalman member. In this way, Sir, the Premier wanted to make the position of that member very awkward.

Besides, he said that the member was an old man. You may find out who is an old Musalman member in the Opposition. This libellous charge might possibly be against the member representing Lahore, Urban area. If so, I would submit that being a representative of Lahore it was his duty to enquire into this tragic incident. It is very regrettable that the libellous allegation made against him by the Premier has upset the people outside this House. Sir, in order to support my argument that this really is a breach of privilege. I should like to quote the Sam's case in the House of Commons which was of a similar nature. A member of the House of Commons collected information from the people and the Government objected to it.

That case was exactly like the one that has occurred here. Our rules do not permit any member of this House, much less a member of the Government or the Premier, to make a libellous charge against any other member of the House. It is, therefore, a fit case to be investigated by a privilege committee. It does not matter whether the honourable member against whom a libel is made belongs to this or that party. He may be anybody. That is not the point. A breach of the privilege has occurred and an inquiry committee should be set up to go into the matter.

Mr. Speaker : Will the honourable member please enlighten me as to the law or rule on which his motion is based?

Dr. Gopi Chand Bhargava : So far as I know no committee has been set up by this House to inquire into the case, if any, of breach of privileges. The Government of India Act did provide for the establishment of such a committee but so far it has not been set up. The privileges of the members of this House have not been defined yet. But may I make this observation that where law is silent, does not the procedure of the House of Commons apply to us?

Mr. Speaker : No.

Dr. Gopi Chand Bhargava : But, Sir, even our own rules do not permit any honourable member of this House to commit a libel against any other honourable member.

Mr. Speaker : Will the honourable member please read section 71 of the Government of India Act? Only those privileges, which were handed down by the Council to this Assembly, can be claimed. The House of Commons enjoys numerous privileges, which are not enjoyed by members of this House or other Houses in India.

Diwan Chaman Lall : May I, Mr. Speaker, say something?

Mr. Speaker : I am not going to allow a discussion. The matter is between me and the honourable Leader of the Opposition.

Diwan Chaman Lall : This is a matter between you and the entire House.

Mr. Speaker : As I am standing, please resume your seat.

Diwan Chaman Lall : Before you give your ruling, I want to say something.

Mr. Speaker : Section 71 (1) reads :

Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.

Sub-section (2) says :

In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this Part of this Act enjoyed by members of the Legislative Council of the Province.

The question is whether the privilege advocated by the honourable Leader of the Opposition was enjoyed by members of the Punjab Legislative Council. In my opinion it was not and therefore it cannot be claimed.

Dr. Gopi Chand Bhargava : May I make one observation, Mr. Speaker. I am not a lawyer and would request you to allow constitutional lawyers to throw light on this point. But, surely it cannot be the intention of law that a person against whom libel has been committed in this House should neither be protected in this House nor outside it by some court of law. Surely the honourable members of this House cannot be free to implicate other honourable members with false charges. So long as honourable members cannot be called upon by an outside court to substantiate the charge which they make inside the House, and so long as they are indemnified in this way, the House ought to be empowered to investigate into the cases of the breach of privileges. It could not have been the intention of the law to leave a man unprotected in the House. If there was no such provision in the past Punjab Legislative Council, that cannot be a precedent for this Assembly because the Council was an irresponsible body while the present Assembly is a responsible one. That is the fundamental difference between the two. The Punjab Assembly must have more rights and privileges than the old Council. Nothing debars you, Mr. Speaker, from taking appropriate action in the matter. It is a *prima facie* case of a libel and the honourable member against whom it has been committed,

deserves protection from you. He cannot knock at the door of a court of law to vindicate his position because of the freedom of speech that everyone here enjoys. I am sure nothing can debar you, Mr. Speaker, from taking action on this point.

Mr. Speaker : May I ask where, by whom and against whom was the breach made ?

Dr. Gopi Chand Bhargava : The breach was committed by the Honourable Premier, against a member of this House on the floor of this House.

Mr. Speaker : Was it not a matter of order or procedure and is it not treated as such everywhere ? If any insinuation is made against one member by another on the floor of the House, is it not the practice of the House to invite the attention of the Chair, so that the offender may be called upon to withdraw the objectionable remarks and words and apologise, if necessary ? Is this not being done every day ?

Dr. Gopi Chand Bhargava : May I submit that your attention was invited and the Honourable Premier insisted on making the insinuations and levelling libellous charges. You did not stop him and he went on doing it. You did stop him from naming the person to whom he referred, and he did not name him. If any action was not taken in the past, it does not mean that in such a serious case where a man can be hauled up for murder, such action should not be taken.

Mr. Speaker : I did not allow the Honourable Premier to mention the name.

Diwan Chaman Lall : Which is much worse.

Mr. Speaker : I request the honourable member to withdraw his remark.

Diwan Chaman Lall : Why, Mr. Speaker ?

Mr. Speaker : When I said 'I did not allow the Honourable Premier to mention the name', the honourable member remarked that it was "much worse."

Diwan Chaman Lall : It is no reflection on you. He made the matter much worse because if he had mentioned the name—

Mr. Speaker : I accept the honourable member's explanation. Now the question is whether a breach of privilege has been committed. I do not think the alleged attack was made against any one as a member of this House.

Dr. Gopi Chand Bhargava : I have already submitted that it is quite possible that the member had been doing something as a member of this House and therefore it concerns the member in his capacity as a member, not as an individual.

Mr. Speaker : That is the honourable member's contention. Before calling upon the Deputy Leader to enlighten the House as a lawyer, I would like to read the following passage from May ;

Labels upon members have also been constantly punished : but to constitute a breach of privilege they must concern the character or conduct of members in that capacity ; and, as is explained on page 287, the libel must be based on matters

[Mr. Speaker].

arising in the actual transaction of the business of the house. Aspersions upon the conduct of members as magistrates, or officers in the army or navy, or as counsel, or employers of labour, or in private life, or otherwise than in relation to Parliament, are within the cognizance of the courts, and are not fit subjects for complaints to the House of Commons.

I further invite the honourable members' attention to page 267 :

To justify the claim of privilege for a motion complaining of alleged libels on members the conduct and language on which the libel is based must be actions performed or words uttered in the actual transaction of the business of the House.

On page 266 again, it is said :

A question of order in the house, or in a committee thereof, cannot be treated as a matter of privilege.

This matter, whether I took any action or not, or whether the House asked me to take any action or not, is a matter of procedure or order in the House and, therefore, it cannot form the subject of a privilege motion. These are my reasons. Now the honourable the Deputy Leader of the Opposition is welcome to reply, if he desires.

Diwan Chaman Lall : May I begin with destroying any doubt that may exist in regard to the capacity in which I will speak before you just now ? I am not speaking as a lawyer. I hold no brief for anybody. I am speaking as a very humble member of this House whose conduct on the floor of this House is equally in question as the conduct of any other member and whose privileges would be equally affected as those of any other member and therefore I rise not only in self-protection but in order to protect the rights and privileges of every member of this House irrespective of the bench on which he is seated.

The point that you have raised, Mr. Speaker, is this and it is an important point and that is the reason why this matter is now before you and that is also the reason why I am now addressing you in regard to this matter. I do not remember any other occasion during the last three years when a privilege motion has been placed before you on the floor of this House, although it is a different matter whether it had been communicated to the office or not. This is the first occasion when we are actually debating whether a privilege motion arises out of the statement which was made by my honourable friend the Premier the other day and if it does arise, whether this House is competent to take note of it. You were good enough to draw the attention of the House to the procedure in the House of Commons. It is undoubtedly true that any libel which has been made in respect of any honourable member must be in respect of the business of the House to be ordinarily—I emphasise word 'ordinarily'—capable of being taken up as a privilege matter by the House—page 91 of May's Parliamentary Procedure followed by page 267. Now I want to draw your attention to page 267 :

Although privilege cannot be claimed for a motion containing imputations upon the character of a member which are not immediately connected with his conduct in Parliament, yet, owing to attendant circumstances, these motions occasionally have been treated as privileged motions. For instance, when on the 22nd July, 1861, a motion was proposed concerning the conduct of a member in connection with a joint stock company, such conduct being wholly unconnected with matters arising in the house, the Speaker said it was doubtful whether the motion was properly a matter of privilege, but as it affected the character of a member, it could be proceeded with, if it were the pleasure of the House.

Now, I submit that the rule is definite as far as our precedents are concerned, that even where the Speaker holds that it may be of a doubtful nature, whether a privilege motion arises or not, even then when it affects the character of a member, it could be proceeded with if it is the pleasure of the House. Now I will come to that particular portion regarding the unnamed member. But before I proceed with that, let me clear the position in regard to two points which arise in this connection. One is in regard to the legal position. The Government of India Act lays down in section 28 in regard to the Federal Legislature and in section 71 in regard to the provincial legislature as to what privileges there are which are enjoyed, which are going to be enjoyed by the members of the new reformed legislature and the position is perfectly clear, that the privileges enjoyed by members will be those which were enjoyed by members of the previous legislature until such time as an Act of this present legislature sets up a series of privileges which are enjoyable by members of this House. The question arises as to whether there were certain privileges enjoyed by members of the previous legislature which are the subject matter of the adjournment motion of which notice has been given by my honourable friend. It may be that there are no precedents, it may be that such matters never arose, but can any one state that it is definite that such a privilege was not enjoyed by the members of the previous House? From the fact that this matter never came up before the previous legislature, it does not follow that that particular privilege was not enjoyed by the members of the previous House. As to the second point that I wish to deal with, Mr. Speaker, you will find in the Journal of the Society of Clerks at the Table of the Houses of Parliament in the Empire for 1936 that libels upon members have been considered to be of a very serious nature and there has not been an occasion on which a libel made against a member has not been treated as a privilege motion. For instance, there was the case of May 4th in the House of Commons, the Member for the Mosley Division submitted the following motion that the statement embodied in the article written by the honourable member for Clickmenon in the issue of Forward, dated the 2nd May, 1936, is a gross libel upon the honourable members of this House and a grave breach of its privileges. Now to charge an unnamed member for having conspired, entered into a conspiracy in order to commit murders is not a light matter which can be lightly brushed aside. When we insisted as to who that particular member was and we asked the Premier to name the member, Mr. Speaker, you naturally following the rules of procedure, did not desire that the matter should go further and that the libel should be made more explicit. But unfortunately the position was such that at that time my honourable friend might have enlightened the House as to the name of the honourable member he had in his mind, but instead of that the whole group of honourable Muslim members on this side of the House on the Opposition benches have had a suspicion cast upon them. But luckily my honourable friend proceeded a little further in his indiscretion—he will agree with me that it was a very serious indiscretion—he proceeded further and said that it was a member old in experience but young in ambition and there is only one member who answers to that description and that is my honourable friend who is not at present in the House, Mian Abdul Aziz. There is no other member sitting on these benches who answers to that description and I submit that it was grossly unfair on the part of my honourable friend the Premier to cast such an

[Diwan Chaman Lal.]

aspersion, to have been guilty of such an insinuation or of throwing out such an innuendo against an honourable member of this House. If my honourable friend, as the head of the department of Law and Order, has any information in his possession, law courts are obviously open to him, but this is not the forum where he should come and with an unchallenged evidence, with an *ex-parte* statement cast gross libels upon an honourable member, upon a most highly respected member of all sides of this House (*hear, hear*). I do submit that if the Honourable Premier has been guilty of a gross libel against my honourable friend, Mian Abdul Aziz, can we discuss this matter on the floor of this House or not? Page 11 of our rules states that—

- (1) A motion on a question of privilege suddenly arising is entitled to immediate precedence over all other business.
- (2) A motion on a question of privilege may be made after questions and before the business of the day is entered upon, although the question does not suddenly arise, but any such motion shall be made at the earliest opportunity and does not ordinarily require notice.

All that we have to guide us is that a procedure has been laid down regarding a privilege motion, but there is no guidance laid down as to whether a particular matter comes within the purview of a privilege motion or not. That is the whole question before us and I do submit that if there is that latitude allowed in the House of Commons, this latitude even if it were a doubtful matter, should be allowed on the floor of this House, but I go beyond that. I say that there is no doubt about it. If anything was done by my honourable friend, Mian Abdul Aziz—

Premier : My honourable friend has named the member.

Diwan Chaman Lal : I have but does my honourable friend deny that it was Mian Abdul Aziz? I ask him to deny it.

Mr. Speaker : He has named the member but he is not attributing to him the acts which were attributed to him by others.

Diwan Chaman Lal : Does my honourable friend deny that? I take it that he does not. I put him this question three times, but does he deny?

Premier : I will not divulge the name.

Diwan Chaman Lal : Of course you will not divulge the name, but why did you divulge the fact? I think it would have been much more gentlemanly for my honourable friend on the last occasion to have divulged the name and to have been frank and fair to this House and to this province and to his own department. Secret information of whatever nature it may have been has been utilized for grossly libelling an honourable member on the floor of this House.

Minister for Finance : I think you made a limited inquiry from any one who wished to speak on this matter as to whether a privilege motion would be competent in this House under our procedure and under the Government of India Act, but we are now proceeding to the merits of the case.

Diwan Chaman Lal : The first point that has to be remembered is, whether a gross libel has been uttered or not. The second point is if a gross libel has been uttered, does it make it a matter of privilege arising on the

floor of the House? The third point is if it makes it a matter of privilege whether that matter of privilege according to our rules is capable of being discussed on the floor of this House or not. The fourth point is that if it is capable of being discussed on the floor of this House, what is the procedure to be adopted in discussing it. I submit that beyond these four points there is no fifth point to be considered. The first point that I am discussing is that a gross libel has been made by my honourable friend against an honourable member. If there is not any gross libel, the matter of privilege does not arise. If it was a bouquet or a compliment that my honourable friend paid to the honourable member on this side of the House, then the matter of privilege does not arise. But if it is a gross libel it is then and then alone that the matter of privilege arises. The second point is whether according to the parliamentary rules it is a matter of privilege or not. I submit in reference to the same passage which you were good enough to read to the House, wherein it is said, even if it were a doubtful matter it is capable of being discussed on the floor of the House. The third point arises, what is the position according to our own rules of procedure? I have already said that there is nothing to show that even in the previous legislature there was any bar to the discussion of a motion of this nature when an honourable member has been grossly libelled on the floor of the House. In regard to this matter I have to take one or two minutes of your time in detailing exactly how it is that it deflects the business of the House. My honourable friend may have been in train in collecting information regarding this very matter which arose out of the adjournment motion on the floor of this House. A grave and tragic incident took place in Lahore. It was the duty of every honourable member to see to it that such grave incidents did not take place and what the responsibility and whose responsibility it was that such a grave incident was allowed to take place and—

Premier : Are you discussing the procedure now? (*Interruptions*). I would request the honourable member that—(*Interruptions*).

Diwan Chaman Lal : The Honourable Premier may rest assured that I will not deviate by a hair's breadth—(*Interruptions*).

Mr. Speaker : Does the Honourable Premier wish to gag the mouth of every member? (*Cheers from Opposition benches*). He should be fair. Diwan Chaman Lal has not said a word yet against any member.

Premier : Why not? (*Interruptions*).

Diwan Chaman Lal : Probably my honourable friend is getting into temper. Before a privilege motion can be accepted by you, it is necessary for me to convince you that any matter which forms the basis of a privilege motion arises out of the business of the House. Surely my honourable friend can understand that much regarding the privilege motion and I am establishing that particular fact. How am I establishing it? I say that my honourable friend was in train collecting material for the purpose of placing it before the House and if he is in train collecting that material, my honourable friend comes to the floor of the House apparently knowing—

Mr. Speaker : This is repetition.

Diwan Chaman Lal : No. Unfortunately my honourable friend interrupted before I completed my sentence. My honourable friend, the Premier comes and makes that gross libel against an honourable member regarding a matter which has been before the House, a matter which is likely to come before the House and probably will keep on coming before the House. My honourable friend smiles. I can give him my word of honour that I know nothing at all about him and I do not think he knows anything at all about it. He utilised that occasion for party purposes. If that is the position, then what? Section 71 (1) and (2) are as under—

71. (1) Subject to the provisions of this Act and to rules and standing orders, regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.
- (2) In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this Part of this Act enjoyed by members of the Legislative Council of the Province.

My whole charge is this that if a gross libel has been made on a member arising out of the business of the House or even out of something which is not connected with the business of the House but a gross libel on the floor of the House has been uttered, I submit that it is a matter of privilege that arises. It is for the House to make up its mind in regard to what privileges honourable members shall enjoy. There are certain privileges which are defined for us by the Government of India Act, namely, freedom of speech for instance. There are other privileges which are left unnamed, nobody knows what the privileges are until the matter does arise and I submit that this is one of these matters which have arisen and which are capable of being discussed on the floor of this House as the conduct and the character of an honourable member has been grossly libelled and it is in reference to the business of the House that this libel has taken place. I submit, therefore that you should be pleased to hold this as a *prima facie* case of breach of privilege and regulate the procedure which is henceforth to be adopted for the purposes of discussing this particular matter. (*Cheers*).

Minister for Finance (The Honourable Mr. Manohar Lal) : Sir, I would confine myself to the question of the competence of a motion of this character in this House. The first thing that one must remember in this connection is, as you will see at page 70 of May's Parliamentary Practice, that the whole procedure in the House of Commons and for the matter of that in the House of Lords also arises from the fact that those two Chambers constitute in this regard a High Court of Parliament and they are duly endowed with certain sanctions which they can impose upon any member who is guilty of a breach of privilege. We in this Assembly are in no manner any kind of court with any powers. It is said at page 70 of May :

Both houses of Parliament enjoy various privileges in their collective capacity, as constituent parts of the High Court of Parliament; which are necessary for the support of their authority and for the proper exercise of the functions entrusted to them by the constitution.

You will see the same thing at page 78 :—

Both houses act upon precisely the same grounds in matters of privilege. They declare what cases, by the law and custom of Parliament, are breaches of privilege; and punish the offenders by censure or commitment, in the same manner as courts of justice punish for contempt.

One of the most important things to notice is this, what is the use of our talking of privilege in the manner in which it has been done or in a manner that the question is sought to be raised by this motion, if we do not possess that power of commitment either by censure or commitment. Commitment, as we all know, means sending to prison and Parliament has repeatedly done so. On page 91 of May which carries this matter a stage further you will see :—

Libels upon members have also been constantly punished :

and if I may say so as a lawyer, if the power of punishment does not reside in us, it is absolutely idle to refer to the practice of the House of Commons or to the House of Lords or two houses acting together and seeking light as regards the breach of privilege there and the way in which they take notice of these breaches of privileges. Specially so is the case when we remember that under the Government of India Act, by virtue of the section which you were pleased to read, a very careful caveat is entered and it is duly signified in absolutely certain language that unless certain steps are taken in a particular direction it is useless to speak of the privilege motion of the character that has been raised. At page 91 of May's Parliamentary Practice it is stated—

Libels upon members have also been constantly punished : but to constitute a breach of privilege they must concern the character or conduct of members in that capacity ; and, as is explained on page 267, the libel must be based on matters arising in the actual transaction of the business of the house.

The only other thing which one need notice in this regard is that a libel after all is to be definitely directed against a particular person of whom we may say that he has been libelled. If a libel has been committed on the floor of this House against a definite person or a named person, then, as you were pleased to point out, the procedure would have been that it should have been brought to your attention that here was a member giving expression to a libel which he ought not to be permitted to do and which he should be asked to withdraw instantly and immediately but there is no libel here. It is no use speaking of gross libel or terrible libel when there is no libel at all, because libel, in my own humble opinion, must be a serious expression of opinion, a grave damaging expression of opinion against a person whom you definitely indicate and there has been no such thing. Therefore, we are faced with this position. What I mean to say is this that you are wishing to take such a novel step as a privilege motion which is not contemplated under the Government of India Act. Unless and until a certain definite procedure has been laid down you cannot do it. You wish further to seek the aid and assistance of the practice in the House of Commons to which you cannot really resort because our position is not at par with the British practice. Why is it not so ? Because in England, in the Houses of Parliament they constitute definitely a High Court of Parliament by virtue of long usage that lies behind it. But there is nothing of the kind here. It has been said that because in the previous Council we had

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no such instance, therefore, that is of no guidance. Why is it not of no guidance? The previous Council existed, as you know, from the year 1921 to the year 1936, not only in this province but in all the provinces of this country and you are well aware that our rules of procedure in the Councils were exactly alike and yet in the history of 14 years, while there was much and frequent heated debate in which a large number of persons took part, never has a situation like this been noticed. Not only this, but while interpreting the Government of India Act, remember that the framers of the Government of India Act must have been faced with the knowledge of the practice as obtained in the old Councils and they must have legislated this very careful measure, the Government of India Act, on the basis of that knowledge. You cannot find anything of this kind in the rules as they existed in the previous Council and I am sure that any formal privilege motion of this kind is not like a motion which is well-known and which is within the well-recognised Parliamentary procedure so far as England is concerned. Where do our rules in the previous Council and where does the Government of India Act contemplate such a situation? The Government of India Act does not provide any such procedure. It is perfectly obvious, strictly from a lawyer's point of view, that a motion of this kind is altogether incompetent. If a privilege motion is allowed to be made, two things are essential. Firstly, we must have the normal procedure. How can we take up a motion of this kind? It must find a place within the four corners of the rules, while the rules on the other hand are framed in accordance with the Government of India Act. Secondly, sanction must exist such as censure or commitment against any one who commits a breach of privilege. I fail to see what sanction we have in this House. We have neither the procedure nor the sanction to guide us. The Government of India Act says nothing with regard to a motion of this character, in past history we have no guidance from the procedure in the House of Commons with regard to a matter of this kind. I for one fail to see how we can have a motion of that kind. Even in the House of Commons, at May page 267, you will see that although there is something which is not directly connected with the business of a member in the House, yet an exception is made. There, the Speaker in the House of Commons was doubtful whether that motion would be in order even there, but he said that a motion of that kind might be permitted if that was the pleasure of the House. That is their practice, and they proceeded to discuss a motion of the kind that would have been possible only by the pleasure of the House. But I see no help whatsoever at page 267 which can be derived by those who want to support this motion. You will see that the words are very significant. It is said :

Although privilege cannot be claimed for a motion containing imputations upon the character of a member.....

Practically he must be a well-defined and well-understood member.

which are not immediately connected with his conduct in Parliament, yet, owing to attendant circumstances, these motions occasionally have been treated as privileged motions.

I have not at this moment the advantage of having read the actual authority.

Secretary : It is not available.

Minister for Finance : Further on, it goes :—

For instance, when, on the 22nd July, 1861, a motion was proposed concerning the conduct of a member in connection with a joint stock company, such conduct being wholly unconnected with matters arising in the house, the Speaker said it was doubtful whether the motion was properly a matter of privilege, but as it affected the character of a member, it could be proceeded with, if it were the pleasure of the house.

The words are perfectly significant. Even the Speaker was doubtful in the House of Commons which has a history of 600 years behind it. That is a very far cry from the House of Commons to this Assembly, not only have they the power to take up such a motion but they can also proceed to adequate sanctions to the extent of committing a person to prison. The Speaker of that House feeling exceedingly doubtful sought for the pleasure of the House to take up that motion. But no particular member was ever mentioned here. There was no such thing as specific libel. We have no procedure whatsoever. Under these circumstances I have no hesitation in submitting that it is not a competent motion. *(Cheers)*.

Mr. Speaker : In my opinion, the remarks made by the Honourable Premier on the 26th March cannot be construed as a breach of privilege by any stretch of language. *(Cheers.)* It is clear, according to the Parliamentary Practice, that the conduct or character of a member, as such, must be attacked; otherwise there is no question of a breach of privilege. In the first place, in my opinion, the alleged breach of privilege is not a breach at all according to the House of Commons practice and procedure. But assuming only for the sake of argument that it were so, it is not a breach of privilege so far as this House is concerned, because such breach of privilege has never been claimed or enjoyed by any member or members of this House or by the whole House itself and other Legislative Councils in India which existed from 1921, as the Honourable Mr. Manohar Lal has said, up to 1st April, 1937. In not a single Council was such a question as a breach of privilege raised. That is the second reason why I hold that even if it were to be assumed to be a breach of privilege according to the House of Commons practice, it cannot be claimed a breach of privilege in this House according to subsection (2) of section 71 of the Government of India Act. As to our failure to have numerated acts which would constitute breaches of privilege or other acts of privileges, we should thank ourselves. The law has given them the power. We might have taken the trouble to introduce such Bills. It is not the duty of the Government only to introduce such Bills. I think it is the duty of the members of this House to study carefully and introduce such Bills. As regards the authority quoted at the bottom of page 267 and top of page 268 of May, there, as I pointed out when Diwan Chaman Lal was making a speech with regard to the conduct of a member in connection with a joint stock company, the Speaker said it was doubtful whether the motion was properly a matter of privilege and he left it to the House. The report is not available; otherwise I would have thrown greater light on it. However, the question is that he was not at all certain or satisfied that it amounted to a breach of privilege. I need not say more and I hold definitely and positively that there is no question of a breach of privilege in this case so far as this House is concerned. *(Cheers)*.

ADJOURNMENT MOTIONS.

FAILURE OF GOVERNMENT TO PREVENT LAWLESSNESS AND BLOODSHED
ON 19TH MARCH 1940.

Diwan Chaman Lall : Mr. Speaker, before I move the motion I hope I have your indulgence to put a question to the Premier: it might facilitate matters.

Mr. Speaker : I have no objection.

Diwan Chaman Lall : Has my honourable friend got a statement to make? Because if my honourable friend makes a statement that might avoid moving the motion.

Premier : With regard to what?

Diwan Chaman Lall : With regard to subject matter of the adjournment motion.

Premier : I have no statement to make. As a matter of fact the mis-statement that was made was contradicted by Government officially.

Diwan Chaman Lall : Mr. Speaker, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to take necessary measures to prevent lawlessness and consequent bloodshed which took place on 19th March, 1940, in Lahore in spite of the repeated requests and appeals of Mr. D. Gainsford, Senior Superintendent of Police, Lahore, as revealed by the *Civil and Military Gazette* of the 28th March, 1940, in its leading article.

Mr. Speaker : Sardar Hari Singh may move his motion.

Diwan Chaman Lall : Is mine ruled out of order?

Mr. Speaker : It is not in order.

Diwan Chaman Lall : May I be enlightened with regard to this matter as to the grounds on which it is ruled out of order; it is a matter of public interest.

Mr. Speaker : No arguments, please. I give reasons only when I consider it necessary to do so. In this case it is not necessary to give reasons.

Diwan Chaman Lall : It will avoid repetition of the same motion if we knew whether it is on the ground of public importance, urgency or otherwise that it is ruled out of order. What is the ground on which it is ruled out of order?

Mr. Speaker : Sardar Hari Singh to move his motion.

Diwan Chaman Lall : What is the use of moving further motions and sitting here? I think it is useless for us—

Mr. Speaker : I am acting according to rules.

Diwan Chaman Lall : You are not acting according to rules. May I draw your attention to the rule?

Mr. Speaker : I will read out the rule to the honourable member.

Diwan Chaman Lall : Your discretion is governed by the rules.

Mr. Speaker : Rule 44 says—

If the Speaker is of the opinion that the matter proposed to be discussed is in order he shall read the statement to the Assembly and ask whether the member has the leave to move the adjournment.

As I did not consider it in order I did not read it.

Diwan Chaman Lall : Your consideration of the matter whether it is in order or not is bound very strictly by the rules of procedure.

Mr. Speaker : I give reasons when I consider necessary.

Diwan Chaman Lall : May I draw your attention—

Mr. Speaker : I do not want to hear any more arguments.

Diwan Chaman Lall : I rise on a point of order.

Mr. Speaker : I have heard—

Diwan Chaman Lall : We are not children ; we are members of the Assembly and we want to be treated as members of the House.

Mr. Speaker : I am treating all members of the Assembly as very respectable and honourable—

Diwan Chaman Lall : On a point of order.

Mr. Speaker : If the point is a new one and not a repetition of the point already raised.

Diwan Chaman Lall : May I ask whether it is not necessary, in matters which govern the interests of the province and are of very great importance to the province, that, when an adjournment motion is disallowed, the reasons should be given by the Speaker for disallowing? Is it not necessary to allay the feelings of acerbation that have arisen in the province? Many members of the House, at any rate on this side of the House have reasons to feel that we are being gagged. Do I take it that you do not intend to give any reasons for disallowing the motion?

Mr. Speaker : Yes.

CLASSIFICATION OF SARDAR DASAUNDHA SINGH AND OTHER POLITICAL PRISONERS.

Sardar Hari 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, classification of Sardar Dasaundha Singh and other respectable political prisoners as habitual prisoners and their detention in Central Jail, Montgomery as revealed in reply to starred question No. 6407¹ on 28th March 1940.

Mr. Speaker : Can the Finance Minister throw some light?

Minister for Finance : I want to say two things about this matter. Firstly, you will see that this adjournment motion refers to Sardar Dasaundha Singh and other respectable political prisoners as habitual prisoners and their detention in the Central Jail. The other day I was asked a question referring to these political prisoners merely with regard to their transference from the Ferozepore jail, and it would be within your recollection that I

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said that it would not be in the public interest to reply to that part of the question or give any further information. Now that was the total matter with regard to which that question was asked. The other political prisoners were referred to merely with a view to elicit the reasons why they were transferred from the Ferozepore jail. I said that I could not give reasons; and to-day this adjournment motion refers to these prisoners as to why they were classified in a particular manner, whether they were classified as habitual prisoners or were classified as casual prisoners, and if so, why. That being so the adjournment motion in the terms in which it stands is not competent; but may I, apart from technicalities, on its merits inform the honourable members on the opposite side not only as regards Sardar Dasaundha Singh, who is directly concerned in this motion, but also as regards other prisoners, that. I have already made enquiries from the very day when the question was asked? As I intimated, the matter rests with the convicting magistrate or the district magistrate: both can do the classification and I am looking into the matter myself. I have sent for all the necessary papers in that connection. I have no doubt that if there has been any error in classification it would be rectified.

Mr. Speaker : Is the district magistrate's decision open to revision?

Minister : The rule as it stands does not refer to any appeal. The Local Government's rule is at page 5 of the Jail Manual. It does not refer to revision; but it is always open to me, if I think that any error has been made by the district magistrate, to rectify the matter and all that is necessary is done.

Sardar Hari Singh : The answer given by the Honourable Minister is not satisfactory. It is still more unsatisfactory than the original answer. I have stated that the action taken by the district magistrate is illegal and that only those prisoners can be classified as "habitual" offenders who have committed dacoities or murders and not those who have been convicted under section 117 read with section 88. The action taken by the district magistrate is illegal and Government should take severe action against him.

Diwan Chaman Lall : May I say a few words?

Mr. Speaker : No.

Diwan Chaman Lall : May I say that I am also a signatory to this motion?

Mr. Speaker : But notice of the motion was given by Sardar Hari Singh.

Diwan Chaman Lall : But that makes no difference.

Finance Minister : If the honourable member wishes to have this motion considered, then I would submit that the motion is hopelessly out of order.

Mr. Speaker : Order, order.

Diwan Chaman Lall : On a point of order. Now is it that my honourable friend is being permitted to speak, while I am not?

Finance Minister : I am competent to do so.

Mr. Speaker : The Honourable Minister says that he will do all he can in the matter.

TERMS OF REFERENCE OF THE KHAKSAR ENQUIRY COMMITTEE.

Pandit Shri Ram Sharma : Sir, I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the unsatisfactory nature of the terms of reference of the Inquiry Committee appointed by the Government to enquire into the happenings of the 19th March at Lahore as published in the *Government Gazette Extraordinary*, dated the 28th March 1940.

Mr. Speaker : But for the word 'unsatisfactory' the motion would have been admissible. The word might have been omitted but the honourable member has not omitted it. Therefore I hold the motion out of order.

Diwan Chaman Lal : You have the right to permit the deletion of a particular word. Surely on such a ground should this be ruled out?

Mr. Speaker : The honourable member is not Pandit Shri Ram Sharma's Advocate. Let him speak.

Diwan Chaman Lal : I am an advocate not only for him but for everybody.

Mr. Speaker : No honourable member can speak for another honourable member.

Diwan Chaman Lal : I am at present only speaking for the Opposition. I have every right to speak.

Mr. Speaker : The honourable member has no right. Is there any motion before the House?

Diwan Chaman Lal : As a matter of courtesy you should allow the Leader of the Opposition to speak. In the absence of the Leader you should permit me to speak.

Mr. Speaker : There is no question of courtesy. It is a matter of rules and practice.

Pandit Shri Ram Sharma : May I now be allowed to remove that word "unsatisfactory"?

Mr. Speaker : Had the honourable member asked my permission before moving his motion, I might have considered his request favourably. The next motion.

ARREST OF COMRADE TIKKA RAM SAKHUN.

Lala Duni Chand : I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the arrest of Comrade Tikka Ram Sakhun at Lahore a few days ago on his return from Ramgarh, who besides being General Secretary of the Punjab Socialist Party and a member of the All-India Congress Committee, is one of the foremost socialist leaders of the province, without there being any intention to put him in a court of law in which he could have an opportunity to vindicate himself.

[Lala Duni Chand.]

I merely state that an adjournment motion on a similar matter has been allowed in the past in regard to the arrest of Acharya Arjan Dev.

Mr. Speaker : I do not want any precedents. Will the honourable member please give the date on which Comrade Tikka Ram was arrested ?

Lala Duni Chand : About a few days ago.

Mr. Speaker : Please give me the date. " A few days " is an elastic expression.

Lala Duni Chand : On the 27th.

Mr. Speaker : The House was in session on the 28th and 29th.

Lala Duni Chand : It could not be moved during the budget days.

Mr. Speaker : On what date was the notice of adjournment motion received by this office.

Secretary : Notice was received only to-day.

Mr. Speaker : To-day is the 1st of April. The arrest was made, according to the honourable member, on the 27th, that is to say, four days ago. I rule the motion out of order.

REPRESSION AGAINST THE SOCIALISTS.

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 repression started against the socialists of the Punjab as illustrated by the arrest of Comrade Tikka Ram Sakhun at Lahore a few days ago on his return from Ramgarh, who besides being General Secretary of the Punjab Socialist Party and a member of the All-India Congress Committee, is one of the foremost socialist leaders of the province, without there being any intention to put him in a court of law in which he could have an opportunity to vindicate himself.

Mr. Speaker : How many more persons have been arrested ?

Lala Duni Chand : I think about half a dozen.

Mr. Speaker : Under what law ?

Lala Duni Chand : Under no law—the so-called Defence of India Act.

Mr. Speaker : Has the honourable member definite information that Government is taking action against all members of this organization ?

Lala Duni Chand : Yes, that is my conviction.

Mr. Speaker : Apart from conviction, has the honourable member personal information ?

Lala Duni Chand : No.

Mr. Speaker : The next motion.

MEETINGS ON WEDNESDAYS.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I move—

That the Assembly shall meet on all Wednesdays in the month of April 1940.

The motion was carried.

TRANSACTION OF GOVERNMENT BUSINESS ON THURSDAYS.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I move:

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on all Thursdays in the month of April 1940.

Mr. Speaker: Motion moved:

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on all Thursdays in the month of April 1940.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, I submit
2 p. m. that this is a most serious matter to be considered by the House. I have observed with pain and sorrow that one after another, whatever rights are given to the Opposition under the Rules of Procedure, are being taken away. When the rule lays down that on Thursdays non-official business should be transacted, it means that effect must be given to it. If the non-official members are given the right that is conceded to them under rule 13, then they would be rendering some service to the province. Under the rules, the non-official members are allowed to move resolutions and to put forward non-official legislation. We have not been wanting in that direction. We have shown our earnestness by sending up a large number of resolutions and an equally large number of non-official Bills. But on account of the gagging practised by the Honourable Premier, we have not been able to have any resolutions worth the name being discussed and it does no credit to the Government that up to this time, except one small Bill, we have not been allowed to have a single Bill discussed by this House. Ninety-nine per cent of the Bills have been killed at the introduction stage. A few of them were considered important enough to be allowed to be introduced even by the Government, but none of those Bills have been set up for any kind of discussion up to this time. I submit that some non-official Bills that have been sent up are as important and some of them more important than the Bills that Chaudhri Sir Chhotu Ram has been putting forward for the good of the province. What is it due to that nothing has been done? It is due to the fact that except on a very small number of days during the last three years, all the non-official business has been withheld. It was only the other day when in my speech on the general discussion of the budget I pointed out this grievance, in a spirit of pride, nay in a spirit of boast, the Honourable Premier was pleased to say, 'I shall not allow a single non-official Bill to be advanced any further.' I submit, what justification can there be for the Government to say with regard to these Bills which they have allowed to be introduced, that they are not meant for the good of the province? Is it political honesty or is it morally fair on the part of the Government that the rights given under the

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rules which they themselves framed should be denied to non-official members? Last time when a similar motion was moved by the Honourable Premier he was pleased to say that he would allow certain days for the discussion of non-official business. He has forgotten that promise which he was magnanimous enough to make. He makes promises but he forgets them. I submit that there is not one Thursday but there are four Thursdays in the month and he does not want that non-official business should be transacted on any one of these days. I submit that in a matter like this, it is the inherent right of the Speaker that he should invite the attention of the Government members and suggest to them that they are unfair in dealing with the non-official members. It is not only the members of the Opposition that have put up a number of Bills, but there are some good and useful Bills that have been sent up even by the members of the Unionist party. Why is it that they are not given any opportunity to proceed with those Bills? For instance, I would like to make mention of one of the important Bills. I have sent up a Bill which, if passed, will do the largest amount of good to the agriculturists of this province.

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

My Bill is that so far as the right of appeal is concerned, on points of custom, the agriculturists of the Punjab should have the same right as they have on questions of law. If you allow the second appeal which is denied under the existing law to the agriculturist on a point of custom, you will see that it will do a lot of good. Really the Government is actuated by a desire to see that no non-official member gets any credit for serving this province. There is another Bill regarding colorisation of Banaspati ghee which has been allowed to be introduced, as also other Bills. They are all hanging fire. I want to know from the Honourable Premier, what justification, legal or moral, he has got in denying us the opportunity that has been given to us by the rules practically framed by him. I submit that this is the most unjust thing to be done by any Government. I may cite the instances of other Governments. Take the case of any other Government and you will find that non-official members have been allowed to put up non-official Bills as often as members of the Government. Very useful Bills have been passed in other provinces at the instance of non-official members. It is within the power of the Premier to give some time to non-official business even out of the time of the Government. But up to this time there has not been a single occasion when that power has been used in our favour. I do hope that the Honourable Premier will see his way to withdraw his motion. If his motion is allowed to be passed, it means that the non-official members are actually gagged. They are robbed of the rights they have got under the Government of India Act and even under the rules framed by him. With these words I oppose the motion.

Mr. Deputy Speaker : Would it be useful to prolong discussion on this matter? Valuable time of the House may be wasted.

Honourable members : Yes, it will be useful.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (Urdu) : Sir, I wish to put in a word with regard to the motion under discussion.

My honourable friend Lala Duni Chand has put forward some objections against this motion and I wish to add one or two more. During the month of February, when the Budget session started Government took 22nd February, a non-official day, for transacting Government business. At that time the Honourable Premier promised that at the end of the Budget session he would give one or two days for non-official business. But so far he has not fulfilled his promise. Now I may point out that a motion to the effect that the "Assembly shall meet on all Wednesdays in the month of April, 1940" has already been carried. It follows that the Government have taken already four Wednesdays for transacting Government business. In view of this they should have, in the fitness of things, allowed private members to have Thursdays for transacting non-official business as rule 18 of the Rules of Procedure expressly lays down. But another motion has just now been moved by the Honourable Premier by which rule 18 of the Punjab Legislative Assembly Rules is sought to be suspended. It means that Thursdays, which according to rule 18 should be reserved for non-official members, shall be taken up by Government for transacting Government business. Although a motion to this effect has actually been moved by the Honourable Premier I do not yet despair of getting a day or two for private members as has been expressed by Lala Duni Chand who said that the Government was out to crush the rights of private members so that they should not be in a position to bring any salutary measures for the good of the province and thus show to the public at large that besides the Government there are other members who can bring forward salutary measures. In the circumstances I would request the Government that they should see that this right of private members is upheld. I may add that after the budget speech of the Honourable the Finance Minister there has been a change in the weather and due to that the gram crop has been damaged. I have received many applications to this effect. In fact honourable members are fully aware of the fact that rains and lightning at this time of the year are detrimental to rabi crops. If the Government allots one or two days for non-official business, in that case I would be in a position to lay these facts before them and would point out to them as to what extensive damage has been done to these crops. But so far I have not sent any resolution to this effect because there is no hope of getting a chance to move them. That is why I am protesting. If the Honourable Premier makes a decision to-day and allots one or two days for non-official business, I can send in a notice for that resolution. I go further and say that so far as I am concerned I would be prepared to agree to Government having Saturdays for transacting Government business provided they give one or two Thursdays to us. There are so many other important matters that we would like to discuss and we are being denied all chance to do so.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am afraid my honourable friend is unnecessarily wasting the time of the House. This motion is a motion to save the time of the House.

Pandit Bhagat Ram Sharma : On a point of order. I want to ask whether on such an important issue, you will allow other members to speak or not.

Mr. Deputy Speaker : All that could be said has been said. There would hereafter be nothing but repetition.

Honourable Members : No.

Pandit Bhagat Ram Sharma : How can you say that all that is relevant has been said?

Premier : I am afraid my honourable friends are spoiling their own case. I said that we wanted to save the time of the House for public business and my honourable friend says that a lot more can be said on this motion. I dare say it can be said, and if every member wants to speak the debate can go for weeks together, but that is what we want to avoid and the remedy lies with my honourable friends opposite. In the beginning I have allowed non-official days to my honourable friends, but later on the list of business became more and more congested and I appealed to my honourable friends several times to help me in expediting the disposal of official business, but to no purpose. My honourable friends will remember that it is the 7th month for which we have been sitting.

(At this stage the chair was resumed by Mr. Speaker.)

From the beginning of October we have been sitting and we have now entered on the seventh month; perhaps my honourable friend has been intrigued by the expression which I have used, but I hope my remarks have not miscarried—

Dr. Sir Gokul Chand Narang : It all depends.

Premier : There is important business before us. Then my honourable friend Lala Duni Chand referred to the Colourisation of Ghee Bill. My honourable friend must have seen that the Bill has already been published in the Gazette and that Government are going to bring in that measure, which is one of the measures which we want to pass before we disperse. There are other important measures which have been published. My honourable friends must have seen them. They will also come on the agenda. Apart from what we have got on the list now, there are several other important Bills which must be seen through before we finish, and perhaps my honourable friends also are getting tired and restive and want to finish early. There again we are at one with them, and I would again earnestly request my honourable friends to help us to expedite the business. So far as the question of *chanas* is concerned, my honourable friend may rest assured that moving of the resolution will make no difference. We are fully aware, from daily reports, of the damage done and we will give relief where necessary. It is no use my honourable friend saying that a special day should be allowed merely to say that *chanas* have been spoiled. There are other districts where crops may have been damaged. I receive reports of hailstorms and we are looking into the matter, and wherever relief is necessary, you are aware, or you should be aware, that Government do not hesitate to give generous relief (*Hear, hear*). We have given relief to the extent of six crores during the last two or three years. If you look up the history of the Punjab, you will find that six crores have not been given throughout the period of British history in this country. Yet my honourable friend wants a Thursday merely to discuss *chanas*. We have much more important things to do here and I would request honourable members

to help me in expediting the business, and if at the end of the session, we finish our business and this House still wants to sit further, I would be prepared to allot a day for non-official business.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Mr. Speaker, the attempt of the Honourable Premier to crowd out the non-official business from the business of the Punjab Legislative Assembly has been the subject of discussion on more than one occasion in this House and various arguments have been given from that side of the House which were not convincing to any section of this House. The arguments of that side did not appeal to the Opposition and if they were Opposition arguments, they did not appeal to the Government. After all the hue and cry with regard to the throttling of non-official business in the Assembly we have come to the conclusion that we are being forced to believe that the two wheels of the carriage of democracy in this province are not running properly. I feel that the Honourable Premier thinks that the definition of democracy is the counting of heads. (*Premier: Breaking of heads!*) One of the most well-known British writers on democracy is Deliske Burns. In one of his books, he writes that democracy did not mean the counting of heads and that if that were the definition of democracy, then a flock of sheep would form the best democracy. So, according to the practical working of democracy in every country there are two parts or two wheels of that carriage, that is, the Government and the Opposition. The Government should try to accommodate the Opposition and the Opposition should try to accommodate the Government. We have seen just now that the Honourable Premier moved a resolution that we should continue to sit in this House on Wednesdays throughout this month and we have not opposed this resolution. We are prepared, as our leader said the other day, to sit not only on Wednesdays but on Saturdays and Sundays also. When we say that we are prepared to give more time for Government business—and we realise the importance of Government business—than is necessary, than is prescribed under the rules, that is, we are prepared to sit on Wednesdays, Saturdays and Sundays, then I fail to see the reason why non-official business should not be taken up in this House and why we should be robbed of one day in the week, namely, Thursday. I am asked by the Congress party to say certain hard things to the Government and, therefore, I am not saying those things merely on my own behalf but I am saying this on behalf of the entire Opposition. I, with all the respect that I can command, warn the Government and particularly the Honourable Premier that if he continues to throttle us like this, if he continues to suppress the non-official business of the Punjab Legislative Assembly, then we shall be forced to adopt those methods which have come to be known as Sinn Fein methods which were adopted in Ireland in the Irish Assembly. After all there is a limit to our patience. We have explored all avenues of so-called constitutionalism. We have made entreaties to the Government, we have made requests to them, we have made representations and we have also administered very mild warnings before, that the Government should realise that after all there are two aspects of a question and that in all the legislatures there are two recognised parties—the Opposition and the Government—and since the Government commands a majority, special days are allotted for the Opposition, so that it may not

[Ch. Krishna Gopal Dutt.]

be taken for granted that whatever comes from the mouth of the majority is the gospel truth and that the minority view should also be placed before the Assembly so that members sitting here should try to bring a dispassionate consideration on that question. The Opposition represents a strong section in the province and, therefore, those questions should come before the Assembly and through the Assembly before the province. It should not be taken for granted that the Government business is the all important business. I am prepared to concede, as I have said, that the Government business is important and we are prepared to give preference to it but this does not mean that when we on the one hand are prepared to give preference to Government business and we are prepared even to sit on Saturdays and Sundays, and thus show so much consideration for the Government, the Government on the other hand should come out with such an attitude that it should try to suppress and throttle all business in this Assembly. Therefore, through you, I convey this warning to the Honourable Premier that to-morrow he should not come and criticise us in the name of responsibility. After all we also realise what responsibility is but when all avenues of constitutionalism have been explored and found wanting, then we shall be forced to take the one step and that step may be of direct action—of obstruction—and when we resort to that kind of methods then the Honourable Premier will come and say that the Opposition is most irresponsible. I foresee now that argument and try to throw the weight of responsibility on the weak shoulders of the Honourable Premier that he shall be responsible for all this, because we on the one hand are prepared to give every co-operation so far as the allotment of business in this House is concerned but he is not prepared because he thinks that he has got a comfortable majority at his back and he believes that democracy always means the rule of majority. Such a crude definition of democracy ill suits the present times. Governments in other countries are now-a-days giving a fair deal to the Opposition. They believe that the old mid-Victorian definition of democracy—that democracy means rule of the majority—is absolutely fallacious. I, therefore, ask, is the present resolution which the Honourable Premier has decided to move in this House, reasonable? Is that a responsible attitude which he has taken up? There are gentlemen in this country, in Europe and America, who are watching this great experiment of democracy and provincial autonomy in this country and in various provinces. What shall be their opinion when they find out that every occasion which is reserved for non-official business, is taken up from the Opposition merely by a fiat of the majority? What idea will they form of the working of democracy in this province? What will the people in the province, who are becoming sick of the present reactionary attitude and anti-democratic and anti-rational attitude of the Government, think? They will think that democracy has had a trial in this province and it has been found wanting and it has not proved a success but it has proved a signal failure. What is the alternative to democracy? The alternative is what we are finding to-day either in Russia or in Italy or in Germany where democracy has been butchered. There is dictatorship and if it is the idea that there should be dictatorship because people have become sick of democracy, then the only alternative before the

people would be that there should be a dictator in this province, that the Premier should not be allowed to live in this Assembly in the name of democracy and all the other Ministers who are responsible for this action should not be allowed to live in this House in the name of democracy. That is what the people will think. The Honourable Premier perhaps takes a light view of this but I put it before him that we have also got certain sentiments, certain susceptibilities, certain reactions and we want to give vent to them. We have got our own lines as to what should be political or economic structure of society in this province and with regard to that we have our own proposals. We want to put those views on non-official days in the form of Bills and resolutions but the Government does not allow. How does the Government think that whatever proposal is coming from them is all that is wanted in this province? Therefore, I put before the Honourable Premier that we are passing through very delicate times in this province and it is necessary that, so far as the business of the House is concerned, there should be adjustment, there should be mutual accommodation between the Government and the Opposition and if that is wanting, then responsibility shall not be ours and the responsibility shall lie on the shoulders of the Government and not only for that but for the consequences and I repeat that for the consequences of that the Government shall be responsible and I give an idea, through my speech, to the entire press in the province that if to-morrow they criticise Diwan Chaman Lall or some other member of the House for a certain act which in their opinion is irresponsible or any act of the Leader of the Opposition or any distinguished member of this House and dubs it as irresponsible, the responsibility for that irresponsible action shall lie on the Government and not upon the Opposition. With these words I strongly oppose this resolution and even beseech the Honourable Premier to take back this resolution in the name of democracy, in the name of mutual adjustment, in the name of compromise and in the name of successful working of the provincial autonomy in this province.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I consider this motion of the Honourable Premier as a serious inroad on the rights and privileges of the non-official members of this House. It is the considered opinion of our Party that we are willing to sit late hours. We are willing to work on Saturdays if the Honourable Premier so desires. But we for one, are of opinion that the Government should not so callously appropriate Thursdays, which are non-official days, for the Government business. I have just been told by Sir Gokul Chand Narang that in the old Council non-official days were never appropriated as a rule by the Government for official business and I do hope that the Honourable Premier will kindly stick to that practice. It was really a very good practice that non-official days were never appropriated for official business like this. With these words I oppose this motion.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): Sir, I will be very brief. In the first place, the intention of the legislature under the Government of India Act was that one day out of four working days of the Assembly should be devoted, when the Assembly is sitting, to non-official business. Non-official business is not only the business of the Opposition benches but it is the business of the whole House. What is the state o

[S. Lal Singh.]

affairs? It is this that this House started its sittings in October and it will probably go on up to the end of this month or a week later. It is not going to meet again till after November next. So in this one year how many non-official days have we had? Only two days, as far as my memory goes, for the non-official business have been given during this year, that is during this session from October, which to say the least is shameful.

Mr. Speaker : The honourable member should withdraw the word 'shameful'.

Sardar Lal Singh : I shall say disgraceful.

Dr. Sir Gokul Chand Narang : Is the word 'disgraceful' not more shameful than the word 'shameful' itself?

Sardar Lal Singh : You will remember that I said, 'to say the least is shameful'.

Mr. Speaker : Please withdraw those words.

Sardar Lal Singh : I have no intention in persisting in the use of those words and I withdraw them. The circumstances through which the province is passing require that more time should be given to methods of giving vent to the opinion of the public by either proposing Bills or moving resolutions. We have got very critical and political movements that are going on in the province. First of all, there is the Khaksar movement and then there is the Pakistan movement on which a lot—(An honourable member : How is it relevant?) It is relevant in this way that the Premier of this province comes in this Assembly and repeats what the proceedings of the Muslim League were which was held here in Lahore and he is a warm supporter—

Mr. Speaker : The honourable member is not relevant.

Sardar Lal Singh : Even the Honourable Premier will not deny that there is war going on and that there is a constitutional struggle in India. Under these circumstances I would say that it would be against all democratic principles not to allow even 4 or 5 days for non-official business during the whole year. With these words I oppose this motion. (Voices : Question may now be put).

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on all Thursdays in the month of April 1940.

The Assembly divided : Ayes 63, Noes, 85.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable
Mian.

Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.

Akbar Ali, Pir.
 Ali Akhar, Chaudhri.
 Allah Bakhsb Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major Raja.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bekhsb, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American) Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Kabul Singh, Master.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.
 Mohy-ud-Din Lal Badshah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.

Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hasan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, 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.
 Muzaffar Khan, Khan Bahadur Nawab.
 Naunihal Singh Mann, Lieutenant Sardar.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Ajit Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chapan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.

Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.

Jalal-ud-Din Amber, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, 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.
 Ragbir Kaur, Shrimati.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Satya Pal, Dr.
 Shrimati Shano Devi.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

THE THAL (INCREASE IN VALUE) BILL.

Minister for Revenue : Sir, I beg to present the report of the select committee on the Punjab Thal (Increase in Value) Bill.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Mr. Speaker : The Assembly will now resume discussion of the Punjab Relief of Indebtedness (Amendment) Bill.

Clause 5.

Mr. Speaker : The question is—

That sub-clause (a) of clause 5 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (b) (2) of clause 5 stand part of the clause.

The motion was carried.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
 I move—

That in sub-clause (b) (3), line 1, for the word "any," the word "all" be substituted.

The sub-clause as it at present stands reads as follows :—

If the creditor or any of the joint creditors fails without sufficient cause to be present in person or by his recognised agent or legal practitioner in accordance with the provisions of section 24 at any of the hearings fixed by the board, or fails to produce full particulars and documents as required under sub-section (1) of section 14, the debt due to him or to the joint creditors, as the case may be, shall be deemed for all purposes and all occasions to have been fully discharged.

My amendment is that for the word "any" the word "all" be substituted and then you will find the difference in the language used, because the language as it is used only means that even in a case where a pro-note is in the name of more than one creditor and one of them is present and the other is not present, in that case according to the wording as it is used here, the other man who is present can also suffer. Why he should not be represented by his joint creditors is meaningless, and therefore I want to substitute the word "all" for the word "any". In that case the creditor who is present will not suffer. I do not think that it is the intention of the sponsor of the Bill that if any one of the creditors is absent and he can be represented by other people, he should suffer. That is not the intention. For that purpose

I propose that for the word "any" the word "all" be substituted. I have a further consequential amendment which will make the sub-clause read "If the creditor or all of the joint creditors fail....." With these words I move this amendment and I hope that it will be accepted.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (b) (3), line 1, for the word "any" the word "all" be substituted.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I rise to support the amendment that has been moved by my honourable friend Pandit Muni Lal Kalia. The retention of the word, "any" will operate very harshly and adversely to the creditors if they are more than one. Generally their number is large. It runs to 18 or 20 or even more than that figure. So in this form the board would discharge the debts of all the creditors due to the absence of a single creditor on a certain date before the conciliation board. Surely that is too drastic and radical a measure. It cannot be safely said that that was the real intention of the framers of the Bill. It may be due to oversight or mistake. I really wonder if the framers of the Bill had got such a radical and drastic change in mind. It is far from their intention. Keeping in view the working of the debt conciliation board for the past few years, I can safely say that it could not have been the intention of the Government. If the debtors fail to turn up, there is no penal clause to deal with them. They generally do not attend and whenever they fail to appear, fresh dates are fixed for their case. Now this new date is meant to be communicated to the creditors also. But if any one of them does not become aware of that date, and fails to turn up on the due date, the case goes against him. There are many examples of this kind. The number of creditors is generally large as I have already said. It is just possible that any one of them may fail to attend the court. But to give full and final powers—as there is no appeal against the finding of the debt conciliation boards—to write off or discharge the debts of all the creditors on account of the absence of any one of them, would be highly unfair and unjust.

With these words, Sir, I support the amendment that is under consideration of the House at present.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : This amended clause has been brought forward by the Government evidently to meet a difficulty

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in the working of the Act which must have been brought to their notice by persons who are adversely affected by it. Cases have come to the notice of some of us where the conciliation boards have passed orders discharging the entire debts to several persons which are owed jointly to them, merely because all the debtors had not put in appearance before them. If the debt was due to, say, four brothers and if one of the brothers only had appeared before the board or if only three of them appeared and the fourth had absented himself, the conciliation board in its wisdom, exercised its powers under section 14 to wipe out the entire debt, irrespective of the fact that the three brothers were present and only the fourth was absent. (*Interruption*). I am told that in the opinion of some members of the House this is very good and should have been done. But unfortunately the Government also do not think that it should be so and with a view to meet this difficulty, they have put in this amended clause which did not find a place

[R. B. Mukand Lal Puri.]

in the old Act. But as has been pointed out by the mover of the amendment, does the amendment proposed by the Government carry out the object of the Government? I submit not. I know of an instance in the Amritsar district where there was a mortgage debt in favour of two brothers. It was a mortgage debt and therefore it was in favour of members of the agricultural tribes. He was a Jat. One brother was in the village and the other was a police constable at Sukkur. He was in Government service. Some of the debtors put an application under section (a) also mentioning this mortgage debt to these brothers as due from the debtor. The land was mortgaged with them and nobody thought that there was a legislation in the Punjab which would deprive them of their hard earned money or interfere with the mortgage. One brother who was in the village goes to the conciliation board and in proof of the debt due to both the brothers, presents a registered mortgaged deed. "All right you are present. But the debt is in favour of two persons. Where is the other person?" The reply was: "He is at Sukkur employed as a police constable. He cannot get leave and so he cannot come, and has asked me to present this registered mortgage deed". Now is it fair that such debts also should be wiped out? The conciliation board orders that since the debt is in the joint names and since one of the two debtors is not present in spite of notice in the papers, therefore the entire debt is wiped out. It was to meet such cases that the Government thought that in the case of joint debts, the presence of all the joint creditors should not be insisted upon. Therefore the proposed amendment of the Government should have been to the effect that if any of the joint creditors appears before the conciliation board and puts in all the documents in proof of the joint debt, that should be considered enough and the absence of one creditor should not be used to wipe out the debt of all and the conciliation board should not insist upon every member of the family putting in appearance before it. To meet such cases, as I submitted, the Government have put an amendment of this Act. But if it does not carry out the intention of the Government, this amendment need not have been put in. The Government no doubt see the obvious injustice of this procedure and the trouble to which these creditors are put to and want to amend the act with a view to afford some relief. But the present amendment does not afford adequate relief. The amendment should be so worded that if one of the joint creditors is present and supplies all the information necessary to the conciliation board, the others need not be compelled to put in their appearance. If it is not a joint debt but a debt due to several persons in equal shares, then probably they might insist upon every person being present either in person or by proxy. It would be conceded that this need not be done if the debt is due in the case of a joint debt. If the debt is due to six brothers, one brother might be present and he may be the agent representing the others. That will be some solution of the difficulty.

Another and more serious difficulty has been brought to my notice. Some of the conciliation boards insist upon the personal presence on one occasion at least of all the creditors. I know of a case where a merchant at Bombay had sold some machinery to a Jat who was carrying on business in Amritsar who ultimately took his case to the debt conciliation board. Information reached the merchant in Bombay

that the civil courts in the Punjab have been superseded with respect to certain transactions by debt conciliation boards and his presence was necessary. He went and had a proper power of attorney executed and sent it to a lawyer and asked him to represent him. But the debt conciliation board of Amritsar refused to recognise this agency on the ground that the creditor himself must first appear and he should put in the power of attorney in their presence authorising somebody else to appear for him. The debt conciliation board of Amritsar was graciously pleased to allow this lawyer an adjournment to ask the principal to come and appear before them. But by that time unfortunately this big business man of Bombay had gone abroad to England. The lawyer communicated with him in England and a duly executed power of attorney executed under the direction of solicitors and with due formalities was sent to Amritsar. But the debt conciliation board refused to take cognisance of it on the ground that it will only accept it if the creditor first appeared before it but will not do so in his absence. There must be several other similar instances of the vagaries of this conciliation board. I am giving this instance as it was given in the Bar room at Amritsar by a lawyer who appeared in this case. Similar cases must have been brought to the notice of the Government which have induced them to bring forward an amendment of this kind. But if the Government really wishes to meet cases of this type, then I think it should accept the amendment moved by my honourable friend, Pandit Muni Lal Kalia or bring in some other suitable amendment which carries out the object in view.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Sir, I wish to say a few words with regard to the amendment now before the House. I have also tabled an amendment which is not very much different from the one that has been moved by my honourable friend Pandit Muni Lal Kalia. My submission is that it is stated in sub-clause (b) (3) that if any creditor or any of the joint creditors fails without sufficient cause to be present at any of the hearing fixed by the board the debt due to him or to the joint creditors, as the case may be, shall be deemed for all purposes and all occasions to have been fully discharged. The sub-clause so far as it relates to the joint creditors is very stringent and harsh, I think it is a standing monument of injustice. Let me point out that in such cases the standard of my justice is not so very strict for I feel if we can in any way benefit the poor we should by all means do so. But the sub-clause as it stands is totally unfair. It means that if any one of the joint creditors fails to make his appearance at a hearing fixed by the board, even though all others may be present, the debts due to the joint creditors shall be deemed for all purposes and all occasions to have been fully discharged. Now the amendment which I have tabled seeks to remove the stringency of sub-clause (b) (3). It means that if any of the joint creditors fails without sufficient cause to be present at any of the hearings fixed by the board the debt due to the joint creditors to the extent of their respective shares in debt shall be deemed for all purposes and all occasions to have been fully discharged. One can very well understand that if any creditor not caring two pence for his outstanding debts decides to stay at home and does not make his appearance before the board it is quite a different matter and justice demands that debts of such creditors should be discharged, because when one party to the suit is not present, it is impossible for the board to decide that case. Consequently

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it would be quite justified for the board to decide the case against the creditor. But Sir, I am at a loss to understand if there are two or more joint creditors and if any one of them fails to appear at the hearing fixed by the board why should all of them suffer. I think fairness demands that absence of one creditor should not in any way endanger the money of others. I am of the opinion that debts to the extent of his share should only be discharged and not more. It would be highly unfair if the debts of all the joint creditors are deemed for all purposes and all occasions to be discharged simply on the neglect of one creditor. This is what I wanted to prevent by means of my amendment. I think if any of the creditors fails to make appearance at a hearing fixed by the Board debts due to the joint creditors to the extent of his respective share in the debt should be deemed to be discharged and not more. And the respective share of debts due to those who appear at that hearing should not be deemed to have been discharged. With these words and in view of the object which I have stated I support the amendment of my honourable friend Pandit Muni Lala Kalia.

Lala Sita Ram (Trade Union Labour) (*Urdu*): Sir, I wish to put in a word in support of the amendment that has been moved by my honourable friend Pandit Muni Lal Kalia. I appreciate my honourable friend Pandit Shri Ram Sharma's wise suggestions which he has so wisely made, but I do not see eye to eye with him when he supports the contention that if any one of the joint creditors fails to make his appearance at a hearing fixed by the board, in that case debts due to him to the extent of his respective share in the debt should be deemed for all purposes and all occasions to have been discharged and conversely the debts due to other creditors who make their appearance at that hearing should not be deemed to have been discharged. This is, Sir, too much penalty for one's absence. My contention is that when a debt is a joint debt, in that case if any of the joint creditors makes his appearance at a hearing fixed by the board, all of them should be deemed to be present. To take an everyday case, suppose there are few brothers and they have a joint debt. In that case it will be useless if we require all the four brothers to be present at a hearing fixed by the board. I think one of the four can represent all of them and can, on their behalf as well, put in his appearance before the board. Life is varied for joint concerns. May be the other brothers have to attend to something else which is equally important on that very date. Why should they be unnecessarily pinned to one thing? In the circumstances I think it would be but fair to allow one of the joint creditors to represent all of them. I do not see any reason, and much less justice, in it that if any one of them fails to make his appearance at a hearing fixed by the board the debts due to him should be deemed for all purposes and all occasions to have been fully discharged. A joint debt on the face of it is the debt which is due to joint creditors and each of the joint creditors does not stand for himself alone. He stands for the joint transaction. Let me point out that the creditors follow this procedure in order to facilitate their work. For example if there are two or three cases pending in different courts, one creditor can represent all of them at one place, another at another place and so on. It would be sheer injustice to deny them this privilege of convenience. To my mind this sub-clause should be so amended as to allow one creditor to represent all the joint creditors.

If none of the joint creditors is present that is quite a different case. You may punish them for this grave neglect. But if one of the creditors fails to make appearance although others may be present, it would be height of injustice to discharge debts due to them or debts due to the respective share of the absentee creditors. Here I beg to differ with my honourable friend Pandit Shri Ram Sharma. I contend that one of the joint creditors should be considered to be sufficient to represent all of them and that the absence of any one of them should not be made a basis for benefiting the debtor to the extent to which this sub-clause intends to do. With these words I support the amendment now before the House.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): I think honourable members have failed to understand the reasons why these words have been introduced. For conciliation boards it is necessary that all the joint creditors should be present or one joint creditor having the power to represent others must be present. If there are two or three brothers to whom a debt is owed, and only one of them is present then he can come to terms with a debtor both on behalf of himself and his brothers if he holds a power of attorney from them. If we do not make this provision and one of the joint creditors is absent no conciliation will be possible. If two are present out of three joint creditors or if one is present of two joint creditors, he can come to terms only on his own behalf and not on behalf of others. Therefore conciliation becomes impossible. No hardship is involved. One man may come in person and the rest may give him a power of attorney to represent them. This requires only a mukhtar-nama and no more. Therefore, Sir, I feel that there is no force in the objection that has been taken by my honourable friends.

Mr. Speaker : The question is—

That in sub-clause (b) (3), line 1, for the word 'any' the word 'all' be substituted.

The motion was lost.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural): I move—

That in sub-clause (b) (3), line 11, between the figure "14" and the word "the," the words "Except in the cases where the claim is based on a decree or order of a court" be inserted.

If you read sub-clause (b) (3), line 7, you will find that this is the amendment proposed to section 13 of the Punjab Relief of Indebtedness Act which provides certain penalties for the failure of the creditors to appear before the conciliation board or even failure to produce full particulars and documents as required under subsection (1) of section 14. The penalty provided there is that the debt due to him or to the joint creditors shall be deemed for the purposes of all occasions to have been fully discharged. You would be pleased to observe that this penalty of the entire debt being discharged is occasioned by either of the two things. Failure to be present and secondly failure to produce full particulars and documents as required under subsection (1) of Section 14. It may be that the creditor is present on all the hearings which the Debt Conciliation

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Board has fixed for the presence of the parties so that no penalty can be imposed on account of his absence but the second ground on which this penalty can be imposed is failure to produce full particulars and documents. The object of my amendment is that this penalty should not be imposed when the failure to produce full particulars and documents relates to debts which are based on the decrees of courts. When an application is put in before a Debt Conciliation Board, an attempt is made to conciliate all the debts, some of the debts may be due on promotes, others on *behi* accounts, still others on registered mortgage deeds but there are certain debts which, according to the present Indebtedness Relief Act, cannot be questioned by the Debt Conciliation Boards and those are judgment debts or debts based on decrees passed by courts. The object of my amendment that failure to produce documents with respect to debts which have merged into decrees should not be penalised by the discharge of debt. In support of my contention I wish to draw the attention of the House to Section 14 of the Punjab Relief of Indebtedness Act which definitely takes away the jurisdiction of the Debt Conciliation Boards to interfere in any manner with the decretal debts. Section 14 runs as follows—

Every creditor submitting in compliance of the notice issued under subsection (1) of section 13 a statement of the debts owed to him, shall furnish along with such a statement full particulars of all such debts and shall, at the same time, produce all documents including entries in books of accounts on which he relies to support his claim. Provided that a decree or order of a civil court shall be conclusive evidence as to the amount of the debt to which the decree relates.

If that is the provision in the existing Punjab Relief of Indebtedness Act and this provision the Government is not interfering with and they are retaining this provision in the present Bill then I wish to bring to the notice of the Government that it is an indirect method of wiping out the decretal debts by prompting the conciliation boards to call for the documents relating to debt previous to the passing of the decree and if they fail to produce documents, then debts are to be wiped off. Indirectly, therefore, you would be nullifying the effect of Proviso to Section 14. The Legislature accepted last time and accepts now the proposition that the debt conciliation boards are not to be permitted to interfere with the amount decreed by the court. If that is so, why should the failure on the part of a creditor to produce documents previous to the decree be penalised with so strict a penalty as discharge of entire debt? My object in moving this amendment is to bring this Section into line with what is provided in Proviso to Section 14 or at any rate to bring to the notice of the House that this is an indirect method of wiping out the proviso.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (b) (3), line 11, between the figure "14" and the word "the," the words "Except in the cases where the claim is based on a decree or order of a court" be inserted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I think by the amendment of my honourable friend Rai Bahadur Mr. Mukand Lal Puri it is only intended to make the position clear otherwise, as the clause stands, it does not in any way take away the force of the proviso in Section 14 sub-clause (1) because this sub-clause (3) makes a definite and express reference to subsection (1) of Section 14, that is, the particulars required are

those which are required under subsection (1) of section 14 so that if the law is strictly interpreted, it would clearly mean that if an order of a court, whether it is in the form of a decree or some other order, certifying the claim as due to the creditor is produced, it would not be necessary to produce any other particulars. This would be the strict interpretation of the provision as it stands but considering the personnel of the conciliation boards that they are recruited from among laymen and may not fully realise the imports of the various sections of the Act which they are sitting to administer, it would be necessary to accept Rai Bahadur Mr. Mukand Lal Puri's motion so that the whole position may be made clear. If the Act was to be administered by judicial officers, say district judges or honourable Judges of the High Court, I think Mr. Puri's amendment would not be necessary but our conciliation boards consist of people who are neither conversant with the niceties of law nor with procedure nor with the law of evidence except perhaps in exceptional cases and, therefore, keeping that in view, I think the Honourable Minister would do well to accept the proposal unless of course it is intended to have an indirect hit at the proviso under Section 14 which saves decrees and orders of courts. If it is not intended to repeal that proviso to subsection (1) of Section 14, then I think consistency requires that the amendment of Rai Bahadur Mr. Mukand Lal Puri may be accepted.

Sardar Sahib Sardar Santokh Singh : If he tells us what his intentions are, it will save time of the House.

Dr. Sir Gokul Chand Narang : The Honourable Premier is always complaining that time is taken and he has, therefore, to appropriate Wednesdays and Thursdays. I tell you that half of the time of the Assembly would be saved if the Honourable Minister intervened in the discussion at the proper time. As soon as an amendment is moved he should say whether he accepts it or not and in one speech he can say what the view of the Government is.

Minister : I am afraid Government is not prepared to accept this amendment. The reason is that debts due under a decree are liable to be conciliated equally with ordinary debts. Therefore, it will be very helpful if the board is enabled to have before it the whole account, all the particulars of the account which led up to be a decree. In that case the Board can easily persuade the decree-holder that he should accept a much lower amount than is due to him under the decree. If a Board is to be placed in a position to say that according to his own accounts a creditor seems to have realised three or four times the amount which he advanced and he should be content with twenty or thirty rupees instead of a hundred, then the production of accounts is necessary. It was with this object that the amendment was proposed. It was not the result of a mistake. We have definitely and deliberately made debts due under a decree liable to be conciliated as will appear from the definition under Section 7 of the Punjab Relief of Indebtedness Act.

Therefore, if the addition of the words which has been proposed by Rai Bahadur Mukand Lal Puri is accepted, the object will be frustrated.

Dr. Sir Gokul Chand Narang : May I ask one question? In this proviso we are not dealing with scaling down, we are dealing with the production of documents and particulars. The proviso to section 14, as it stands,

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clearly says that the amount may be reduced as a result of an agreement arrived at in accordance with section 17. That aspect of the question is not affected by Mr. Mukand Lal Puri's amendment. These words, if the Honourable Minister goes through the amendment just now, only relate to production of particulars and when a decree has been passed the production is not necessary.

Minister: The production of particulars will enable the members of the Conciliation Boards to induce the decree-holder to accept a much lower amount than is due under the decree. If they are able to draw the attention of the decree-holder to previous accounts, they can suggest with greater show of reason that he has already realized twice or thrice the amount originally advanced by him and, therefore, he should be content with a smaller amount.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, I rise to support the amendment moved by the Honourable Mr. Mukand Lal Puri. The reasons are obvious. He wants to draw a distinction between the decretal debts and other debts as regards the consequences that might follow on account of the absence of one or more creditors or on account of the non-production of certain documents or on account of not furnishing of certain particulars. So far as the question of settlement of decretal debts is concerned, we have no quarrel in any case at this stage. We assume that the Government has a right to effect a settlement through conciliation boards. That is alright. But when you want to wipe out the decretal debts because one of the joint creditors or some creditors have not appeared in the court or have not furnished certain particulars, we join issue with you. Is it not most unjust that a man, who has already, by fighting out the case in a court of law and by meeting successfully the objections of the other side, succeeded in getting a decree, should be subjected to further trouble, namely, that the very decree should be liable to be refused and that the very judgment which he has succeeded in getting through a competent court established under the machinery of the Government, should be nullified? I can well understand that in a case of debt that is not secured by a decree there might be different considerations. But the Honourable Minister for Development must admit that the debts secured by a decree stand entirely on a different footing from other debts. I submit that if a man has got a decree, why should this sword of Damocles continue hanging on his head in spite of the fact that he fought out the case in the original court, in the district judges court and in the High Court and he has got a decree, but he is again subjected to the tender mercy of the conciliation boards, whose members, of course to use the language of Dr. Sir Gokul Chand Narang, will be laymen. Why two or three laymen should sit in judgment upon the judgment of the High Court and should have the power to wipe out the decree which has been already obtained not only on the ground that the decree-holder refused to come to certain terms—and of course, he may be persuaded to come to certain terms—but for non-appearance or for not producing certain document or not furnishing certain particulars. Supposing a decree-holder is called upon to produce a certain document. He produces the decree but he is unable to produce certain other bonds which have been destroyed. The consequence is that his decree stands to be set aside. Is it justice? Has

it got any element of fairness and justice in it? With these words I support the amendment of Mr. Mukand Lal Puri.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, the attitude of the Honourable Minister for Development adopted on this simple matter is most astonishing. It comes straight to this that the decrees passed by the competent courts, even by the highest court of the land, namely, the High Court, can go up to these conciliation boards, and those conciliation boards will have the power to go behind those decrees, reopen the whole thing and arrive at a finding other than the one which has been given by the highest court of the land. This in effect will be the result of the attitude that the Honourable Minister has adopted over this clause. I put it to him, is he really serious in what he says and has he realized the implications of what he has said, that he wants decrees given by the highest court of the land to go up to the conciliation boards though not according to him, with a view that they can go behind those decrees to give fresh findings, but for the purpose of sifting facts and using them for reconciliation? And, who are the members of these conciliation boards? I will not weary the House by repeating facts and figures already given by Dr. Sir Gokul Chand Narang, in respect thereof, but would refer to the public warning, that the Honourable Chief Justice of the Lahore High Court has found it necessary to administer to this Government that they should proceed with caution and not oust the jurisdiction of civil courts in all such matters. What will the Honourable Judges think when they find that decrees passed not only by the subordinate courts but even by the High Court are to go up to the members of the conciliation boards even for the limited object of not reviewing their findings but for collecting facts behind those decrees—for using that information in reconciling debts, by members of the Board, some of whom are not fit even to work as "*sarishtadars*" or clerks of the court? I will request the Honourable Minister to go very seriously into all the aspects of this matter and let it not be said of him that in trying to do something for a class of people, he was going out of his way not only to put the decree-holders at the tender mercy of the members of the conciliation boards, but also to make the civil courts look small. With these words I support the amendment moved by Rai Bahadur Mukand Lal Puri.

Rai Bahadur Mukand Lal Puri : Sir, the reason given by the Honourable Minister for Development as to why the debt conciliation board should be permitted to go into the documents on which a decree is based is that a perusal of these documents would enable them to bring about a conciliation. You will be pleased to observe Sir, that there is no power under the present Act given to the debt conciliation boards to adjudicate upon a decretal debt or to declare that the amount due to him is less than the amount which is stated in the decree. The House is not giving any powers to the Boards to adjudicate upon decretal debts but it is going to confer on them arbitrary powers in this respect. The House is conferring on them the power to produce documents preceding the decree. The House is fully aware that documents on which decrees are passed are filed in court, in which a decree is obtained and no care is usually taken to preserve documents on which decrees have been passed and which are therefore entirely useless to the lender. The House is giving the power to these Boards to call upon the decree-holders to produce documents before them, which are

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not in their possession which have either been destroyed or are in Government records. Again, suppose a debt conciliation board comes to the conclusion that although the decree is for Rs. 500 but the true decree should have been for Rs. 400. Has the debt conciliation board, in view of Section 14, any power to hold that it is 400 and not 500? What the Honourable Minister wants the debt conciliation boards to do in these cases is to act dishonestly. If he does not accept that the debt due is 400 we will call upon him to produce documents. If they are not produced he will have the right to wipe off the entire debt and this is the reason for which we want to put in this amendment. This is not very honest or straight way of doing things. Let him, if the government is honest, lay down that the decree of a court will not be conclusive evidence of the debt secured by the decree and that it will be open to the debt conciliation board to go behind them. That will be a logical position, and a position sufficiently intelligible. Why does he not amend Section 14? We know that most of the legislation is one-sided, is arbitrary and is absolutely *zulum*. Why do they act in this indirect and circuitous fashion to interfere with the decrees passed by the highest courts? The Conciliation Boards have been given the power to wipe off the entire debt for failure to produce documents, which may not be in possession of the creditors and which the conciliation boards cannot examine and on whose examination it cannot give a finding. Therefore, I would urge the government to accept this amendment and not be a party to give these arbitrary powers to the conciliation boards and try to achieve in an indirect way what they have not the courage to propose directly.

Minister for Development: Sir, our honourable critics of the amending Bill or the original legislation either have failed to understand the true import and significance of the section as it stands in the original Act, or are trying to bring unnecessarily into this discussion, the name of the High Court or its distinguished Chief Judge. There is no question of the debt conciliation boards sitting in judgment upon decrees whether given by the High Court or by the humblest judicial officer. So far as the amount due under a decree is concerned these boards cannot touch it. They cannot say that this amount was not due under a decree or that a decree had been passed in contravention of the law. A decree is conclusive evidence of the amount of the debt to which it relates. But it does not necessarily mean that if all the accounts which have led up to the decree were before a conciliation board the board would not be in a position to draw the attention of the creditor to certain facts in the accounts in order to induce him to accept a lower amount than is due under the decree. Under the law as it stands courts are under an obligation to pass a decree in accordance with the strict requirements of the law. Conciliation boards are not under that obligation. They can suggest to a decree-holder that in spite of the fact that he has got a decree in his favour and in spite of the fact that in accordance with the strict letter of the law his decree is quite valid but that in view of the fact that according to his own accounts he has already realised two or three times the amount actually advanced by him he should kindly accept Rs. 50 or less out of Rs. 100 due under the decree. Supposing there are no regular accounts they cannot draw the attention of the decree-holder to the debt being very old or to the original amount or having already been paid several times.

over. So, there is neither any attempt on the part of the Government to deprive the High Court of its jurisdiction or to enable the conciliation boards to sit in judgment on the High Court or upon the subordinate courts. The object is to have all the accounts before the boards to enable them to bring to the notice of the decree-holder the old character of the debts or the profits which he has already made and thus to induce him to accept a lower amount.

Mr. Speaker : The question is—

That in sub-clause (b) (3), line 11, between the figure "14" and the word "the" the words "Except in the cases where the claim is based on a decree or order of a court" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (b) (3) of clause 5 stand part of the Bill.

Lala Duni Chand : Sir, in order to make honourable members of the House present here realise the implications and consequences of subsection (3) I want to read out subsection (3) which is as follows :—

If the creditor or any of the joint creditors fails without sufficient cause to be present in person or by his recognised agent or legal practitioner in accordance with the provisions of section 24 at any of the hearings fixed by the board, or fails to produce full particulars and documents as required under subsection (1) of section 14, the debt due to him or to the joint creditors, as the case may be, shall be deemed for all purposes and all occasions to have been fully discharged.

Some time I feel overcome by a feeling of disgust with the way in which the Government wants to decide in its own way vital matters affecting a large number of people of this province. But when I am overcome by this feeling and I feel inclined to run away from this Assembly, I am at the same time reminded of my duty so long as I am a member of this House. What does this subsection (3) mean? Two fundamental rules of justice and equity have been recognised in the Civil Procedure Code. Those are that if the plaintiff absents himself, if the plaintiff fails to appear and the defendant appears but he admits the whole claim or a part of the claim, in spite of this the plaintiff's claim is required to be decreed by the law to that extent. Similarly, if a defendant does not appear or any of the defendants do not appear, in spite of their non-appearance the plaintiff is required to prove his claim to the satisfaction of the court. Now both these principles that are recognised by the Civil Procedure Code and are recognised, I suppose, in every country, are done away with. Howsoever just the claim might be, howsoever indisputable the claim might be, if any of the joint creditors does not appear, he is at once punished with the discharge of his claim for all purposes and all occasions. It also means that if the creditor or any of the joint creditors fails to secure a recognised agent in that case also his claim stands discharged for all purposes and all occasions. There may be many cases in which it may be really impossible for a creditor to secure a power of attorney. There may be cases in which a man may be in the North-West Frontier fighting the battles of His Majesty the King Emperor. One of the joint creditors may happen to be fighting the King Emperor's battles. We know that the war is expected to last for a considerable time. Supposing there are a number of joint creditors. One creditor appears. There is another creditor who is serving His Majesty the King in Egypt, and you can well understand.....

Mr. Speaker : All these arguments have been advanced in discussing the last amendment.

Lala Duni Chand : I have been here all the time, but I do not think anybody has touched the question of sub-clause (8). I am trying to point out what will be the consequences if sub-clause (8) is passed.

Mr. Speaker : In discussing amendment No. 19 Rai Bahadur Mukand Lal Puri gave all these arguments. He cited the instance of two brothers in the Amritsar district. One brother was living in a village and the other was a police constable at Sukkur. In the present case the honourable member has substituted Egypt for Sukkur.

Lala Duni Chand : I have only touched the fringe of the question. Now I am dealing with sub-clause (8).

Mr. Speaker : I cannot allow the arguments already advanced to be repeated.

Lala Duni Chand : I can assure you that my most dominant feeling is that I should not be stopped by you for any reason. I myself take very good care that you have no cause to stop me. I was submitting that it will not be very easy, it will not be smooth-sailing to secure a power of attorney in favour of a recognised agent. There may be many difficulties, many insurmountable difficulties. Similarly, if the creditor is unable to secure the services of a legal practitioner under section 24—the man may like to secure the services of legal practitioners under section 24—but he is hedged round with the condition that a legal practitioner can be engaged if the conciliation board grants permission. In one place the section lays down that it will not be obligatory on the conciliation board to allow the engagement of a legal practitioner and yet it is stated in this clause that if he does not appear either through a recognised agent or through a legal practitioner, the consequences will be that his claim stands discharged for all purposes and all occasions. Can there be a greater injustice than this? Supposing a creditor fails to appear in person or through a recognised agent or legal practitioner before a conciliation board, the board can punish him. He will say that because he has no legal practitioner to appear for him, he should be punished and his claim will stand discharged. We know that the conciliation boards will be greatly influenced by the policy that is prevailing in your administration. It is difficult not to take cognizance of that fact. The members of the conciliation board will always be inclined to think that they should carry out the policy of Government. The policy of Government appears to be that certain legitimate debts, even debts secured by decrees should be wiped out. In these circumstances I submit that we can accept no justice or fairplay from conciliation boards. It should be made absolutely necessary for the conciliation board to allow the appearance of a legal practitioner. A man can engage a legal practitioner to appear before the conciliation board and the man can be represented, to avoid the consequences of his claim being discharged for all purposes and all occasions. I say this is a punishment.

The other is that if the joint creditor or if any creditor fails to produce any document or fails to supply any particulars ordered to be supplied by the conciliation board, his debts shall be discharged. I do ask you to consider how this will work in practice. Most of the members of the conciliation boards

would not be lawyers. Any member of the conciliation board or the board as a whole may take it into its head to pass any order regarding the furnishing of documents. Supposing he bases his claim upon a bond. Behind that bond there may have been twenty bonds that have been cancelled or that have been returned to the debtor or that may have been misplaced somewhere. The conciliation board says: you are a *beiman*. You deliberately do not want to produce those bonds.

Then the conciliation board will have the power to say, "No, as you did not produce the document, we discharge your claim." I can understand if the condition applies only to document which was the basis of the claim. But here the thing will apply to all cases in which a creditor fails to produce a certain document or any document that the conciliation board might order to be produced. Not only this, but if the conciliation board wants him in a silly manner to produce some particulars—the order may be stupid or silly—yet if the man does not comply with that order, what is the consequence? The consequence is that his claim stands discharged. I also beg to point out that the joint creditors do not necessarily mean rich people and well-to-do people. A man may have only a decree for Rs. 1,000 or 2,000. He may not have anything else. He may be hoping to realise that decree. In such circumstances I submit that it is nothing but highhandedness which no decent Government should practise. These are two circumstances in which the claim can be discharged. I submit that if there is any justification for it the Government can do it. The intention of the Government could have been appreciated if the Government had made a provision that in all cases the question should be gone into whether a particular debt should be remitted wholly or partly. I have sent one amendment to this effect. I shall welcome such a thing. I know that in certain cases the debtors are absolutely unable to pay. So if the matter is to be gone into whether a particular debtor or particular debtors are able to pay and if the question is to be gone into and the debt is to be remitted partly or wholly, then I would welcome such a procedure. I even want Government to bring up legislation on that point. I do not mind even if a big portion of the debt due from the peasantry is wiped out. The administration report will show that ordinarily not even As. 2 out of a rupee is realised through courts. But here all the debtors whether they are able to pay or not are all made to sail in the same boat. That is what I object to. There may be a very poor man who may have nothing except the decree in his possession. Why do you want all to sail in the same boat? After all your point is that the indebtedness of the poor should be reduced or they should be relieved of the heavy indebtedness from which they are suffering. So instead of adopting a perfectly clear and straightforward course, you are bringing this legislation which lays down so many conditions the result of which will be that most of the debts including the debts of those people who may easily pay and who can afford to pay, will be wiped out. I do request you to consider this. Can you quote any precedent for this? Have even the Bengal Government, not to talk of any Congress Government, passed any legislation of this kind? Only an ingenious man like Chaudhri Sir Chhotu Ram can think of this. He has forged so many weapons. I give him credit for that. At this time I simply want to draw his attention to the result that will follow.

4 p. m.

[Lala Duni Chand.]

from the application of this particular weapon. I submit that things of this kind are going to bring about cataclysm in this country. They are going to bring about some sort of revolution in this country. I therefore request the honourable members of this House to go into this clause and understand its meaning, understand its implication and let them lay their hands on their hearts and say whether they can honestly and fairly agree to a provision like this.

Lala Sita Ram (Trade Union Labour) (*Urdu*) Sir, I rise to oppose sub-clause (b) (3). To carry you back, we had urged two objections against this sub-clause. Our first objection was that so far as the joint debts were concerned all the joint debtors should not be compelled to appear at a hearing fixed by the board as is intended by the sub-clause at present.

Mr. Speaker : I will not allow repetition.

Lala Sita Ram : Sir, I am only pointing out as to what objections were raised by us and what answers have been given by the Honourable Minister and unless and until I make a reference to them I cannot clarify my attitude with regard to sub-clause (b) (3) as a whole.

Mr. Speaker : I am not going to allow repetition. The honourable member may put forward new points if he has any.

Lala Sita Ram : Now the answer which the Honourable Minister gave in reply to our first objection was that all the joint creditors need not make their appearance in person at a hearing fixed by the board, but they could give power of attorney to somebody of their own choosing. Sir, I may point out that the giving of power of attorney to some body is not so easy as the worthy Minister thinks.

So long as it is not attested by a magistrate or an authority is not given before a court, the power of attorney cannot be deemed as valid. And there are hundred and one instances where such a power of attorney cannot be granted for a number of reasons. It may be that on a particular day the courts are closed, or that a person, having all intentions to appear in person, suddenly or unavoidably is detained, or else the circumstances have made it difficult for him to obtain a power of attorney. Why should a law hang him for a reasonable absence? I, therefore, beg to submit that the amendment now under consideration may be accepted and as my honourable friend Mr. Mukand Lal Puri and others have pointed it out the Debt Conciliation Boards should not be given the powers which are in some cases not even enjoyed by the High Court.

Mr. Speaker : That has been discussed already.

Lala Sita Ram : I am repeating this fact so that I may develop my argument.

Sir, I beg to submit that when a clause is being discussed part by part and arguments are being given in support of an amendment, it is physically impossible for a member of this house to go into the matter without summarising all his arguments which may involve repetition to a reasonable extent.

Mr. Speaker : I cannot allow repetition.

Lala Sita Ram : In that case I cannot proceed at all. But with all the force at my command I oppose this clause as a whole.

Mr. Dev Raj Sethi (Lyallpur Jhang, General, Rural) (*Urdu*): Sir, the Honourable Minister has exhibited a lack of conciliatory spirit by refusing to accept two very pertinent arguments of the Opposition. According to the present clause the Debt Conciliation Boards are being invested with conclusive and final powers. If we were to look at the other provinces we will find that....

Mr. Speaker: All this has been said by Lala Duni Chand.

Mr. Dev Raj Sethi: I am not speaking about this clause in general but I was going to say something in particular....

Mr. Speaker: All these arguments have been advanced.

Mr. Dev Raj Sethi: As has been said about Bengal in respect of this particular clause.....

Mr. Speaker: That has been said already. Question is—

That sub-clause (b) (3) of clause 5 stand part of the clause.

The motion was carried.

Lala Sita Ram (Trade Union Labour) (*Urdu*): Sir, I beg to move—

That in sub-clause (b) (4), lines 9-10 for the word "unavoidably" the words "on account of unforeseen or unavoidable difficulty or for some other sufficient cause" be substituted.

Mr. Speaker, I may point out that the word 'unavoidably' already exists and in the presence of this word I do not think that there will be any material difference made by including the words 'unforeseen' and 'sufficient cause.' Our object as well as that of the Government is that if a creditor had failed to present himself before the Board, he should give sufficient reasons and in case those reasons were accepted his case or claim may be revived.

I do not think that the Government will have any objection to this and there will be, I think, no occasion for entering into an unnecessary discussion.

With these words Sir, I move my amendment.

Mr. Speaker: Clause under consideration, amendment moved—

That in sub-clause (b) (4), lines 9-10, for the word "unavoidably" the words "on account of unforeseen or unavoidable difficulty or for some other sufficient cause" be substituted

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): I am really surprised as to why the Government does not accept the amendment which has been moved just now and which is in consonance with the existing legislation on the subject. I thought it would not be necessary to make any speech on this subject, because a more careful examination of the section itself would have convinced the Honourable Minister for Development of the justice of this amendment. You will be pleased to observe that this amendment relates to sub-clause (2) of section 13. In section 13 of the Relief of Indebtedness Act sub-clause (1) there is a provision on the same subject. Now a provision with respect to sub-clause (2) of section 13 is being created and yet this provision is in a different language

[R. B. Mukand Lal Puri.]

from the provision in sub-clause (1) which deals with an absolutely identical subject. Therefore for reasons of logic and convenience the Government should give effect to it. You will be pleased to observe that section 18 reads as follows—

- (1) On the date fixed the Board shall publish in such manner as prescribed a notice calling upon every creditor of the debtor to submit a statement of debts owing to such creditors by the debtor. Such statement shall be submitted to the Board in writing within two months from the date of publication of the notice.

Provided that if the Board is satisfied that any creditor was for good and sufficient cause unable to comply with such direction within the time fixed, it may extend the period for the submission of any statement of the debts owed to him.

Sub-clause (2) which is now being considered empowers the conciliation Board to ask for certain statements. Sub-clause (2) which is now proposed here is that every debt owed to a single creditor of which no statement has been submitted to the Board in compliance of the provision of subsection (1) shall be deemed to be duly discharged, against such creditor as have failed to submit such a statement or statements.

Sub-clause (4) is in place of the proviso to sub-clause (1) of the provision here and read as follows—

If any creditor proves to the satisfaction of the Board or if no Board is vested with jurisdiction by the Provincial Government, to the satisfaction of a civil court that notice was not served on him and that he had no knowledge of its publication or that he was unavoidably absent at any of the hearings fixed by the Board, the Board or the Court as the case may be.

I should like to ask the Government as to why they made this difference in the two clauses. In both the Provisions a power is given to the Conciliation Board to condone a default on behalf of the creditor if he does not submit his accounts within two months, but here the word is being introduced that he has been unavoidably detained at any of the hearings. My first argument is that this is entirely different from the provisions in the sub-clause. Is it the intention of the Government that the conciliation boards should apply a different kind of discretion in restoring proceedings when the default is as to the submission of the statements from that in the other case when the default is as to his absence or the failure to produce documents.

Sound commonsense should impel the Government to make the same provision. Why do they make a different provision. The object of the present amendment is mainly to reproduce the clause as is given in sub-clause 1. This is to be found *verbatim* in Section 10 of Madras Conciliation Act, XI of 1936, which runs as follows—

Provided that if the board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions, it may extend the period for the submission of his statement of the debt owed to him.

A similar provision occurs in Section 13 of Bengal Act VII of 1936. The proviso to that Section runs as follows—

Provided that if the Board is satisfied that the debtor or any creditor is for good and sufficient cause unable to comply with such notices it may extend the period for submission of his statement of debt.

And the same thing is to be found in section 9 of the C. P. Debt Conciliation Act. It contains the same provision with respect to 'sufficient cause.' The framers of the old Act had all these precedents before

them. 'Sufficient cause' has also been judicially interpreted and they reproduce that in clause 1 of section 13 but the Government instead of reproducing the language of sub-clause (1) has introduced entirely different matter. If any person were asked to interpret the word 'unavoidably absent,' relief would not be possible in most of the cases. Supposing a person says that he is suffering from fever and lives at a distance of ten miles from the tehsil headquarter where the debt conciliation board is sitting, would any court be justified in holding that he was unavoidably absent? A man suffering from fever can go 10 miles by making proper arrangement. It is not unavoidable because he can be carried on a *charpai*. I am submitting that the use of the word 'unavoidably' unduly and unnecessarily restricts the discretion of conciliation boards and, therefore, the present amendment wishes to introduce 'sufficient cause' of which the debt conciliation boards would themselves be the judges because there is no appeal from their judgment. I wish to point out that the words 'unavoidably absent' are unduly harsh, why use different words to convey the same meaning, if the intention is not to convey a different meaning. Do not fight shy of 'good drafting'. It would be no slur on the zamindara government. If the object of the Government is to make a distinction, then different words would be justified but if the object of the Government is not to make a distinction, then I submit that it contravenes all canons of good drafting and legislation to employ one language in clause (1) and entirely different in sub-clause (ii) to express the same intention. Any conciliation board or any person reading these two subclauses would naturally interpret them in two different ways because in one the language is 'good and sufficient cause' while in the other it is 'unavoidably absent.' The Boards would be expected to exercise their discretion more strictly in regard to sub-clause (ii) than in sub-clause (1). And the reason for this difference is not intelligible to me or if I may be permitted to say, to any other member of the House except the Government. The amendment which has been moved by my honourable friend Lala Sita Ram is in the following words—

That in sub-clause (b) (4), lines 9-10, for the word "unavoidably" the words "on account of unforeseen or unavoidable difficulty or for some other sufficient cause" be substituted.

if the Honourable Minister of Development objects to the words "on account of unforeseen or unavoidable difficulty" he may only accept this portion of the amendment for the sake of consistency and clearness, that is, to substitute the words "for some other sufficient cause" in place of "unavoidably" so that sub-clause (1) and sub-clause (2) may have the same language.

Minister of Development : Here the question is to remove a penalty which has already been incurred, and in order that a court or a conciliation board should decide that a penalty which has already been incurred should be removed, it should have very good reasons to proceed upon. To revive a debt which has been discharged for all purposes and for all occasions requires a strong justification. Therefore, the word 'unavoidably' has been deliberately selected. Unless a creditor shows to the satisfaction of a court or to the satisfaction of a conciliation board that his absence was unavoidable, the penalty which has already been incurred, shall not be

[Minister of Development.]

(*Interruption*) the selection of the expression "unavoidably" is deliberate. And even if we adopt any other phraseology, the discretion of the court or conciliation board shall have to come in. A conciliation board or a court may say that it does not accept a creditor's plea as a sufficient cause or as an unforeseen difficulty. (*Rai Bahadur Mr. Mukand Lal Puri*: There should be distinction between the two.) I am not prepared to institute comparisons between various circumstances which may have prevented the presence of a creditor before a conciliation board.

Rai Bahadur Mr. Mukand Lal Puri: May I ask the Honourable Minister of Development as to why, as a legislator, he makes distinction between proviso to sub-clause 1 and proviso to sub-clause 2 of Section 18 which deals with almost similar kinds of defaults?

Minister: If my honourable friend had heard me attentively, he would not have put this question. In one of the clauses the phraseology is different because a conciliation board has to decide whether a penalty shall or shall not be imposed, in the other clause a conciliation board or a court has to decide whether a penalty which has already been incurred shall or shall not be removed. That is the difference.

Malik Barkat Ali: May I ask one question of the Honourable Minister of Development? The question is, is it or is it not the wish of the Honourable Minister that in those cases where a creditor has succeeded in establishing to the satisfaction of the board or of a civil court, as the case may be, that a notice was not served upon him and that he had no knowledge of its publication, it should be obligatory on the conciliation board to revive the debt. If so, then would he agree to the substitution of the word 'may' by 'shall'?

Minister: If it is proved to the satisfaction of a conciliation board or a court that the creditor had no notice served upon him and that he had no knowledge of the date of hearing, his absence will naturally be regarded as unavoidable.

Malik Barkat Ali: Then the word 'may' be substituted by 'shall.' By retaining the word 'may' you leave discretion to the conciliation board that even in such a case the conciliation board may revive the debt or may not revive the debt. Why not make it 'shall.'

Minister: My knowledge of the practice of courts is certainly not up-to-date but, I have a recollection that in many cases the word 'may' can and should be interpreted as 'shall.'

At this stage the Assembly adjourned till 12 noon on Tuesday, 2nd April, 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 2nd April, 1940.

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

QUESTION HOUR.

Mr. Speaker : Adjournment motions may be taken up.

Sardar Hari Singh : What about questions ?

Mr. Speaker : There are no question for to-day.

Sardar Hari Singh : But the first hour is meant for questions.

Mr. Speaker : Yes. But they were not printed and returned in time. The fault is of the Press.

Sardar Hari Singh : Who is going to punish the press ?

Mr. Speaker : The honourable member knows this as much as I do.

Sardar Hari Singh : If you had authorised me I would have got them printed in some other press.

Sardar Sohan Singh Josh : Are you going to use your discretion in this matter ?

Mr. Speaker : I have stated the position.

Sardar Hari Singh : On a point of order. I have to submit that question hour should be dispensed with by a regular motion. The reason may be any reason. Let the Honourable Leader of the House move a motion before the House that the question hour should be dispensed with. If it is the fault of the press, let us discuss the matter why the press could not print them in time. Let us see who is at fault, the press or the Assembly office. Let there be a motion that there will be no questions to-day.

Premier : Sir, I formally move—

That the question hour be dispensed with to-day.

Sardar Hari Singh : May I know the reasons ?

Premier : Because there are no questions to-day.

Mr. Speaker : The motion moved is—

That the question hour be dispensed with to-day.

Pandit Shri Ram Sharma : Sir, the plea put forward by the Government that the questions having not been printed in time appears to be baseless and unreasonable. When questions relating to April 2 have actually reached honourable members of this House as they reached me

[Pt. Shri Ram Sharma.]

yesterday, I fail to understand how the Government can say that the questions have not been printed. The answers to these questions, at any rate must have reached the Ministers or the Parliamentary Secretary by this time from the different Departments. So the second objection of the Government is also irrelevant because they cannot say that the replies cannot be given. When they are actually in possession of the replies, they cannot say that replies cannot be given on the floor of the House simply because the Press has not sent the printed copies of questions. As a matter of fact, the Heads of Departments to whom the questions relate send their replies as soon as possible, and generally, earlier than the date fixed for their being read out in the Assembly. Even if now the Government were to enquire, they would certainly be able to ascertain as to where particular replies are at this time. They know which office to ask for certain questions. The fact of the matter is that the Honourable Ministers do not pay sufficient heed to our questions. They treat them lightly, and sometimes frivolously. They do not care for them. That is why the Honourable Premier was going to pass over to-day's incident as if it was not at all serious. He has moved the formal motion only when it was pointed out to him that the question hour could not be suspended without a formal motion to that effect. Otherwise he was going to pass over it as an insignificant and trivial matter. He was made to realise the gravity of the situation by our repeated protests. I wonder why he ignored the rules which provided that question hour could only be suspended by a formal motion. When the position of the Government was shown to be absurd and unjustifiable, the Premier got up to move this motion. But the reasons on which his motion is based are hollow and without foundation. Instead of taking this absurd position he should have kept silent. I strongly protest against this attitude of the Premier and his Government. They have developed this habit of throwing overboard all the rules and regulations of the business of the House.

Sardar Hari Singh : May I, through you, ask the Honourable Leader of the House, who has made this motion, to state the reasons why the question hour should be dispensed with to-day.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) Sir, it is regrettable that my honourable friend has made a mountain of a mole hill. The fact is that the number of questions to be asked to-day on the floor of this House was very small, and we thought that we would be saving the valuable time of the House if the question hour were dispensed with. We have, therefore, proposed that the questions meant for to-day and for the following two days, i.e., for the 3rd and 4th instant should be put together on the 5th April. I did not give notice of a formal motion on this matter, because I only came to know of the position when I entered the Chamber. Then my honourable friend attributed motives to the staff of the Assembly Office for not getting the questions printed in time. It is uncharitable on the part of my honourable friend to make such remarks. He may rest assured that the staff of the Assembly Office does not do things like that.

Besides, the questions could not be printed in time as the Government Press was engaged in printing a very important and urgent work. The

press authorities had no other monotype, nor could they arrange to procure it at a moment's notice for the purpose of printing these questions. Again the Government Press, being governed by the provisions of the Factories Act, could not work for longer hours to finish the work in hand. Besides, two holidays, I mean last Saturday and Sunday, also contributed to the delay in this matter. There is yet another excuse, and that is that the printed list of questions was received late, and could not be supplied to the departments concerned in time for preparing answers. I fail to see how the Opposition stands to lose by the proposed arrangement.

Sardar Hari Singh : May I ask one question? It is whether the printed lists of questions were not received by the departments concerned 14 days before.

Premier : Perhaps I have not been able to make myself clear even though I was speaking in my mother tongue. I was saying that the printed lists were received late and consequently these could not be supplied to the departments concerned in time for the preparation of answers. I again assure the honourable members opposite that they are in no way affected by the proposed arrangement. I hope they will refrain from wasting the time of the House by making further speeches on the subject under discussion.

Sardar Hari Singh : Mr. Speaker, at our suggestion that the rules required that a regular motion should be moved by the Leader of the House that the question hour be dispensed with, the Premier suddenly got upon his legs and moved the motion that the question hour be dispensed with. At that moment I asked him to state reasons why the question hour should be dispensed with to-day. At that time he was, according to his own admission, quite ignorant as to why the question hour should be dispensed with to-day. He was posted with certain information which he vented on the floor of the House. The excuses and the reasons advanced by him in support of the motion that the question hour be dispensed with to-day are quite unsatisfactory. They have not at all satisfied me although I tried to be satisfied. The procedure in the matter is that we send questions to the Assembly office. They are gone through by the Assembly office: then they are gone through by you. Finally sanction is given by you and you admit or reject those questions. When a question is admitted we get information that such and such question standing in the name of such and such member is admitted and at the bottom of the question we find that the answer to the question is due on such and such date. There are many questions whose answers are due on the 2nd April and all these questions were forwarded to the Minister concerned. The date is given at the bottom of the question. These answers were to be given on the 2nd April. Fourteen days' notice is required in the case of every question. If a question is admitted say on the 15th of March there is a note showing that the answer to the question will be given on the 29th March. May be the question does not come up on that day, but the department concerned and the Minister concerned are given due intimation by the office that such and such question will be answered on the 2nd April. For the questions printed for the 2nd April the Minister concerned must have got intimation from the office that such and such questions are to be put on the 2nd April. The Minister

[S. Hari Singh.]

cannot say that the answers are not ready. The second argument given by the Honourable Premier is that the questions were not printed in time. Why were they not printed in time? The excuse is given that there was some other important work to be printed by the Government press and these things were crowded out. Now, may I ask what is more important than the questions which are to be answered on the floor of the House? What work is more important from the public point of view, from the point of view of the Government and the point of view of the House and from the point of view of the electorate which has sent us here to this House than the printing of the questions? If these questions could not be printed in the Government Press in time they could have authorised us and I could have got them printed in time from some other press here or from some other press if not in this province, in Delhi or somewhere else. Therefore these two arguments which have been advanced by the Leader of the House are quite lame and we take it as a serious invasion on the rights of the members, not only members of the Opposition but of the members on the Unionist benches also, because they have got many questions in the list. I wish to say one word more and it is this. This dispensing with the question hour for to-day, to-morrow and the day after to-morrow is only one instance of serious invasion of our rights by the Government of to-day. Yesterday a motion was moved that there should be no non-official day: as a matter of fact we have got in about six months only two non-official days. There are a large number of Bills and resolutions of which notice is given by the honourable members. There was Alexander the first in history who invaded the territories of other people. Now we have got another Alexander who is invading the rights and privileges of the members of the House, not only of the Congress benches but of the Unionist members, Muslim League members and the Khalsa Nationalist party members. Therefore, I most vehemently protest against the dispensing with the question hour.

(Honourable members: Question be now put.)

Sardar Sahib Sardar Santokh Singh: Sir, I want to oppose the motion moved by the Premier for dispensing with the question hour for reasons other than those which have been advanced by my honourable friend Sardar Hari Singh. Our experience, rather our bitter experience, has been in the past that whenever any agrarian legislation is taken up for consideration the question hour is generally dispensed with whether in consultation with the Leader of the Opposition or even without that consultation. This was our experience when the Marketing Bill was being discussed.

Now Sir, I may point out that most of the amendments stand in the names of the honourable Dr. Sir Gokul Chand Narang, Lala Sita Ram and Rai Bahadur Mr. Mukand Lal Puri and none of these gentlemen is present at this moment as they did not know that the question hour would be dispensed with. (An honourable member: Notice was given.) At least I did not get any notice. Is it the intention of the Government that as those gentlemen are not present, the amendments given notice of, by them may simply be jumped over?

Premier: There is no such intention.

Sardar Sahib Sardar Santokh Singh : If you look to the proceedings when the Agricultural Produce Markets Bill was discussed you will find that on 5 or 6 occasions question hour was dispensed with.

Mr. Speaker : Yes. But the reasons why no questions are to be put to-day is that the Press, which undertook to return the lists of printed questions on the 30th March, did not return them till yesterday evening.

Sardar Hari Singh : Who is responsible for the delay ?

Mr. Speaker : The Press.

Sardar Hari Singh : Press is working under the supervision of your office.

Mr. Speaker : No. My office gets its work done by the Government Printing Press.

Sardar Sahib Sardar Santokh Singh : I was submitting, Sir, that most of the amendments stand in the names of the members who are not present and I want to know what will become of those amendments ?

Premier : You may move those amendments.

Sardar Sahib Sardar Santokh Singh : When the amendments stand in the name of others, who are absent, I am afraid, I cannot move them. This is our difficulty. Let the questions be taken up to-morrow. I am not concerned with that, I am only concerned with these amendments.

(Honourable Members on the Ministerial benches : Question be now put.)

Dr. Gopi Chand Bhargava : Sir, I want to make a submission.

Mr. Speaker : Let Dr. Gopi Chand have his say.

Dr. Gopi Chand Bhargava : Sir, if it was only a question of dispensing with the question hour, as we have been doing in the past when some important business was before the House, I would not have raised this point. But yesterday, when I got a notice that the questions for the 2nd, 3rd and 4th April, will be asked on the 5th—(*Sardar Hari Singh :* We never received any notice). That notice was circulated along with other papers and as soon as I received it, I thought that that notice could not be in order, because it is nowhere laid down that we shall receive questions two or three days earlier. That has been the practice, but under the rules it is not necessary that it should be circulated to us two or three days earlier. Here I may invite your attention to Rule 22 of our Rules which says—

All questions which have not been disallowed shall be entered in the list of questions for a day not earlier than fifteen clear days from the date on which notice was received by the Secretary—

Provided that—

- (i) the Speaker may, with the consent of the Minister concerned allow a question to be asked at shorter notice; and
- (ii) in case the answer to a question is not ready before the sitting of the Assembly immediately following the expiry of the period of notice, the Speaker may on such intimation by the Minister concerned extend the time for answering the question, and if the question is on the list of questions it shall not be called on that day.

[Dr. Gopi Chand Bhargava.]

So, if the reason is that the Ministers have not got the replies ready, they ought to have informed you, but they have not done so and now they stand up and say that these questions shall not be called because they did not get the printed list in time. That is not the correct procedure. You would have been perfectly within your rights, Sir, if you had ruled that as the questions have not been printed in time, there will be no questions to-day, but when the questions are there on the agenda, it is not right for the Government members to stand up and say that the replies are not ready, because they did not receive the printed list in time. That would not be reasonable.

(Honourable members : Question may now be put.)

Mr. Speaker : The question is—

That the question hour be dispensed with to-day.

The Assembly divided : Ayes 41, Noes 22.

AYES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Amjad Ali Shah, Sayed.
 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Het Ram, Rai Sahib Chaudhri.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.

Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hussain, Chaudhri.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Nasir-ud-Din, Chaudhri.
 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.
 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.

NOES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhim Sen, Sachar, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.

Lal Singh, Sardar.
Muhammad Hassan, Chaudhri.
Muhammad Nurullah, Mian.
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.

ADJOURNMENT MOTIONS.

POLICE EXTORTING CONFESSION BY TORTURE.

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 conduct and action of those police officials of Multan district who were responsible for extorting false confession of guilt from one Jinda sentenced to death by the Sessions Judge of Multan and recently acquitted by the Division Bench of the Lahore High Court consisting of the Chief Justice Sir Douglas Young and Mr. Justice Ram Lal on the ground that his confession of guilt was evoked by torture and inducement as proved by the medical evidence in the case.

Mr. Speaker : The honourable member has not given the designation or name of any police officer. Has any question been asked on the subject ?

Lala Duni Chand : As soon as the matter came to my notice I sent in a question. That was, I think, on the 30th of March.

Minister for Public Works (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana) : Government is not in possession of facts. A certain judgment has been delivered by the High Court which I have also seen in the papers. Beyond that we have no facts.

Mr. Speaker : Leave is asked to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the conduct and action of those police officials of Multan district who were responsible for extorting false confession of guilt from one Jinda sentenced to death by the Sessions Judge of Multan and recently acquitted by the Division Bench of the Lahore High Court consisting of the Chief Justice Sir Douglas Young and Mr. Justice Ram Lal on the ground that his confession of guilt was evoked by torture and inducement as proved by the medical evidence in the case. Those in favour of leave being granted will please rise in their places. (*After counting*).

As the number of members who have risen is less than 35, leave is not given.

ENQUIRY COMMITTEE TO ENQUIRE INTO THE KHAKSAR INCIDENT.

Pandit Shri Ram Sharma : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the terms of reference to the Enquiry Committee recently constituted by the Punjab Government to enquire into the Khaksar incident of 19th March last.

I have removed the word "unsatisfactory" because it was objected to in yesterday's motion, and therefore I hope you will have no objection to its acceptance.

Mr. Speaker : Any objection?

Minister for Public Works : Yes.

Mr. Speaker : Leave is asked to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely the terms of reference to the Enquiry Committee recently constituted by the Punjab Government to enquire into the Khaksar incident of 19th March, last.

Those in favour of the leave being granted will please rise in their places. (After counting.) As the number of members who have risen in support of the motion is less than 35, the leave is not given.

SCHEDULE OF EXPENDITURE.

Finance Minister (The Honourable Mr. Manohar Lal) : As required by section 80 (2) of the Government of India Act, 1935, I lay on the table the schedule of expenditure for the year 1940-41 authenticated by His Excellency the Governor.

As required by subsection (1) of Section 80 of the Government of India Act, 1935, I hereby authenticate the following schedule in respect of the financial year 1940-41 which specifies—

- (a) the grants made by the Punjab Legislative Assembly, and
- (b) the sums required to meet the expenditure charged on the revenues of the Province.

SCHEDULE OF EXPENDITURE.

Grant No.	Major Heads of Account.	Grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
1	7—Land Revenue	42,77,700	1,52,800	44,30,500
2	8—Provincial Excise	10,29,900	..	10,29,900
3	9—Stamps	1,48,600	..	1,48,600
4	10—Forests	21,15,000	5,11,700	26,26,700
5	11—Registration	66,800	..	66,800
6	12—Charges on account of Motor Vehicles Taxation Acts. ..	2,34,100	14,400	2,48,500
	13—Other Taxes and Duties ..			

SCHEDULE OF EXPENDITURE—CONTINUED.

Grant No.	Major Heads of Account.	Grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
	XVII—Irrigation—Working Expenses.			
7	17—Interest on Irrigation Works for which Capital Accounts are kept.	75,48,300	1,50,28,500	2,25,76,800
8	18—Other Irrigation Expenditure financed from Ordinary Revenues.			
	Irrigation—Establishment Charges..	1,01,24,500	17,27,400	1,18,51,900
9	19—Construction of Irrigation Works financed from Ordinary Revenues.	1,67,50,600	..	1,67,50,600
	68—Construction of Irrigation Works (Capital Expenditure).			
	22—Interest on debt and other Obligations.	..	—17,36,400	—17,36,400
	23—Appropriation for Reduction or Avoidance of Debt.			
10	25—General Administration ..	93,02,800	26,35,600	1,19,38,400
11	27—Administration of Justice ..	37,85,300	16,51,100	54,36,400
12	28—Jails and Convict Settlements..	28,72,200	1,23,300	29,95,500
13	29—Police	1,17,73,900	10,89,700	1,28,63,600
	36—Scientific Departments ..			
14	47—Miscellaneous Departments ..	1,86,300	21,300	2,07,600
	62—Miscellaneous adjustments between the Central and Provincial Governments.			
15	37—Education (European and Anglo-Indian).	5,81,700	9,600	6,01,300
16	37—Education (excluding European and Anglo-Indian).	1,58,72,900	1,49,800	1,60,22,700
17	38—Medical	44,57,100	6,61,900	51,19,000
18	39—Public Health	25,48,800	89,500	26,38,300
19	40—Agriculture	38,56,600	1,68,000	40,24,600
20	41—Veterinary	17,95,000	58,500	18,53,500
21	42—Co-operation	21,29,300	49,600	21,78,900
22	43—Industries	21,23,900	..	21,23,900
23	50—Civil Works	81,89,700	1,25,600	83,15,200

SCHEDULE OF EXPENDITURE—CONCLUDED.

Grant No.	Major Heads of Account.	Grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
24	Buildings and Roads—Establishment Charges.	16,09,900	2,97,900	19,07,800
25	52—Interest on Capital Outlay on Electricity Schemes.	33,14,700	27,75,000	60,89,700
	XL—Electricity Schemes—Working Expenses			
26	52-A—Other Revenue Expenditure connected with Electricity Schemes.	11,89,400	..	11,89,400
27	50-A—Capital Outlay on Civil Works met out of Extraordinary Receipts.	12,06,000	..	12,06,000
	81—Capital Account of Civil Works outside the Revenue Account.			
28	53—Capital Outlay on Electricity Schemes met out of Revenue.	10,94,300	..	10,94,300
	81-A—Capital Outlay on Electricity Schemes (outside the Revenue Account).			
29	54—Famine	31,89,100	10,900	32,00,000
30	55—Superannuation Allowances and Pensions.	58,81,900	27,18,800	86,00,700
31	55-A—Commutation of Pensions financed from ordinary Revenues.	1,55,800	—70,700	85,100
	83—Payments of Commuted Value of Pensions (Capital Expenditure).			
32	56—Stationery and Printing ..	11,02,800	..	11,02,800
33	57—Miscellaneous	32,30,600	20,500	32,51,100
	Advances not bearing interest—			
34	Advances Repayable ..	4,28,100	..	4,28,100
	Loans and Advances bearing interest—			
35	Loans to Municipalities, Advances to cultivators, etc.	45,70,200	..	45,70,200
	Loans to Government Servants..			

LAHORE :

The 31st March, 1940. }

H. D. CRAIK,

Governor of the Punjab.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Mr. Speaker : The House will now proceed to consider the Punjab Relief of Indebtedness (Amendment) Bill.

Lala Duni Chand (Ambala and Simla, General Rural) : Last evening when the House rose the amendment of Lala Sita Ram was under consideration, which ran thus—

That in sub-clause (b) (4), lines 9-10, for the word "unavoidably" the words "on account of unforeseen or unavoidable difficulty or for some other sufficient cause" be substituted.

In order to understand the importance of this amendment, it is necessary for me to point out the sub-clause 4 to which the amendment is sought. Sub-clause (4) runs as follows—

If any creditor proves to the satisfaction of the board, or, if no board is vested with jurisdiction by the Provincial Government, to the satisfaction of a civil court, that the notice was not served on him and that he had no knowledge of its publication or that he was unavoidably absent at any of the hearings fixed by the board, the board or the court, as the case may be, may revive that debt.

Raj Bahadur Mukand Lal Puri in the course of his speech requested the Honourable Minister of Development to let him know what he meant by the word 'unavoidably.' He was good enough to reply to him. He said that as this clause deals with cases of second condonation the word 'unavoidably' was deliberately put in, meaning thereby that only that creditor can have his debt revived who can prove that he was unavoidably absent. In the first place I may point out that there is no question of first condonation or second condonation arising in this case. The first condonation referred to by the honourable Minister of Development refers to the question of the statement of account being allowed to be produced after the expiry of two months. This question is quite different and that explanation of his does not hold water. In any case I admire and appreciate the honourable Sir Chaudhri Chhotu Ram for one thing, namely, that he was frank in telling the House what he meant by putting in the word 'unavoidably'. I go further and give him credit for being brutally frank. He was perfectly frank in letting the House know the direction in which his mind moves. I give him credit for that.

Sir, let me first explain the meaning and the import of the word 'unavoidably.' He is prepared to concede out of grace and kindness to a creditor who is unable to appear before the conciliation board on any particular day, for reasons like his being down with typhoid, with cholera or with plague or something like that.

Mr. Speaker : This argument has been advanced by almost every speaker.

Lala Duni Chand : The meaning and the import of the word 'unavoidably' is that if he is physically unable to appear then and then only there will be justification for condoning his absence and for reviving the debt. In what cases would it apply? It will apply only in those cases when it is physically impossible for a creditor to appear before the board. That is possible only if he is not in a position to move or if he is in police custody or if he is in jail. This is the only grace, this is the only kindness, that he is prepared to show to a creditor who is not present. But he ignores all those people who may have very good reasons to be absent. The man may have

[L. Duni Chand.]

special reasons for not attending before a conciliation board. For instance the retention of the word 'unavoidably' excludes those people who may have a marriage in their house on the day on which they are required to appear before the conciliation board. Or the man may be suffering from T. B. In that case it will be no excuse for him not to appear, for T. B., is not such a disease that can disable a man always to walk and appear before the conciliation board. I say if that is the test by which the word 'unavoidably' is to be interpreted, then I want to know in what cases will it be possible for a creditor to justify his absence and to have the debt revived. Hardly anything is left for him. I submit whether this is the only ground on which a creditor should be allowed to show that his absence was excusable and that the debt should be revived. In other words it means that in 99 per cent of justifiable cases where a man may have good reasons for absence, he will be deprived of the right to have his debt revived. The debt in question may be anything between Re. 1 and Rs. 10,000. It can also be in the form of a decree that may have been passed by the High Court or even by the Privy Council. So a decree holder of Rs. 10,000 who has his case before a conciliation board appears on the majority of the days of hearing but for one reason or another fails to appear before the board on a particular day, his decree for Rs. 10,000 will be considered as having been discharged for all purposes and for all occasions. I want to know whether any decent legislature can contemplate the possibility of things of this sort. It is not a thing that will not happen. It is a thing that will happen fairly frequently. We know how men are prevented from appearing before a court for good reasons.

Now it will mean saying that the debt of such a creditor shall be wiped out with a stroke of the pen, or issuing a fiat or a Czar's edict that all those people who happen to be creditors, all of them or a majority of them should be debarred from realizing their debts. It is a fiat, it is an edict which I think is unknown to any system of jurisprudence and I am not aware if a law of this kind has been passed anywhere in the world that a man may be absent for a perfectly justifiable excuse, for a perfectly justifiable reason and yet he stands the risks of his decree for even Rs. 5,000 or 10,000 being discharged for all purposes and for all occasions. I ask should a thing like that be allowed? So far as the analogous law is concerned, it is this wherever there is any provision in the Civil Procedure Code or other laws laying down the grounds on the strength of which one's absence can be excused, the words are for good cause or for sufficient cause and they I think really convey the circumstances under which a man may be excused for being absent. Why is it that instead of these words that have been accepted by the Civil Procedure Code that have been accepted in other legislatures, he has put in the word unavoidably. I submit that those who understand English, they do understand the meaning of the word unavoidably. This will mean that a creditor if he happens to be absent on any particular day, he will have his decree or he will have his loan discharged for all purposes and for all times. I could understand if a thing like that were to happen only in a few cases, the hardship entailed upon a few would not matter, but here is a case in which if the word unavoidable is retained in 99 per cent of the cases, the creditors will be unable to justify their absence and thereby to prove

that the debt should be revived. After all a man can have very few unavoidable reasons. The only unavoidable reason a man can have is either imprisonment in jail or arrest by the police or some calamity like one of which a man cannot get out. These are the only unavoidable reasons and there can be no other unavoidable reason. I know a bit of law and I understand a bit about the implications of a particular word used. I fear that this is due to the ingenuity of the Honourable Chaudhri Sir Chhotu Ram that these words have been incorporated in the clause. Mr. Beckett who is supposed to have framed this Bill, could not have put these words. They must have been put in there against his wish, because I cannot possibly think that any person with a sense of responsibility will put in words like that in such a Bill which will result in so disastrous consequences. This is all that I want to say, because I fear you will direct me to say no more. I simply want the House to realize the consequences of this lawless law that they want to be enacted. With these words I support the motion which has been moved by my honourable friend.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, the Honourable Premier is in the habit of appealing now and then that we should try not to waste the time of the House. But I may point out to him that mutual accommodation is needed for that purpose, and, it is the Premier himself who denies this co-operation.

Mr. Speaker: Please speak to the motion.

Mr. Dev Raj Sethi: The word, "unavoidably" was there in the original Bill and has been retained even by the Select Committee. But we want to add the following after that word:—

On account of unforeseen or unavoidable difficulty or for other sufficient cause.

Now these words also occur in the C. P. Act of which the present measure is an imperfect copy. At least it is based on that model. There would be no harm, therefore, if these words are added here. It goes without saying that this is a reasonable amendment and I wonder if there can be any legitimate objection to its adoption. Allowance must be given for unforeseen or sufficient reason. After all a person must give adequate reason for absenting himself. I hope the Government will accept this perfectly just and reasonable amendment. With these words, Sir I commend this amendment for the acceptance of the House.

Mr. Speaker: The question is—

That in sub-clause (b) (4), lines 9-10 for the word "unavoidably" the words "on account of unforeseen or unavoidable difficulty or for some other sufficient cause" be substituted.

The motion was lost.

Rai Bahadur Mukand Lal Puri: I beg to move—

That leave be given to move the following new clause:—

That after the proposed subsection (4) of sub-clause (b), the following proviso be added:—

"Provided that in case a debt is discharged under sub-clause (2) or (3), and the debt is not revived under sub-clause (4), an appeal shall lie to the Collector with respect to the justification for such discharge or non-revival."

The motion was lost.

Rai Bahadur Mukand Lal Puri : I beg to move—

That leave be given to move the addition of the following proviso after the proposed subsection (4) of sub-clause (b):—

“ Provided that if a creditor proves to the satisfaction of the board, or, if, no board is vested with jurisdiction by the Provincial Government, to the satisfaction of a civil court, that the notice was not served on him and that he had no knowledge of its publication on account of unforeseen or unavoidable difficulty or for some other sufficient cause, the board or court may revive the debt.”

The motion was lost.

Rai Bahadur Mukand Lal Puri : I beg to move—

That leave be given to move—

That in sub-clause (b) after the proposed subsection (4), the following new subsection be added:—

“(5) A creditor aggrieved by an order under sub-clause (3) or (4) of this section will be entitled to appeal as provided in clause 6, i.e., 15-A (2).”

The motion was lost.

Mr. Speaker : The question is—

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

Rai Bahadur Mukand Lal Puri : The object of the various amendments which have been moved to this clause is to relieve hardship in cases where unjustly and improperly some of the conciliation boards take steps to discharge debts on account of technical default or absence at one of the numerous hearings or failure to produce documents on a particular hearing although they may have even been produced on previous dates. Such complaints must have come to your notice also Sir, and they have been certainly brought to the notice of several members of the House, that some of the conciliation boards, when they find that there is no defence to a particular debt and the debtor is also able to pay and the amount is likely to be realized, they resort to these tactics to discharge the debts, i. e., penalise the creditor by wiping out his debt on account of some technical default which may be due to unforeseen and sufficient reasons. The Government has been pleased to confer on these conciliation boards, the power to revive the debts in case the persons who have suffered by the default prove that they were absent on account of unavoidable reasons. We wanted to provide that the word ‘unavoidably’ may be replaced by the words which are to be found in other enactments of other provinces or even in other clauses of the sections of this very Act. Therefore I begged for leave to move that in a case a conciliation board has acted arbitrarily, that is, it has first discharged the debt and then, on the creditor showing that he was prevented on account of unforeseen difficulty or sufficient cause, refused to restore his petition, an appeal may be allowed to the Collector to see whether these conciliation boards are acting properly or not. I did not want to introduce any new principle. One of my amendments was that a kind of appeal may be allowed in such cases, similar to the appeal which the Government itself in the amendment to section 15 has allowed. Under section 15 you will be pleased to observe that the Government itself has provided that where there has been adjudication of debt the person aggrieved, as is laid down in section 15-A (2) subsection (a), may appeal thereupon to the Collector or such other officer not below the rank of an Assistant Collector of the first grade, as the Provincial Government may appoint in this behalf. The proposal of the Opposition was that such an appeal may also be allowed in cases where a conciliation board has, on

sufficient cause being shown, refused to restore the case. Leave to move that proposal has not been given by the House. Therefore, it practically means that you are going to allow these conciliation boards to do whatever they like irrespective of the merits of the claim. After all what harm would be done, when a creditor's claim has been wiped out on a technical ground, if the Collector is authorised to look into the matter whether the conciliation board acted properly or not. Therefore, I most strongly oppose the entire sub-clause 2. The Government should, at least accept reasonable amendments. The attitude of the Government shows that even reasonable amendments which are calculated not to defeat the object of the Bill but which are calculated to make it sensible and make it decent, are opposed to. Amendments which, you will be pleased to observe, make the Act consistent are also objected to. If for achieving the same object the Government has laid down one test in one part of the section, it lays down a different test in different parts of the section. It employs one set of words in one clause and another set of words in another clause for the same purpose and when the anomaly is pointed out instead of accepting the amendment and thanking the members who assist them, the amendment is opposed. The same language should be employed in legal enactment to express the identical idea, so that those who have to administer the Act should know the intention of the legislature and they should not be compelled to find distinctions where none exist. Even such amendments, instead of being considered on merits, are thrown out because they emanate from the Opposition. I would like to assure my honourable friend, the Honourable Minister of Development, that although we are strongly opposed to the policy underlying this legislation, yet we have proposed amendments to improve in some cases the phraseology and in some other cases to improve the working of the Act. It is a matter for great regret that even such amendments are rejected simply because they are proposed from these benches. I, therefore, strongly oppose the clause.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) :

1 p. m.

Sir, I may make it clear at the very outset, that my opposition to sub-clause (b) of clause 5 is not directed against everything that is contained in it. As a matter of fact, I wanted to move a certain amendment with a view to improve upon the sub-clause, but owing to certain technical reasons I could not put them before the House. Now as my amendments have not been incorporated, it has become necessary for me to oppose sub-clause (b) as a whole. But I consider part (4) of sub-clause (b) as most objectionable. It reads thus :—

If any creditor proves to the satisfaction of the board, or, if no board is vested with jurisdiction by the Provincial Government, to the satisfaction of a civil court, that the notice was not served on him and that he had no knowledge of its publication or that he was unavoidably absent at any of the hearings fixed by the board, the board or the court, as the case may be, may revive that debt.

It follows that any creditor whose debts are discharged on account of his failure to appear at a hearing fixed by the board will have to file an appeal for reviving his debts before the board itself. This means that the board is given the right of hearing appeals against their action as well. If at any place such a board does not exist, in that case the affected creditor can file an appeal before a civil court that he absented himself from the

[Pt. Shri Ram Sharma.]

hearing before the board due to some reasonable excuse and that his debts therefore may be revived. If the said court is satisfied his debts can be revived. I wanted to amend the sub-clause to the effect that the conciliation boards should not be given this right of hearing such appeals. Had this amendment been incorporated in this sub-clause, I would not have, then, opposed it at all. The reason why I want this sub-clause to be so amended is that it is the board itself who will decide for discharging the debts of any creditor who fails to appear at hearing fixed by it and if this appeal is referred to the board it will serve no useful purpose. As a matter of fact the working of such boards amply leads us to entertain this belief. In this connection, I may point out that I put a question to the Honourable Minister for Development and inquired from him as to "what were the number of cases and the amount of debts involved in these cases and settled as payable by the debtors of debt conciliation boards in Karnal, Rohtak, Gurgaon and Hissar districts, respectively, since their establishment and also the number of cases out of them in which the creditors failed to appear or produce correct copies of their accounts, districtwise and the amounts of debts settled as payable by the debtors in such cases"? The reply which was given to this question was as follows:—In the Hissar district within the space of a year 497 such cases were decided by the conciliation board and the amount of debt involved and settled was Rs. 4,48,869 and Rs. 1,82,492, respectively, and the number of cases in which the creditors failed to appear before the board or to produce full particulars and documents was 160. Now the honourable members can judge for themselves that the total number of cases is 497 out of which 160 or nearly one-third cases are those which were decided against the creditors because either they failed to appear before the board or to produce full particulars and documents. In district Rohtak the total number of such cases was 1,168 and the amount of debt involved and settled was Rs. 8,48,882 and Rs. 1,23,730, respectively, and the number of cases in which the creditors failed to make their appearance was "not available." I may submit that so far as other boards are concerned the number of such cases was available but in the Rohtak district there was so much *andhergardi* that the number of such cases which was decided during the absence of the creditors could not be made available. I think that the number of such cases in the Rohtak district is so much that the Government have not been able to ascertain it or was ashamed to disclose it. In the Gurgaon district the number of such cases was 881 and the amount of money involved and settled was Rs. 7,30,000 and Rs. 1,50,000, respectively. The number of cases in which the creditors failed to make their appearance was 253 or nearly one-third of the total cases decided by the board. In the Karnal district where the Conciliation Board has been functioning for the last three years the number of cases in which the creditors failed to appear or to produce relevant papers or documents was 28 only. It is a curious thing that if the Government have been able to find out the number of such cases in other districts why they have failed in the case of Rohtak district. I think the number of such cases must be not less than one-half of the total number of cases decided by the Conciliation Board, Rohtak district. Now I may point out that I have submitted this thing so as to make it clear to the honourable members how these boards are functioning and how they decide cases in

which the creditors fail to appear or to produce relevant documents. If my amendment, that appeals should be heard by civil courts only, had been incorporated in the sub-clause although at some places where these boards do not exist this right of hearing appeal has been given to the civil courts—in that case I would not have opposed it at all. But as it stands it is a dangerous one. I may add that in some cases where it is shown that the creditors have failed to appear are in reality not such cases. In fact they are made to absent themselves, either they are not properly informed or some such methods are adopted which are highly illegal. In the circumstances, I think that this sub-clause should be amended in the way I have indicated above so that the creditors, whose debts are discharged for failing to make their appearance at a hearing fixed by the board, should, if they so desire, be able to file an appeal in a civil court and thus get their debts revived. So far as I am concerned I have made my position quite clear, as to why I am opposed to this sub-clause. At this stage I also wish to remove this misunderstanding once for all that it is said that we the members of the Congress Party are opposed to the reducing of the debts of zamindars. On the contrary, we are in favour of even entirely eliminating their debts. But we cannot tolerate one thing that these debts should be reduced or scaled down in a dishonest way. I think the Government encourages the dishonest practices of the conciliation boards. I ask the Government to let them enact a law for eliminating the debts of the poor zamindars, but we cannot understand or tolerate the underhand methods which they are at present employing to scale down their debts. I think such conciliation boards are deliberately asked to follow such dishonest practices and that is what we are strongly opposed to. I think the Government should at least profit by the experience of other governments and if they cannot devise any new methods for scaling down the debts of the zamindars let them follow Madras Congress Government in this respect. But what the Government are doing is that they have moved a measure and have couched it in a language which on the face of it appears to be harmless but their real object is that the conciliation boards should act dishonestly and they do act dishonestly.

Mr. Speaker : I have not read the Act but I think the boards have got certain judicial powers.

Dr. Sir Gokul Chand Narang : They are only conciliatory boards.

Pandit Shri Ram Sharma : Sir, I was submitting that in so far as the members of the conciliation boards are concerned they are mostly persons who have had no legal training. If there happens to be any lawyer, he too is generally a junior lawyer. The chairman of these boards are those lawyers who could not make both ends meet by practising at the bar. There is a general complaint against these persons that they scale down the debts not in accordance with the words of the rules but with the hidden meanings conveyed by them and adopt undesirable methods to do this.

Let me assure the House that we are in no way against the scaling down of debts but the thing we object to is the clauses which seek to put dust in our eyes by providing that if a creditor's claim is dismissed on account of his failure to present himself before the Board, he will have the right to approach the same Board with a request to revise its decision in the matter. In this connection I fail to understand why the same authority has the right to hear a revision petition against its own orders.

[Pt. Shri Ram Sharma.]

These conciliation boards have destroyed the credit of the poor zamindars and their methods are to blame for this state of affairs. They say one thing and do just its opposite. With these words sir, I oppose sub clause (b) of clause 5.

Mr. Speaker : The question is—

That part (b) (4) of clause 5 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

Lala Sita Ram (Trade Union Labour) : Sir I beg to move—

That in proposed section 15-A (2), line 3, for the word "Collector" the words "District Judge" be substituted.

I think the purport of the amendment is too clear to need an explanatory speech. All that is desired to achieve by means of this amendment is the simple fact that such a person be appointed to sit at the head of these legal deliberations, as has the sufficient judicial knowledge and is free from executive duties. With due respect for all, my submission is that a "district judge" will be better suited than a 'Collector.'

With these words Sir, I move my amendment.

Mr. Speaker : Clause under discussion, amendment moved—

That in the proposed section 15-A (2), line 3, for the word "Collector" the words "District Judge" be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General. Rural) : Sir, it seems to be rather odd that I should get up to speak on this motion which on the face of it appears to be a very insignificant one so far as the words are concerned; but you will agree with me that the spirit underlying this amendment is a very commendable one and it seeks to meet a case which is of the utmost importance. We have on many previous occasions pointed out that the administration of justice in this province is being corrupted by this Government—. I deliberately say being 'corrupted.' Why, because the jurisdiction of the civil courts is being gradually undermined and the powers which ought to be exercised by judicial courts are being gradually transferred to executive officers. When I say this, let me make it clear that I do not mean any reflection on the Collectors or other executive officers as such. They are as a class able men, honest men, and I have not a word to say against any of them unless I have evidence before me either of their incompetency or of their dishonesty. When I say this it does not mean that I consider all the Collectors or other executive officers to be fit persons to be entrusted with judicial duties; and I have no doubt that if the Collectors themselves were consulted on this point they would all agree with me that they should not be entrusted with judicial functions so far as the administration of civil justice is concerned. They would themselves give various reasons. In the first place, they would urge that they have plenty of other work to do, all sort of movements are going

on in this province as in other provinces—their hands are full with the maintenance of law and order. They are not sure what may happen at any time that may require their absence from the court or their office. They have their revenue work to do; they have their excise work to do, they have their registration work to do, they have various other functions to discharge, and therefore I have no doubt that if the Collectors themselves were consulted they would have appealed to the Government not to add to their burdens and those among them who would have been sufficiently frank would have told the Government that as their experience lies in the other direction they should be excused from doing judicial work. They are good magistrates, they are good administrators, they are good revenue collectors and they are also good officers, but by virtue of the very fact that most of their time and most of their life has been spent in work other than judicial they would have asked to be forgiven if they could not take up judicial duties on their shoulders. It may be that there may be some Collectors who have been imported into this province for some special purpose, they might agree with the Government for special reasons I cannot say; but I hope that even among them there would not be many, if there would be any at all, who would welcome the addition to their burden by the Government entrusting to them the adjudication of civil cases. Sir, the other day I happened to read a book called 'New Despotism' by Lord Hewart, Lord Chief Justice of England. I do not know if you have read this book.....

Mr. Speaker : I have read it.

Dr. Sir Gokul Chand Narang : This book by the Lord Chief Justice of England is worth reading. Sometime ago a tendency was noticed in England to transfer the jurisdiction of civil courts to the Ministers themselves or to the officers appointed by the Ministers. The whole country rose like one man to oppose this tendency and the Lord Chief Justice wrote that book of 300 or 400 pages on this subject. The Master of the Rolls got up and condemned this tendency. The Bench and the Bar both combined against this tendency, and I am not surprised that our own Lord Chief Justice when presiding at the prize distribution ceremony at the Law College was compelled to raise his mighty voice against this nefarious tendency of the Punjab Government.

It would be instructive, Sir, to see what the Lord Chief Justice of England said with respect to this tendency which manifested itself to a certain extent in the Ministers of Great Britain. I am quoting from page 17 of Lord Hewart's book in which he says—

Writers on the constitution have for a long time taught that its two leading features are the sovereignty of Parliament and the Rule of Law. To tamper with either of them, was, it might be thought, a sufficiently serious undertaking. But how far more attractive to the ingenious and adventurous mind to employ the one to defeat the other, and to establish a despotism on the ruins of both: It is manifestly easy to point a superficial contrast between what was done or attempted in the days of our least wise kings—

He is very courteous; he does not say foolish and despotic kings.

—and what is being done or attempted to-day. In those days the method was to defy Parliament—and it failed. In these days the method is to cajole, to coerce and to use Parliament—and it is strangely successful.

[Dr. Sir Gokul Chand Narang.]

That is exactly what is being done here. The Parliament of the Punjab is being cajoled, may be coerced, if I may say so—some members may take offence at that word—but it is certainly being cajoled, it is being misled to defeat the rule of law in this province.

The old despotism, which was defeated, offered Parliament a challenge. The new despotism, which is not yet defeated, gives Parliament an anæsthetic.

That reminds me of what an honourable member of this House said about most of the honourable members of this House; that they were like somnambulant cattle whom the Premier has mesmerised or cajoled to follow him. I mean no disrespect to any honourable member; I am only quoting Malik Barkat Ali who is an important member of the Ministerial Party up to this time at least.

The strategy is different, but the goal is the same. It is to subordinate Parliament, to evade the Courts, and to render the will, or the caprice, of the Executive unfettered and supreme.

And here he quotes some verses from Runyard Kipling; I would only quote two—

Over all this certain, this is sure indeed, Suffer not the old King : for we know the breed.

Howso great their clamour, whatsoever their claim, Suffer not the old King under any name.

This is what the Lord Chief Justice of England says about this matter. In another place he has further developed the subject. He says—

The idea of justice contemplates at least an independent and impartial judge, who founds his judgment on evidence and reason. By a provision of the Act of Settlement the judges hold office during good behaviour, instead of, as before, at the pleasure of the Crown, and they can be removed only on an address to the Crown by both Houses of Parliament. They are, therefore, practically irremovable.

I can say the same thing about the present Judges of the High Court. They cannot be removed. Let us for this be thankful to Heaven that they cannot be removed by this Government although it appears that this Government is straining every nerve to undermine the jurisdiction of the High Court. To choose one instance would be sufficient to show that this is really the case. The conciliation boards have been given jurisdiction to try cases or deal with cases up to ten thousand rupees and it is in the power of the local Government to enhance their jurisdiction. This means that whereas in the ordinary course of procedure a case of the value of ten thousand rupees would go through a sub-judge or a district judge on first appeal before the High Court and then to the Privy Council, here we find provisions that these people can try cases up to the value of ten thousand rupees or even more and their judgment would be final and if there is any relief or remedy after their judgment it is an appeal to a collector or some other officer who may be appointed by the Government. That is the position to which we have been reduced. The power of the High Court in a large number of cases is thus being taken away.

One word about the public official. If the Lord Chief Justice of England could say what he said in the passage to which I would presently refer about the public official in England what more could not be said about the public official in this country and particularly in this province where, unfortunately,

a section at least of the executive officers have been influenced by considerations which cannot be described to be entirely judicial in their character. This is what Lord Hewart says—

The public official is not independent. As a civil servant, he is liable to be dismissed—

That may not be the case so far as the members of the Indian Civil Service are concerned but it applies to a fairly large number of other officers.

at any time without notice, and without any enforceable right to compensation. One would have thought it perfectly obvious that no one employed in an administrative capacity ought to be entrusted with judicial duties in matters connected with his administrative duties. The respective duties are incompatible.

This is the view of the Lord Chief Justice of England and if it is incompatible in England, it is certainly far more incompatible in this country—

It is difficult to expect in such circumstances that he should perform the judicial duties impartially. Although he acts in good faith, and does his best to come to a right decision, he cannot help bringing what may be called an official or departmental mind, which is a very different thing from a judicial mind, as everybody who has had any dealings with public officials knows, to bear on the matter he has to decide. More than that, it is his duty—

And this is very important.

it is his duty, as an official, to obey any instructions given to him by his superiors, and in the absence of special instructions, to further what he knows to be the policy of his department.

These words are very significant indeed. Even if superior Government officers do not have a conference or any contact with the executive officers, the executive officers know what the policy of the Government is. They may not meet for three months, for six months, they may not exchange a word with them for a whole year, yet their subordinates know what they want; what is the policy that the Government wants them to follow. Again to quote Lord Hewart—

His position makes it probable that he should be subject to political influences.

And, Sir, if an executive officer can be subject to political influences in Great Britain, who can say that they are free from political influences in this country and in this province particularly. A poisonous atmosphere has been created in this province; those officers who belong to one particular class will have one particular point of view and those belonging to another class are liable to take the contrary view.

That goes without saying. Unless they sit in a judicial capacity and have their judicial traditions and their judicial experience behind them, they cannot develop judicial mind, and therefore when they are dealing with such cases, they will not be dealing with them judicially but in an executive spirit.

The Lord Chief Justice goes on :—

Will any body at this time of day deny that it is essential to the proper administration of justice that the decision should be based on evidence, and that the evidence should be heard in the presence of both parties, who are given the opportunity of cross-examination. Evidence not tested by cross-examination is nearly always misleading and practically valueless. The public official, as has been observed, may, and often does, decide without any evidence at all, and he may act on *ex-parte* statements, made by one party without anything to support them, which are never brought to the knowledge of the other party, so that he has no opportunity to controvert them. Is it too much to say that such proceedings are a mere travesty of justice? It is also essential to the proper

[Dr. Sir Gokul Chand Narang.]

administration of justice that every party should have an opportunity of being heard, so that he may put forward his own views and support them by argument, and answer the views put forward by his opponent.

He has quoted another great constitutional writer, Sir John Marriott, who says :

It is my profound conviction that the prevailing and increasing disposition on the part of the British Parliament to confer upon the Executive quasi-judicial and quasi-legislative functions is wholly mischievous and ought to be resisted.

This is my appeal to our Parliament.

The power of the Crown has increased, is increasing and ought to be diminished :

This is the voice of the intelligentsia of Great Britain.

So ran Dunning's famous resolution. Most of us would be startled if such a resolution were carried or even proposed in the House of Commons to-day. Yet if for "Crown" we substitute "Executive," there is at least as much ground for proposing that resolution to-day as there was in the third decade of the reign of George III.

Surely this Government does not want to take us back to the year of grace 1760 or anything between 1760 and 1820. The world is advancing and there is no reason why the Punjab should go back.

....Judicial decision may often appear to be a stumbling-block in the way of the zealous official. The official course might be so much more smooth, and the official arm might be so much more powerful, if there were no troublesome Law Courts to stand between the Executive and the individual, the Crown and the tax-payer.

Then with respect to appeal, without an appeal there is really no justice. Appeals constitute the best system of public insurance, and I take it that an appeal to the Collector is tantamount to no appeal, because it means an appeal from one executive officer to another who might be similarly poisoned or influenced by considerations other than judicial. This is what the Lord Chief Justice said on another occasion :

If no appeal were possible, I have no great hesitation in saying that this would not be a desirable country to live in, where every parochial officer might do as he liked in this matter. It is quite true that there is enough difficulty in appealing as it is ; but if there is to be no appeal at all possible the system would be intolerable. Therefore it is of the essence, the pivot of the system, that there should be a right of appeal.

Here in this case you see that the right of appeal stops with the Collector. At first the decision of the conciliation board would be final. Then if any party desires to appeal, the appeal would lie to a Collector and there the door is closed, and there is no further relief. And this in cases whose value may be Rs. 10,000 and for the adjudication of which in the ordinary course of law their Lordships of the Privy Council sit and hear counsel for days and days together. And these are laws made by the present government of this province. One quotation more.

The Master of the Rolls, who with Mr. English Harrison, K.C., responded for the Bench and the Bar, said that time was when the great danger against which the Judicature had to guard was the encroachments of the Crown.

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

The British people fought against the Crown, because they believed that the Crown interfered with the rights of the people. The Crown is now a sacred figure to be respected. So far as the constitution is concerned, he

has no doubt the power of the veto, but it is the representatives of the people who are responsible for making the laws for the country. So that the powers of the Crown have been greatly restricted.

Happily there was no longer that danger; but there was another danger which was much more real than that—namely, encroachment by the Executive. He had seen signs of attempts by the Executive to interfere with the Judiciary, and against all such attempts he thought he could pledge his colleagues and himself to offer a strenuous resistance.

The Courts are the only defence of the liberty of the subject against departmental aggression.

Then Lord Sankey on one occasion was pleased to remark that the Rule of Law was the condition of liberty. He said :

Amid the cross-currents and shifting sands of public life the Law is like a great rock upon which a man may set his feet and be safe, while the inevitable inequalities of private life are not so dangerous in a country where every citizen knows in the Law Courts, at any rate, he can get justice.

His Majesty's judges are charged with the administration of the law, but there are two matters relating to such administration which in recent years have caused some anxiety not only in the public mind, but among trained lawyers. The first is what has been described as a growing tendency to transfer decisions on points of law or fact from the Law Courts to the Minister of some Government department. The second is the general position of the subject when engaged in a dispute with the Crown, or an individual when engaged in a dispute with a department of State..... And it would be a source of satisfaction to me if it were found possible while I hold office to initiate and complete such an investigation, and to allay the anxiety which no doubt prevails in the public mind with regard to them. Another matter to which public attention should be called is the authority conferred upon a Minister to implement Acts of Parliament by regulation.

This is by making rules—all that is now being done by the Punjab Government. The whole British Bar and the Bench as I have said, from the Lord Chief Justice down to the ordinary practitioner rose like one man against tendencies which the British Government at one time manifested to try to rule the country by means of rules made by the Ministers and their Executive Officers.

One word with respect to despotism :

It might perhaps be well if the amateurs of the new despotism, in their moments of leisure, were to refresh their memories with the opinions which the ancient philosophers so clearly expressed about tyranny.

Does anybody suppose that it is any less true to-day than it was in the time of Socrates that despotism is "the worst disorder of a State?"

I may submit that the Punjab Government by its recent laws has created judicial anarchy in the province just as by their inflammatory speeches outside this House they have created a sense of insecurity and lawlessness in the length and breadth of the Punjab. By these regulations and laws they have created what I think I can honestly describe as judicial anarchy. There is no other word for it.

Has anybody a real doubt upon the fact that despotism is not only an affront to the citizens, but also an extremely evil thing for the despot himself?

The only difference is that the citizens are feeling now and it would take some time before the despots feel that tyranny is not good even for them.

It would be premature to refer to some of the amendments of which notice has been given by some of the members of the ministerial party. It does not require a prophet to tell us the genesis of these amendments. Of course, we shall be sure when those amendments are moved.

[Dr. Sir Gokul Chand Narang.]

whether they are being moved at the bidding of the Government or have been inspired by the Government or whether they are the creations of the ingenious brains of the members in whose names they stand.

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

Dr. Sir Gokul Chand Narang : You have probably not been following the amendment that I am discussing. The amendment that I have been discussing is that the words 'district judge' be substituted for the word 'collectors' and I refer to these amendments which have just been placed in our hands simply to give further evidence, if further evidence was necessary, of the corrupt mind of the people of this province who have come under the influence of the present Government. They have lost all sense of justice and fairness. All judicial considerations have been thrown to the wind by them. You will find when the time comes, that some honourable members of this House are trying to propose that even the sub-judge who is one of the officers who might be appointed to the court of appeal, should be removed. Sub-judges are like a red rag to the bull so far as some honourable members of this House are concerned. The very word 'judge' is an anathema to them. To them 'judge' means necessarily a bania sub-judge and a bania always means a dishonest fellow, who is up to forging his accounts, who is up to adding zeros, making 1,000 out of 100 or making perhaps 1,000 out of even 1. To them a sub-judge is synonymous with a dishonest bania. That is the mentality which we have to fight. We know that we cannot fight it out successfully. But the future generations would curse us if we do not raise our voice at the proper time. Whenever a country is on the way to ruin, the first thing that it does is to corrupt its laws. What did the ancient tyrants do? They did not make laws. They were more honest. They were more straightforward. They were very frank. They said 'we want to do this. Here is a rich man. We want money and that bania has more money than he wants'. So straightaway he was asked to disgorge either the whole or a portion of what he possessed. The present despots, the prophets and the apostles of new despotism in this country are not sufficiently honest in that sense. They are not sufficiently straightforward. They are not even sufficiently courageous. They are cowards because they seek refuge under the subterfuge of legislation, in order to rob the people, in order to pull down the fabric of justice. They seek the assistance of the members out of whom not even five per cent know what is happening in this House. It is with the support of those members who do not follow anything of the debates—not even 5 per cent of them—I say it clearly that that is what is going on in the House—because they have pledged their support to this particular Government—that the present Government is carrying on its business. This is what the present Government is doing. They have not got the courage even to admit what they are doing. They have not got honesty enough to confess, to tell the people, 'well, here is a class whom we want to plunder, whom we want to ruin in the interest of a particular class and therefore we are doing this'. But they pose as benefactors, as just and kind legislators. This is the method they pursue. They lack all the virtues of the ancient despots, the ancient tyrants. But they are no less tyrants and no less despotic than their predecessors were and therefore they cajole the parliament, they caress in their own

way the simple-minded members of our parliament, and they use 'anæsthetics.' They mesmerise the members, who sit in the House without knowing what is going on and they pass such measures. This is what the present Government is doing. It was a small amendment but as I said, it is a very far-reaching amendment. We want judges, people with the knowledge of law, with the knowledge of procedure, with the knowledge of the law of evidence, with judicial minds, with judicial experience behind them, with all the judicial traditions which have been handed down in thousands and thousands of volumes of case law. We want such judges to adjudicate upon judicial matters and not gentlemen picked up from villages, who may be very good men otherwise, who may be very good husbandmen, who may be very good cultivators, who may understand all the diseases of cattle very well, who may be great experts in knowing what is good seed, what is to be sown in any particular season and so on but who unfortunately are not conversant with law or with procedure and do not understand the intricacies of the law of evidence or any other law.

Here are these gentlemen and I am sure you would excuse me for referring to this matter again to-day, the constitution of the conciliation boards itself should have served as a deterrent against such provisions. Three members constitute a conciliation board, two zamindars and one non-zamindar as a rule, but sometimes probably all three are zamindars. I know at least of one case where all the three members are zamindars and the honourable member probably will recollect that case. This is the constitution of the boards. Does it mean that in order to arrive at the truth or to give a proper decision in any particular case it was necessary to have a majority of zamindars in each conciliation board? Why was that done? What is the object? The object certainly is

Mr. Deputy Speaker : The honourable member is now going beyond the issue.

Dr. Sir Gokul Chand Narang : Am I? But I won't argue with you, because by that time I will finish. The real thing is this. I am particular about the substitution of the words district judge for a collector because in the constitution of the conciliation boards it is suggested that decisions given by these boards would require to be revised and reconsidered on appeal. You will now see, Sir, that I was quite relevant.

Mr. Deputy Speaker : To that aspect of the question the honourable member has given sufficient thought.

Dr. Sir Gokul Chand Narang : Then I am not irrelevant, and you only meant that I need not dilate upon it. I would not. This is the position and therefore my submission is that if the Government really does not want that everything should be done in a high-handed manner and in an unjust and unfair manner, they should not fight shy of these cases to a judicial officer. And in fact they should have themselves proposed that appeals from the orders of the conciliation boards should go to a judicial officer who should not be below the rank of a district judge and in big cases, they should fix the value, say Rs. 5,000 or Rs. 10,000, in these big cases the appeal should go to the High Court. Then the parties who are aggrieved against the decisions of the conciliation boards would have had the satisfaction of knowing that they can knock at some other door for the redress

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of their grievances. But the Government has done nothing of the kind. It is idle for me to question their motives or to point out that they are doing this with this motive or with that motive. Their motives are plain to the whole province and it would be sheer waste of time and something unpleasant to dwell on this subject. Therefore I refrain from saying any more and with these words I would strongly support the amendment moved by Lala Sita Ram.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I have just a few words to add to the very weighty arguments that have been advanced by my honourable friend, Dr. Sir Gokul Chand Narang, arguments which I daresay cannot be improved upon, much less they can be effectively replied to. My submission is that as a result of the policy deliberately and persistently followed by this Government from the time it came into power, the work of the civil courts including those of the district judges has gone down very much. There can be no two opinions as to the fact that the district judges are better qualified, they are better versed with the administration of justice in civil cases than the collectors. I think as a result of the same policy, the work of the collectors has been very much added to during these two years. It is therefore in the fitness of things that this work of appeals is entrusted to the district judges rather than to the collectors or any special officer whom the Government in their wisdom might think fit to appoint. It is as much in the interests of the Government as of the public that the confidence in the courts is left unimpaired and I think that the Government in their own interests, if for nothing else, will see to the necessity and the desirability of entrusting this work to district judges and district judges alone. I will not repeat the arguments that have been so ably advanced by my honourable friend and with these words I support the amendment that has been moved by Lala Sita Ram.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*) : Sir, my honourable friend, Dr. Sir Gokul Chand Narang, has read out some extracts from the book which has been recently published by Lord Chief Justice of England and thereby he has tried to cast aspersions or rather he attacked and criticised the Unionist Party. I may point out to him that such attacks cannot bring any credit to him. He was pleased to observe that by various legislative means the Parliament of the Punjab was being cajoled or being misled to defeat the rule of law and that the powers which ought to have been exercised by judicial authorities were being gradually transferred to executive officers who were not fit to undertake judicial work. In fact he laid a great stress on this point and remarked that if such cases wherein the *sahukars* and the zamindars were involved were entrusted to the executive officers that would be tantamount to eliminating the debts of the creditors. I think he should bear in mind that when the Government are doing this thing they are doing it with the support of those members whom Dr. Narang has tried to hit right and left. I ask, does he mean that the Government should agree to his point of view even if the majority of the honourable members who represent the majority of the public outside opposes it?

However, at present the most urgent question which confronts us is the appalling indebtedness of the zamindars. After all how has that indebtedness increased? For that I will not blame my honourable friend over

there as he has blamed and reviled us but I would only point out that the debts of the zamindars have been increased by all methods, fair and unfair. So far the *sahukars* have been indulging in malpractices and dishonest dealings, but now we want to put an end to their fraudulent practices, and reduce the amount of debt which has been increased sometimes by adding one more zero to the existing figures and sometimes by not deducting the sum which the zamindars have already paid to the *sahukars*. The result of such dishonest dealing on the part of *sahukars* has been that now the debt has assumed such serious proportions that the zamindars cannot pay it back unless and until the Government comes to their rescue and saves them from the depredations of the fraudulent *sahukars*. With all this my honourable friend is saying that we are perpetrating cruelties on the *sahukars*. I think if zamindars are forced to pay back the debts of the *sahukars* in the way civil courts tell us, then there will be many zamindars in the province who will be deprived of their houses and who will not have any place to hide their heads in, with the result that they will be cast adrift. I think if their enormous debt is not scaled down it will lead to a bloody revolution, the consequences of which no one can even imagine and which no well wisher of the province would like. I would therefore request him to consider this matter dispassionately. I think he knows it full well that even in his bungalow there is a hedge of *mendhi* which is usually trimmed and kept well cut by his servants. If any person who did not know the significance of the trimming of the hedge saw the mali at work, he would certainly say that he was simply spoiling the plants. But the person who does that work knows the significance of it well. For instance, if the mali takes into his head not to trim the hedge that would certainly convert the beautiful hedge into irregular and unseemly shrubs. Similarly I may point out that we are also carrying on this process in the case of money-lenders. As a matter of fact we are clearing this profession of dishonest and fraudulent persons who, taking advantage of the illiteracy and ignorance of the zamindars, have increased their debts by all methods, dishonest and fraudulent. I think so long as these debts are not scaled down and this problem attacked at the root, the zamindars will not prosper.

Lala Duni Chand : Is it relevant ?

Dr. Sir Gokul Chand Narang : How is that relevant to the motion under discussion ?

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

Rao Pohop Singh : I will presently explain how it is relevant. My honourable friends have for more than an hour been saying that by passing such legislation the Government is doing great injustice and inflicting great hardships on the population of this province, and this will lead to corrupting the administration. I also say that if the curse of indebtedness and the atrocities of the money-lenders are not rooted out, there is a great danger of a bloody revolution breaking out.

While talking of money-lending, I do not lose sight of the honest money-lenders. It is not they we are guarding against, it is the dishonest money-lenders who are the cause of the ruin of the zamindars that we are trying to combat.

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

Rao Pohop Singh : Sir, the honourable members opposite have wasted much time of the House in saying that the Acts passed by this Government are oppressive, harsh and unjust and I was merely pointing out that it was not so. I will not take much time of the House.

Lala Sita Ram : Does the honourable member know what the amendment is about ?

Rao Pohop Singh : I know all about it, but my honourable friends probably cannot swallow the truth that these Acts are based on equity and justice and strike at the root of dishonest money-lending. Anyhow as this fact is very unpalatable to my friends I will leave it here.

My honourable friends said that these cases should go to the judicial courts instead of the debt conciliation boards. I am a lawyer myself and am in no way prepared to vilify the courts. But may I ask my honourable friends as to what the poor zamindars are to do who have no money to pay for court-fees and who cannot afford the expensive procedure of the judicial courts ? If they are unable to file the papers their case is dismissed. Sir, are my honourable friends—who seem so enamoured of this procedure and these courts—aware of the fact that many legal luminaries, including the Chief Justice, have declared that to tell the truth in a court and to tell a lie before a conciliation board is a sin ?

Mr. Deputy Speaker, it is a well known fact that every possible lie is told in the courts. Witnesses are produced who state that the loan was given in their presence though they were not actually present. In accordance with the procedure so dear to my honourable friends the whole case depends upon this evidence. The procedure may be all right, but we have to look at its intrinsic value. The poor who cannot afford to proffer an appeal, cannot get justice in these courts. There are thousands of such cases where the inability of a poor man to afford one rupee has resulted in the case being decreed against him. Even though the Chief Justice is suggesting daily for sermons to be given every morning in the courts for telling the truth, yet this evil is very difficult to eradicate from the Indian courts.

Again if the courts are maligned, it is due to my honourable friends over there. There are both good and bad judicial officers but we have never tried to say anything against them as my honourable friends do. They are not all corrupt and neither are all of them good and honest.

My honourable friend, Pandit Shri Ram Sharma gave facts and figures showing that there have been so many cases in the conciliation boards where either the persons were absent or the accounts were not presented. If my honourable friend, Dr. Sir Gokul Chand Narang were to study the matter himself he would know the reality. He is as yet acquainted only with one side of the picture and if he scrutinised the work of the subordinate courts he would not condemn us or these Acts as he does now. He should try to help in the betterment and welfare of the poorer classes and when he is once appraised of the facts as to how decrees are given against these people, his heart would melt at their miseries.

We daily experience all these things and are not dumb creatures that we should sit in this House with sealed lips and not express our sentiments.

If my honourable friends were to convince us that this piece of legislation is not necessary, let me assure them that we will support them in opposing this measure.

As I have already submitted all the sub-judges are not corrupt. There are many even among the non-agriculturist sub-judges who are scrupulously honest but there are those also who tell the creditors that the boards are not good and that they should bring their cases to their courts, saying that no declaratory suit is needed. (*Interruptions.*) I am stating the facts and am not transgressing. Things such as these are happening every day. Decrees are being granted and the creditors are being told that the boards cannot do anything. I know certain cases where the creditor has realised an amount double or treble the principle and when he has been asked to give concessions to the debtor he has utterly refused to do so. The conciliation boards in this way feel belittled. In order to remedy this defect the necessity of amending this Act has arisen. It is no gainsaying the fact that the debt conciliation boards have settled disputes as the result of which money has been paid to the creditors and no complaint has ever been received from the debtors or the creditors. I am fully aware that fair-minded and wise creditors have never made complaints against the debt conciliation boards. It is only the bad type of creditors who make complaints against the boards. Otherwise the conciliation boards are efficient enough to adjudicate upon the debts of the whole province. I, therefore, submit that the tribunal will consist of three persons having different tendencies.

Lala Duni Chand : On a point of order. The amendment in question is whether the appeal should lie to the district judge or to the High Court? What is he talking about?

Mr. Deputy Speaker : The honourable member is perfectly relevant because he is discussing the constitution of those bodies.

Lala Duni Chand : He should talk about the appeal, whether it should lie to a sub-judge or district judge or the High Court.

Mr. Deputy Speaker : The constitution of that body is perfectly relevant to the question of appeal.

Rao Pohop Singh : I was submitting that the debt conciliation boards should not be considered to be dumb. They are doing their work efficiently. As a sub-judge may possibly be influenced by a creditor, I would submit that only competent persons can understand matters with regard to debts. It is quite fair and reasonable that a tribunal of three persons after due consideration will give their decision with regard to conciliation of debts. I am of the opinion that a sub-judge can show favour to a particular class to which he belongs or to which he has favourable tendencies. But in order to prevent them from being influenced, a tribunal of three persons has been appointed and every decision made by the tribunal will be unanimous. As you are aware of the fact, decisions made by a panchayat are always held in high esteem by the people of the countryside. As the matter under consideration is with regard to the relief of indebtedness, I would say that the procedure of giving relief to debtors should be simple and honest. So far as this matter is concerned, I think we should throw out a hint to the litigants to give up their habit of seeking help from the courts. I know

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what is being done there. You might be well aware of the fact that there are lakhs of books full of rulings and decisions of the judges. But not to speak of lawyers, even the Judges of the High Court cannot say with surety as to which way the wind will blow. I may also point out that even the juries sit quite blank and they do not know what will be their final decision. Nobody can say that such and such a decision will be the last word on a point. They change every now and then. So far as poor agriculturist debtors are concerned, I must submit that they are not in a position to go through these voluminous books and understand all the legal points given therein. Strictly speaking even lawyers do not go through these books. They only know how to charge fees from clients. That is their job and that is all. May I ask whether they have even given lectures on any legal point? The experience we generally have is that if a creditor has paid a large amount of money to a competent and able lawyer to represent his case and the poor debtor, on the other hand, has no money to represent his case through a big lawyer, the creditor is successful. Sometimes if a case is weak and the lawyer is able he usually succeeds. What I want to submit is that the poor debtors do not have justice even by spending a lot of money. It is for scaling down the debts that the Government have brought forward this Bill and what we can do in this respect is to adopt a simple and honest procedure. That can be done by the passage of the clause under consideration, that is to say that all the cases should come to the debt conciliation boards first and then the appeal should lie to the collector who would see whether the decisions and the orders of the High Court have been applied to it, and if there is any mistake in the decision of the debt conciliation board, he would correct it. I think it is a simple point and my honourable friend opposite should not oppose it in the interest of the debtors and the creditors. Before I sit down, I may submit with all my respect to the High Court and the smaller courts that the appeal should lie before the collector, because I do not think there is any harm in it.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (Urdu): Sir, I want to draw your attention to a few points. First of all, I submit that if Government make toys with a view to breaking them, I do not see any reason why so much money is being spent. I am reminded of a saying in Punjabi which is quite applicable in this case:

(Laughter.) مری دنیا مروت کو لوں آئے مروت مزی

When the Government have provided in this Bill that the cases of the judgment-debtors would no longer be adjudicated by the sub-judges, I fail to understand what useful purpose will be served by vesting the same powers in them. It is no gainsaying the fact that zamindars are under heavy debts and I would therefore say that as long as the powers of adjudication rest with the sub-judges, the debtors will not feel relieved. The Government want to accomplish this by roundabout ways and that is what I object to. This much I understand that the debt conciliation boards accompanied by panchayats should go to villages and sit in judgment, but I fail to understand why the *status quo* is being restored, that is to say, the sub-judges should sit in judgment and professional witnesses should appear before them and then the sub-judges should pass a decree against the debtors. It is a pity that in spite of his having paid his debt to the last farthing, the

debtors are still not spared by the sub-judges who continue to pass decrees against the debtors. I think this is very unfair on the part of the Government that the panchayats should be deprived of their powers to adjudicate upon debt cases and these powers should be given to sub-judges. It is just throwing the poor debtors at the mercy of their enemies. I, therefore, submit that creditors and debtors should not be entitled to make an appeal before sub-judges. I would like the Government to stick to a certain principle and not be afraid of any propaganda or threats of the non-agriculturists. When once it has been decided that the debt conciliation boards would deal with the debt suits of the zamindars, the Government should not now send us again to the civil courts, because it was mainly in order to save the zamindars from these civil courts that the boards were set up. Suitable awards can be given by the debt conciliation boards only if they are given full powers, and, their orders are not appealable in the civil courts. If, on the other hand, appeals are to be allowed before the civil courts, then the conciliation boards should be abolished. They will serve no useful purpose. The zamindars are greatly worried about this weak policy and double dealing of the Government. If an appeal is to be provided, the collector should be empowered to hear it. We wonder if a joke is not being played with us. A thing is given by one hand and is taken away by another. (*Cheers.*) In the old Act, some relief was provided to the zamindars and the agrarian measures are also salutary, but I wonder why the Government is becoming lukewarm, and why these measures are not being strictly enforced. Even the officers of the Government have realised by now that the policy of the Ministry has undergone a change so as to favour the other side. The favour already granted is being taken back. At least that is the impression of the officers who have to work the law. Now appeals are being provided against the decisions of the conciliation boards. If there is going to be an appeal, the Collector should be empowered to hear it. But for God's sake do not throw us into the same fire from which it was recently sought to relieve us. We implore you in the name of God to deliver us from the clutches of the money-lenders. The civil courts should on no account be empowered to hear appeals against the orders of the debt conciliation boards.

With these words, I oppose the amendment that is now under consideration of the House.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) (*Punjabi*): Mr. Speaker, as my honourable friends on this side ask me to speak in my mother tongue, I would in deference to their wishes speak in Punjabi. As to the Bill under consideration, I may make it clear at the very outset that I am in favour of affording relief to the poverty-stricken agriculturists and strongly feel that their burden of debt should be scaled down. That is why I have always supported even at the cost of party allegiance, such steps as would benefit the poor zamindars. But I have now risen mainly to reply to the arguments put forward by my honourable friend, Rao Pohop Singh. I have no hesitation in confessing that I have not been able to understand much of his arguments. Anyway he was mostly concerned with the debt conciliation boards. Our principle aim is to see how far they can dispense justice. There are 29 such boards in the 29 districts of the Punjab. But let us see why these conciliation boards were constituted and when they were set up and with what object?

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

Sardar Lal Singh : I am replying to the arguments that these conciliation boards are efficient enough to adjudicate upon the whole debt of the province and the amendment under consideration is that there should be an appeal from the orders of the conciliation boards.....

Mr. Deputy Speaker : We are discussing the capacity of the conciliation boards.

Sardar Lal Singh : I am going back to the history of the conciliation boards and the purpose for which they were appointed. If you have allowed Rao Pohop Singh 20 minutes to go on with irrelevancy you will certainly allow me to.....

Mr. Deputy Speaker : The honourable member should discuss the capacity of the conciliation boards but he should not narrate the history of the conciliation boards.

Sardar Lal Singh : The chief aim of the conciliation boards was to reconcile the debtors and the creditors and thus to save both from the cost of litigation. The debtors were especially to be benefited by saving them from costly litigation. But now judicial powers are being conferred upon them. In this way a special class of people is being created to lord over others. Corruption is rampant in them. (*An honourable member :* Not a single case of corruption in the whole province.) The Deputy Commissioner, Ludhiana's reference may be recalled by the Minister in charge. When the Ministers tour in that area, the members of these boards go about collecting funds for their reception.

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

Sardar Lal Singh : I am showing that the people employed on Rs. 200 or Rs. 800 are not fit to adjudicate on 200 crores of the debt of the province.

Mr. Deputy Speaker : That is not the subject matter of the motion.

Sardar Lal Singh : The amendment is whether there should be an appeal and to which officer that appeal should lie. It goes without saying that the status of the people to whom this appeal is to be made should be discussed as to how far they have the capacity to do justice.

Mr. Deputy Speaker : May I put it to the honourable member whether their going about collecting funds has any relevancy so far as their capacity for adjudication is concerned.

Sardar Lal Singh : I am surprised to hear from you that people who are about.....

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

Sardar Lal Singh : I bow to your ruling. But permit me to elaborate my arguments. You will observe, Sir, that those cases, which the permanent sub-judges, on the strength of their experience and consummate knowledge of law are eminently fitted to adjudicate, would be placed before three persons constituting the debt conciliation board to pronounce

their judgment. Now it is a matter of common knowledge that these gentlemen are appointed to the Board by the Minister who can shunt them out according to his sweet will and pleasure.

Mr. Deputy Speaker : I would request the honourable member to speak to the motion. It is not at all relevant to the motion.

Sardar Lal Singh : Very well. In deference to your wishes I pass on to another point which was raised by Rao Pohop Singh. My honourable friend was pleased to remark that rural indebtedness in the province had enormously increased and that dishonesty of the creditor community was mainly responsible for this enhancement. I beg to differ from him. In this connection I may point that for the last two years currency is being given to this fallacy especially by the Honourable Chaudhri Sir Chhotu Ram who condemns the *bania* twice in each sentence. He has cried himself hoarse that the dishonest *bania* is the root cause of this increase in the burden of debt and therefore should be done away with. I maintain that it is not due to the abominable *bania* only but to another class of people also, which is equally rapacious and has been created by the Unionist Government.

Mr. Deputy Speaker : How is this relevant ?

Sardar Lal Singh : Sir, if you let me proceed, I will make the whole thing clear.

Mr. Deputy Speaker : I would request the honourable member to speak to the amendment that 'in the proposed section 15-A (2), line 3, for the word "collector" the words "district judge" be substituted.

Sardar Lal Singh : I am referring to what Rao Pohop Singh said. He said that the debt had increased and it had increased due to the '*be-imani*' (dishonesty) of the creditors.

Mr. Deputy Speaker : The honourable member may say whatever he pleases provided he can make it relevant.

Sardar Lal Singh : That is how I understood him.

Mr. Deputy Speaker : Rao Pohop Singh never said anything like that, otherwise I would have pulled him up. The honourable member is not at all relevant.

Sardar Lal Singh : What I want to emphasise is that dishonesty of the creditors alone is not responsible for an alarming increase in the rural indebtedness which has been estimated at 200 crores of rupees. But supposing the rural people have been victims of the rapacity of the *bania*, may I know whether debtors in the urban areas have not received the same callous treatment at his hands ? This is a frivolous argument advanced with a view to conceal the truth. I am of the opinion that the taxes of the Government have largely been responsible for this increase in rural indebtedness. Now this argument is being advanced by the other side of the House that an appeal from the orders of the debt conciliation board should not lie with any judicial authority, say the sub-judge or the district judge. In other words, my honourable friends want to give the debt conciliation boards the greatest possible scope to do injustice to the creditors. I would like to

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site a concrete example to show how the rural population sink into debt. In village Chima, district Ludhiana, a tahsildar went to realise charges in connection with a police post.

Mr. Deputy Speaker : This is in no way relevant to the motion.

Sardar Lal Singh : If that is the case, I will not proceed with my speech.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu) : Sir, the most important aspect to be placed before the House in regard to the amendment under discussion is whether the members appointed to the debt conciliation boards are really capable of understanding the intricacies of law and the knotty problems of money suits, also whether it is the intention of the Government that the persons aggrieved by the decision of the debt conciliation board should not receive even-handed justice. Before proceeding further with my speech, I may make it clear that we are not at all opposed to the idea that the people groaning under the heavy weight of debt should be partially or wholly relieved. But this relief should be brought about on proper lines. If the Government so desires, they can enact a law wiping out the debts of the rural people lock, stock and barrel. But what is the fun in maintaining a costly machinery for achieving imperfectly this object ? Government have to incur heavy expenditure in connection with travelling allowances, salaries and other charges of the debt conciliation boards. They are being maintained at the cost of the tax-payer with a view to provide facilities to the debtors. I cannot help saying that with the varying conditions in different districts, it is fatuous to expect that these boards can understand or administer even-handed justice. Sometimes the Government, in order to throw dust in the eyes of the public, appoint a lawyer as a member of a debt conciliation board but not necessarily the Chairman. I would like to make a mention of the debt conciliation board of tahsils Shakargarh (district Gurdaspur) and Zira (district Ferozepore). The chairman of that board—

Mr. Deputy Speaker : Is it relevant to the motion ?

Pandit Muni Lal Kalia : I would not name the chairman. I merely want to mention that the chairman of the debt conciliation board at Zira is not conversant with law, although one of the other members is a lawyer, while in the other case there is no lawyer member. It is apparent that Government is quite unmindful of the fact whether the members, especially the chairmen of these boards are well versed in legal knowledge, or not. In view of these facts it becomes doubly necessary that an appeal against the decision of the boards should lie before a competent authority fully acquainted with law. Just imagine, Sir, what justice can be expected of the members of these boards with little or shallow legal knowledge, to adjudicate money suits involving a debt of five to ten thousand rupees. How surprising it is that such vast powers have been vested in these boards! But in glaring contrast to it just compare the cautious policy of the Government in regard to civil administration. You will see, Sir, that sub-judges of long standing are empowered to adjudicate money suits in the Small Cause Court to the extent of Rs. 100 or at the most Rs. 500 to Rs. 1,000. Again one who is not satisfied with the verdict of a sub-judge, can file an appeal to higher

judicial authorities right up to the High Court. Even a revision petition can be instituted. But what do we find on the other end? The Government under the cloak of expeditionness and democracy declare that the decisions of these boards in regard to the intricate money suits would be just and proper and therefore no appeal from their orders should lie to any judicial authority. I ask, what is the criterion of the merit in view of which the members appointed to these boards are vested with such wide powers? As regards their legal acumen it needs no commentary. But I cannot help saying that their appointment reflects the whim of the appointing authority, I mean the Honourable Minister in charge. It is obvious that the members of the debt conciliation boards are the nominees of the Government. They do not represent anybody. But the Government in order to serve its own ends appoints two zamindar members and one, a member of the Bar, with a view to satisfy the legal opinion. But the fact remains that the members so appointed serve as an index to the mind of the appointing authority.

Now, Sir, in order to judge the capacity of such officers, matters like the amount of work which they put in or the number of cases which they dispose of or the speed with which they decide cases or whether they understand such cases or not, are not taken into consideration at all. What is kept in view is whether they are in the good books of their superior officers and Ministers or not. This is in fact the sole criterion of their ability. It will be these officers who will be entrusted with the task of working this Act. I do not think that the zamindars can ever benefit if the Government adhere to the practice which they have so far been following. I would, therefore, request the honourable members over there not to deceive the people into believing that they are reducing the burden of indebtedness of the zamindars. Let me point out to them that if they continue to follow this practice they would, instead of reducing the indebtedness of the zamindars, be putting more burden on them in the form of new taxes. For instance, if a zamindar gets relief to the tune of Rs. 100 by virtue of this Act at a cost of say Rs. 400 to the Government, would it be in any way called lessening his burden or otherwise? Obviously these expenses will have to be met from the provincial exchequer which would again mean an extra burden on the people. In the face of these facts it does not lie in the mouth of my honourable friends to say that they are reducing the indebtedness of the zamindar. I think if the Government honestly want to scale down their debts they should act wisely in the matter. After all they are not the first in this field. They can profit by the experience of other countries who have enacted similar measures. I may make it clear to them that such like measures would not benefit the zamindars but they would rather make the machinery of the Government more complicated. The sub-clause as it stands permits any person who is aggrieved with the decision of the conciliation board to appeal to the Collector or such other officer not below the rank of a subordinate judge of the first class. But I fail to understand why these two kinds of officers, one of whom is an executive officer and the other a judicial officer, have been entrusted with the task of hearing such appeals. On the face of it there is absolutely no connection between the two. But if we consider the policy which the Government have been pursuing during the last three years we would find that as compared with the subordinate judges they consider executive officers more reliable. In fact they think that

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from the Collector down to patwaris, officials are more reliable than subordinate judges and even judges of the High Court. This has been, in short, the point of view of the Government up till now. But in the sub-clause under consideration they have provided that even subordinate judges of the first class would be able to hear such appeals. It seems that a change has come in the policy of the Government which until recently they had been following tenaciously. My submission is that although the Government have made a change in their policy, still the key is in their hands and they can even now decide that the appeals should not go to a Collector but to a subordinate judge. This possibility is still there. The sub-clause is as follows :—

Any person aggrieved by a decision of the board under subsection (1) may appeal therefrom to the collector or such other officer, not below the rank of a subordinate judge of the first class or an assistant collector of the first grade, as the Provincial Government may appoint in this behalf.

Now, Sir, this matter of hearing the appeals will entirely depend on the rules which the Government would frame under the provisions of this Act. In the rules it can very easily be provided that collectors and assistant collectors only should hear the appeals and not subordinate judges. In the circumstances what we want is that for the word "collector" the words "district judge" be substituted and the right of hearing the appeals should be vested in him only. But I think this suggestion does not find favour with the Government because it does not serve their purpose. The truth of the matter is that although Government have provided that in addition to collectors, subordinate judges of the first class would be empowered to hear these appeals, still I think, it would entirely rest in their hands to entrust this work to whomsoever they think fit according to their own lights. Our own past experience shows that under this Act the right of hearing appeals will certainly be entrusted to the collectors and to none else. In this connection I may point out that during the last three years many measures have been enacted and the honourable members have seen that most of the work pertaining to them has been entrusted to the collectors. In fact if we study the Land Alienation (Third Amendment) Act, Registration of Money-lenders Act, Restitution of Mortgages Act and State Aid to Industries Act, Marketing and Panchayat Acts and several other similar Acts, we will find that in all of them collectors have been given very vast powers. It follows that their work has been increased enormously. I do not think they have so much time and also the capacity to attend to all this work properly. In fact, besides, their own work they have also to perform multifarious duties which include among them the arranging of the tours of the Ministers as well. In view of these hard facts how can we expect that they will be able to perform these duties as well which will be entrusted to them under this Act? I may submit that it is impossible to expect from them to lengthen the duration of the day from 24 hours to 48 hours. They, as a matter of fact, are expected to put in only six hours' work. They are not *chaprasis* that they can take such files to their houses, and sit down with a *hukka* in their mouth and go on deciding these cases. It is, therefore, advisable that we should entrust this work to those officials who have spare time at their disposal. I think the district judges have very little work to do as compared to the collectors. Nowadays the number of civil cases

is also decreasing and it would be better in the interest of running the machinery of the Government efficiently that they should be entrusted with the work of hearing these appeals. I do not think the Government can have any objection to this suggestion. At present they are simply deceiving the people by providing the words "subordinate judges of the first class" in the sub-class. I think justice and fairness demands that they should accept this harmless suggestion. (*Minister for Development:* We are going to set right this mistake.) The Honourable Minister says that he is going to set right this mistake. I may point out to him that instead of setting right this mistake why does he not bring forward a measure to the effect that after 1st April, 1940, nobody need pay any debts to any creditor? Why have recourse to such underhand methods?

My submission is that Government are enacting this measure which instead of providing any relief to the zamindars would rather drain the provincial exchequer. There is no gainsaying the fact that the persons who are appointed on the conciliation boards are generally such who have neither any ability nor can they understand the intricacies of law. In this connection I would like to give four or five instances.

Mr. Deputy Speaker : Examples would not be relevant. It is the general question that is being discussed.

Pandit Muni Lal Kalia : I was submitting that I have such instances in my possession which go to show that the members of the conciliation boards have neither any ability nor can they understand the delicacies of points of law. Moreover the collectors also have neither sufficient time at their disposal nor have they the capacity to deal with all these matters. Therefore, the best thing would be to appoint district judges who have the capacity as well as spare time to hear appeals of such cases and who are conversant with money transactions and affairs dealing with pronotes, stamps, so on and so forth.

Mr. Deputy Speaker : I would request the honourable member not to enter into these details because these are hardly relevant.

Pandit Muni Lal Kalia : Very well, Sir. I beg to submit that my learned friend who belongs to our profession has expressed his anxiety that the burden of debts which amounts to 2 crores of rupees should be lightened. But the method of solving this problem is not to raise another equally knotty problem. Let Chaudhri Sir Chhotu Ram muster enough courage and bring forward a Bill for writing off all the debts with one stroke of the pen; it will be then and then only that this problem will be solved.

The amendment moved by my honourable friend, Lala Sita Ram is a very reasonable one and its acceptance or rejection by the Government will prove how far the Government is sincere in dealing with this matter.

If the word 'sub-judge' had not occurred in the original clause, we would have said that the Government's objection to this amendment is justified on principle but now that we desire to replace "collector" by a "district judge", the Government should readily accept this amendment. Because as we know, many of these cases are taken to the High Court or even to the Privy Council, the proceedings of such cases should in fairness to all concerned

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be conducted in a judicial manner. I strongly support the amendment moved by my honourable friend and would request the Honourable Minister to accept it and not to dispose it of by a mere nodding of his head.

Honourable Members : The question be now put.

Mr Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Lala Sita Ram (Trade Union, Labour) (*Urdu*) : Mr. Deputy Speaker, I had intentionally moved this amendment without making any speech, because I was under the impression that such a simple amendment based upon reason, would not evoke any discussion and the Government will see their way to accept it. But the speeches made on behalf of the Government go to show the sad state of affairs and the light mentality that is working behind it.

Clause 15 of the Relief of Indebtedness Act in pursuance of which the debt conciliation boards were set up had only intended to bring the creditors and the debtors together with a view to inducing the parties to come to a compromise and to settle amicably the debts by prevailing upon the parties to agree to a reasonable settlement. The real purpose of the conciliation boards, as its very name signifies, was "conciliation." But according to this amending Bill the power of adjudication has also been conferred upon them, and they have been further empowered to declare a debt to have been paid in certain circumstances. In view of this it appears very essential and reasonable that the appeal against the orders passed by a conciliation board should lie before a person who has time and legal acumen enough to decide the issue which had been precipitated by persons who have never had an opportunity to see a law book and who are wont to give their decisions in a most arbitrary manner. Taking into consideration the new powers that have been given to these boards (i.e., of adjudicating upon claims and of their decisions being final) it is all the more necessary that my amendment should have been accepted.

From the arguments advanced by some of the members sitting on the Government benches it appears that they take a sub-judge equal in status to a district judge or a judge of the High Court. This is not true. Judges have their limited powers. There are certain judges who cannot hear cases involving more than Rs. 500 and there are still others who have not the power to adjudicate upon claims amounting to more than a few thousand rupees. But in the case of these boards not only has their decision been declared as final, but they have also been entrusted with powers to hear cases involving big sums of money which only the High Court was competent enough to hear.

The Government should either take the position as has been taken by my honourable friend Chaudhri Ali Akbar that there should be no right of appeal at all and throw all justice overboard, or they should accept what is fair and reasonable. It is cowardice to accept a principle and yet evade the issue. If they see it reasonable that there should be an appeal then they should accept my amendment.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : What does the honourable member think ? Should there be or should there not be an appeal against the orders of the board ?

Lala Sita Ram : I beg to submit that it is futile to expect any justice from the boards when their constitution is such that they can do everything they like on the strength of their majority, even by going against the law. Their decisions are no decisions as they are based on no law, but the number of votes.

There is yet another important matter to which I would like to refer. While adjudicating a claim, the boards at once begin to calculate as to how much has been paid to the creditor during the past. If it comes to double the sum advanced, the Boards at once declare that the debt be deemed to have been discharged. This is sheer injustice. No consideration is shown as to the period for which the sum remained with the debtor. The rate of interest was also not unreasonable and yet the decree is not passed against the debtor. May I ask if this is what you call justice ? The Government of India has borrowed enormous sums of money from the British Government and has been regularly paying the interest to them. The country has perhaps paid many times more. Will it be proper and is the Government of India prepared to say, in the face of reasonable rate of interest that because the amount paid even in the form of interest equals double the amount of loan advanced they would not pay their debts ?

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

Lala Sita Ram : It is because I have to expose the mentality of these debt conciliation boards that I have to give you bitter pill to swallow. Their decisions are based on a mentality which is not at all praiseworthy. They take into consideration the interest paid during several years and do not base their findings on the period for which the sum remained with the debtor or the benefit which the debtor has enjoyed or the creditor could enjoy if he was paid in time, allowing him a chance to invest his money elsewhere. If the decisions of these boards are based on reason and justice, why should they be afraid of appeals being lodged against their decisions ? We know that a case of debt may be tried and retried, reviewed and reheard in several courts, the one higher than the other. This procedure of law courts is not based upon blind practice. An aggrieved person, be he a debtor or a creditor, has every right to see a mistake rectified. If this is conceded, why do you deny this right in this case ? As this matter is very delicate, I think there is no harm if the appeal lies to a district judge. Under these circumstances, I would request the Government to accept this most simple and harmless amendment.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I will be very brief in replying to the criticism which has been offered to the clause by certain members of the House. Dr. Sir Gokul Chand introduced the name of the Chief Justice and the High Court. I think it was unfair on his part to introduce the names of institutions or persons who are more or less sacrosanct in the eyes of every body.

Dr. Sir Gokul Chand Narang : اور کچھ فرمایا (Reference was made by some one else yesterday.)

Minister : Anyway I have absolutely nothing to say about the High Court or about anything that might have been said by the Honourable Chief Justice. Dr. Sir Gokul Chand made a further remark that by this legislation we were going to produce judicial anarchy. I do not know what he meant by this legislation leading to judicial anarchy. The object of this legislation is to reduce the moral anarchy which had been introduced as a result of the complexities and technicalities of a very rigid law to some sort of moral order. This legislation is not meant to be interpreted in accordance with rigid and technical rules of interpretation. It is meant to be used by commonsense people in a commonsense manner. It is the result of technicalities and rigidity of the law that interest has swelled to a most abnormal extent, and therefore it was essential that some very simple method of bringing about conciliation between the debtor and the creditor should be introduced. This is exactly what we have done.

With regard to the power of appeal, suggestions have been made that this power should be given to the district judge and not to the collector on the alleged ground that a collector cannot administer justice in the same manner as a district judge can. While I am prepared to give credit to district judges and subordinate judges for their greater knowledge of law, and greater knowledge of procedure, I am not prepared to admit that when justice, substantial justice has to be done in a commonsense manner, then a collector is less able to do substantial justice than a district judge or a subordinate judge. Here we are not concerned with technicalities of law, here we are not concerned with complexities of law, but we are here concerned with bringing about conciliation between debtors and creditors.

Dr. Sir Gokul Chand Narang : No.

Minister : Now there are certain cases in which the genuineness of a debt may be questioned. Where the genuineness of a debt is in question and the amount in dispute exceeds a certain figure, we have provided a right of appeal to the collector or to an alternative authority such as a subordinate judge of the first grade or an assistant collector of the same grade. It has been suggested that these two things do not go very well together—the collector on the one hand, who is an executive officer and a subordinate judge of whatever rank, who is a judicial officer. That was the reason which was put forward by members of the ministerial party. They said that the introduction of a subordinate judge of whatever rank went against the general spirit of the law and, therefore, in order to be consistent we should delete the words suggesting an appeal to a subordinate judge. They have decided to move an amendment to the effect that these words should be deleted.

Lala Sita Ram complained against these conciliation boards, being empowered to scale down debts. He said in effect :—“Lay down a low maximum rate of interest and when you have fixed a maximum rate of interest, you have no business to reduce the accumulations of arrears, whatever the figures of those accumulations may be.” It may be right from his point of view. After all he is a representative of a labour constituency and a representative of very helpless people.....

Lala Sita Ram : I would request the honourable member to meet arguments with arguments and not to evade the issue by making personal remarks. I may also assure him that I shall prove myself a better friend of the helpless people when the proper time comes.

Minister : Such an argument coming from a representative of labour interests is really very amusing. But let me tell my honourable friend that when he institutes comparisons between interest which may accrue to a Government and may be realized by a Government and interest which accrues to a private money-lender and is realized by a private money-lender, he must realize the difference between the two. Even if a Government realizes interest which is more than twice the amount of original sum advanced, the benefit of that interest goes to the community and not to an individual person.

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

Therefore there is no real analogy between the amounts of interest which may be realized by a private money-lender and the amount of interest which may be realized by the state as representing the community. With these words I oppose the amendment.

Mr. Speaker : The question is—

That in the proposed section 15-A (2), line 3, for the word "collector" the words "district judge" be substituted.

The motion was lost.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) : I beg to move—

That in the proposed section 15-A (2), lines 5-6, the words "a subordinate judge of the 1st class or" be omitted.

Sir, under section 21 of the Relief of Indebtedness Act, 1934, civil courts have been debarred to entertain any suit or to question the validity of any procedure or the legality of any agreement made under the Act. Similar provisions appear in the Central Provinces, Bengal and Madras Acts. The legislature excluded the jurisdiction of the civil courts in order to save the debtor classes from the heavy cost of litigation which has become a special feature of the civil courts. I do not see any reason why civil courts should be given jurisdiction to entertain appeals under this section. There seems to be little justification for this inconsistency. It is hardly necessary for me to point out that there is a general feeling amongst the debtor classes in general and amongst the agriculturists in particular that the civil courts in this province are unsympathetic towards them. Moreover the civil litigation is so expensive that it is beyond the capacity of these poor classes to bear the cost of civil litigation in order to get justice. In more than 90 per cent of cases poor debtors cannot afford to appeal against the order of a lower court on account of their poverty. A majority of our civil judges come from the class whose interests directly clash with the debtor class. They can hardly appreciate the miseries of poor debtors. These towns-men, being unaware of the conditions prevailing in the rural areas, adjudicate law in a mechanical manner and the poor debtors, who in most cases have not got the means to secure efficient legal assistance, always stand to lose. I would therefore earnestly request the Government to save the debtor classes from the heavy cost of civil litigation, which they can ill-afford.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proposed section 15-A (2), lines 5-6, the words "a subordinate judge of the 1st class or" be omitted.

Minister of Development : I am prepared to accept the amendment and rectify the mistake made originally (*hear, hear*).

Lala Duni Chand : I feel inclined to congratulate the Honourable Minister of Development for being true to his salt. It was rather surprising that the Honourable Chaudhri Sir Chhotu Ram should have made that concession in this Bill. I am very happy to see that the concession, which he was prepared to give in a moment of forgetfulness, is being taken back. I may quote the Persian saying "Ata-i-to balaga-i-to."

I am glad that Chaudhri Sir Chhotu Ram was going to confer upon this province something that he has taken back. In fact I shall congratulate him more warmly if he asks somebody else to bring in a motion to the effect that there will be no appeal at all either to the collector or to anybody else. (*Minister :* The number of appeals will be reduced.) Dr. Sir Gokul Chand Narang said that Chaudhri Sir Chhotu Ram wants to bring about judicial anarchy. Sir Chhotu Ram was unable to understand the meaning of judicial anarchy. I want to make a contribution to the idea conceived by Dr. Sir Gokul Chand Narang. Have you heard of 'lynching' in America? They are going to introduce the principle of....

Mr. Speaker : Please speak to the motion.

Lala Duni Chand : All right, I leave it for some other occasion.

Minister : Reserve lynching. (*Interruptions.*)

Lala Duni Chand : Sir Chhotu Ram was unable to understand the meaning of judicial anarchy but I want to make him understand the idea underlying the system of lynching which is in vogue in America. Does he know that if a Negro commits some sort of.....

Mr. Speaker : Will the honourable member please speak to the motion?

Lala Duni Chand : He is accepting the amendment of Khan Bahadur Mian Mushtaq Ahmad Gurmani and I am making a reply to that.

Mr. Speaker : Acceptance by the Honourable Minister makes no difference. The House is to accept it.

Lala Duni Chand : He should not introduce the system of lynching in the civil administration of the Punjab. I want to say one word with regard to Khan Bahadur Mian Mushtaq Ahmad Gurmani.

Mr. Speaker : Please be not personal.

Lala Duni Chand : He says that consistency requires that those words should be removed from the clause. I would like to tell him that he has been perfectly consistent according to the English saying that "Consistency is the virtue of an ass." (*Voices :* You are following it to-day.)

Mr. Speaker : Will the honourable member withdraw the last words?

Lala Duni Chand : I am perfectly prepared to do so, but I think it is a perfectly good English word to be used.

Mr. Speaker : I request the honourable member to withdraw that expression.

Lala Duni Chand : I withdraw.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, I rise to oppose the amendment that has been moved by my honourable friend Mr. Gurmani. Dr. Sir Gokul Chand Narang has already detailed the reasons against this amendment, and he has also strengthened his arguments by quoting the Chief Justice. But when the Honourable Minister could not give any suitable reply to that argument, he simply—

Mr. Speaker : Please speak to the motion.

Mr. Dev Raj Sethi : The only question was as to whether civil courts should be empowered to hear the appeals against the orders of conciliation boards. But the Minister has only said that the boards were wholly institutions and that they were sacred. That is what he said when he had found no real reply.

Mr. Speaker : Please do not be personal.

Mr. Dev Raj Sethi : Sir, I am opposed to this amendment as this confers judicial powers on the conciliation boards but does not permit any appeal to the civil courts. Even the definition of debtor has been changed in this Bill inasmuch as urban debtors are also included in it. The debts of all those urban non-agriculturists whose assets do not exceed Rs. 5,000 in value will be adjudicated upon by the conciliation boards. These debts will have to be assessed and various other intricate debts like the industrial debts will be included. It would be in the fitness of things, therefore, if the civil courts are empowered to hear appeals. The debt conciliation board will have to adjudicate upon all these intricate matters. Their responsibility will be very great and risky.

In other words it means that the power of adjudication of appeals should be vested in the executive heads alone. I am of the opinion that in this way there is a greater likelihood of grave injustice being done. I, therefore, request the Honourable Minister to reconsider the matter. He would be well advised to retain the judicial powers intact as provided in the Bill. My honourable friends may by all means consider the name and opinion of the Chief Justice as sacrosanct but they should also see that even-handed justice is administered to all the parties. I think that by moving this amendment my honourable friend, Mian Mushtaq Ahmad Gurmani is trying to increase the responsibility of the Government. Besides, acceptance of this amendment by Government would give added strength to the charge levelled by one of the honourable members on this side of the House, that the Government is bent upon creating a judicial anarchy in the province. Let me hope that wiser counsels will prevail with the Government in this respect. With these words I close my remarks.

(Honourable members : The question be now put.)

Mr. Speaker : The question is :—

That in the proposed section 15-A (2), lines 5-6, the words "a subordinate judge of the 1st class or" be omitted.

The Assembly divided : Ayes 68, Noes 26.

AYES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Abdul Rahim, Chaudhri (Gur-
 gaon).
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Balwant Singh, Sardar.
 Bhawant Singh, Rai.
 Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khan, Khan Baha-
 dur.
 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.
 Jafar Ali Khan, M.
 Jogindar Singh Mann, Sardar.
 Karamat Ali, Sheikh.
 Khizer Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Azam Khan, Sardar.

Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chau-
 dhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Tha-
 kur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Hon-
 ourable Major Sir.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Hon-
 ourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyad Hiraj,
 Sardar.

NOES.

Baldev Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Kabul Singh, Master.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.

Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghubir Kaur, Shrimati.
 Rur Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Sant Ram Seth, Dr.
 Shrimati Shano Devi.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, I beg to move—

That in the proposed section 15-A (2), lines 3—3, the words "or such other officer not below the rank of an Assistant Collector of the first grade as the Provincial Government may appoint in this behalf" be deleted.

The subject has, I understand, been discussed in my absence threadbare and it would not be necessary to repeat the arguments which have already been advanced. The right of appeal, although in a very limited measure has been conceded by the Government, in cases where these conciliation boards adjudicate upon the claims of a particular value. Now the power to adjudicate is a matter requiring appraisement of evidence, of application of legal principles and whoever has to adjudicate has to give decisions in accordance with law and in accordance with rules of evidence requiring knowledge of law of contract, stamp, limitation, registration and negotiable instruments, etc. That being so, it is essentially a judicial function requiring a good deal of technical knowledge of substantive and adjective law and the courts which are used to perform such judicial duties should be entrusted with this work.

My reason for asking the House to omit the words 'Assistant Collector' is that this House for reasons best known to itself has in its wisdom not considered it fit to delegate the work of Collectors to even Subordinate Judges of the first class. The same reasons, I respectfully submit, apply *a fortiori* to Assistant Collectors who are admittedly far less versed in knowledge of civil law or in ability to appraise evidence. But my objection is different. My objection is due mainly to the fact that there is an outcry in the province against the manner in which the present Government has nominated certain officials to administer the so-called agrarian Acts, like the Restitution of Mortgages Act and the Benami Act. These Acts provide that the work shall be done by the Collector, but the present Government has entrusted this work to selected and chosen Assistant Collectors, conferring on them the power of the Collector. That is, to say the least, a most improper method of carrying out the legislation passed by this House.

[B. B. Mukand Lal Puri.]

Sir, if you entrust the work to a collector who may be in the ordinary course posted to a district, he will perform his duties without any political prejudice. He may, in the first instance, belong to any persuasion, he may be a Hindu, Muslim, or Sikh, or European, or Christian, an agriculturist or a non-agriculturist. The same work will be done by an agriculturist in one district, by a non-agriculturist in another, by a European in one and a Hindu or Muhammadan in another, and each will perform his duties properly regardless of his political views. But what happens with your Government is that in places where you find collectors who suit your taste or who go out of their way to carry out your wishes, you leave this work to those collectors; but in other places, you appoint as collectors, assistant collectors, specially selected for particular political predilections and with definite instructions; that is not fair. You have got everything your own way as far as legislation is concerned; you frame Acts yourself without trying to meet the view of the opposition even in the slightest degree, but after you have laid down a policy and passed an Act, kindly for the sake of decency at least ensure that the Act would be administered by persons whose honesty is above reproach and whose impartiality is unquestioned. We on this side of the House believe that some of the assistant collectors who have been appointed to deal, for example, with the Benami law are not fit persons to be appointed as collectors anywhere. They have been selected with a particular object; they have been chosen on party considerations. The enormity of this procedure would be at once realised, when it is noted that the decisions of these so-called collectors are final and their discretion unlimited. That being the case you are practically upsetting the whole system of administration of justice in this country set up by the British Government. You take the power into your own hands to appoint anybody you please to administer important Acts like this and you exercise this power in this disreputable manner. I therefore submit, Sir, that this work should be entrusted to a subordinate judge of the first class or to the Collector of the district for the time being and not to any assistant collector whom the Government may select.

Mr. Speaker : Question is—

That in the proposed section 15-A (2), lines 3—8, the words, "or such other officer not below the rank of an Assistant Collector of the first grade, as the Provincial Government may appoint in this behalf" be deleted.

The motion was lost.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :

Sir, I move—

That sub section (3) of the proposed section 15-A be deleted.

This sub section lays down that an order passed under subsection (2) shall be final and shall not be called into question by any court. Now what is subsection (2) under which an order has to be passed? I would draw the attention of the House to this. It runs :—

Any person aggrieved by a decision of the board under sub section (1) may appeal therefrom to the Collector or such other officer, not below the rank of an Assistant Collector of the first grade, as the Provincial Government may appoint in this behalf.

You would notice, Sir, that originally there were some other words also in this subsection. Those words were : 'of a subordinate judge of the

first class' and they have been omitted in accordance with the amendment moved by an honourable member of the Ministerial Party and that amendment has been accepted by the Honourable Minister, i.e., the one on which just now the House divided. It means that if an order is passed by a conciliation board it would be final unless an appeal is filed and it will have to be filed before a Collector or before an officer not below the rank of an Assistant Collector of the first grade. Now an Assistant Collector of the 1st grade is usually a Revenue Assistant in every district who is commonly called 'Afsar Mal'. That means that an 'Afsar Mal' will be the highest judicial authority in this province so far as cases involving an amount to the extent of rupees ten thousand are concerned once they come before a conciliation board. In other words, the Punjab Government is proclaiming to the world that so far as cases within the value of rupees ten thousand are concerned all the civil courts in the province are abolished; it means nothing else if it does not mean this. The process of curtailing jurisdiction of the civil courts has been going on and it finds its climax, there may be a higher climax in future, in this that a conciliation board will henceforth not be a conciliation board alone, but will be a court, and it will have the jurisdiction of going into the question of the genuineness or otherwise of debts to the extent of Rs. 10,000. A sub-judge of the second class has jurisdiction only up to Rs. 5,000, a sub-judge of the third class has jurisdiction up to one thousand, it is only the senior sub-judge who has unlimited jurisdiction.

4 p.m.
In the Punjab henceforth where any debtor comes within the definition of this Act, all claims in which he is concerned will be adjudicated upon by a board consisting of two zamindars and one non-zamindar and their decision will be final subject to an appeal which would be heard by a Revenue Assistant in this province. This is to what the judiciary of this province is being reduced. The Honourable Minister when he was replying to our speeches on another amendment relating to the previous sub-clause was pleased to say that it was necessary that the process should be simplified. The Honourable Minister was pleased to say until he was interrupted by some one on this side that there was no objection to this because all that these conciliation boards had to do was to scale down debts, and he had no answer to the objections raised by this side that henceforth the conciliation boards would not be merely conciliation boards whose duties would be confined to scaling down debts, but they would also be the judges of the genuineness or otherwise of the claims. Now, Sir, the arguments advanced by the Honourable Minister were based on the poverty and helplessness and simplicity and ignorance of the debtor classes. That might have been true if at all before this Act was amended. But now the Act is going to be amended and it will embrace within its purview not only these poor innocent, ignorant, and very honest classes to which the Honourable Minister and many of his followers belong but they will also include the dangerous, clever, astute banias and other classes also to whom the description given by either the Honourable Minister or by the honourable member from Gurgaon representing big landholders, would apply. This is an extremely important difference which has been entirely ignored. It may be all right in the case of poor zamindars, but by the very assumption which the Honourable Minister and those of his views have been making with respect to the Moneylending classes, this should not apply to members of these classes, as it would, now that the Act has been amended. I would

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therefore submit that to shut out the jurisdiction of the civil courts altogether would mean that the moneylending classes would not be able to obtain justice even against those people who according to the views of the Honourable Minister do not deserve any consideration or any particular pity and have never asked for such concessions, I mean the moneylending classes. In this case people whose assets do not amount to more than Rs. 5,000 will also be included for certain purposes and they will also be debarred from approaching the conciliation boards. Why should it be necessary in their case that this concession should be extended to them? Only the other day, if you have been following the reports in the papers, the Honourable Minister was invited by a body of merchants of the Merchants' Association in Lahore. Many people objected to it, as a sign of lack of self-respect in the merchants but they had a particular point in view and they wanted to have *tete-a-tete* with the Honourable Minister and to speak out the truth in his face. When we stated that the trading classes did not want any such concession or any consideration and had never asked for it, we were told by him and by Mir Maqbool Mahmood, the other day, that we people lacked in sympathy even for the non-agricultural classes. Nothing was farther from the truth and it was proved beyond a shadow of doubt when the representatives of the Merchants' Association in Lahore told the Honourable Minister that they did not want any such concession, because that would destroy their credit in the market. That was a sufficient proof, if any proof was needed that the so-called concession which the Honourable Minister and his Government want to show to the non-agricultural classes which we said was nothing but throwing dust in their eyes, is not required by them. But now that these classes have also been included, I must submit that the existence of sub-clause (8) would be highly prejudicial even to their interests. Ordinary principles of jurisprudence, ordinary principles of equity, ordinary principles that judicial courts are the best insurance that any people can have against injustice and against tyranny and high-handedness to any person or body of persons, all these things are now being ignored by the Honourable Minister in insisting upon the acceptance of this clause. To say that after a revenue assistant has passed his order, his judgment should be final, amounts to wiping out the whole Civil Procedure Code, wiping out the Punjab Civil Courts Act, and wiping out the Contract Act and wiping out every blessed law that has heretofore been followed in this province and is being followed elsewhere.

The Honourable Minister was not present when I made a reference to his argument in reply and with your permission I would just draw his attention to one sentence and this is that if the effort was confined to only scaling down, there might be no objection at all, but to give the conciliation boards the power to adjudicate on debts of big amounts like Rs. 10,000 and then to shut out appeals certainly should not commend itself even to a Minister like the mover of this Bill. The power given to the conciliation boards to decide whether Rs. 10,000 is or is not due or whether part of this is fictitious or genuine, means placing them in the position of judges; it is the same power as a sub-judge of the first class exercises. But whereas the sub-judge of the first class has the High Court above him and the High Court has the Privy Council above it,

the conciliation board vested with all the powers of a sub-judge of the first class, will have nobody above it but a revenue assistant whose pay, whose experience, whose knowledge may be far inferior to that enjoyed by even a third class sub-judge. Is this equitable? Is this reason? I ask, in all seriousness, has the Government lost all sense of propriety, all sense of proportion? There must be a limit to even legislative insanity. They should realise what they are doing. What prevents them, I may ask, from taking a further step and saying that all cases of Rs. 10,000 and even above may be tried by the village panchayats—they will have only to amend the Village Panchayat Act—and that no appeal would lie to anybody or again perhaps to the revenue assistant or say to the minister or some of his nominees? Is the High Court being abolished? The Honourable Minister did not like our reference to the High Court. But I cannot help making a reference. I say he does not seem to have realised it. He is abolishing *pro tanto* the High Court itself, because he is taking away cases of very high value out of the jurisdiction of the High Court. What is the High Court to adjudicate upon? Only murder appeals and other criminal appeals? (An honourable member: Or cases above Rs. 10,000). No; in this Act power is given to the Government to increase the jurisdiction of the conciliation boards. In section 8 (1) (c), for instance, we find that the Provincial Government shall determine the pecuniary limits of the jurisdiction of the board, provided that no board shall have jurisdiction to make a settlement between a debtor and his creditors if the total debts of the debtor exceed Rs. 10,000 or such larger amount as the provincial Government may prescribe for any area. So it is open to them to say that every kind of case irrespective of its value shall be tried by a tribunal consisting of two zamindars and one other person and there will be no appeal from their decision except to a revenue assistant. Where does the High Court remain? Where does the District Judge remain? Where are the other judges? They are all abolished with one stroke of the pen in an indirect manner. This was exactly the thing against which, as I said while speaking on the other motion, the bench and bar of Great Britain revolted and the Lord Chief Justice of England had to express himself in such strong terms. I am sure it has not occurred to the Honourable Minister. He does not seem to have realised the enormity of the measure that he has put forward before the House. Otherwise I am sure,—he has been a lawyer of good standing and of so many years standing and his mind must be to a certain extent at least judicial and he must have some regard and some value for procedure and equity and the ordinary principle of jurisprudence—he would not have brought forward this Bill. Perhaps he has not applied his mind to these things. (Interruption.) We expect from a lawyer-minister that he would show some regard for the existing law and the only explanation that I can think of for his action is that he has never given serious thought at all to this matter. I want to know whether he is not abolishing the civil courts of this province altogether. Where is the guarantee that to-morrow the powers given under section 8 (1) (c) of the Act would not be exercised in order to enlarge the jurisdiction of the conciliation boards? Nothing would be left then outside the jurisdiction of the conciliation boards. (Interruption.) There is no doubt that most civil courts will be closed and lawyers will starve and take to agriculture or do some other occupation. The vanity of some people no doubt would be gratified that they had done something very great according to their lights. But this is the position which

[Dr. Sir Gokul Chand Narang.]

arises from this clause and that is the reason why I have moved that this should be taken out and some scope should be left for the interference of the judicial courts.

I say one thing before I sit down. I am throwing out a hint to some of the people, practising lawyers who may like to take it up. It is this. I personally feel that all these provisions of the law which oust the jurisdiction of the civil courts are against the spirit of the constitution, are against the spirit of equity and against commonsense law and if there is any force in the saying that there should be the rule of law in every country, then I think (*Interruption*) if this is democracy, the best place for democracy is the bottom of the Bay of Bengal or the Arabian Sea which is probably near. I would make a suggestion to the honourable members of this House who are practising lawyers that they should file a test case in some civil court, and see whether these provisions are valid, because they ruthlessly encroach upon the jurisdiction of the civil courts. It may be that so far as the mere letter of the law is concerned, the Punjab Government might be within its rights to frame certain laws regulating the payment of debts or scaling down of debts. But when a provincial Government launches upon a scheme of wholesale abrogation of the jurisdiction of the civil courts, I think, if not in the letter at least in the spirit, the sanctity of the constitution, a fundamental part of it, i.e., the rule of law, is destroyed. (*Interruption.*) I am only talking of the technical jurisdiction of the provincial Government as compared with the spirit of the constitution. It is for some public-spirited lawyers who know the constitution well and who agree with me that these provisions are very objectionable and are obnoxious to the spirit of the constitution, to have the validity of its provisions tested in a court of law. That case may be thrown out by the first court. If it is decreed, well and good, otherwise the case should be taken right up to the Federal Court, or to the Privy Council, as the lawyers may, by mutual consultation, decide among themselves. I am referring to it because I feel that the position in the Punjab, so far as the judiciary is concerned, has really become very delicate and it is time that some steps were taken by those who are interested in upholding the prestige of law and also the prestige of judicial courts, and are anxious to maintain the sanctity of the law and the sanctity of the judicial courts. With these words I commend it to the consideration of the House. (*Cheers.*)

Mr. Speaker : Clause under consideration, amendment moved—

That subsection (3) of the proposed section 15-A be deleted.

Another amendment in the 4th Supplementary List in the names of Chaudhri Muhammad Hussain, Sayed Amjad Ali Shah, and Nawabzada Muhammad Faiyaz Ali Khan is—

That for sub-clause (3), the following sub-clause be substituted, and be re-numbered as (4):—

“(4) No order passed under this section shall be open to question in a civil court.”

This amendment and the amendment moved by Dr. Sir Gokul Chand Narang shall be discussed together.

Chaudhri Muhammad Husain (Gujranwala East, Muslim, Rural) (Urdu): Sir, I would like to make a few observations without formally moving my amendment. Two amendments with much the same purport stand in my name on the order paper. The present sub-clause (3) is to the effect that—

An order passed under subsection (2) shall be final and shall not be called into question by any court.

Now, Sir, this means that the orders passed by the court of appeal, i.e., the collector or the assistant collector shall be final and conclusive. But in addition to these orders there are others which are being passed by the debt conciliation boards and no provision has been made in this clause in their behalf. Under sub-clause (1) of the proposed section 15-A, there is a provision for adjudication by the board in respect of genuine claims. But the result of an appeal arising therefrom shall be final and shall not be called into question.

Mr. Speaker: Under which other part of this section can any order be passed?

Malik Barkat Ali: Subsection (1), namely, the Board itself adjudicating upon the issue. There are two kinds of orders that can be passed. One is under part (1), an order passed by the Board. The other is an order under part (2) passed on appeal by the Collector or an Assistant Collector of the first grade. Under clause (3), as it stands, it is only an appellate order which is final. Under the clause, as amended by my learned friend, both these orders cannot be called into question by a civil court. That is the meaning of my friend.

Mr. Speaker: Will the honourable member please take the trouble of explaining again?

Malik Barkat Ali: You will be pleased to see that sub-clause (3), as it stands, is, "An order passed under subsection (2) shall be final and shall not be called into question by any court." Now, subsection (2) deals only with orders passed on appeal by the Collector or such other officer not below the rank of an Assistant Collector of the first grade as the Provincial Government may appoint on his behalf. Under this amendment, of which notice has been given by my friend Chaudhri Muhammad Husain, the words are—

Mr. Speaker: From an order passed under subsection (1) provision for appeal is made in subsection (2); but still there is the possibility of an order under subsection (1) being taken to a civil court. Therefore, the amendment will cover that case.

Dr. Sir Gokul Chand Narang: He wants deletion of sub-clause (2) and no appeal at all.

Mr. Speaker: His amendment is that no order passed under this section shall be open to question in a civil court.

Chaudhri Muhammad Husain: I was submitting—

Dr. Sir Gokul Chand Narang: We have not followed. What is the honourable member moving?

Mr. Speaker : He is discussing the amendment—

That for sub-clause (3), the following sub-clause be substituted, and be re-numbered as (4):—

“(4) No order passed under this section shall be open to question in a civil court.”

The honourable member is proposing its deletion and substitution.

Chaudhri Muhammad Husain : My honourable friend Dr. Narang wants that the powers to adjudicate upon the debts should lie with the civil courts in spite of the decisions made by the debt conciliation boards. But the object of the amendment is this. No power as such should be given to civil courts and the orders of the conciliation boards should be considered as final and no appeal should be filed against them.

Dr. Sir Gokul Chand Narang : On a point of order. This is a superfluous amendment. It might have been in order if the amendment to subsection (2) had not been carried. The only obnoxious person in sub-clause (2) was the sub-judge and he has been removed. There is no civil court left now.

Malik Barkat Ali : No, no. My learned friend forgets one thing and that is that any orders passed by the board can be tested, as he himself suggested, in the civil court.

Dr. Sir Gokul Chand Narang : Where is it ?

Mr. Speaker : When it is expressly laid down in sub-clause (2) that orders passed under sub-clause (1) shall be appealed to the Collector or Assistant Collector, where is the possibility of a civil court coming in ?

Malik Barkat Ali : You will be pleased to know that the jurisdiction of a civil court must be either expressly ousted or by necessary implication ousted. Here one thing is clear, viz., that orders passed by the Collector cannot be reviewed or examined in any civil court. The section thus clearly bars the jurisdiction of the civil courts in regard to orders passed by the Collector but it does not follow that the primary orders passed by the boards cannot be examined by the civil court.

Mr. Speaker : Under which law ?

Malik Barkat Ali : Under the general law, because the jurisdiction of civil courts, unless and until it is ousted, is plenary. Under section 9 of the Civil Procedure Code the presumption is that civil courts' jurisdiction exists and before the jurisdiction of the civil courts can be ousted in any matter, there must be either an express legislation to that effect or the jurisdiction must be ousted by necessary implication.

Chaudhri Muhammad Husain : I may submit that it has been provided in the Land Revenue (Amendment) Act that an appeal at first should lie to a collector and then to the Financial Commissioner and civil courts have been given powers to deal with the case.

At this stage the Assembly adjourned till 12 noon, on Wednesday, 3rd April, 1940.

PUNJAB LEGISLATIVE ASSEMBLY

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 3rd April, 1940.

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

ADJOURNMENT OF THE ASSEMBLY.

Premier : Sir, I have a request to make to my honourable friend, the Leader of the Opposition and it is this. To-day it is *Akhiri Chahar Shamba*. The Assembly does not meet on holidays which are declared gazetted under the Negotiable Instrument Act. But this is not a gazetted holiday, it is only a local holiday which was overlooked. So, a request has been made that we should observe it as a holiday and that we shall adjourn to-day provided my honourable friend, the Leader of the Opposition agrees. I beg to move—

That the Assembly do adjourn till to-morrow.

Dr. Gopi Chand Bhargava : I have got no objection to my honourable friends' observing this festival. I am prepared to accommodate them.

Mr. Speaker : The question is—

That the Assembly do adjourn till to-morrow.

The motion was carried.

The Assembly accordingly adjourned till 12 noon on Thursday, 4th April, 1940.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 4th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

NOMINATED AND ELECTED SEATS IN HANSI MUNICIPAL COMMITTEE.

***6016. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state the ratio between the nominated and elected seats of the Hansi Municipal Committee and state further whether it is in accordance with the law in force ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The Committee consists of 8 elected and 4 appointed members. The honourable member is presumably referring to the proviso to section 12 of the Punjab Municipal Act, which lays down that unless the Provincial Government shall otherwise direct, the appointed members shall not exceed one-fourth of the whole committee. The necessary direction was issued by the last Government in October, 1935 when the committee was reconstituted.

Pandit Shri Ram Sharma : May I know the reasons for the departure from a general rule that the number of nominated seats should not exceed one-fourth of the members ?

Parliamentary Secretary : I have already stated that the direction to this effect was issued by the previous Government in October, 1935. But at present I am not in possession of all those reasons best known to the previous Government on account of which they had departed from this general rule. I, however, think that there must have been some cogent reason for doing so.

Pandit Shri Ram Sharma : Has the Government ever considered the importance of the rule that the number of nominated seats should not exceed one-fourth of the members ?

Mr. Speaker : This question is much wider than the original question.

Pandit Shri Ram Sharma : My question was whether the number of nominated members of the Hansi Municipal Committee was more than one-fourth of the members. The Parliamentary Secretary has replied in the affirmative. Now may I ask him as to under what conditions the Government have allowed the number to exceed ? Have they considered the desirability of decreasing the present number of nominated seats in the Hansi Municipal Committee ?

Parliamentary Secretary : So far as the case of Hansi Municipal Committee is concerned I am afraid the Government have not considered it.

SALE OF DUSEHRA GROUNDS IN SARGODHA.

***6134. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether Sargodha Municipality has requested the

[S. Hari Singh.]

Punjab Government not to sell the land known as the Dusehra grounds ; if so, action taken by the Government in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The Municipal Committee has passed a resolution requesting the Deputy Commissioner not to resume possession of a plot of land where the Dusehra festival has been celebrated for some time past. No reference has yet been made to Government.

Pandit Shri Ram Sharma : May I know whether the Dusehra ground is included in Nazool land ?

Parliamentary Secretary : It is Government's property.

Pandit Shri Ram Sharma : Is it a fact that Ram Lila people are in possession of the land in question ?

Minister for Public Works : Why is the honourable member so restive ? This matter has not been considered by the Government as yet.

TRANSFER OF DEPUTY COMMISSIONER AND SUPERINTENDENT OF POLICE, GUJRAT.

***6181. Sardar Hari Singh** : Will the Honourable Premier be pleased to state the reasons for the simultaneous and urgent transfers of both the Deputy Commissioner and Superintendent of Police, Gujrat, by telegraphic orders recently ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Neither of these officers has been transferred. One of them has proceeded on leave.

Pandit Shri Ram Sharma : May I know the names of the officers who have been transferred ?

Parliamentary Secretary : It is not in the public interest to give names.

INTERFERENCE IN DISTRICT BOARD ELECTIONS BY CHAUDHRI MUHAMMAD ANWAR.

***6307. Sardar Hari Singh** : With reference to answer to starred question No. 5099,¹ asked on 21st February, 1940, will the Honourable Minister of Public Works be pleased to state—

- (a) who made the inquiry into the conduct of Chaudhri Muhammad Anwar and his subordinates regarding their alleged active interference in the last district board elections ;
- (b) whether the complainants were given the chance to substantiate their allegations by producing evidence ; if not, why not ;
- (c) the mode of inquiry ;
- (d) the dates on which inquiry was made and from whom ;
- (e) date on which the report was submitted to Government ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No enquiries were ever made as no representations were received.

Sardar Hari Singh : In the original answer to question No. 5089¹, to which this question refers, it was admitted by the Government that a representation had been received by the Honourable Minister for Public Works and that an enquiry had been made and that the allegations proved to be false. That was the original answer.

Parliamentary Secretary : Neither the original question nor its answer is before me and therefore, it is not possible for me to say how matters stand. So far as this question is concerned I have made enquiries and my reply is that as no representations were received no enquiries were ever made.

Sardar Hari Singh : I want to say that in the answer to the original question it was admitted that representation had been received.

Minister for Public Works : Would you please read that answer ?

Sardar Hari Singh : I am giving the substance of it. The original question was whether a representation had been received by the Government to the effect that the Revenue Assistant, Chaudhri Muhammad Anwar, had actively interfered in the district board election last year and whether any enquiry had been held by the Government into the matter and the answer was that a representation had been received by the Honourable Minister for Public Works and that an enquiry had been held. When I put supplementary questions as to what was the result of that enquiry and what was the mode of the enquiry and whether the representation was written or oral, then it was pointed out by the Government spokesman that a notice of a fresh question should be given so as to enable him to answer the question. When the notice is given, now he says that no representation has been received.

Parliamentary Secretary : I have not got the original answer before me and it is not possible for me to reconcile these two statements if there is any inconsistency at all.

Sardar Hari Singh : I am quite sure that it was the reply.

Mr. Speaker : Please do not rely upon memory.

Sardar Hari Singh : I am quite certain that he said that a fresh notice should be given. Therefore, I gave notice. These supplementary questions were asked by me on the very occasion and he asked for a fresh notice. Then I sent notice of this question.

DELAY IN THE RELEASE OF PRISONERS, IN RAWALPINDI JAIL.

***6346. Pandit Shri Ram Sharma :** Will the Honourable Minister for Finance be pleased to state—

(a) the reasons for the unusual delay in the release of Captain Murli Manohar, President Congress Committee, Sirsa, a prisoner in the Rawalpindi District Jail ;

(b) whether it is a fact that his sentence was reduced to that already undergone by the High Court on the 21st February last and he was still in the jail up to the end of that month ;

¹ Vide debates of 21st February, 1940, Vol. XI.

[Pt. Shri Ram Sharma.]

- (c) whether another prisoner, Fida Hussain, confined in the Rawalpindi district jail, was acquitted on appeal in the High Court on 21st February, 1940, but was not released up to 26th February, from jail; if so, the reasons for the delay and the date of his release from jail ?

The Honourable Mr. Manohar Lal : (a) and (b) The sentence of prisoner Murli Manohar was reduced by the High Court to the term already undergone by him on the 23rd February, 1940. The release warrant was received and issued by the District Magistrate, Hissar on the 28th February, 1940, to the Superintendent of the District Jail, Hissar, where the prisoner was originally committed. As the prisoner had been transferred to the Rawalpindi Jail the warrant was forwarded to that jail on the same day under a registered cover. The release warrant was received at the Rawalpindi District Jail on the 1st March, 1940, and the prisoner was released on the same day.

(c) Convict Fida Hussain was not acquitted by the High Court, his sentence was reduced to four months rigorous imprisonment. He was due for release on the 15th March, 1940, but as he was granted 5 days special remission by the Superintendent of the District Jail, Rawalpindi, he was released on the 9th March, 1940.

Pandit Shri Ram Sharma : May I know the cause of delay in actually releasing Mr. Murli Manohar after 9 days of the order of release ?

Minister : I cannot say how the time between 23rd and 28th was consumed. But the District Magistrate of Hissar received the release order on the 28th and on that very day he communicated it to the District Jail of Hissar. But as the prisoner was not there that order was sent immediately by registered post to Rawalpindi where the prisoner was and he was released immediately on the receipt of that release warrant. I may also add this that I think the delay was probably due to the counsel, who appeared on behalf of Mr. Murli Manohar, not having intimated to the High Court his exact place of confinement.

Khan Sahib Khawaja Ghulam Samad : May I know whether it is the duty of the Counsel for Defence to intimate the authorities that such and such a person is confined in such and such a jail or is it the duty of the High Court to know before hand in which jail he is confined ?

Mr. Speaker : This question need not be answered.

Khan Sahib Khawaja Ghulam Samad : It does arise out of the reply given.

Mr. Speaker : The answer was irrelevant.

Sardar Hari Singh : Even apart from the fact that intimation may not have been given by the Counsel that the prisoner was in the Rawalpindi jail, may I know from the Minister, who is in charge of the Jail Department and is solicitous of the interests of the prisoners, if he has enquired why 7 days were consumed when the warrant notice was issued by the District Magistrate of Rohtak or Hissar.

Mr. Speaker : He sent it the same day.

Sardar Hari Singh : May I know if the Honourable Minister has enquired into the matter as to why 7 days were taken before the orders were issued by the District Magistrate of Hissar ?

Minister : I do not know how 7 days were taken. The District Magistrate, Hissar received the release warrant on the 28th—.

Sardar Hari Singh : Seven days were taken.

Minister : The District Magistrate received the orders only on the 28th and he sent the warrants to the Superintendent of Jail immediately.

Mr. Speaker : How many days passed between the issue and the receipt of orders ?

Minister : That is perfectly obvious. The District Magistrate, Hissar, where the prisoner was confined, received the orders on the 28th and the High Court issued them on the 23rd.

Pandit Shri Ram Sharma : The order of release was given on the 21st instead of on the 23rd of February, but the warrant of actual release was issued by the District Magistrate, Hissar on the 28th. What was the cause of this delay of 7 days ?

Minister : I have answered the question amply. So far as the district jails of Hissar and Rawalpindi are concerned, there has been no delay. As to why any delay took place in the High Court I would require notice for it.

Khan Sahib Khawaja Ghulam Samad : May I know from the Minister for Finance whether he is aware that in the High Court rules and orders it is given that the District Magistrate should send to the High Court along with the appeal the prisoner's address or of the jail in which the prisoner is confined ?

Mr. Speaker : That question need not be answered.

Khan Sahib Khawaja Ghulam Samad : This question arises out of the reply given by the Minister, because he says that the Counsel did not give the address—.

Mr. Speaker : The Minister has already said that if there was any delay in the High Court in issuing the release order he required notice to find out the cause of delay. He has said so in so many words.

Khan Sahib Khawaja Ghulam Samad : I want to know whether the High Court was responsible for the delay or the District Magistrate.

Pandit Shri Ram Sharma : Will the Honourable Minister please look up the original question ? The reason for the unusual delay was asked for therein. I want to know the exact cause of the delay, whether it was due to the Magistrate or the High Court.

Minister : I have answered the question in the fullest possible manner and that if there was any delay, I do not know the circumstances but so far as the district authorities or the jail authorities are concerned there has not been an hour's delay in this matter.

Khan Sahib Khawaja Ghulam Samad : The same question arises again. The Minister has said that the district authorities were not responsible. I say that they did not comply with the rules of the High Court.

Pandit Shri Ram Sharma : I only ask if unusual delay did take place and if so who was responsible for that.

Minister : I cannot add to the answer given. May I answer the question of Khawaja Sahib? It may be that when an appeal is lodged the District Magistrate sends it to the High Court, but the Khawaja Sahib might remember that there is a big interval between an appeal being lodged and an appeal being heard and in the present case the prisoner was actually transferred from the Hissar jail, where he was originally confined, to the Rawalpindi jail.

Khan Sahib Khawaja Ghulam Samad : Another supplementary question arises out of the reply. Is it not the duty of the District Magistrate or the jail authorities to intimate to the High Court that such and such a prisoner has been transferred to such and such a jail?

Mr. Speaker : Please do not give arguments.

Chaudhri Sumer Singh : On what date did the High Court order the release?

Minister : So far as I can see, on the 24th February.

Pandit Shri Ram Sharma : Has the Honourable Minister ever considered the fact that prisoners are sometimes kept behind the bars for days after the High Court has ordered their release?

Mr. Speaker : This question is much wider than the original question.

USE OF BOOKS BY GURMUKH SINGH, PRISONER.

***6390. Pandit Shri Ram Sharma :** Will the Honourable Minister for Finance be pleased to state whether Gurmukh Singh, a political prisoner in the Central Jail, Multan, is allowed the use of the books which he brought from America and whether he has been supplied any writing material?

The Honourable Mr. Manohar Lal : A number of books ordered by prisoner Gurmukh Singh were confiscated in accordance with the provisions of the Sea Customs Act, 1878. He was permitted the use of those not liable to confiscation.

As he refused to make a regular application for special concessions in respect of writing material, undertaking not to abuse the privileges if allowed to him, no action has been taken.

Pandit Shri Ram Sharma : How many books were concerned and how many of these objectionable books were disallowed and how many were allowed?

Minister : I could give no details.

Pandit Shri Ram Sharma : Does the Honourable Minister know the names and subject matter of these books?

Minister : The honourable member wishes to ask whether I have seen the books which were proscribed. I think a question of the same character was asked about 18 months ago and at that time I had the occasion to see some of the books. I must say that some of them I was not able to understand as they were too philosophic.

Mr. Dev Raj Sethi : Why was no writing material supplied to him ?

Minister : Writing material was not supplied as he did not give the assurance that he would not use it for any improper or objectionable object.

Mr. Dev Raj Sethi : May I know what the words " objectionable or improper " connote ?

Minister : I think these are such simple words that I need not attempt further to make their meanings clearer .

Chaudhri Sumer Singh : May I know if those books which were allowed had been proscribed ?

Pandit Shri Ram Sharma : May I know the standard on the basis of which the jail authorities declare certain book as objectionable ?

Minister : What has that to do with the question ? The order for confiscation is issued under certain provisions of the Sea Customs Act ; that is not a matter with which the jails deal.

Pandit Shri Ram Sharma : The Honourable Minister stated in his answer that the books being objectionable could not be permitted to be supplied to him. May I know the basis on which the same were declared objectionable ?

Minister : No, the honourable member is confusing the first and the second parts of the answer. I used the word " objectionable " only with regard to the second part.

Sardar Sohan Singh Josh : May I know if the Honourable Minister is sure that a prisoner is always asked to give that assurance which he has mentioned ?

Minister : I had several cases as regards this matter and all such cases come right up to the Minister. Where a prisoner gives an assurance permission is granted for the supply of writing material.

Pandit Shri Ram Sharma : Will the Honourable Minister please tell me what treatment is meted out to A, B and C class prisoners ?

Mr. Speaker : Disallowed.

Mr. Dev Raj Sethi : May I ask whether rules regarding confiscation of books in the Punjab Jails are different from those outside the jails in the province ?

Minister : Different from what ?

Mr. Dev Raj Sethi : Different from the rules in force in the Punjab ?

Minister : It is not a question of rules outside the Punjab. Books are confiscated under the Sea Customs Act and it is an All-India Act.

EXPENDITURE INCURRED BY DISTRICT BOARD, AMBALA, IN
GOPAL MOCHAN FAIR.

*6431. **Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that at least a part of the expenditure incurred by the District Board , Ambala, on Gopal Mochan Fair,

L. Duni Chand.]

held in November, 1939, was unnecessary as it was pointed out and also objected to by some members of the said Board ; if so, the action taken or intended to be taken in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Government's information is that no unnecessary expenditure was incurred and that no objection was raised by any member.

Lala Duni Chand : May I know the amount of expenditure incurred in this connection ?

Parliamentary Secretary : I require notice for that.

Lala Duni Chand : Is the Parliamentary Secretary aware whether this question was raised in a meeting of the district board ?

Parliamentary Secretary : The honourable member may know that it is not a fact.

ATTACHMENTS AND ARRESTS IN AMRITSAR DISTRICT IN DEFAULT OF
PAYMENT OF PROFESSIONAL TAX.

***6442. Sardar Sohan Singh Josh** : Will the Honourable Minister for Public Works be pleased to state the number of attachments and arrests made, tahsil-wise, during the year 1939 in default of payment of Professional Tax imposed by the District Board, Amritsar ?

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

Statement.

Year.	District.	Tahsils.	Warrants of attachment issued.	Warrants of arrests issued.
1939	Amritsar	1. Amritsar	59	36
		2. Tarn Taran	..	2
		3. Ajnala	68	44
		Total	127	82

Sardar Sohan Singh Josh : May I know what amount was realised from the warrants of attachment issued ?

Parliamentary Secretary : I cannot answer that question without notice.

OUTLETS OF RAJBAB JETHUWAL.

***6443. Sardar Sohan Singh Josh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that a few years ago the size of ten outlets of Rajbah Jethuwal was reduced ; if so, the exact date when this was done ;

- (b) the number of these outlets the size of which was reduced on remodelling, their size at present and the area of land including gardens which is irrigated by these outlets ;
- (c) whether at the time of making reduction in the sizes of these outlets, plan A was prepared ; if so, whether he would be pleased to lay on the table of the House a copy of that plan as approved by the Collector of the Canal Division concerned ;
- (d) the number of applications submitted by the zamindars concerned for restoring the outlets to their original size and the action taken on those applications ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes. Remodelling was done in April and May, 1938.

(b) Ten outlets were reduced but in working out the size allowance was made for giving double discharge for gardens which had not been given before the remodelling.

(c) It is not understood what the honourable member means by plan A or Collector of a Canal Division.

(d) Seventeen applications were received but no action has been taken as the outlets were overdrawing and were rightly reduced to remove shortage at the tail.

Sardar Sohan Singh Josh : Does the honourable member realise that this reduced water supply will result in damaging the gardens that are irrigated by these outlets ?

Parliamentary Secretary : No.

Minister for Revenue : We have at last doubled the quantity of water.

DR. BASHIR AHMAD.

*6444. **Lala Duni Chand** : Will the Honourable Minister for Education be pleased to state—

- (a) whether it has come to his notice that recently the Sessions Judge of Multan has recommended the dismissal from service of Dr. Bashir Ahmad, on his having been found to have given false evidence during the course of judicial proceedings in his court ;
- (b) whether he has also recommended his prosecution ; if so, what action if any, the Government has taken thereon ?

The Honourable Mian Abdul Haye : (a) and (b) The Inspector-General of Civil Hospitals, has received no communication from the Sessions Judge, but he received a copy of the judgment passed by the High Court for taking departmental action against Dr. Bashir Ahmad for giving false evidence. The doctor has been suspended and is being prosecuted for perjury. Such departmental action as may be considered necessary will be taken when the criminal case is decided. I may add that Dr. Bashir Ahmad is an employee of the District Board of Multan being incharge of a rural dispensary.

DETENTION OF GIRDHARI LAL, AGGARWAL, BY SUB-INSPECTOR OF MORANDA POLICE STATION, DISTRICT AMBALA.

***6445. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the Sub-Inspector of Moranda Police Station, district Ambala, sent for one Girdhari Lal, Aggarwal, and detained him in the police station for two days on 9th and 10th December, 1939 ;
- (b) whether it is a fact that the said Sub-Inspector threatened the said Girdhari Lal, that if he did not close down his drain running along the wall of Sodhi Gobind Singh which he inspected on 10th December, 1939, he would be prosecuted ;
- (c) whether a complaint was made to the Superintendent of Police, Ambala, against the said Sub-Inspector of Police for his having detained Girdhari Lal, without any reason ;
- (d) if the answer to (a), (b) and (c) be in the affirmative, the action that the Government intends to take in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a), (b) and (c) No.

(d) Does not arise.

LAND PURCHASED IN LEIAH TAHSIL BY PEOPLE WHO LIVE OUTSIDE MUZAFFARGARH DISTRICT.

***6446. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the area bought in the Leiah tahsil after 1st January, 1936, by those who live outside the district Muzaffargarh ;
- (b) the number of those of such purchasers who have bought more than 100 acres during this period ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 12,739 acres comprising 1,138 acres of superior land owners' rights and 11,601 acres of inferior land owners' rights.

(b) 37.

Sardar Kabul Singh : May I know whether any of the purchaser^s who have bought lands is a member of this Assembly ?

Mr. Speaker : That does not arise out of the answer given.

TEMPORARY AND OFFICIATING SUPERINTENDENTS OF POLICE IN ROHTAK DISTRICT.

***5910. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the reasons for keeping temporary and officiating Superintendents of Police in Rohtak district since the time the present Government has come into power ;

(b) the reasons why a large number of temporary and officiating police officials have been employed during this time in the said district ;

(c) the reasons for keeping one community in preponderating numbers in the police force of Rohtak district, particularly among the Sub-Inspectors ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) There have been more changes in the appointment of Superintendent of Police, Rohtak, than could have been wished, but if most of the officers who have been posted to the district during the last three years have been officiating men this is purely fortuitous. I may mention that the present incumbent is permanent in his rank, and that permanent Superintendents of Police have held charge of Rohtak for about third of the period since 1st April, 1937.

(b) The proportion of officiating to permanent officers in this district does not appear to be abnormally high.

(c) This part is not quite clear and I am not certain to which particular community the honourable member refers, but in any case I regret that following what has come to be the established convention I must decline to answer questions which savour of communalism on the floor of the House.

Pandit Shri Ram Sharma : May I know the reason why so many officiating superintendents of police have been posted by the Unionist Government since it came to power ?

Parliamentary Secretary : For administrative convenience.

Minister for Public Works : In the exigencies of public service.

Pandit Shri Ram Sharma : Is the honourable minister aware of the fact that posting of officiating superintendents of police has resulted in increase of crimes and prevalence of lawlessness in this district ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Is it not a fact that a large number of officiating superintendents of police, Deputy superintendents of police and subordinate police officials have been employed during the time in the said district ?

Parliamentary Secretary : No, during this time 37 police officers were posted, out of them 23 were premanent officials and the remaining ones officiating.

Pandit Shri Ram Sharma : May I know if the object of posting of these officiating officers at Rohtak was to the interest of the Unionist Party so that officiating officers may remain under the thumb of the benchmen of their party ?

Mr. Speaker : The honourable member is going beyond the original question.

Pandit Shri Ram Sharma : But I want to know whether the prevalence of lawlessness and increase in crimes is not due to posting of such a large number of officiating hands ?

Mr. Speaker : That is a hypothetical question.

Pandit Shri Ram Sharma : Does he deny that the majority of sub-inspectors of police who have been posted to that district did not belong to one community only ?

Parliamentary Secretary : I decline to answer this question.

Pandit Shri Ram Sharma : May I know whether the policy which the Government only recently enunciated for distributing Government services among various communities in every division does not apply to the police department ?

Parliamentary Secretary : That relates to fresh recruitment only.

Pandit Shri Ram Sharma : Is it not included in the policy of Government that decent communal proportion should be maintained among officers in various districts ?

Parliamentary Secretary : There are no such orders.

SEARCH OF OFFICE OF DISTRICT CONGRESS COMMITTEE, RAWALPINDI.

***5924. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the object for which the police raided and searched the offices of the city and district Congress Committee, Rawalpindi, on or about 30th November last ;
- (b) whether the police wanted to have the Congress record of membership if not, what papers were wanted ;
- (c) the papers and documents the police took in their possession after the search was made on this occasion ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) In connection with an offence under Rule 38 of the Defence of India Rules, 1939.

(b) *First part.*—No.

Second part.—The search was made in connection with three objectionable placards, which were exhibited outside the Congress office.

(c) Two letters.

Pandit Shri Ram Sharma : May I know whether there was anything objectionable in the two letters which the police took possession of ?

Parliamentary Secretary : There is nothing objectionable in the contents of the letter. But it bears certain signature, and it is not in the public interest to state them.

Pandit Shri Ram Sharma : May I know whether the police wanted to have the Congress record of membership ?

Parliamentary Secretary : I have already stated in answer to my friend's question that the police did not want to search the Congress office of membership.

Pandit Shri Ram Sharma : May I know whether the police also searched the Congress record of membership ?

Parliamentary Secretary : I have already stated that the search was made in connection with three objectionable placards, which were exhibited outside the Congress office. The police only took possession of those papers which were necessary for their purpose.

**IRREGULARITIES BY PROSECUTION IN FATEHWAL
MURDER CASE.**

***5925. Pandit Shri Ram Sharma :** Will the Honourable Minister of Finance be pleased to state whether in the judgments of the Sessions Judge and the High Court in the Fatehwal Murder Case, it has come to the notice of the Government that several objectional things and irregularities were committed by the prosecution ; if so, what action the Government proposes to take in the matter ?

The Honourable Mr. Manohar Lal : After looking through the judgments I am by no means clear to what " objectionable things and irregularities committed by the prosecution " the honourable member refers. The judgments do not contain any such criticisms of the prosecution as his question implies. If he suggests that there is matter in the judgments requiring Government action perhaps he will put a further question, after going through the documents.

Pandit Shri Ram Sharma : Is the Honourable Minister certain that no strictures were passed in the judgments ?

Mr. Speaker : That question need not be answered.

GENERAL ELECTIONS TO THE PUNJAB LEGISLATIVE ASSEMBLY.

***6264. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether the Punjab Government has by this time considered the question of fixing time for the next general elections to the Punjab Legislative Assembly ; if so, the decision, if any, arrived at in this connection ?

Parliamentary Secretary (Mir Maqbool Mahmood) : No.

Pandit Shri Ram Sharma : Will Government consider this matter in the near future ?

Parliamentary Secretary : I want notice of that question.

Pandit Shri Ram Sharma : May I know whether this question was not considered when the elections to local bodies were postponed ?

Parliamentary Secretary : When a question comes up before the Government they consider it on its merits.

Lala Duni Chand : When does Government intend to hold the next general elections ?

Mr. Speaker : Disallowed.

SUSPENSION OF CERTAIN POLICE OFFICERS.

***6361. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that some officials of the Punjab Police Force have recently been suspended on charges of corruption ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : I do not know of any such suspensions as might have given rise to the question,

[S. B. S. Ujja I Singh.]

but if the honourable member will let me have information as to the district or districts in which the cases are believed to have occurred I will make inquiries.

Chaudhri Muhammad Hasan : Is it a fact that certain members of the Indian police against whom enquiry was made have not been suspended so far ?

Parliamentary Secretary : I am not aware of that. But if my honourable friend wants information regarding a particular case, I shall make enquiries if he gives notice of a fresh question.

Chaudhri Muhammad Hasan : Is it a fact that preliminary enquiry against certain officers has been completed ?

Parliamentary Secretary : I cannot answer a general question of that nature.

Chaudhri Muhammad Hasan : Is it a fact that the enquiry against the late superintendent of police has been completed ?

Parliamentary Secretary : I am not aware of the enquiry against the late superintendent of police. But I am aware that in one or two cases the enquiry has been completed.

Chaudhri Muhammad Hasan : Is it true that those officers have not been suspended so far because they belong to the Imperial Service ?

Mr. Speaker : Disallowed.

Sardar Hari Singh : May I know the names or the number of gazetted officers against whom enquiries have been made ?

Parliamentary Secretary : I require notice of that question.

Mr. Dev Raj Sethi : Has any compulsory leave been given to some of these police officials ?

Parliamentary Secretary : Some police officials were given leave.

Mr. Dev Raj Sethi : Compulsory leave ?

Parliamentary Secretary : I do not know what my honourable friend means by compulsory leave.

Chaudhri Muhammad Hasan : Has it ever occurred to the Government to save public money by ordering suspension of these officers ?

Mr. Speaker : That question is not relevant.

INQUIRIES AGAINST ZAILDARS, ETC., IN HOSHIARPUR DISTRICT.

*6441. **Sardar Hari Singh :** With reference to the answer to my starred question No. 5182,¹ will the Honourable Minister for Public Works be pleased to state the nature of subversive activities in the case of each zaildar, sufedposh, lambardar, and pensioner in the Hoshiarpur district, action taken in each case and the result of appeal, if any, preferred in each case ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret the reply to this question is not yet ready.

¹Vide the debates of 13th March, 1940, Vol. XII.

RESIGNATIONS BY MEMBERS OF HISSAR MUNICIPAL COMMITTEE.

*5685. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the reasons which led to the resignations about two months ago by the Hissar Municipal Commissioners from non-Muslim Wards Nos. 2, 4 and 9 if any, stated in the resignations ;
- (b) whether Lala Kunj Lal, Advocate, previous President of the said Municipal Committee also resigned simultaneously ; if so, the reasons, if any, stated in his resignation of the Presidentship ;
- (c) whether the Commissioner, Ambala Division, made any effort to find out the reasons which led to these resignations ; if so, whether he succeeded in his effort ;
- (d) whether the Government has since removed another member of the Municipal Committee from this committee ; if so, why ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) They submitted their resignations on the 21st August, 1939, saying that they were not satisfied with the lines on which the Municipal administration was being conducted and therefore found themselves unable to discharge their duties towards the electorates which had chosen them as their representatives.

(b) Lala Kunj Lal resigned from the Presidentship of the committee on the 27th February, 1939, saying that his views about the municipal administration did not agree with the views of other members who were in the majority.

(c) The Commissioner has asked for a report on the allegations contained in the resignation referred to in part (a) of the question.

(d) No. But one member was removed on the 4th August, 1939, under section 16 (1) (e) of the Punjab Municipal Act.

COMPLAINT AGAINST SUB-INSPECTOR OF POLICE, SIRSA.

*5979. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the vegetable sellers of Sirsa (district Hissar) observed *hartal* recently for a few days as a protest against the objectionable behaviour of the local sub-inspector of police towards women vegetable sellers while he was on duty and dead drunk ;
- (b) whether the Deputy Superintendent of Police at Sirsa held an inquiry into this matter, and, if so, with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) No. The facts are that the vegetable sellers of Sirsa were in the habit of exhibiting their goods for sale at the side of the road in such a way as to obstruct traffic. On the 25th November the Station House Officer cleared the road as traffic was being dislocated. The vegetable sellers organised a strike in protest, but on it being explained to them that by blocking traffic they were rendering themselves liable to criminal proceedings, and that the action taken was perfectly legal, they abandoned their demonstration.

(b) On the 21st November the Superintendent of Police received a telegram containing allegations against the personal reputation of the Station.

[S. B. S. Ujjal Singh.]

House Officer. Under his orders an inquiry was made by the Deputy Superintendent of Police. This showed the complaint to be without foundation.

Pandit Shri Ram Sharma : Were the statements of the complainants taken and were they given any opportunity to produce evidence in support of the allegations?

Parliamentary Secretary : I cannot give any details of the enquiry, but the Deputy Superintendent of Police did make a thorough enquiry and submit his report.

Pandit Shri Ram Sharma : Can the Parliamentary Secretary state whether in the enquiry made by the Deputy Superintendent of Police the people who made the complaint were called and were given opportunities to prove their allegations?

Parliamentary Secretary : It is not possible to give all the details but I am sure the Deputy Superintendent of Police made a full enquiry.

Pandit Shri Ram Sharma : I am not enquiring about other details. The only thing that I ask is whether the persons on whom the enquiry mainly depended were called or not?

Mr. Speaker : That has been repeatedly asked.

Pandit Shri Ram Sharma : To all questions they say we cannot give details. I say, leave aside the details, but I must know whether the principal person concerned in the enquiry, the complainant, was called to prove his allegations?

Minister for Public Works : The complaint was meaningless.

Pandit Shri Ram Sharma : Is it not a fact that the vegetable sellers complained that the sub-inspector acted improperly and abused under the influence of drink?

Parliamentary Secretary : That was the allegation and that was found to be baseless.

Pandit Shri Ram Sharma : I want to know whether this was the allegation.

Parliamentary Secretary : Yes, but the Deputy Superintendent of Police found it to be quite baseless.

Pandit Shri Ram Sharma : How many days after the event was the enquiry held?

Parliamentary Secretary : I require notice of this question.

S. IQBAL SINGH.

*6271. **Sardar Hari Singh :** With reference to answer to starred question No. 5996,¹ asked on 29th January, 1940, will the Honourable Premier be pleased to state—

(a) where S. Iqbal Singh is being kept now and under what law and for what period;

(b) amenities allowed to him ;

(c) names of those who have applied for interviews with him since his internment and of those who have been permitted to interview him ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) In the District Jail, Campbellpur, under the Defence of India Rules. No period has been fixed.

(b) He is dieted at the rate of Rs. 1-6-0 per diem and has been granted an allowance of Rs. 82 per mensem.

(c) One applicant has been permitted to interview him. Four applications have been refused. It is not in the public interest to give names.

Sardar Hari Singh : Will the honourable member kindly give the grounds for the rejection of the applications ? Were those applications from the relatives of the prisoner ?

Parliamentary Secretary : Definite rules have been laid down as to relatives who are permitted to interview the prisoners interned under the Defence of India Rules. There is also a certain discretion given to the officer-in-charge. These rules have more than once been laid on the table of the House. The applications which were rejected were rejected under the rules.

Sardar Hari Singh : May I know if they are the same rules which are made for State prisoners or whether there are separate rules for interviewing the prisoners under the Defence of India Rules ?

Parliamentary Secretary : There are rules applicable to both and they have been laid on the table.

Sardar Sohan Singh Josh : Are friends permitted to interview ?

Parliamentary Secretary : Yes, if friends come under the list of relatives, otherwise they are not.

Sardar Hari Singh : For instance, will you be allowed to interview him ? May I know if there is any possibility of the release of this prisoner during the duration of the War ?

Parliamentary Secretary : Yes and no. (*Laughter*).

Sardar Hari Singh : What does it mean ?

Parliamentary Secretary : It all depends on the events.

Sardar Hari Singh : Do I understand that there is a possibility ?

Parliamentary Secretary : Certainly.

Sardar Hari Singh : Then say, yes.

Parliamentary Secretary : No, if the events are otherwise.

Sardar Sohan Singh Josh : May I know why Master Kabul Singh was not permitted to interview him ?

Parliamentary Secretary : I require notice.

COMRADE TARA SINGH.

***6389. Pandit Shri Ram Sharma :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether one comrade Tara Singh, a political prisoner, is being kept in solitary confinement in the old Central Jail, Multan; if so, why;
- (b) whether this prisoner was brought from China;
- (c) the nature of hard labour given to him?

The Honourable Mr. Manohar Lal : (a) and (b) There is a prisoner in the Old Central Jail, Multan, named Tara Singh. He is not a political prisoner in any sense of the term whatsoever. He was convicted in China of armed robbery under the Larceny Act. He is not being kept in solitary confinement.

(c) Spinning.

Sardar Lal Singh : Was he convicted in China or in India?

Minister : In China.

Sardar Hari Singh : Then how is he here? Under what law is he confined in a jail in India?

Minister : I think I require notice if the honourable member wishes any precise information.

BREACH ON OUTLET NO. 27075, RAJBABA JETHUWAL, AMRITSAR DISTRICT.

***6447. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether a report was recently made to the Police against the zamindars on outlet No. 27075, Rajbaba Jethuwal, district Amritsar, for causing a breach on the said outlet with the date on which the report was made;
- (b) whether any investigation was made into the matter and whether as a result thereof the Irrigation Department took any steps to impose a penalty on the zamindars mentioned in (a);
- (c) the number of these zamindars and the area of land owned by each of them together with the number of hours for which each gets his supply of water in turn from the outlet mentioned in (a);
- (d) the number of those among them, who were served with a notice to pay the damages with the amount of damages each was required to pay;
- (e) the date on which the accused offered their defence and whether they did so themselves or through their counsels;
- (f) the date on which the Executive Engineer made the enquiry after the accused had offered their defence;
- (g) whether the accused or their counsels were sent for during the course of the inquiry; if not, why not;

- (h) whether the evidence against the accused was recorded in the presence of the accused or their counsels ;
- (i) the date on which the accused were given an opportunity to examine the file of the case or to submit written statements or other documents in their defence and if no such opportunity was given to them ; the reasons therefor ;
- (j) the date on which the case was argued, if at all, by the counsels on behalf of the accused and if the case was not allowed to be so argued, the reasons therefor ;
- (k) what was the final decision at which the Executive Engineer arrived and also the date when it was announced ;
- (l) how and when the decision of the Executive Engineer was communicated to the zamindars and whether each accused was individually informed of his decision ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes, on 9th October, 1939.

(b) Yes.

(c) A statement is enclosed.¹

(d) As the zamindars refused to acknowledge the Notices Nos. 1 and 2, these were served by pasting copies of the notices in a public place in the presence of two lambardars in the case of notice No. 1 and a lambardar and the chowkidar in the case of notice No. 2. The amount on account of the special rate payable by the different persons is shown in the enclosed statement.

(e) 9th December, 1939. They submitted a written statement signed by themselves as well as their counsels.

(f) The Executive Engineer passed orders on 7th February, 1940, on the result of the enquiry made by his subordinate officers and the defence submitted by the shareholders in writing.

(g) The accused or their counsel were not sent for by the Executive Engineer as enquiry had already been made by the subordinate officers and the accused had submitted their defence in writing.

(h) Statement of Hukam Singh, Lambardar, Nabi Bakhsh, Allah Bakhsh, Khuda Bakhsh, Chanan Singh, Chuhar Singh, Sohan Singh, Khair Din and Chiragh Din, which is part of the evidence, was recorded in the presence of the accused, Nabi Bakhsh, Allah Bakhsh, Khuda Bakhsh and Chuhar Singh.

(i) They were given 8 weeks after the service of notice No. 1 to put up their defence and they put in a written statement dated 9th December, 1939, bearing their signatures as well as those of their counsels. They could not be allowed to examine the file.

(j) The case was not argued. No such request was made, nor do Rules require it.

¹ Kept in the Assembly Library.

[Raja Ghazanfar Ali Khan.]

(k) The final decision arrived at was that the bank was cut alongside the outlet R. D. 27075-R. Jethuwal Distributary and the outlet deliberately damaged to obtain extra supply in an unauthorised manner. Special rate equal to half crop rate was levied under Section 83, Rule 33 of Canal Act. Orders were passed by the Executive Engineer, on 7th February, 1940.

(l) The decision of the Executive Engineer was communicated to the zamindars by issue of notice No. 2 which was served by pasting a copy of the notice in a public place in the presence of lambardar and chowkidar as they refused to acknowledge the notice.

BREACH ON OUTLET NO. 27075 OUTLET RAJBABA JETHUWAL, DISTRICT
AMRITSAR.

***6448. Chaudhri Faqir Hussain Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether a report was recently lodged with the police against the zamindars on outlet No. 27075, Rajbaba Jethuwal, district Amritsar, for causing a breach in the said outlet with the date on which that report was made ;
- (b) whether any investigation was made into the case and whether as a result thereof any steps were taken by the Irrigation Department to impose penalty on the zamindars mentioned in (a) ;
- (c) the number of these zamindars and the area of land owned by each of them together with the number of hours for which each gets his supply of water in turn from the outlet mentioned in (a) ;
- (d) the number of those among them who were served with a notice to pay the damages with the amount of damages each of them was required to pay ;
- (e) the date on which the accused offered their defence and whether they did so themselves or through their counsels ;
- (f) the date on which the accused were given an opportunity to examine the file of the case or to file written statements or other documents in their defence ; if no such opportunity was given to them ; the reasons therefor ;
- (g) the date on which the case was argued by the counsels on behalf of the accused and if the case was not allowed to be so argued, the reasons therefor ;
- (h) what was the final decision by the Executive Engineer and when it was announced ;
- (i) how and when the decision of the Executive Engineer was communicated to the accused and whether each one of them was individually informed of his decision ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The honourable member is referred to the reply given to Assembly question No. *6447 ante.

CHANGES IN WARABANDI ON OUTLETS Nos. 24132, 27095 AND 24587.

***6449. Chaudhri Faqir Hussain Khan :** Will the Honourable Minister of Revenue be pleased to state whether any changes are contemplated in the *warabandi* (distribution of water) on outlets Nos. 24132, 27075 and 24587 of Rajbaha Jethuwal, district Amritsar, and, whether, in making these changes, it is intended to add new area to be irrigated by these outlets; if so, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No change is contemplated in the *warabandi* of outlet R. D. 24132. The *warabandi* of outlet R. D. 27075 is being framed on a petition from a shareholder. The *warabandi* of outlet at R. D. 24587 has been recently sanctioned on receipt of an application from a shareholder. No new area has been added in either case.

REDUCTION IN THE DISCHARGE OF OUTLETS Nos. 24132, 27075 AND 24587.

***6450. Chaudhri Faqir Husain Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that outlets Nos. 24132, 27075 and 24587 of the Rajbah Jethuwal, district Amritsar, were some years ago reduced resulting in the reduction of the discharge from these outlets;
- (b) whether he is aware that the zamindars getting supply of water from these outlets have ever since been complaining of the shortage of the supply of water from these outlets; if so, the action taken or intended to be taken in the matter?

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

(b) The outlets are drawing their proper discharges and no action is intended to be taken.

RE-EMPLOYMENT OF EMPLOYEES RETRENCHED ON THE RECOMMENDATION OF RETRENCHMENT COMMITTEE.

***6451. Sardar Harjab Singh :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that the Retrenchment Committee appointed in 1931 by the Punjab Government recommended in its report that in order to effect economy in the expenditure certain Government departments should be amalgamated and that certain unnecessary posts should be abolished;
- (b) whether it is a fact that acting on the suggestions and recommendations made by the Retrenchment Committee certain Government employees, who were in permanent service on 31st December, 1930, were retrenched; if so, the number of Government servants in the Provincial Service and the Subordinate Service separately who were thus retrenched;

[Sardar Harjab Singh.]

- (c) whether any provision has been made for the re-employment of these retrenched persons on the occurrence of suitable vacancies in future ; if so, whether after re-employment it is intended to treat them as old Government servants or as new entrants and whether breaks will be considered as period on leave or not ;
- (d) whether he would be pleased to lay a copy on the table of the House of the Government Circular No. 9361, dated 18th March, 1935, which refers to the information asked for in part (c) ?

The Honourable Major Sir Sikandar Hyat-Khan : (a) Government are aware of the recommendations of the Retrenchment Committee of 1931.

(b) It is a fact that certain permanent Government servants were retrenched but their number is not known. I regret Government cannot undertake to collect this information as its collection would entail an expenditure of time and labour out of all proportion to the advantage to be gained thereby.

(c) No special orders were issued to give permanent hands retrenched preference over others when suitable vacancies occurred. In any case where such officers have been re-employed and were given any concessions under the compensation terms for retrenched personnel they would be governed by the Re-employed Personnel (Conditions of Service) Rules, 1933, a copy of which is laid on the table.¹

(d) A copy of Punjab Government letter No. 9361 (Fin.—Genl.), dated the 18th March, 1935, is laid on the table.

Copy of a letter No. 9361 (Fin.—Genl.), dated the 18th March, 1935, from the Secretary to Government, Punjab, Finance Department, to all Heads of Departments and the High Court, Commissioners of Divisions, District and Sessions Judges and Deputy Commissioners in the Punjab.

Subject.—TREATMENT IN RESPECT OF LEAVE TO BE ACCORDED TO RETRENCHED OFFICERS SERVED WITH NOTICE OF DISCHARGE WHILE ON LEAVE.

I am directed to state that following the decision of the Secretary of State in Council in regard to the officers appointed by him the Governor in Council acting with his Ministers has decided that in the case of any Government servant appointed by the Punjab Government or any authority subordinate to it who was served with notice of discharge under the terms of the Retrenchment Orders issued with Punjab Government, Finance Department, letter No. 12327 (Fin.—Genl.), dated the 13th April, 1932, while on leave which commenced before he was aware that he was likely to be retrenched, the provisions of rule 81 of the Fundamental Rules shall be relaxed so as to place him in the same position in the matter of enjoying leave up to four months admissible to him under paragraph 2 of section B of the Retrenchment Orders, as he would have been if he had returned to duty before the notice of discharge was served on him. It has also been decided that in such cases the commutation of pension, if any, which may have been already sanctioned may be allowed to remain undisturbed, the recurring amount of pension commuted being deducted with effect from the date on which the commutation became effective, firstly from the amount of the revised leave salary and subsequently from the amount of the pension finally sanctioned.

2. These orders of the Governor in Council acting with his Ministers should be treated as carrying the force of a rule made under the Civil Services (Classification, Control and Appeal) Rules.

3. I am to request that early steps may be taken to revise the leave and pension granted to all officers who may be benefited by the decision conveyed in this letter, and to have the necessary readjustments made in regard to their leave salary and pension.

¹ Kept in the Assembly Library.

BHAG SINGH, KISAN MOROHA PRISONER.

***6452. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) the weight on admission of Sardar Bhag Singh (Canadian), a Kisan Morcha prisoner of Jullundur district at present confined in Rawalpindi Jail ;

(b) his present weight ;

(c) the present state of his health ?

The Honourable Mr. Manohar Lal : (a) 152 lbs.

(b) 188 lbs.

(c) Indifferent.

Sardar Hari Singh : May I know if any steps are being taken to improve his weight which has been reduced by 14 pounds ?

Minister : Immediately after I received the draft answer, I directed enquiries to be made as to why this loss in weight occurred.

Sardar Hari Singh : And has he also instructed the jail authorities to try to improve it ?

Minister : No question of instructions. Their attention has been drawn to the fact that the prisoner has lost weight. Usually the prisoners gain in weight. That is why my attention was drawn to the fact, but I may state that the standard weight of the prisoner is reported to be 124 pounds.

Master Kabul Singh : Is it a standard weight according to the jail authorities or according to common calculations outside ?

Minister : Standard weight is defined by medical authorities. I have directed that an enquiry be made into the loss of weight, what more is wanted ?

Master Kabul Singh : There is no occasion to be upset. I only want to know whether it is according to jail standards or according to our village standards that his standard weight has been stated to be 124 pounds ? Our village standard is higher.

Minister : Higher according to what standard ?

Sardar Hari Singh : May I know what the Honourable Minister means when he says that his present state of health is indifferent ?

Minister : The word is perfectly clear. It is not satisfactory.

Sardar Hari Singh : Is he suffering from any malady ?

Minister : No, I do not think he is suffering from any particular disease.

Sardar Hari Singh : Is he suffering from indigestion ?

Minister : If you table a special question, I will enquire.

Sardar Hari Singh : May I know whether when the Honourable Minister received information from jail authorities that his state of health was indifferent he enquired from them as to what they meant by it ?

Minister : No.

Sardar Hari Singh : You are a very good Finance Minister but a bad jail administrator.

Minister : That is a matter of opinion ; I trust not.

Lala Duni Chand : Did the decrease in weight and the unsatisfactory state of his health, as admitted by the Honourable Finance Minister, cause him any anxiety ?

Minister : What kind of anxiety ? Has it caused the honourable member himself any anxiety at the present moment ? I see he is laughing.

POOR-HOUSES.

***6454. Begum Rashida Latif Baji :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of the poor-houses established by the various municipal committees in the province and the annual expenditure incurred by them on their maintenance ;
- (b) whether Government intend to draw the attention of those municipal committees towards the desirability of establishing poor-houses within their jurisdiction which have already made no arrangement for providing food and refuge to such infirm and poor people as are unable to do any kind of work for their livelihood ?

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

(b) Government do not consider that the suggestion will serve any useful purpose. Municipal committees can establish poor-houses only if they have funds to spare after providing for other essential activities.

WAR PROPAGANDA BY STUDENTS' PARTY.

***6459. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the total amount of money spent so far on war propaganda by students' party and otherwise in the Punjab ;
- (b) the nature of war propaganda carried on by students' war propaganda party ;
- (c) the number of students selected for the purpose and the basis of selection ;
- (d) the reason why students in particular have been selected for the job ;
- (e) whether it is a fact that some of the members of the said students' war propaganda party have already been selected or recommended for appointment in police or other departments of Government ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The information asked for is not yet complete, as reports of expenditure incurred through Deputy Commissioners have not yet been received. It is not

understood what is meant by "otherwise", but a total of Rs. 75,000 was sanctioned by this House for War Publicity during 1939-40, for which final accounts are not yet ready.

(b) The students' parties explained at public meetings the circumstances in which the Allied powers declared War and the salient features of the progress of the War.

(c) Twenty-five students were selected out of a large number who volunteered. Those considered most suitable for the purpose mentioned in (b) and who could conveniently spare the time were selected.

(d) the selection of students served the two-fold object of educating public opinion and giving suitable training in public work of this nature to the students who had volunteered.

(e) No student has been recommended for appointment in the police or any other department of Government. Four of the students had already applied for the posts of Assistant Sub-Inspector of Police and one for the post of Railway Guard before they were selected for the War Publicity Parties. It is understood that the applications of three of them have since been turned down by the departments concerned, but two have been selected for the posts of Assistant Sub-Inspectors of Police.

Pandit Shri Ram Sharma : May I know if it is not a fact that a written undertaking is given by every student on his admission to a Government institution that he will not take part in active politics? If the answer is in the affirmative may I know whether propaganda in favour of war is not covered by the term "active politics"?

Mr. Speaker : That is a hypothetical question.

Pandit Shri Ram Sharma : Sir, what I wanted to know from the Honourable Premier was that if the students have to give such an undertaking, how can they take part in war propaganda which is a political activity?

Premier : If by "politics" my honourable friend means "public weal" then I agree with him, but if by that term he means party propaganda then I beg to differ.

Pandit Shri Ram Sharma : Is it not the intention of the Unionist Party to carry on war propaganda?

Premier : No. The Unionist Party has nothing to do with it.

Pandit Shri Ram Sharma : Then has the Congress anything to do with it?

Premier : If the Congress had followed the right course they would have had a great deal to do with war propaganda.

Mr. Dev Raj Sethi : Is any daily allowance paid to these students?

Premier : No daily allowance is paid to them.

Sardar Hari Singh : May I know if their work in connection with war propaganda does not interfere with their studies or have they given up their studies?

Premier : That question was kept in view and the Principals were asked to select only those students who had not to sit for Degree examinations.

Sardar Hari Singh : That is a different matter altogether. You may have selected first year, third year or fifth year students but I want to know whether their work in connection with war propaganda does not interfere with their regular studies ?

Premier : If it had interfered with their studies, they would probably not have volunteered.

Sardar Hari Singh : Does he think that it does not at all interfere with their studies ?

Premier : It is a question of opinion ?

Sardar Hari Singh : What is the Honourable Premier's opinion in this matter ?

Premier : My opinion is that it probably adds to their knowledge.

Master Kabul Singh : May I know if any of these boys belong to khoja or bania classes ?

Premier : All classes are represented by these students.

Mr. Dev Raj Sethi : Is this propaganda not political work ?

Premier : That is also a question of opinion.

Sardar Hari Singh : In answer to part (c) of the question as regards the basis of selection the Honourable Premier has stated that suitable candidates have been selected for the purpose. What is the basis of suitability in this matter ? How did they judge that they were suitable ?

Premier : Those who were considered suitable for this particular work and who could conveniently make themselves available were selected. The Principals were asked to select students and send their names.

Sardar Hari Singh : Has my honourable friend heard speeches made by these students ?

Premier : I did hear two of them making speeches and they were very effective.

Sardar Hari Singh : Is he aware of the fact that they do make very contradictory statements ? One student speaks one thing and the other contradicts him.

Premier : They have to make speeches which are of an objective character and, therefore, it is quite possible that their method of explaining may be different.

Sardar Hari Singh : Their speeches constitute a very funny combination if taken together.

Mr. Dev Raj Sethi : Are they all from a particular college ?

Premier : From all Lahore colleges and also the Khalsa College, Amritsar.

Sardar Lal Singh : Who supplies the material for the propaganda that these students do in the villages ?

Premier : There is no question of propaganda. They get all the news which you and I also read, and they convey it to the people.

Sardar Lal Singh : Does it mean that they just convey only the news or they do some propaganda as well ?

Premier : They give the back-ground, that is, the circumstances in which War was declared.

Master Kabul Singh : Does the Honourable Premier know that this propaganda is not liked in our *ilaga*? Will the Government try to keep it to the other side of the province?

Premier : I think it is not liked by my honourable friends but otherwise the public at large does like it.

Sardar Bahadur Sardar Gurbachan Singh : Is it a fact that in Adampur Police Station nearly twenty thousand people attended to hear the speeches of these students?

Premier : I am very glad to hear that.

Master Kabul Singh : They had come to hear "Naklias".

Sardar Bahadur Sardar Gurbachan Singh : They came to hear "Nakals" when you came.

Sardar Hari Singh : Why were students in particular chosen for the work? Could they not find non-students?

Premier : Several students volunteered when War broke out and after I had made my statement. We thought that this was the best way of utilising their services.

Sardar Hari Singh : Could he not find non-students?

Premier : I dare say many non-students might have been prepared, but we collected students because they volunteered. (*Interruptions*).

Lala Duni Chand : Are these students instructed to preach that the Premier of the Punjab wants complete independence?

Mr. Speaker : Disallowed.

UNSTARRED QUESTIONS AND ANSWERS.

REPRESENTATION OF SCHEDULED CASTES AMONG NAIB-TAHSILDARS.

1101. Lala Harnam Das : Will the Honourable Minister of Revenue be pleased to state—

(a) community-wise, the number of candidates taken as Naib-Tahsildars in the year 1939 from the Ambala Division;

(b) the number of scheduled castes among them, and if none of them belongs to the scheduled castes, the reasons therefor?

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

Muslims	..	..	..	..	2
Hindus ..	..	..	..	..	5
Sikhs ..	..	..	..	..	1
Christians	..	..	..	..	..

(b) Nil. No suitable candidate was forthcoming.

COMMUNAL REPRESENTATION AMONG THE OFFICERS IN CHARGE
OF RURAL DISPENSARIES.

1102. Mian Abdul Rab : Will the Honourable Minister of Education be pleased to state—

- (a) the number of medical officers in charge of rural dispensaries in the Panjab ;
- (b) the number of Muslims amongst them ;
- (c) the amount of initial expenditure incurred by the Government on each of the rural dispensaries ;
- (d) the amount of annual expenditure incurred by the Government in each of these dispensaries ;
- (e) whether it is a fact that the number of Muslims among these medical officers is very meagre ; if so, what steps the Government propose to take in the matter ?

The Honourable Mian Abdul Haye : (a) 374, including 16 relieving medical officers.

(b) 112.

(c) Rs. 5,400 for the construction of buildings and Rs. 1,600 for equipment were given as grants-in-aid to district boards for each rural dispensary.

(d) A grant-in-aid of Rs. 2,500 per annum (less 12½ per cent in some cases) is paid for each dispensary.

(e) As the power to appoint medical officers in charge of these dispensaries is vested in the district boards, the question of steps being taken by Government to increase the number of Muslims does not arise.

REPRESENTATION OF SIKHS IN THE CADRE OF DISTRICT INSPECTORS OF
SCHOOLS.

1103. Sardar Sahib Sardar Santokh Singh : Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Sikhs are not adequately represented in the cadre of District Inspectors of Schools ;
- (b) whether it is also a fact that a vacancy is about to occur in the post of the District Inspector of Schools at Amritsar on the transfer of the present incumbent of this post to the office of the Director of Public Instruction ; if so, the manner in which that vacancy is intended to be filled ?

The Honourable Mian Abdul Haye : (a) There are 4 Sikh District Inspectors of Schools out of 30 and the percentage is 13·3, while according to the last census figures the percentage of Sikhs in the province is 12·9.

(b) The vacancy, if and when it arises, will be filled by selection.

It will interest the honourable member to know that so far as Divisional and Deputy Inspectors of Schools in the Punjab are concerned the percentage of Sikhs is 20 and 30, respectively.

**COMMUNAL REPRESENTATION AMONG EMPLOYEES OF THE GOVERNMENT
PRINTING, PUNJAB, LAHORE.**

1104. Sardar Kartar Singh : Will the Honourable Minister for Development be pleased to state—

- (a) the number at present of employees permanent as well as temporary in the Punjab Government Press, community-wise, in all the branches, i.e. in Clerical, Reading, Composing, Distributing, Binding, Press, Lino, Mono and Computing branches ;
- (b) the number at present of employees permanent as well as temporary in the Punjab Government Press, community-wise, holding higher posts of Superintendent, Deputy Superintendents, Manager, Book Depôt, Head Accountant, Clearing Officer, General Foreman, Assistant General Foreman, Press Foreman, Assistant Press Foreman, Head Computor, Head Distributor, Head Binder, Type Store-keepers, Section Holders and Assistant Section Holders.
- (c) the number of officers appointed by promotion in accordance with seniority, community-wise, during the year 1939 ;
- (d) whether each community is adequately represented in the services in the said Press ;
- (e) the amount paid respectively to salaried persons and piece-workers of each community during the year 1939 ?

The Honourable Chaudhri Sir Chhotu Ram : (a) and (b) A statement is laid on the table.

(c) None of the officers was promoted to a higher post during the year 1939.

(d) No. Government have recently prescribed the following percentages for the representation of various communities in the Printing Department, Punjab :—

	<i>Per cent.</i>
Muslims	50
Sikhs	20
Hindus and other including scheduled castes and Indian Christians	30

The present inequalities can be redressed only gradually as vacancies occur.

(e) The amount paid to the salaried and piece-establishment, community-wise, during the year 1939, is shown below :—

—	Muslims.			Hindus.			Sikhs.			Christians.			Others.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
(i) Salaried establishment.	1,05,995	5	0	46,504	10	0	8,169	10	0	*20,745	13	0	863	8	0
(ii) Piece-establishment.	73,499	13	0	30,102	4	0	3,182	13	0	1,737	11	0	..		

*Includes pay of Superintendent, Government Printing, Punjab.

Statement.

	Muslims.	Hindus.	Sikhs.	Christians.	Others.	Total.
1	2	3	4	5	6	7
(a).						
Clerical	18	18	3	2	..	41
Supervising Branch	16	4	..	..	..	20
Reading Branch	23	14	3	3	..	43
Composing	98	48	5	4	..	155
Distributing	31	11	1	..	..	43
Binding	62	9	1	1	..	73
Press and Machine	48	9	3	..	..	60
Lino and Mono	18	3	..	1	..	22
Computing	7	3	..	..	..	10
Imposing Branch	3	..	..	..	..	3
Miscellaneous (Peons, Menials and Sweepers).	28	13	4	..	6	51
Totals and percentages .. {	352	132	20	11	6	521
	67.56	25.34	3.84	2.11	1.15	..
(b).						
Superintendent .. ..	..	..	..	Euro- pean.	..	1
Deputy Superintendent	1	..	..	..	..	1
Manager, Book Depot .. ..	..	..	..	1	..	1
Head Accountant .. ..	..	1	..	..	..	1
Clearing Office, Head Assistant .. ..	..	..	1	..	..	1
General Foreman .. ..	..	1	..	..	..	1
Assistant General Foreman	1	..	..	..	..	1
Press Foreman	1	..	..	..	..	1
Assistant Press Foreman	1	..	..	..	..	1
Head Computer	1	..	..	..	..	1
Head Distributor	1	..	..	..	..	1
Head Binder	1	..	..	..	..	1
Type Store-keeper	1	..	..	..	..	1
Assistant Type Storekeeper	1	..	..	..	..	1
General Storekeeper .. ..	..	1	..	..	..	1
Assistant General Store-keeper .. ..	..	1	..	..	..	1
Section Holders	5	1	..	..	..	6
Assistant Section Holders	6	..	..	..	..	6
Totals and percentages on Column 7. {	20	5	1	2	..	28
	71.43	17.86	3.57	7.14	..	..

RAJBAAH JETHUWAL OF THE UPPER BARI DOAB CANAL.

1105. Sardar Sohan Singh Josh : Will the Honourable Minister of Revenue be pleased to state—

- (a) the normal discharge of Rajbaha Jethuwal, a branch of the Upper Bari Doab Canal, the number of outlets on it, the number, size and discharge of each outlet; the area of land and gardens attached to each outlet for the purposes of irrigation;
- (b) the outlets that irrigate the lands of Amritsar and Lahore cities;
- (c) the water in cusecs supplied for irrigation purposes to each thousand acres of land situated on the Rajbaha Jethuwal district Amritsar, and the Rajbaha Lahore City Minor; if the amount of water supply is not uniform, the reasons therefor;
- (d) the number of days for which both the foregoing Rajbahs remained running during the last ten years and during the *rabi* of 1939-40;
- (e) whether Government intend to bring both the above-named rajbahs on the same level; if not, the reasons therefor?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The Jethuwal Distributary has an authorized full supply of 55 cusecs and has 45 outlets. The details regarding each outlet have not been obtained as the labour involved is not commensurate with its value.

(b) Five outlets irrigate the area round the Amritsar City and 46 outlets round and in the Lahore City.

(c) and (e) 7.7 cusecs per thousand acres on the Jethuwal Distributary and 17.4 cusecs on the Lahore City Minor.

On the Lahore City Minor there are small chaks requiring very small discharges which cannot possibly run in unlined watercourses and hence the larger water allowance. The question of improving means of irrigation in the Lahore Municipal limits is under consideration.

(d) The information has not been collected for reasons stated in (a) above.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Clause 6.

Mr. Speaker : The Assembly will now resume discussion of the Punjab Relief of Indebtedness (Amendment) Bill.

Chaudhri Muhammad Husain (Gujranwala East, Muhammadan, Rural) (*Urdu*): Sir, on the 2nd April when the House rose for the day I was submitting that it was not open to the civil courts to adjudicate upon civil cases of all description. I do not feel it necessary to quote any section in support of my contention; but for the information of the House I venture to refer to section 9 of the Civil Procedure Code which runs as follows :—

1 p.m.

The courts shall subject to the provision herein contained have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

The language of the section is quite simple and it does not stand in need of any further interpretation.

Thus on the basis of this authority I can assert without fear of contradiction that my amendment is quite in order. Besides, I draw your attention to section 21 of the Land Alienation Act, 1900. Here again an attempt has been made to bar the jurisdiction of the civil courts. The section reads as follows :—

A civil court shall not have jurisdiction in any matter which the Provincial Government or a Revenue Officer is empowered by this Act to dispose of.

A similar provision has been embodied in section 158 of the Land Revenue Act wherein the exclusion of jurisdiction of civil courts in matters within the jurisdiction of Revenue Officers has been sought to be effected. Again, Sir, sections 76 and 77 of the Tenancy Act are quite relevant to my point as they provide that no court shall take cognizance of any dispute or matter with respect to the disposal of certain applications and proceedings by Revenue Officers. Here necessary powers have been delegated to the Revenue Officers to act as a Revenue Court.

Here I may be allowed to read out a ruling of the High Court with regard to the powers of Debt Conciliation Board. A person Rab Nawaz by name made an application to the Debt Conciliation Board, Jhang, under section 9 of the Punjab Relief of Indebtedness Act for effecting an amicable settlement between him and his creditors who were as many as 8. But later on a supplementary statement was put in, mentioning two more creditors Muhammad Bakhsh and Ghulam Muhammad. They appeared before the Board and produced the pronotes which were found to bear one anna stamp each. On this Messrs. Hari Chand and Sadhu Ram, the principal creditors, instituted a suit for a declaration that the debts shown by Rab Nawaz as due to Muhammad Bakhsh and Ghulam Muhammad were baseless and fictitious. They further claimed a permanent injunction restraining the latter from proving their debts before the Board and recovering the same from the debtor. The suit was first instituted in 1935 and after passing different stages it eventually came on for hearing before the High Court for a final ruling in 1937. After thoroughly going into the matter their Lordships held—

Section 21 of the Punjab Relief of Indebtedness Act does not bar the jurisdiction of a civil court to entertain a suit for a declaration by a creditor that the debts shown by a particular defendant before the Debt Conciliation Board as due to the other defendants were baseless and fictitious and that a permanent injunction restraining the creditor defendants from proving their debts before the Board and recovering the same from the debtor defendant be granted.

In other words the Honourable High Court is of the opinion that unless the legislation expressly debars the civil court from entertaining reliefs claimed the court is perfectly well within its rights to do so. In short with this end in view the amendment that stands against my name has been sought to be moved. It lays down that for sub-clause (3).....

Mr. Speaker : The honourable member cannot move his amendment.

Chaudhri Muhammad Hussain : I am not moving, Sir. I am only reading it out. It reads as follows :—

That for sub-clause (3) the following sub-clause be substituted and be renumbered as (4) :—

No order passed under this section shall be open to question in a civil court.

The amendment moved by Dr. Narang aims at the deletion of sub-clause (3) whereas my amendment seeks to substitute another sub-clause for the present one.

Mr. Speaker : Is the honourable member in favour of deletion ?

Chaudhri Muhammad Husain : No, Sir. I am in favour of substitution.

Mr. Speaker : The honourable member knows, I presume, that unless a clause or sub-clause is omitted or deleted by the House another clause or sub-clause cannot take its place.

Chaudhri Muhammad Husain : Sir, I wanted to move my amendment at the proper time, but since the Chair was pleased to direct that all the amendments would be discussed together I decided to make a few observations with regard to my particular amendment.

Mr. Speaker : What I said was that the honourable member might discuss his amendment and if the House deletes the original clause, he may move his amendment without making a speech.

Chaudhri Muhammad Husain : By discussing the amendment moved by Dr. Sir Gokul Chand Narang it is only natural that all the points relating to the original sub-clause should come under discussion. Now the point at issue is this whether a civil court is competent to entertain a suit arising out of the rejection of the appeal instituted by a person aggrieved by a decision of the Board under subsection (1). Dr. Sir Gokul Chand Narang and his comrades are definitely and positively in favour of such a competency being granted to civil courts and in fact none of them is prepared to support my amendment. By recognising the jurisdiction of civil courts on such suits the aggrieved will have to undergo 5 courts of law instead of three before obtaining the final ruling of the High Court in the matter. In view of the poverty and destitution of the debtors such an increase in the number of courts would prove a sheer hardship to them.

Moreover the poor and helpless debtor instead of fighting his case in two courts will have to fight it in five courts. In this connection I should like to refer to Section 15-A (1) of clause 6 which reads as follows :—

15-A (1) If a creditor or debtor, as the case may be, challenges the genuineness or enforceability of any claim included in an application, the board shall adjudicate upon the issue.

[Ch. Mohd. Husain.]

This clearly shows that the Boards have been given powers to hear the cases of debts. I submit that when a Board is vested with all the powers of a court and above all when an appeal can also lie to a Board, it would be quite useless to give powers to civil courts to adjudicate upon cases regarding debts. It has been laid down in Section 11 of Civil Procedure Code that when a case or an issue has been decided by a competent court no appeal can be preferred against the decision. The object of the amendment under consideration is that in view of Section 11 of the Civil Procedure Code, when a debt case has been decided by a Board and further its appeal has been decided by a collector, no suit or appeal can be filed against it. I may also submit that the members of the Debt Conciliation Boards are well qualified and most of them are either competent lawyers or retired gazetted officers. The least qualified members appointed to these boards are graduates. I am sure that nobody can say a word against the educational qualifications of them. So far as the work of the board is concerned they are in no way inferior to the Panchayats. I would rather say that their existence is more important than that of the Panchayats. I wonder, when civil and criminal rights have been given to Panchayats, why these boards which are most important in this respect should lag behind. Under these circumstances I wish to submit that if an order passed under this section is open to question in a Civil Court it would be an extra burden for the downtrodden, poor and helpless debtors. They will have to face a new difficulty. As regards expenses of litigation I would submit that debtors, whether rural or urban, are generally unable to incur expenditure on litigation. Thirdly in the Civil Procedure Code there are so many implications and technicalities of law that it is sometimes very difficult to pronounce judgment. In this connection I should like to cite an instance of a case recently decided by the High Court after a period 2½ years. This instance goes to show clearly how much time is required for a case to be originally decided by the lower civil court and then finally by the High Court of Judicature. Just imagine how a poor non-agriculturist debtor could have stood these expenses of litigation for two and a half years.

In conclusion, I should point out that I do not as a matter of fact grudge the powers of the civil courts and suspect or doubt the *bona fides*, honesty and the educational qualification of the civil courts. I think, I have perhaps more confidence in civil courts and the High Court of Judicature than my honourable friends opposite have. I am sure whatever I have said is in the interest of the poor debtors and that is the object of this amendment. With these words, I strongly oppose the amendment moved by the opposite benches and commend my amendment to the House for acceptance.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, this clause has been objected to primarily on the ground put forward by my honourable friend Dr. Sir Gokul Chand Narang, that this is interference in the administration of justice. He went on so far as to say that if a clause of this nature were introduced, why not abolish the High Court? I submit, with due deference to the honourable doctor that he appears in his zeal to have allowed his partisan spirit to outrun his legal acumen. The position is this that there are various types of courts and various types of procedure provided for the dispensation of justice in dealing with various types of cases, in England

and America and all civilized countries, and even in India there are different types of cases and power is given to the different types of courts to deal with them. There are certain cases where summary procedure is suggested; there are certain cases such as provincial insolvency cases, where there is short cut dispensation of justice in view of the special circumstances of the cases. I am sure no reasonable Punjabi can with a fair mind declare that because a certain decision is being given by an honorary Sub-Judge or because a certain decision is being given by a revenue court or because a certain decision is given by summary procedure, it is not justice. I submit that justice is justice irrespective of the fact whether it is dispensed under a particular type of procedure or by a particular type of court. That is the first submission that I wish to make. The second point which I wish to submit is as to what have we done under this clause. Let it be understood that this clause is not intended, as was insinuated by the honourable doctor, to apply to all civil cases in which debts of ten thousand or below are involved. The definition of debt in the Act is clear and it does not include debts for the purpose of trade. Moreover it will be found that conciliation boards can only take cognizance of a suit by application given under section 9 of the Act and under section 11 that application would, among other things, have to specify that the person concerned is unable to pay his debts. I submit that we have shut our eyes to the position of the cases where the debtor is unable to pay his debt and the debts are of the type not for the purpose of trade or other items excluded from the definition. In Section 77 we have suggested that the debtor should not be harassed to go to the court and be forced to incur the expenditure on litigation. On this matter I may invite your attention to the references made by the Honourable Premier more than once on the floor of the House. The position is this that we have to see what is the problem before the Government and the country. On the one side we have been told that there is an indebted class with an average income below the feeding and clothing average of prisoners in the Punjab jails and these people have to be saved. On a very low estimate 4 crores are spent every year on litigation in the Punjab and if we were to force this indebted class to go to courts and incur the expenditure it will be worse than the cure. Therefore what is suggested in a case of this nature is that the conciliation boards should dispense speedy justice, and that done we have also provided that they could appeal to the Collectors and Assistant Collectors not below the rank of the first grade. My honourable friend the doctor seems to think that an appeal from the decision of a court of subordinate judge would be treated differently from the appeal from the decision in the court of a Collector or Assistant Collector. I am sure the honourable doctor does not contend that with rare exceptions certain courts have a bias for the creditor class. This opinion was expressed in judicial decisions; it has been expressed by Sir Malcolm Darling and other competent authorities. It is not for me to enter into that controversy at this stage. I submit that from the record of the Collectors and Assistant Collectors it will be seen that the number of those who belong to the agricultural class is insignificant: they are 3 or 4 per cent. They have shown that they are competent and honest people who can be fully trusted with this important work. Not only that, I remember that with a great show of hands the honourable doctor suggested here and he said that he would be ready to have all these debts wiped out with one stroke.

[Mir Maqbool Mahmood.]

Where is the rhetoric of my honourable friend ? If he was prepared to have all the debts wiped out why does he cavil at the mercy to these people—

Dr. Sir Gokul Chand Narang : I never said that. I said a proportion of the debts—

Mir Maqbool Mahmood : I am glad that the honourable member now realises that a certain statement—

Dr. Sir Gokul Chand Narang : I never said that. In spite of my statement to the contrary I am sorry the honourable member persists in a statement which I should call, to use a very polite word, an unfair statement.

Mir Maqbool Mahmood : I am glad that my honourable friend says that he did not mean that ; he said that only a portion of the debt may be wiped out.

Dr. Sir Gokul Chand Narang : Again you are misrepresenting facts. What I said was that the money-lenders in this province would be ready to accept a proportion of the debts due to them ; it may be 4 annas, it may be even 2 annas. I said nothing more nor less.

Mir Maqbool Mahmood : If my honourable friend stands even for that, it is unfortunate that he is grudging these debt-ridden countrymen of his an ordinary courtesy of getting cheap dispensation of justice. I submit that the main issue before the House to-day is this : Whether in the present circumstances of the province the proposal suggested is unfair to the honest creditors or whether it places a dishonest borrower at any premium. The position is this that the conciliation boards have shown within the short period of their coming into existence that they have conciliated debts worth 44 lakhs of rupees and what is more, applications from the creditors are increasing. By their fair play, their sense of justice and by the industrious manner in which they have worked, they have justified the confidence reposed in them in the delicate and important work like this. I submit, Sir, that if any one individual officer, a member or a president of a board can be appointed—and some of them have been holding that post—as honorary sub-judges thereby dealing with ordinary civil cases, why can't they be trusted with this work, three of them, Hindu, Muslim and Sikh sitting together ?

There is one more point. I do not intend to take your time any longer. The definition of debtor has now been amended or is proposed to be amended and according to that definition, this procedure will now be available even to poor urban scheduled castes and other castes. My honourable friend who shows them only lip sympathy likes to force them for even small and petty sums to be dragged from court to court.

Again, Sir, I want to impress this on the minds of honourable members that our purpose is not to place the honest money-lender at a discount and I am sure that all fair-minded persons will agree that the procedure suggested is in the best interests of all concerned.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I rise to support the amendment of Dr. Sir Gokul Chand Narang and also of Chaudhri Muhammad Husain in so far as the deletion of sub-clause (3) is concerned. The question is whether the decision of a conciliation board should be absolute and final or it should be subject to a certain remedy that may be sought by an aggrieved party. I do not say that a decision of a conciliation board should be subject to a decision of a civil court. All that I say is that it should not be final and absolute. Let there be an appeal to the commissioner or financial commissioner. There must be some higher authority before whom an aggrieved party could go. I want the House to realise that now two kinds of courts will co-exist side-by-side ; on one side the courts of subordinate judges, district judges and the High Court to decide small and big matters according to the judicial procedure that is provided and on the other side, another system of administration of justice, that is, the conciliation boards deciding cases summarily within the value of 10 thousand rupees. I want the House to appreciate the difference between the method of work in these two types of courts.

Minister of Public Works : Conciliation boards will be the courts of real justice.

Lala Duni Chand : I can well understand if the Government were to abolish all the courts and thereby relieve the tax-payer of the heavy burden that is imposed on him by reason of this elaborate system of judicial administration that you find in this province.

Minister of Public Works : That will be gradually done.

Lala Duni Chand : I would welcome the day when you will abolish all the courts, but I am sure that you will abolish yourself also.

Sir, when I entered public life and took to legal profession, I was told a very interesting story that at one time there arose a conflict between the executive authority of the Government of India and the judicial authority of India—perhaps my honourable friend Chaudhri Chhotu Ram might remember—there was a conflict as regards the discharge of certain duties between the Governor-General and the Chief Justice of the Calcutta High Court. If I mistake not, his name was Sir Barnes Peacock. The Governor-General wanted the Chief Justice to carry out certain instructions issued by the former in his executive capacity and the latter objected saying that he was not prepared to submit to the dictates of the Governor-General. The Governor-General insisted that his orders must be carried out. The next day the Chief Justice issued an order suspending the entire administration of law and justice in the province of Bengal. He said that as judicial head of the province he had power to do that, with the result that the Governor-General was humble the next day and had to seek peace with the Chief Justice. I submit that that is what you are going to do.

Raja Ghazanfar Ali Khan : With your permission, Sir, may I ask the honourable member a question ? Does this story relate to the period of pre-reform days or to the democratic form of Government ?

Lala Duni Chand : This happened about thirty years ago. It is a curious situation that the Government wants to create in this province. A litigant, who is not governed by the Relief of Indebtedness Act, will have the right to fight out a case of Rs. 50 or Rs. 100, he will have the right of

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having it decided by a subordinate judge after all the evidence has been recorded and in certain cases he will have the right to take his case up to the High Court. On the other side, what are you going to do? After the case has been decided by the conciliation board, the only right of appeal that you concede is that there will be an appeal either to the Collector or to the Assistant Collector, 1st grade. I ask whether this is not a startling state of things that should exist side by side. What, after all, is being asked for either by Dr. Gokul Chand Narang or by my honourable friend Chaudhri Muhammad Husain? They say that the orders of members of the conciliation boards, most of whom are not lawyers, shall not be absolute, that there should be some remedy open to the aggrieved party. What are the small mercies that have been asked for? The honourable Lala Sita Ram asked for a small mercy that instead of the Collector or the Assistant Collector, the appeal should go to the District Judge. That small mercy has been refused. My honourable friend Rai Bahadur Mukand Lal Puri asked for another mercy. What he wanted was this. He said, let the appeal go to the Collector, but the appeal should not go to the Assistant Collector, 1st grade. This is another mercy that he asked for. The Government has not thought fit in its wisdom to grant this small mercy. Another small mercy that was granted in the original draft of the Bill was that the appeal could lie to the Subordinate Judge, 1st class. That mercy has also been taken away. I want to know whether it is not a fact that by making the conciliation boards courts of adjudication you are giving them absolute and final powers to decide matters up to the value of Rs. 10,000, and that in doing so you are not reducing the entire administration of justice to a farce. As I said on a previous occasion, if things could be done in a straightforward and frank manner, this could be appreciated. If the Government wanted to bring up any scheme for the reduction of debts, that would have been welcome, because in that case the relief could be granted to those who deserved relief and the relief could be withheld from those who were not entitled to it. My honourable friend, Mir Maqbool Mahmood, was pleased to say in his usual style that Dr. Gokul Chand Narang has said nothing that is relevant. He said that only the debtor can make an application who is not able to pay his debt. May I know how many of the debtors are able to pay, or who are prepared to say that they are able to pay if there is a loophole for them not to pay? You are providing one thousand and one loopholes for the debtors to come forward and say that they are unable to pay debts, and yet you say that the debtors will be honest and fair enough to say that they are able to pay debts. I submit that you are reducing the standard of fairness and justice to a position which cannot possibly be tolerated. If you had taken your cue from similar measures passed in other provinces, probably you would not have found so many difficulties and we would not have been up in arms against this measure. I shall refer to similar legislation passed by other provinces at some other time. You could render much greater relief to the debtor if you were so minded, but you are not properly advised. The advisers of your Government have not studied similar measures that have been passed in other provinces, and therefore, you find yourself in a position which I should consider very awkward because you cannot justify it in any way. With these words I resume my seat.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : I do not desire, Mr. Speaker, to take any length of time over this particular matter, but I feel that the case ought to be put fairly and squarely. On the one side from the Government benches the proposition has been moved that the ordinary courts of law should be done away with as far as this legislation is concerned and that special procedure should be adopted for the purpose of litigation arising out of this measure.

Mr. Speaker : The proposition before the House is that a sub-clause be omitted and another sub-clause be put in its place. This is what is under discussion and we should not go beyond it.

Diwan Chaman Lall : I am coming to that. That is exactly what I wish to bring to your notice. I do not wish to say that the proposition that has been moved by the Government and put before this House can have the validity either of jurisprudence or prudence or of commonsense. On two occasions, I understand, the Chief Justice himself has expressed his opinion in regard to this matter, once, I understand, in Lahore and once in Rawalpindi.

Mr. Speaker : This has been said already.

Diwan Chaman Lall : If you do not want me to speak, I shall sit, down.

Mr. Speaker : The honourable member may go on ; but he should not repeat what has been said before.

Diwan Chaman Lall : It is impossible sometimes not to repeat, for unless you repeat, it is sometimes impossible to build up your argument. If you had to address the chair and I were sitting in that chair, then you would appreciate the difficulty.

Mr. Speaker : Steer clear of all rocks and shoals.

Diwan Chaman Lall : That is a very good expression, Mr. Speaker rocks and shoals, but the measure is itself full of rocks and shoals and it is not possible for anybody dealing with this measure to steer clear of rocks and shoals. I submit that my honourable friend Dr. Gokul Chand Narang means only this that the procedure that the Government intend to adopt is wrong procedure and that a different procedure should be adopted of the type that exists at the present moment. At present it is possible to bring forward a declaratory suit, but if this particular sub-clause (3) of the clause which is under discussion is accepted, there will be no possibility of resorting to any of the ordinary courts of law for the purpose of adjudication in reference to these matters. What are the arguments that have been used by my honourable friends ? The first argument used is that it is a simple procedure. I take it that that is one of the arguments. I take it that it is an easy procedure. I take it that it is a cheap procedure. Apart from these three grounds, I do not know of any other ground that may have been put forward in support of this particular clause.

Now when we are dealing with technical matters of a highly detailed character, it is necessary that simplicity should give way to such procedure as will ensure justice. The first consideration should not be simplicity ; the first consideration should be justice and this matter cuts both ways. As it is, an indigent person who is indebted comes before a board or before

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an incompetent person who is in charge of dealing with his appeal. I do not say that all collectors are competent or incompetent and all assistant collectors are competent or incompetent. But they are dealing with executive matters and they are not specialists in this particular branch of law or in any particular branch of law and if an indigent person goes before a particular assistant collector who is not well-versed in the intricacies of law, it is possible that he may do injustice to that indigent person and it is equally possible that he may do injustice to the person who is making the claim against this indigent person. That is why I say it cuts both ways. My honourable friends will agree with me as I agree with them, that protection should be given to debtors of that particular class, but one must be careful in giving protection to that class under this scheme, to see to it that injustice is not done and that instead of giving them protection we are actually putting them in jeopardy. Now what is the answer that my honourable friends can give to this argument? Their answer will again be 'simplicity'. There are certain things that you cannot make simple without detriment to the ordinary canons of justice and this, I submit, is one of these things where it is not possible to simplify procedure and yet be certain that you are going to do justice. My honourable friends again state that it would be cheapening the procedure. You can cheapen procedure equally if you were to refer these matters to the ordinary law courts by short-circuiting the procedure in the law courts. Methods can be suggested to my honourable friends whereby the judges will not be—these *ad hoc* committees that are appointed—the judges will not be mere executive officers but where the judges will be the ordinary judges in the ordinary civil courts who are well-versed in procedure as well as in substantive law. In order to short-circuit that procedure it is possible to make suggestions to my honourable friends. But the basic fact must remain, namely that you must not take out of the purview of the ordinary courts legislation of this nature, because if you do, the result is disastrous both to justice and to the ordinary administration of this province. That is the reason why my honourable friend has made this suggestion, because suppose sub-clause (3) is taken out, it will merely mean that an order passed under subsection (2) shall not be final and it will be capable of being called in question by a court of law. Now let us see ; sub-clause (2) says—

Any person aggrieved by a decision of the board under subsection (1) may appeal therefrom to the Collector or such other officer, not below the rank of a Sub-ordinate Judge of the first class or an Assistant Collector of the first grade, as the provincial Government may appoint in this behalf.

This provides for an appeal to a collector or an assistant collector of the first grade. Now if that matter goes in appeal to a collector or an assistant collector of the first grade, according to the provisions of this measure, it is final. There can be no question in regard to the decision arrived at by the collector or the assistant collector of the first grade as the case may be. Now the deletion of this clause means that the matter is not final and if an injustice is done then that matter should be capable of being taken to the law courts. For instance, take a case that arises under subsection (1) :

If a creditor or a debtor, as the case may be, challenges the genuineness or enforceability of any claim included in an application, the board shall adjudicate upon the issue.

Now the claim can be challenged on two grounds. One, if either of the two parties, creditor or debtor, challenges—what?—the genuineness of the claim or he challenges the enforceability of a claim. Suppose the genuineness of a claim is considered. It is a matter which depends upon detailed evidence led as to whether it is admissible or not. But there may be certain documents that come before this tribunal which may involve a very intricate point of law and this particular tribunal will be the only tribunal to adjudicate upon the matter. Now let us have the other point, enforceability. As you know, Mr. Speaker, you have been a very eminent lawyer yourself, you realise that there are many grounds which arise with regard to enforceability, fraud, misrepresentation, undue influence, coercion, a minor signing a document, lunacy, points of law of a most intricate nature regarding which there is a volume of case law and regarding which there are innumerable commentaries where lawyers have burnt midnight oil in order to elucidate the intricate points of law that arise in reference to this particular part of substantive legislation. Now I submit, to hand over the adjudication of intricate points of law resulting from the exercise of fraud or misrepresentation or matters connected with minors or matters connected with lunatics, to untried individuals, inexperienced individuals and then to say that their verdict will be final, is, in my opinion, neither commonsense nor sense of any kind whatever. I beg to submit that my honourable friends may be pleased to agree to a commonsense proposition. Leave the matter where you want to leave it minus sub-clause (3). Provide as you are providing at the present moment, for your *ad hoc* tribunals, provide even, if you want to provide, for the collector or the assistant collectors, but do not rob the ordinary courts thereafter of the right to interfere where a grievous wrong has been done. Suppose a grievous wrong has been done or there has been a miscarriage of justice, what then? We are debarred completely from getting the verdict of the ordinary courts experienced in these matters, which can give their verdict one way or the other. My honourable friends consider that would be simplifying the procedure. People can come before the ordinary courts *in forma pauperis* and there is no expenditure involved. Even in this case people would be capable of coming before the ordinary courts *in forma pauperis*, coming before the courts in the proper manner on intricate and difficult points of law that might arise or for the setting aside of a wrong that might have been done even to the debtor himself. I am at one with my honourable friends in trying to do everything that is possible. The entire party that I represent is at one with my honourable friends in trying to do everything that is possible and just in protecting the rights or the privileges or the position of people who are unable to protect themselves, of the type that is mentioned in this measure. But in protecting these people, let us utilise our commonsense and let us not bar out the ordinary channels of administration for purposes of putting right wrongs that might arise as a result of the adjudication by *ad hoc* committees or by collectors or assistant collectors. I submit that this is a very simple proposition, much simpler than what my honourable friends want to put forward because their aim seems to be to protect, I take it, those people who are in debt up to the extent of Rs. 5,000 or Rs. 10,000. If that is their position, that they want to protect people who are indebted up to Rs. 5,000 or Rs. 10,000, then commonsense dictates that the protection should be complete, it should not be

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incomplete protection. But this procedure which is being proposed by them would give them incomplete protection and, therefore, we are suggesting this, namely leaving this avenue open, to approach the ordinary law courts which would give them all the protection that they need.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): I must confess that I have been very much shocked to hear such a speech from my honourable friend, the Deputy Leader of the Opposition. I did not mind Dr. Sir Gokul Chand Narang expressing his opinions, because they are already known, I did not even care for Lala Duni Chand expressing his views because I know that although he is a leading member of the Congress Party, his ideas are more inclined to the other direction. But I must confess that it was a great shock to me to hear such an unsympathetic speech from Diwan Chaman Lall who represents a labour constituency and, Sir, it is the height of audacity that whenever a measure is brought forward by the Government to give relief to the poor debtor, it is strongly and vehemently opposed by the Opposition and while making their speeches they express a phrase here and a phrase there showing that they and their party are whole-heartedly for the debtors.

Diwan Chaman Lall: May I offer my honourable friend this that if the Government brings a measure to wipe out these debts my party will support it?

Raja Ghazanfar Ali Khan: If you want them to be wiped out by stages, why do you not support us?

Diwan Chaman Lall: I support sense but not non-sense.

Raja Ghazanfar Ali Khan: The question now before the House is a very simple one. The question is that the principle upon which this legislation is based is to provide relief of indebtedness to the poor debtors. This is the principle of the Bill. We do not claim that the principle of this Bill is to give opportunity to the judicial courts to examine all the cases in the same way, as they do examine ordinary cases. The mere constitution of the conciliation boards shows that the Government's policy was to provide some machinery by which these enormous amounts of debt owed by the poor people of this province should be wiped out in a reasonable way. We know that this debt which has been advanced.....

Lala Duni Chand: May I know if all the members of the agricultural tribes are poor and whether they have not been all declared as debtors under the rules?

Raja Ghazanfar Ali Khan: An overwhelming majority of them are very poor indeed.

Munshi Hari Lal: Examine their election expenses.

Raja Ghazanfar Ali Khan: Now what would be the power of these conciliation boards if the questions decided by them were to go to judicial courts again under appeal? It will be as well for the Government to abolish these conciliation boards and let the judicial courts carry on in the same old way in which they used to carry on before. It does not require any argument to convince honourable members sitting in this House as to what was the attitude of the judicial courts towards this legislation relating to recovery

of debts. Then another irrelevant question, an entirely irrelevant question which has been brought into the discussion is the collector and the assistant collector and the comparison between the sub-judges and the collector. I would ask, is the standard of efficiency where the collectors are appointed lower than the standard of efficiency where sub-judges are appointed?

Munshi Hari Lal : Decidedly lower.

Raja Ghazanfar Ali Khan : Most of the I.C.S. people are appointed as a result of a competition examination and so are most of the P.C.S. officers. Their knowledge of law, if not higher, is at least as much as the knowledge of law possessed by the sub-judges. Then why do you say that an appeal to a collector will have no value and only an appeal to a sub-judge will have any value, that if a case is heard and decided by the collector, it may lead to miscarriage of justice while if the same case is decided by a district judge, it will be pure and simple justice? This argument simply shows that my honourable friends on the Opposite benches are working under a conviction, whether real or imaginary, that only the sub-judges and the courts of the district judges are capable of taking a just view of things. (Interruptions).

Mr. Speaker : No running commentary please.

Lala Duni Chand : Ask your chief, Mr. Manohar Lal.

Raja Ghazanfar Ali Khan : Why should I ask anybody? I have heard your most objectionable speech and it is enough for me to reply to that. This is entirely wrong and unfair to consider that the sub-judges and the district judges have taken an oath and that their tendency will always be anti-zamindar and anti-poor people. I am afraid, the gentlemen sitting on the opposite benches are doing the greatest disservice to sub-judges and district judges as a class by every moment whether there is a proper opportunity or not, getting up and saying 'why not sub-judges' 'why not district judges', as if these are the only people who know how to administer justice. Are not the collectors administering justice in criminal cases? They have got section 80 powers and in revenue cases involving property worth lakhs....

Sardar Sahib Sardar Santokh Singh : But subject to appeals.

Raja Ghazanfar Ali Khan : They have given the right of appeal here also.

Mr. Speaker : No interruptions please.

Raja Ghazanfar Ali Khan : I have already asked my honourable friends that if they want to ask any question, they can get up and put it and I will give way. There is no use of this running commentary. I must confess that we on this side of the House are definitely determined, let me declare once for all, to provide relief to the poor classes. We represent those constituencies, we represent these poor classes we know their miseries and we know the troubles they are passing through and opposition from those benches or no opposition, threats of the High Court, threats of our trying to abolish judiciary, will carry no weight. They cannot frighten us by bringing in the quotations from the Chief Justice of London. We know that we are doing the right thing and a just thing. It is within our power, it is within the power of the legislature to pass this legislation and I can assure

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them that we will go on passing legislation until we have achieved our object which is to relieve the poor peasant and the poor *kisan* and the poor labourer from this heavy burden. (*Hear, hear*).

Dr. Sir Gokul Chand Narang (West Lahore Division, General. Rural) In the first place I would deal with the speech of my honourable friend, Chaudhri Muhammad Husain. I think he comes from Gujranwala. He argued the amendment which he intended to move and you rightly pointed out that he should first vote upon this amendment which I moved before the House whether this clause should or should not be deleted, because unless this is deleted, there is no case for the substitution of a new clause. He was at some pains to show from the Civil Procedure Code and from certain rulings which he quoted that it was necessary to provide expressly that jurisdiction of civil courts would be barred in certain cases. I think that was all superfluous. When he got up yesterday, I pointed out that the amendment which he proposed to move was superfluous, as it has been provided in the preceding clause that the appeal will lie only to the assistant collector and to nobody else so that there is no necessity for any other provision and you were pleased to endorse the view which I had humbly submitted.

Mr. Speaker: But I am not a judge of High Court.

Dr. Sir Gokul Chand Narang: Of course you are not, but you endorsed the view which was expressed here and not in the High Court. But in any case my submission is that the honourable member from Gujranwala forgot that there was already a provision under section 21 of this very Act.

Chaudhri Muhammad Husain: Section 21 does not cover that.

Dr. Sir Gokul Chand Narang: Wait a minute and you will see. There is the old section 21 and then there is a crop of amendments which are sought to be moved to that section. It is my submission that if you read the section carefully, you will find that there is hardly any loophole left. He tried to plug in the holes that in a moment of forgetfulness according to him, the Government might have left in this amending Bill or in the original Act. He should have really felt sure that the honourable mover of this

amending Bill was not the person to leave any loopholes
2 p.m. or any holes at all for the honourable member to plug by his amendments. Not only is section 21 fairly exhaustive but in view of certain amendments to the existing Act, a number of amendments have been moved and you will see that the section, when read with the proposed amendments, would leave no loophole for even a little finger being put in by any civil court in any matter arising between the debtor as defined in this Act and the creditor. This section says—

No civil court shall entertain any suit to question the validity of any procedure or the legality of any agreement made under this Act to recover any debt regarded as wholly or partly payable under an agreement made in accordance with section 17 from any person who as a debtor was party to such agreement or, thirdly, to recover any debt which has been deemed to have been duly discharged under subsection (2) of section 13.

(b) Any application to execute a decree the execution of which is suspended under subsection (3) of section 20.....

Section 22 settles the whole thing.

No appeal or application for revision shall lie against any order passed by a board.

What else is left for my honourable friend to amend or to rectify? I would, therefore, maintain that in spite of the very learned speech that he made on this point, his amendment is really out of order and is, in any case, entirely superfluous.

Then I come to Mir Maqbool Mahmood's speech. He started by saying that my zeal or partisanship had run away with my reasonableness as a lawyer. It would be very cheap repartee to say that the boot is really on the other leg and his own speech is enough to show that in his zeal and his partisanship he has almost totally forgotten for the time being if he knew anything of law at all. He has given instances to show that under various Acts short cuts have been provided and you will remember that he referred to the revenue courts, to the insolvency courts, to the small cause courts, to the honorary magistrates' courts and to the courts of honorary sub-judges also. He, for a moment, obviously forgot that in none of these cases is the judgment of any of the presiding officers final. In the Insolvency Act there is a section—probably section 20 but I am not quite sure—which says that any person aggrieved by any order passed by an insolvency court may appeal and there are other provisions made with respect to revisions or seeking redress from the insolvency courts up to the High Court. This instance, therefore, was hardly worthy of being quoted by one who claims to be a lawyer because the order of an insolvency court is in no case final and it is not provided that the order passed by an insolvency court would be appealable only to an Assistant Collector and to no higher authority or to any other civil court. The same is the case with the small cause courts. No doubt ordinarily there is no appeal but there is a provision for revision and anyone who has ever practised at the High Court would know that the honourable judges of the High Court consider revisions from the small cause judges' courts with greater consideration than ordinary petitions for revision from ordinary civil courts because they know that there is no appeal and, therefore, the revision petitions from the orders of the small cause courts have to be considered far more carefully than revision petitions from the orders of civil courts which are appealable and where people who come to the High Court have had one chance of appeal before the District Judge or before the Senior Sub-Judge as the case may be. Then he talked of courts of honorary magistrates. I was not aware that in any part of the Punjab as yet any honorary magistrates had been created whose orders were not appealable. Probably a time may come when certain people are appointed honorary magistrates whose judgments may be the final word. That would be a happy day for the criminals of this province when the orders of honorary magistrates are made final and not subject to appeal or revision. Even a tyro in law would know that an order passed by an honorary magistrate like an order passed by any other magistrate is appealable in most cases and not only appealable but also a petition for revision is permissible if there is a proper ground for revision. I really fail to understand how Mir Maqbool Mahmood could have quoted these instances. Then he comes to revenue courts. With respect to revenue courts the position is still more wonderful. In revenue courts everybody knows there is provision for appeals, there is provision for revision right up to the Financial Commissioner and in many

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cases Financial Commissioners do interfere on revision. A case, let us say, of mutation goes before a revenue officer. He decides it one way or the other. Then the Commissioner decides it and later on the matter goes to the Financial Commissioner; and what happens? The decisions, even if they are unanimous, are liable to be set aside by the civil courts. The revenue law has provided that even the order of the Financial Commissioner, not to speak of a Revenue Assistant, shall not dispose of a question of title in such matters. He may decide on *prima facie* grounds whether a particular land for the time being should be mutated in the name of X, Y or Z but where the question of title arises, he has to withhold his hand and then comes the turn of the civil court and it is only the civil court which can go into the question of titles. This was again an instance which Mir Maqbool Mahmood quoted on the floor of this House. I really do not know whether he was trying to throw dust in the eyes of people of this side or that side. All the instances quoted by him were entirely irrelevant because in none of them is the door of appeal barred against any litigant and even revisions are provided and appeals and revisions are daily filed from the orders of all these courts and adjudicated upon. Then he said that this was a peculiar case because it did not refer to ordinary litigation, it referred to people who cannot pay their debts. He should have known that the words in the Act are not that only those people can go to the conciliation boards who *cannot* pay their debts. The provision is that a debtor can go and file an application before a conciliation board and he should also file a statement that he is unable to pay his debts. He has only to state that he is unable to pay his debts. Does he think that all these gentlemen for whom he has so much compassion and sympathy are all angels, are all George Washingtons who have never told a lie in all their lives? We know from experience how many false and absolutely false *jawab-i-dawas* are filed in courts. They say that they never executed the bond, the thumb-impression is not theirs or their thumb-impression was taken by fraud or force. Then again, if it is proved that the document was thumb-marked by the gentleman concerned, he would say that he never received the consideration and thousand and one things are thus urged. Does he think that it is very difficult for these people to make that statement if they want to avail of jurisdiction of these conciliation boards? They have simply to say that they are unable to pay their debts. That is a matter of course and a matter of form with the petition-writers that when they draft a petition for them they will say *main garza ada nahin kar saktā*. This is the position and the conciliation board is at once vested with jurisdiction to go into this matter. One thing more he overlooked and that is this that the original object of this Act was to scale down debts and to bring about conciliation between the parties. It was expressly understood and expressly mentioned in fact that the object of this law was that those gentlemen, who have some position in society in the *ilaga*, should be called upon to sit as a board and they should persuade both parties to come to some sort of settlement. If they cannot be persuaded, then, if persons to whom 40 per cent or more of the debts are due from the petitioner, agree then the board will pass an order by which all creditors will be bound. That was the spirit and the scope of this law. But what is sought to be done now?

Now, under this very clause, the conciliation boards are being vested with jurisdiction to try cases up to Rs. 10,000 which is a very high figure and, therefore, the responsibilities of the conciliation boards become much greater and, therefore, the facts which are required to be called to bear upon the decision of such cases are entirely different, and somewhat beyond the resources of these conciliation boards which are brought to bear upon adjudication of cases where only the scaling down of debts is concerned. They will now sit as judges and they will have to decide, not only the question of fact but also questions of law because they have not only to decide whether a certain document was executed by a certain debtor but whether that document is enforceable. There may be 99 reasons which would make that document unenforceable and it is equally for the good of that poor, indigent and miserable creature for whom actually all this machinery is being put in motion as it is to the interest of the creditor that the gentlemen sitting to decide these cases, at least on appeal, should know something more of law and procedure and should understand better the spirit of evidence than those gentlemen who constitute the conciliation board or the assistant collectors are supposed to do. This is the position. Raja Sahib has just ejaculated something. He said, well what is there particular or special in these sub-judges and he said, that we are doing them great harm by advocating their cause here. We are not advocating their cause. They should not understand that their cause is being advocated by us, either by any one on this side or any one on that side. We are referring to them only because they are mentioned in various amendments and we want that jurisdiction should not be taken away from them, because they have been doing this work for the last 60 or 70 years and they have built up a tradition which is of very great value and that tradition is of having a judicial mind. My honourable friend, Mir Maqbool Mahmood said that it has been recorded somewhere and it has been pronounced by some people that judicial courts have shown a bias for trading classes. That is what I understand him to say. He said that it had been said by some judges or some other authorities—I could not quite catch what he said—that these sub-judges or judicial courts have shown a bias for trading classes. I have also been at the bar for 19 years.

Mir Maqbool Mahmood : If my honourable friend will give way I will explain what I said. What I said was that it had been remarked by Mr. Darling and others about the judicial authorities that a discretion had been given to the courts to assist the debtor class, but that discretion had not been exercised as expected and that there were rare exceptions where they had not worked with a bias for the creditor.

Dr. Sir Gokul Chand Narang : I am glad that it was not a judge of the High Court or any judicial authority that had said it. But originally he said that the High Court judges—

Mir Maqbool Mahmood : It was a judicial pronouncement.

Dr. Sir Gokul Chand Narang : I am not aware of any judicial pronouncement in which the sub-judges have been condemned like this that they have shown a bias for the trading classes or for the creditor classes. If that was so or if any sub-judge could be detected or could be suspected of having shown a bias for any particular class, he would have from that moment ceased to be a sub-judge and the High Court would not have for a moment tolerated any sub-judge holding the office after it had been found by the High Court.

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that he had been guilty of bias in favour of any particular party litigating whether a creditor or a debtor, because that is the very negation of justice. No High Court and no Chief Judge or Chief Justice can tolerate the existence of a sub-judge of this kind. On the other hand it appears that these gentlemen are obsessed with the idea that a sub-judge is an enemy of the agricultural classes and that the deputy commissioners, collectors and revenue assistants are their friends; otherwise I can see no reason why these gentlemen should so persistently oppose the amendment which wants to leave the power of appeal to the civil courts. They want to do away with the civil courts because they think that surely the conciliation boards will be in their favour and they seem to be zealous for giving the power and jurisdiction to conciliation boards and for preventing their orders from being questioned on appeal. That really shows that in their innermost minds, there is lurking a feeling that these conciliation boards are their own and that they are their friends and that the interests of the class whom they represent are absolutely safe in their hands. The assistant collectors in most cases are zamindars. The extra assistant commissioners, tahsildars and revenue assistants—if you will go through the civil list—would be found mostly belonging to the agricultural classes. That is another feeling lurking in their minds. Then again, Sir, there is another feeling. Who appoints these conciliation boards? The Honourable Minister for Development or some other Minister appoints them.

Minister for Development : True, I appoint them.

Dr. Sir Gokul Chand Narang : Here is the Honourable Minister who appoints them and you can fully rely upon him not to appoint any man who does not share his views and is not prepared to carry out his policy.

Minister for Development : I will not appoint wrong persons.

Dr. Sir Gokul Chand Narang : You can rely upon him not to appoint a wrong man. But who is to judge what is wrong or right? We know what would be wrong from the point of view of the Honourable Minister. If the fellow has a grain of sympathy for either a *khoja bania* or a real *bania*, out he goes and he has absolutely no chance. However, this was only a side remark. His mentality is so patent that he can certainly never appoint any one of whose mentality he himself is not perfectly sure.

Even from amongst the non-agriculturists he would select those on whom he could rely and who are reliable men. And who is a reliable person? One who carries out his policy. If a non-agriculturist cuts his brother's throat he would be most welcome to the Minister. He will say, "here is a man who has a liberal mind: he will carry out our policy: he is unprejudiced because he is prepared to cut his brother's throat." He will be given a certificate of being unprejudiced by the Minister entitling him to be appointed. If a man never moves his little finger to protect the interests of his own class and cuts the throat of his brother he is welcome, he is a safe man, and that safe man would appeal to the Minister if he is to choose the members of the conciliation boards. Is it not so? That will be the right appointment: no wrong appointment can be made at all. What about assistant collectors? Who are they? The Ministers can take any assistant collector by the ear and send him to the Punjab Andamans if he does not carry out their policy.

They have got the Panjab Andamans in the districts of Dera Ghazi Khan and Muzaffargarh. I know that whenever an officer is in disfavour he is shunted off to Dera Ghazi Khan and is kept there until he is set right. I am at one with the Lord Chief Justice of England that the executive officers are under political influence.

Mr. Speaker : The honourable member is not relevant.

Dr. Sir Gokul Chand Narang : I am not deviating by one little part of an inch from relevancy. This is the position. That is why they want appeals to be heard by the assistant collectors. Why are they against the sub-judges and district judges? For once since the Chief Court or the High Court was started, one *bania* became the head of the High Court—and I speak with all respect and in an impersonal manner—somehow the idea is still lingering in the minds of these people that the cadre of the civil judges consists of *banias*: that is far from truth. If you will consult the civil list you will find that the number of civil judges other than the *banias* is larger than the number of *banias*. It is that lurking feeling which is responsible for the administration of justice being corrupted by this Government.

As I was saying we are in favour of the district judges and civil courts because firstly they have a special training. You know as a lawyer that a sub-judge cannot try a criminal case: he is entrusted with civil jurisdiction. He only deals with civil cases. Why, because the Government thinks and the High Court thinks that he is more competent to deal with civil cases than with criminal cases. They do not allow a magistrate to try civil cases. I have no doubt that if a magistrate is entrusted with civil work after a few years he will be competent to do civil work. No district and sessions judge is appointed unless he has sufficient experience of both kinds of work because they know that their duties require experience of both kinds as well as knowledge of law and procedure and so on. Secondly, we are for civil courts because they are more independent. They work under the High Court on whom to our good fortune these Honourable Ministers have so far not much control. They can give them trouble. I know there are parts of the constitution under which they can give them trouble. The position of the Honourable Judges, however, is unassailable by these gentlemen and I have no doubt that if they get a loophole they will go in for them and will not spare them. To our good fortune their position is unassailable and, therefore, the judiciary is supposed to be independent. My honourable friend, Lala Duni Chand quoted an instance from Calcutta where an Englishman had been sentenced to imprisonment by the High Court on the original side. There was great uproar in Bengal because probably it was the first time that an Englishman had been convicted and sentenced to imprisonment and sent to jail. The jail authorities under instructions from some executive authority refused to receive the prisoner. The police people were waiting with the prisoner at the gates of the jail but the Jail Superintendent would not admit him. Then the matter was brought to the notice of the Chief Justice. He naturally was angry and felt great resentment. He at once issued a notification on the judicial side and sent it to the Government Press. The notification is said to have been to the effect that with effect from such and such date the administration of criminal justice in the

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presidency of Bengal is suspended until further orders. When this notification came to the Superintendent of Government Press he was astounded and at once went to the Chief Secretary and told him that this was the notification which he had received from the Chief Justice for publication. The Governor was informed : he was very much upset and at once realised that he had or some one under him had committed a great blunder. The result was an apology to the Chief Justice of the High Court. The prisoner was received in the jail and was kept there in accordance with the sentence. This is one instance : there are many such instances in our own courts. I shall tell you one. Four or five years ago I was given one instance. A case was being tried by a Division Bench of the High Court—I will not mention the names of the Judges. The Judges wanted some information from the Government Advocate—that Government Advocate is no longer in this province. He said his instructions were not to supply that information. The remark which the Judges made then and there was, it is most absurd : “ is not Government ashamed of taking up this attitude ”? They stopped the hearing of the case. The result was that an humble apology was offered to the Judges, all the documents were placed at their disposal and the information which the Government Advocate had refused to give was supplied. That is the independence of the High Courts and that is the independence of the civil courts. We know that our executive officers lack that independence : on many occasions they are being ordered about by the Ministers and even by the Parliamentary Secretaries. They have not got much independence left, with honourable exceptions of course.

Mr. Speaker : The honourable member is not relevant.

Dr. Sir Gokul Chand Narang : I did not say that there are no able men, that there are no honest men, but there are complaints of interference with their work. I have no hesitation in saying that. I know one collector once came to me and said “ we are like orphans.” I am repeating the very words—

Mir Maqbool Mahmood : Did he come to you to be adopted ?

Dr. Sir Gokul Chand Narang : He was too old for adoption and I was too poor to adopt him. But these are the facts and that is the reason why they want these assistant collectors because they can easily order them about. I do not mean any disrespect to any of the assistant collectors not even to the humblest naib-tahsildar, but these are the facts. Their appointment, promotion, transfers and their pensions depend on the sweet will of these Ministers. Most of them are doing their duty under a great deal of strain. Why put this extra strain upon them and why deviate from the ordinary course of justice ?

Did you not note, Sir, the most disrespectful and impertinent way in which the honourable Parliamentary Secretary—I mean the Raja of Pind Dadan Khan—spoke about the Lord Chief Justice whose remarks I had quoted on the floor of this House ? If this is the mentality of these people, what can you say about the mentality of the members of the conciliation boards or that of those junior officers to whom appeals from the conciliation boards are going to be made ?

An argument was advanced by Mir Maqbool Mahmood saying that he wants speedy justice; he wants short-cuts. He forgets that short-cuts are not always honest and a person who wants to bribe an officer is only acting on the principle of short-cuts. Even if a person wants to buy a ticket from a booking clerk at the railway station he wants short-cuts, he tips the police constable two annas and the police constable elbows everybody else and purchases a ticket for him. In most cases short-cuts are based upon principles which cannot always be approved of. He was talking of the hardships to these poor people. Hard cases make bad laws, that is a well-known maxim which every lawyer knows. I submit, Sir, that speedy justice is not a virtue for which everything else should be sacrificed. There is no doubt that justice delayed is justice denied but the maxim applies only within certain limits. It does not mean that you take a case of the value of ten thousand rupees to a conciliation board and they decide within five minutes that they hold that not a penny of those ten thousand rupees was due. The aggrieved party then goes to an assistant collector who has got 99 other things to do and he says, 'I think the order passed by the conciliation board is correct; appeal dismissed' and there the party stops, whether he is millionaire creditor or he is a poor indigent zamindar who has hardly any means of existence. One remark made by the honourable Diwan Chaman Lall was not appreciated by the Raja of Pind Dadan Khan. He said that you want to help these poor people and give them relief, but by shutting out appeals you are giving them no relief. Unless that bias in your minds in favour of the conciliation boards that they will always help the zamindars, is well-founded. Sometimes these boards may not do justice and pass wrong orders against the poor zamindars, thus the poor man will be quite helpless. There is every possibility of a case being decided wrongly against a poor debtor as it can be against a creditor, therefore why shut out even poor zamindars from relief which ordinarily they would be able to obtain in civil courts?

One thing more. Mir Maqbool Mahmood said and this was not an argument but a sort of taunt—that he was not present day before yesterday, otherwise he would not have used those words and made that remark. He said 'now we have done something for the non-agriculturists, but these people who profess lip sympathy with the non-agriculturists, are opposing that'. This is the second time that he is making such remarks. My simple reply is that not one person in the whole province has in any way found fault with any of us for opposing the provisions relating to non-agriculturists. If he had been here, he would have known, what was said to his Minister that the Merchants Association of Lahore have strongly opposed and protested against the provisions which include the non-agriculturists within the scope of this measure.

Minister for Development : They are capitalists.

Dr. Sir Gokul Chand Narang : Oh ! These shop keepers are all capitalists. A non-agriculturist ceases to be a capitalist only if he cannot get even two meals a day and a bed to lie upon in his house and he is a capitalist even if his assets are worth ten rupees, and all these zamindars sitting in front of us here are poor people ! Only the other day the Honourable

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Minister of Development accepted an invitation from these so-called capitalists. Did he enquire how many of them were carrying on business with their own capital? He went there; he should know why he went there; he may have gone there probably to exploit that episode as an argument against us that he was being honoured even by the merchants. Happily they told him all their grievances and expressed strong disapproval of the measures which he is piloting. I do not think there is anything else that was said from that side which requires or deserves any reply.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): On a point of personal explanation, Sir. Dr. Sir Gokul Chand Narang has said that I made impertinent remarks about the Lord Chief Justice of England. That is entirely wrong. What I criticised was the impertinence shown by Sir Gokul Chand Narang in bringing the Lord Chief Justice of England in a controversial matter like this.

Dr. Sir Gokul Chand Narang: Do you not think you spoke in an impertinent manner?

Mr. Speaker: Question is—

That sub-section (3) of the proposed section 15-A be deleted.

The motion was carried.

Chaudhri Muhammad Hussain (Gujranwala East, Muhammadan, Rural): I move—

That for sub-clause (3) the following sub-clause be substituted, and be re-numbered as (4):—

“(4) No order passed under this section shall be open to question in a civil court.”

The motion was carried.

Chaudhri Muhammad Hussain (Gujranwala East, Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

That in the proposed Section 15-A (4), penultimate line, for the words “five hundred” the words “two thousand” be substituted.

Sir, I have no mind to speak at length on this amendment. But suffice it to say that whereas in the clause, as it stands, it has been provided that no appeal or application for revision can lie against the decision of the board unless the aggregate value of the item concerned exceeds Rs. 500, I want to enhance the aggregate value from the specified amount to two thousand rupees. You will observe, Sir, that the constitution of the debt conciliation boards has been so judiciously and equitably framed by Government that all the communities, whether Hindus, Sikhs or Muslims including agriculturists and non-agriculturists are represented on them. Now none can question the ability of the members appointed to these boards. As the honourable members are aware, the boards generally consist of members who are either practising lawyers or retired gazetted officers or at least graduates. It is obvious that we would be dealing a blow to the prestige and dignity of the boards if right of appeal against the considered decision of the members is granted to every creditor in every case. The result would be that the proceedings of the boards would be unnecessarily hampered. In this connection I may point out that I had a mind to move an amendment to the effect that the right of appeal should be done away with altogether. But

the Government considered it iniquitous and so I dropped the idea of moving it on the floor of the House. However, I am of the opinion that the incorporation of the amendment under consideration is extremely necessary, because if the creditors are allowed to prefer appeals in regard to every case, it would, as I have already stated, result in unnecessary delay in the proceedings of the boards. Besides, the number of appeals would increase inordinately, as every creditor to whom even Rs. 10 are due, if not satisfied with the decision of the board, would run away with an appeal to the proposed higher authority, and thus prolong the case. This would also require the board to go once again into the process of issuing notices, etc. I, therefore, propose that the amount of the aggregate value of the item in regard to which an appeal is to be preferred, should be raised from Rs. 500 to Rs. 2,000.

Mr. Speaker : The question is—

That in the proposed section 15-A (4), penultimate line, for the words "five hundred" the words "two thousand" be substituted.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani I beg to move—

That in the proposed section 15-A (1), line 4, for the word "claim" the word "debt" be substituted.

Sir, it is merely a verbal amendment. I am proposing this amendment to secure uniformity of language. The word 'debt' has been defined in section 7 of the Act while the word 'claim' as used in the proposed sub-section 15-A has not been defined anywhere in the Act. 'Debt' is a more suitable word than 'claim.'

Mr. Speaker : The question is—

That in the proposed section 15-A (1), line 4, for the word "claim" the word "debt" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 6 as amended stand part of the Bill.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I wish to oppose the clause. Clause 6 as amended now, if passed, will convert the conciliation boards into courts of adjudication.

Mr. Speaker : This argument has been given already.

Lala Duni Chand : I am not giving it as an argument, I am simply stating a fact. I have got certain legal difficulties which I want to understand in order to appreciate the application of clause 6 if it is passed into law, and I hope the Honourable Minister for Development will enlighten the House on that point. As far as I have been able to study the Relief of Indebtedness Act, 1984, and this amending Bill, I have not come across any provision anywhere which empowers the conciliation boards to pass a decree or dismiss a case on merits. The only powers that have been given to the conciliation boards are the powers of bringing about a settlement on the lines indicated in the Bill.

Now section 15-A (in clause 6) says—

If a creditor or debtor, as the case may be, challenges the genuineness or enforceability of any debt included in an application, the board shall adjudicate upon the issue.

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This power has been given and it will be within the power of every conciliation board to decide if a claim based upon a pro-note or bond or *bahi* account is false or true, is genuine or not, and whether it can be enforced or not. That much the conciliation board will have power to decide, but this clause does not say what will happen next. I think on that point it is absolutely silent. As I have submitted, in spite of the difficulties that have been created, it will be open to creditors by complying with certain provisions to say that they do not want a settlement through the conciliation board. There is no provision of law which compels a creditor under all circumstances to accept the proposed settlement. If that is the position, in spite of all the armoury that has been placed in their hands they can only settle but they cannot possibly dismiss a suit on merits. I do not see if this Bill could possibly give power to the conciliation board to decide cases on merits, namely, to pass a decree or dismiss a suit in the case in which a compromise was not agreed to. It is another question whether this Bill can convert the conciliation boards into courts of adjudication in the sense that conciliation boards can pass decrees or dismiss claims. That is a question which I shall leave to my honourable friend, Pandit Muni Lal Kalia, to raise, whether that can be done within the scope of this Bill or not. In any case, what will be the use of making a declaration simply to the effect that a simple promote is genuine or not genuine, if the conciliation boards are unable to proceed further? This means that the conciliation boards will have no power to give relief one way or the other in spite of the powers given to them to declare that a certain claim is genuine or not genuine or that a certain claim is enforceable or not enforceable. This is one difficulty which I find and I would like honourable members on that side to solve it. Suppose after the conciliation board finds that a certain claim is genuine or not genuine and the aggrieved party goes to a civil court and wants the case to be decided by it this provision does not take away the power of the civil court to decide. Civil courts have got powers under section 9 of the Civil Procedure Code to decide any suit of a civil nature and on the other side there is this clause 6 here. So far as the question of genuineness or enforceability of a claim is concerned, it shall be decided finally and absolutely by the conciliation boards and at the same time the conciliation boards cannot either dismiss or decree the suit. That is the difficulty which faces me.

Now as regards the merits of the clause, I beg to submit that this clause brings about with vengeance what is called separation of judicial and executive functions. This province as well as other provinces have been crying for the last 50 years that there should be separation of judicial from executive functions and it has been admitted in the past by several distinguished members of the Government that this is the most urgent need of the administration. Now what kind of separation of judicial from executive does clause 6 propose to bring about? Practically the entire power and final power is placed in the hands of the collectors or the assistant collectors of first grade. They will have the final judicial powers to decide if a claim up to the value of Rs. 10,000 is genuine or not, whether it is enforceable or not. I would ask whether this is not separation of judicial from executive functions with a vengeance? I, therefore, submit that this is the most vital objection to clause 6.

Another point is this. Assuming that the Government wants to confer judicial powers on conciliation boards and they are justified to do so, then in that case, we should have expected that the members of the conciliation boards or the members of these courts of adjudication will have some judicial experience or judicial training. I may point out that in other provinces even the ordinary village conciliation boards are presided over by certain experienced judicial officers. In certain provinces the conciliation boards are presided over by sub-divisional officers. At least care should have been taken, if they were going to convert the conciliation boards into courts of adjudication or into judicial tribunals, to see that the powers of adjudication are placed in sufficiently safe hands. Now what is the position? The position is that the Development Minister or some other Minister appoints two gentlemen representing debtors and another gentleman representing the creditors. They are not appointed by Judges of the High Court. They are not appointed by any judicial functionary. There is no test of education. It is not stated that they should have passed any particular examination or be appointed by the Public Services Commission. The Public Services Commission is not to interview them and decide whether these gentlemen are fit to be members of the conciliation boards. Granting that they will be quite honest and fair-minded people, still the question arises whether in order to decide claims of the value of Rs. 10,000 it is not necessary that they should possess some judicial experience and some knowledge of law. From what we know of the personnel of the present conciliation boards that now exist in the province, I think we can say that none of them, hardly any of them possesses the requisite amount of judicial talent or legal experience to guarantee correct decision of the matters that come up before them.

Now, as regards the collectors 1st grade, I do not want to say anything derogatory about them. Just as Dr. Sir Gokul

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Chand Narang said, some of them are honest and able men, but all the same it is a fact that they are saturated with executive spirit and of all the Government officers, the revenue assistants are the officers who are supposed to carry out the policy of the Government. Is it not true that the revenue assistants whenever the Ministers or other members of the Government go out, arrange functions for them, arrange public meetings for them?

Mr. Speaker : Please do not repeat arguments.

Lala Duni Chand : I am not repeating anything. I have already taken note of your remark and I will take care to see that I advance new arguments or arguments that have not been already advanced. The point that I want to submit is whether the gentlemen who have been brought up, who have been nurtured in the executive traditions and the gentlemen who are appointed by the executive Government and whose promotions are in their hands, whether they can be relied upon as safe judges of the courts of adjudication. I submit that if these gentlemen are to be entrusted with practically judicial powers to decide cases up to the value of ten thousand rupees, all that I can say is that these things are permissible only in the Punjab and under the Punjab Government. Things of this kind are only possible under the Punjab heaven and on the Punjab earth. These things cannot be possible under any other circumstances. What will be the result

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if the conciliation boards are converted into courts of adjudication ? Apart from the question that the civil courts will not have much to do, I do not want to touch that point, what will be the result of that ? The result will be that there will be a feeling of revolt created in the province against the ways in which the Government wants to govern this province. The result will be that after a law of this kind is passed no money-lender will like to advance a single pie to anybody. The credit of the province will entirely disappear. If the credit disappears from the province, I request the Honourable Premier and the Honourable Development Minister to visualize what will be the conditions in the province and what will be the atmosphere created in the province. There would be famines, there would be years of scarcity—

Minister for Public Works : Very congenial atmosphere.

Minister for Development : Good atmosphere.

Lala Duni Chand : I know the atmosphere you have created. You have created an atmosphere in which about three or four thousand murders are committed every year while about ten years ago not even 500 murders were committed.

Mr. Speaker : Please speak to the motion.

Lala Duni Chand : There was an interruption and I have replied to that interruption. I congratulate the Honourable Minister for Development on the creation of that atmosphere. What I was saying was that credit will entirely disappear. I was saying that famines will be repeated, years of scarcity will repeat themselves. If the starving people would find some money-lender in the village they will go to him and ask for grain. He will naturally say that as he could not recover anything from him he could not advance anything to him. But if he does not advance anything the people will say we cannot allow ourselves to be starved. We are aware of agrarian riots during years of scarcity and famine. That is a common feature of the years of famine and scarcity. These people will not be able to get a pice and at the same time they will find themselves, their families and their children facing stark hunger and starvation.

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

Lala Duni Chand : If the conciliation boards are converted into courts of adjudication, I say that this is the most dangerous thing to do and in support of that I say that if this law is passed, then these conditions will be created and I leave it to you to decide whether it is relevant or irrelevant. Of course you are a very learned lawyer and you can see whether I am within the scope of relevancy or not. As a result of passing this clause, I submit that an atmosphere will be created which will give rise to lot of difficulties and troubles in this province. It is in this way that I consider it relevant. However if you say it is irrelevant, I will not repeat it.

Mr. Speaker : Even irrelevancy is relevancy for the honourable learned lawyer. What I say is : please do not go too far and wind up.

Lala Duni Chand : If you give me that credit, the credit that I do not deserve that I am so clever—as to convert irrelevancy into relevancy,

then I may be allowed to proceed (*laughter*). I tell you, you are adding by enacting legislation of this kind, you are adding to the forces of anarchy, disorder and all that. I know the Honourable Premier is afraid of the increasing rapidity with which lawlessness is attacking this province. I do ask you when you are going to enforce a law of this kind whether that will not give rise to any amount of lawlessness, to any amount of anarchy and disorder. I request you to think twice. And as you have been pleased to direct, I finish my speech.

Mr. Speaker : Question is—

That clause 6 as amended stand part of the Bill.

The motion was carried.

Clause 7.

Mr. Speaker : Question is—

That clause 7 stand part of the Bill.

The motion was carried.

Clause 8.

Lala Sita Ram (Trade Union Labour) (Urdu) : I beg to move—

That sub-clause (a) be deleted.

Sir, in section 20 of the Indebtedness Relief Act, which confers upon the conciliation boards the power of granting a certificate to the debtor, if a fair offer made by him is not accepted by the creditor, a condition was also imposed by the proviso that the board shall grant a certificate only in the case where it is satisfied that the creditors to whom no less than 40 per cent of the debtor's debts are due, have come to a settlement. But now in accordance with clause 8 which is under discussion, the intention of this legislation is to omit the proviso to sub-section (1). This adds greatly to the harshness of the measure.

An attempt has been made in the foregoing speeches to show that the powers already given to these boards have been extended. Formerly when the powers of the boards were not so vast as they are contemplated to be now, this proviso was not so essential; but now that the debt conciliation boards have got the power of adjudication and they have been further privileged by the fact that no appeal can lie against their orders which will be final and conclusive, the need for such a proviso has become greater than before.

In the absence of any provision for conducting their case through a lawyer independently produced before the boards, the creditors had this proviso as their only solace. The condition of 40 per cent as imposed in that proviso was a check on their being deprived of everything that was due to them by the conciliation boards. But now even that proviso is being dispensed with and all justice is thrown to dogs.

I beg to submit that in view of the enhanced powers of the conciliation boards, it was in the fitness of things that the limit of 40 per cent should be increased, but here instead of doing the needful the Government proposes to delete even that proviso. According to the Indebtedness Relief Act, these

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boards were brought into being for prevailing upon the debtors and the creditors to arrive at an amicable settlement and to see that the creditors as well as the debtors did not unduly suffer on any account. Now by giving unlimited powers to these boards the intention is being reversed. What was required was to limit these powers, but they have instead been empowered to grant a certificate to the debtors at any time, in any form and for any reason they like.

With these words, Sir, I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That sub-clause (a) be deleted.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir the amendment that has been moved by my honourable friend, Lala Sita Ram in respect of the retention of the proviso, is a very important one. The constitution of debt conciliation boards and their actual working during the last 5 years proves that there ought to be some sort of check on their arbitrary and final disposal of claims. I had through an Assembly question asked the number of bogus creditors discovered in these cases in Jhang district and I was told that 145 persons were proceeded against for being bogus creditors out of which 100 were found, by the courts, to be bogus. In spite of all this there was still a check on the boards and that very check has proved to be very effective in other provinces like Bengal, Madras and Central Provinces. The deletion of this proviso means that these boards have been definitely changed from conciliation boards to adjudication boards. With these words, I want to impress upon the Government the advisability of retaining this proviso as a check upon the arbitrary activities of the debt conciliation boards.

Mr. Speaker : The question is —

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

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) (*Urdu*) : Sir, I beg to move—

That for sub-clause (b) (iii) the following be substituted :—

(iii) The words "in excess of simple interest at 6 per centum per annum on the amount due on the date of such certificate" shall be omitted.

In subsection (2) of section 20 of the Relief of Indebtedness Act, 1934, it is provided that "where any creditor sues in a civil court for the recovery of a debt in respect of which a certificate has been granted under subsection (1) the court notwithstanding the provisions of any law for the time being in force, shall not allow the plaintiff any cost in such suit or any interest after the date of certificate under subsection (1) in excess of simple interest at 6 per centum per annum on the amount due on the date of such certificate." Clause 8 as amended by the select committee provides that the rate of interest on the debt which has been certificated by the board, should be 4 per cent instead of 6 per cent as provided in subsection 2 of section 20. My proposal is that no interest whatever should be allowed on such debt. A certificate is granted in case where any creditor refuses to agree to an amicable settlement and the board is satisfied that the creditor

has refused a fair offer made by the debtor which the creditor ought reasonably to accept. There seems to be little justification for allowing a creditor, who has refused a fair offer made by the debtor for an amicable settlement of his claims, to continue to receive interest on his debt. If he realises that he can continue to receive interest on his claim by adopting an unreasonable attitude, there will be no inducement for him to come to a settlement with his debtor. There ought to be some penalty for such an unreasonable man. He should be discouraged to reject a fair offer which has already been accepted by his other fellow creditors. The existing provision contained in subsection (2) of section 20 of the Act imposes hardship on a reasonable debtor for no fault of his. I think, I shall be able to explain my point better by giving an illustration. Supposing a debtor makes a reasonable offer to his creditors for an amicable settlement of their claims which is accepted by all other creditors except one unreasonable creditor, and the board authenticates the agreement arrived at between the parties under which the debtor agrees to repay his debts in a period of 20 years and grants the debtor a certificate in respect of debt owed by him to the creditor who has not accepted his fair offer, such creditor will be entitled to receive interest on his debt for a period of 20 years during which the debtor is repaying his debts owed to other creditors, because the civil court cannot execute a decree granted in respect of this debt until six months after the expiry of the period fixed in the agreement for the payment of his debt by the debtor. I might point out here that the period fixed for the payment of debts in respect of which an agreement has been authenticated by the board shall not be excessive, i.e., it will be in accordance with the full paying capacity of the debtor. In that case he will not be in a position to pay any more than what has been fixed under the agreement and thus the interest on debt in respect of which a certificate has been issued will go on accumulating and he will never be able to get out of indebtedness. I am, therefore, to suggest that we should have no sympathy for an unreasonable creditor who refuses to accept a fair offer.

Rai Bahadur Mukand Lal Puri : But what is the criterion of fairness ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : The debt conciliation board will judge and decide whether the offer made by a debtor is reasonable and fair. There is always a representative of the creditor classes on the board and my honourable friend therefore need have no apprehensions with regard to the judgment of the board in this respect. The main object of my amendment is to facilitate and to increase the possibilities of amicable settlements between the debtor and the creditors and I am sure this object will be fully realised if my amendment is accepted by the House.

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

That for sub-clause (b) (iii), the following be substituted :—

“(iii) The words “in excess of simple interest at six per centum per annum on the amount due on the date of such certificate” shall be omitted.”

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, with regard to the amendment moved by my honourable friend, Mian Mushtaq

[L. Duni Chand.]

Ahmed Gurmani, I would like to say only one thing. Under the Relief of Indebtedness Act of 1934, one safeguard was provided, namely, that before any offer would be considered as a fair offer, at least the creditors representing 40 per cent of the entire debt should be the consenting party. That safeguard has been taken away now. The position now is that anything that the conciliation board thinks is a fair offer and after that there will be no further question. I give an instance. Supposing a certain creditor brings a claim of Rs. 1,000 and the conciliation board says, 'you cannot have more than Rs. 50 or you are entitled to Rs. 50 or the debtor offers you Rs. 50 for your claim of Rs. 1,000.' But he refuses and says, 'I am not prepared to accept that offer.' In that case the conciliation board grants a certificate to the effect that this was a fair offer that was made by the debtor. But as the creditor had refused to accept it, therefore, the board would grant a certificate to the debtor. After that the creditor will not be entitled to any cost. Supposing he is bold enough to file a suit against the debtor for the recovery of Rs. 1,000 and pays a court fee which comes, according to the present scale, to something like Rs. 111. Then he engages a lawyer to whom he pays something, and summons witnesses and takes the trouble of proving his case. The civil court finds his case proved, but in view of this amending Act, the civil court will not be able to pass any decree for more than Rs. 50. The result will be that he loses all the money that he has spent on court fee and on other things and he cannot get any interest even on Rs. 50, leave alone the balance of Rs. 950. My honourable friend is showing an unusual favour to the creditor who gets only Rs. 50 out of his claim of Rs. 1,000 if the interest even at 6 per cent is not allowed to such a man. That will be the height of injustice. What I want to know is whether the Honourable Minister is satisfied and whether it is in the least a conciliation or fairness, justice or sense. Every Government can go on only so long as it possesses a certain amount of fairness, justice and sense and it can go on only so long as certain sections of the people think that the Government is carrying on its administration with fairness, justice and sense. I want to know whether the result that will inevitably be brought about by the enforcement of this law, will be conducive to the promotion of an atmosphere of fairness, justice and sense. If the Government wants to have such conciliations it is their own outlook. This Bill has been before the select committee consisting of very able members.

Mr. Speaker : Please do not discuss the whole Bill.

Lala Duni Chand : This particular clause has been before the select committee and the select committee did not think it proper to alter it in any way. In the Bill, as amended by the select committee, the condition regarding the award of interest at 6 per cent stands. What does my honourable friend now want to do? He says that the select committee was wrong. I say that it is nothing short of injustice to what the select committee has done. I should say that these things were not absent from the minds of those gentlemen who sat on the select committee and who after full consideration in a calm atmosphere allowed this thing to remain. Now here comes the wisest of the wisest saying, 'I will not be doing justice to the Punjab and the debtor unless I see this clause deleted.'

I submit that the whole thing is being done in a spirit of vindictiveness.

Mr. Speaker : The honourable member is not relevant.

Lala Duni Chand : I do not mind all this : I want the Unionist Party to be thousand times more vindictive. I want to bring about that stage of things—

Mr. Speaker : Arguments are being repeated.

Lala Duni Chand : Do you take into consideration the enormity of the proposal made?

Mr. Speaker : The question is—

That for sub-clause (b) (iii), the following be substituted :—

(iii) 'The words "in excess of simple interest at 6 per centum per annum on the amount due on the date of such certificate" shall be omitted.'

The motion was carried.

Mr. Speaker : The question is—

That clause 8 as amended stand part of the Bill.

Rai Bahadur Mukand Lal Puri : Sir, you will be pleased to observe that clause 8 runs as follows :—

In section 20 of the said Act—

(e) in subsection (1), the proviso shall be omitted.

If you will look at section 20 you will find the proviso is in the following words :—

Mr. Speaker : It has already been read to the House.

Rai Bahadur Mukand Lal Puri : Allow me to make myself intelligible.

Mr. Speaker : I will not allow repetition of the arguments advanced by the previous speakers either on this or other clauses.

Diwan Chaman Lall : He merely wants to read out the proviso in order to base his arguments.

Mr. Speaker : No objection to the proviso being read. I thought he was going to repeat arguments.

Rai Bahadur Mukand Lal Puri : Nothing of the kind. How can anybody be encouraged to put his point of view if before he has spoken he is asked not to repeat the arguments? I had hardly spoken two words—

Mr. Speaker : The motion under discussion is whether clause 8 should stand part of the Bill.

Rai Bahadur Mukand Lal Puri : It is not possible to put one's point of view without stating what the subject matter of discussion is. The proviso to section 20 is—

Provided that the Board shall not grant a certificate unless the Board is satisfied that the creditors to whom not less than 40 per centum of the debtor's debts are owing have come to an amicable settlement with the debtor.

The omission of this proviso makes a most radical change in the nature and functions of the debt conciliation boards constituted under the Punjab Relief of Indebtedness Act.

Mr. Speaker : That argument was given by the honourable mover of the first amendment.

Rai Bahadur Mukand Lal Puri : You will be pleased to observe that the very name of the boards, 'debt conciliation boards' shows that these boards are constituted for the purpose of bringing about a conciliation between the debtors and creditors. That is considered the function of these boards and the sole function everywhere, where these boards have been brought into existence. If you will care to peruse the sections dealing with these conciliation boards you will be pleased to observe that no power of adjudication is given to these boards and what is given to these boards is that they are expected to use their good offices to bring about a conciliation between a debtor and a creditor, and try to enforce a reasonable compromise.

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

If you will look at the Madras Act you will find that there is a similar provision and similar provisions find a place in the Bengal Act. Nowhere in any province have these conciliation boards been given any power of adjudication on debts. Now, by a previous amendment to one of the clauses of this Bill, you have conferred upon these conciliation boards which were originally recruited for the purpose of conciliation only a power to adjudicate on the existence or non-existence of debts and on the genuineness or otherwise of the debts. Not only have you conferred the power of adjudication on these conciliation boards but you are, by the omission of this proviso, conferring a power upon these conciliation boards, to wipe out these debts in their entirety. In the Acts of other provinces you will find that the test of a fair offer is that at least 50 per cent of the creditors should accept the offer made by the board before any of the recalcitrant creditors could be penalised to any extent. That minimum of 50 per cent has been reduced in our Act to 40 per cent already, and the test of a fair offer under the present Act is the agreement of 40 per cent of the creditors and in case, such an agreement is reached, 60 per cent of the creditors can be penalised to any extent. What is proposed to be done now is that even if not a single creditor agrees to accept the proposed settlement, even if the proposed settlement is not assented to by even cent per cent of the total number of creditors, the debt conciliation boards (majority one of these conciliation boards consists of the representatives of the debtors) are given power to impose whatever decision they like. It would be open to these persons, from whose decisions no appeal is allowed, to hold that an admitted or proved debt of Rs. 2,000 may be wiped out by payment of Rs. 2 only. They need not give any reasons for their decision and their decision, nay the decision of even the majority of two against one is final, without any right of appeal or revision or any recourse to civil court. The fact that the debtor may possess Rs. 5,000, deposited in the post office or be otherwise a wealthy man, would be no reason to question that finding. All civil courts must respect and obey that decision. And there is no power, judicial or executive in the realm which can set right the mischief so committed.

I ask the Honourable Minister for Development and also the Cabinet who are responsible for the enactment and observance of good laws, in the country, what they are coming to in giving such extensive powers to these laymen selected entirely on the basis of party considerations. The following

illustration will explain the extent to which powers have been given to these conciliation boards.

Supposing there is a gentleman from whom on a registered bond Rs. 50,000 is due. Previously what was possible was that an application could be put in, which would be dismissed on the ground that the debt exceeded ten thousand rupees and therefore was beyond the jurisdiction of conciliation board but now a debtor against whom a debt of Rs. 50,000 is due even on a registered bond in addition to another debt of say Rs. 20,000 can go before a conciliation board alleging that the amount really due from him on the registered bond is only Rs. 500 and not Rs. 50,000 and on the other debt of Rs. 20,000 only Rs. 200 is due, and the rest has been paid by him. The debtor on these allegations puts in an application before the conciliation board and the board, qualified as it is, now to adjudicate upon the existence of the debts and the amounts due must entertain the application. After entertaining the application and after considering the matter, it comes to the conclusion, that only Rs. 700 is due and not Rs. 70,000 as alleged by the creditor. Thus the board gives itself jurisdiction, because the findings of the board on this point are final. The creditor has no remedy to question those findings. After finding that Rs. 700 is due, the board orders in the teeth of opposition and protest by both the creditors that the debts should be considered to be discharged on payment of Rs. 7 only payable by annual instalments of Re. 1 each for seven years. This decision, although by majority of the tribunal—and majority of the tribunal invariably consists of debtors' representatives—is final and cannot be questioned by appeal or revision or by a suit or set aside by any authority, executive or judicial, in the province. What is the object of giving such vast powers to these tribunals of your own creation, tribunals to which your own friends and hangers on alone are nominated, except it be to pollute the springs of justice? Is that the kind of legislation considered fair by this Government? Is it your intention that debt and credit litigation of this province, without any limitations as to the amount, without any limitation as to the nature of the transaction, without again any limitation to the persons between whom the dispute may be, whether agriculturist or non-agriculturist whether belonging to rural areas or urban areas, should be entrusted to the tender mercies of these three gentlemen whom you have admittedly and professedly not recruited on account of any ability but merely on account of their party loyalty or on the recommendations of your friends, overriding in large number of cases even the recommendations of your permanent officials, the Deputy Commissioners and the Commissioners? Is it fair that a matter of this kind should be left to be decided by men of that type? Is it just that these vast powers, unlimited, and unfettered powers of wiping out debts of all kinds should be given to these men? Take another instance, where some debt conciliation board is prevented by the very nature of the debt itself, from questioning the existence of the debt; supposing there is a decree of two thousand rupees standing against a person and one of the provisions of the present Act is that the amount due on a decree cannot be questioned by a conciliation board; what is the power which the present Bill proposes to give to the conciliation board to deal with that decree? The power is given by the Government's proviso that they can hold that this decree of two thousand rupees will be satisfied by a payment of Rs. 2 only or by a

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payment of two pies only. There is no power in this land which can question such a finding, even though the debtor may be owner of two thousand bighas of land and may possess twenty houses in the various towns in the province. That is the power which is being given to these boards by the present Bill. After all, these members of the conciliation boards are as much human beings as any of us and are subject to as many weaknesses as most of us. Do you expect that these persons with so much power would invariably use it impartially when in the very nature of their appointments, the majority of them are the representatives only of one of the two parties to the dispute, i.e., the debtors? Do you expect that these persons will bring to bear a standard of intelligence, a standard of commonsense, standard of ability, impartiality, integrity higher than the standard which is possessed by your magistrates and sub-judges, with whose decisions you are not satisfied and against whose decisions, in the best of countries, opportunities for rectification of error by appeal or revision are provided in all countries. Unless they are super-human, you are introducing, I submit, conditions in this province, out of your sheer vanity and the power of majority that you command, which will perpetrate an unprecedented *zulum*. Only the other day Lala Duni Chand enquired whether the various amendments on the Indebtedness Relief Act were on the suggestion of our Legal Remembrancer, Mr. Beckett; I can assure the House, because of my work on the select committee that Mr. Beckett has not very likely ever heard of such atrocious amendments which were put forward in the select committee. Under the old Government, whenever the Government wanted to introduce any legislation, they used to consult their Law Department first and in many cases opinions of the judges of the High Court were obtained. The practice and procedure of that Government was—and the practice and procedure of all civilised Governments is—that whenever they wished to legislate—and you will agree, Sir, that legislation is a very technical matter requiring a great deal of skill—they took the advice of their law officers, judges of their High Court, the district judges and others supposed to be experts in such matters. But what do we find here? No advice is sought, no opinions are invited, no experts are consulted, opinions obtained are not disclosed to the select committee or the House, and the technical work of legislation and even drafting is done by partisans who are obsessed with certain ideas. If the Minister in charge had consulted the lawyer members of even his own party, I am sure he would not have brought forward such crude measures. It is clear, therefore, that the omission of the proviso in this case confers a jurisdiction on these conciliation boards to wipe out the entire debt even if it is secured by decrees without payment of anything. I will ask the Honourable Minister for Development if it is not so. If it is so, I beg to ask him, does he consider that he is passing a fair and sensible piece of legislation especially when he knows that the persons, the majority of whose decision is final, and who have to administer the Act are not the persons selected on account of their disinterestedness but on account of their representing one of the two parties to the dispute? One of the cardinal and most cherished and scrupulously observed principles of adjudication is that a person who is interested in a matter should not be entrusted with the decision of that matter. No person shall be a judge in his own cause or in a matter in which he is interested. It is for this reason

Sir, that all civilised countries recognize and give effect to the principle that judges should be selected from persons who are not partisans. Even if you select an arbitrator, an attempt is made to find a disinterested person or both parties are given power to select an equal number and the umpire is a disinterested and impartial person. These powers are being given to men, majority of whom are the representatives of the debtor class. Is it fair, is it proper, is it in consonance with any known legal principle or any canon of justice that the decision between the two parties should be given to the majority of the representatives of one party? Of course if these tribunals had powers of conciliation only, such a thing could be tolerated, but if you give power, as you have given in the present Bill to adjudicate, whether a debt exists or not and thereafter also to adjudicate upon the method of execution or mode of settlement according to the sweet will of these boards, i.e., confer upon them unrestricted and unfettered power of discharging debts of thousands by payment of as many pias, that I think, would be conceded, is highly unjust and most improper.

I am sorry that some of the Congress members sitting here do not realise the enormity of legislation that is being enacted. I am not at all interested in helping the creditors against the debtors. Instead of this arbitrary rule of lawlessness, I would any day welcome any scheme which would say : look here, all the dues have to be paid in half or in one quarter or even much less. This would be intelligible and would not leave room for individual favouritism and corruption. But to introduce in this province which has so far been governed for the last fifty years by rules of law, where the rights of property of individuals have so far been decided by well-known and established rules which have been interpreted according to definite and well-known canons, by impartial and qualified judges, to entrust the money and property of people living both in rural and urban areas to the arbitrary discretion of those persons whom Sir Chhotu Ram chooses to nominate is verily to substitute party domination in judicial matters in place of a rule of law which had been established by the British. This is what the Punjab is coming to and that is what I most strongly protest against. I know Sir Chhotu Ram has repeatedly said that British system, I take it, he means the rule of law in place of arbitrary discretion, is not suitable for this province, but certainly a reign of lawlessness, such as is here proposed, is not the thing to which any reasonable man should lend his support.

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to opposing the clause under discussion.

Rai Bahadur Mukand Lal Puri : Sir, the House seems to have overlooked the fact that the omission of proviso to subsection (1) of section 8 confers the power on the conciliation boards to wipe out the entire debts.

Pir Akbar Ali : That is all *bakwas*.

Rai Bahadur Mukand Lal Puri : I ask my friend who used that unparliamentary expression to say if this is not so. I give way and ask my friend the Honourable Minister for Development whether the omission of the proviso to subsection (1) of section 8 does not confer a power on the bare majority of the conciliation boards to wipe out any debt which they may themselves have held to be proved, or which may even have been admitted by the debtor.

Lala Duni Chand : I rise to a point of order. Will you kindly admonish the gentleman who used that unparliamentary expression? We should not degenerate to this position.

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

Lala Duni Chand : The point is that the honourable member opposite said "All this is *bakwas*". He should be called upon to withdraw that unparliamentary expression.

Mr. Deputy Speaker : Who is the honourable member who used that expression?

Pir Akbar Ali : It is a lie that he is saying. He does not know any rules of Parliament.

Lala Duni Chand : Will you ask him whether he said it or not?

Mr. Deputy Speaker : I would request the honourable member to resume his seat.

Lala Duni Chand : I want to say that he is a slave of the Unionist Party.

Pir Akbar Ali : And whose slave are you?

Lala Duni Chand : I am a slave of the country. (*Uproar*).

Mr. Deputy Speaker : Order, order.

Lala Duni Dhand : The honourable member should not be allowed to indulge in such language. (*Uproar*).

Mr. Deputy Speaker : Order, order.

The Honourable Chaudhri Sir Chhotu Ram : Non-violence in thought and word!

Rai Bahadur Mukand Lal Puri : I had expected that either the honourable member or the Honourable Minister for Development would vouchsafe a reply to my question. But they have not done so, because the question admits of only one reply, that the conciliation boards can now wipe out the entire debts, at their sweet will, under each and every circumstance. And, Sir, as I submitted this power is conferred on these boards, not only with respect to agricultural debts but is conferred with respect to urban debts, also excluding the debts due to traders. Should such unrestricted power be conferred on any individual and especially when he has been selected in the manner these debt conciliation boards are? What is there to commend, I respectfully submit, these boards except that these boards happen to be nominees of the Government? Do you think that a majority of these three persons would decide the matter better than a sub-judge or an assistant collector? Again, is it economy that is inducing the Government to give effect to this proposal? They are paying their friends of the conciliation boards Rs. 150 per mensem each, to persons who would any day be glad to accept service on Rs. 75 per mensem or even less and Rs. 200 to the chairman. That is what they are spending on these conciliation boards. They are spending Rs. 500 per month on each conciliation board. A sub-judge does not cost them that much. Why do they think that the peace and prosperity of this province and well being of its citizens would be increased in any way by not only entrusting the executive administration of this

province to their friends but also the judicial administration of this province? And what else is it if the provisions relating to conciliation boards do not amount to entrusting to their friends, their nominees, the entire judicial administration of this province, so far as money litigation is concerned? If that is so, I certainly think that a time has come when they themselves should ponder over the matter. The attitude of some members of the Unionist Party is to the effect that if they can do a thing why should they not do it? I would respectfully point out to them that if they are the government, they are not only a government for a few members sitting on their side, they are a government for the whole province. If this kind or standard of legislation is set up that whichever party comes into power that party should pass a legislation which suits its supporters without caring the least bit for the rest of the province, well, there will be nothing but anarchy. Every legislation which this Government has passed will have in due course to be repealed. Every appointment which this Government makes will have to be reconsidered when a new Government comes to power. There will be no security of tenure. There will be chaos with the change of Government. The matter is, however, slightly different as far as the appointment of panchayat officers is concerned. They are professedly being appointed for carrying on propaganda for the Unionist Party. I know one of the Ministers insisted that every person, without any exception, who is appointed a panchayat officer should belong to a particular class, be born of parents belonging to statutory agricultural tribes.

Mr. Deputy Speaker : These remarks are too general.

Rai Bahadur Mukand Lal Puri : No non-agriculturist should be there and as far as possible these panchayat officers should be appointed with a view to being propaganda agents of the Unionist Party. A thing like that I can understand and appreciate, because everybody wishes to provide for his own safety and for his own existence. One can understand a Government trying to carry on propaganda, but fancy entrusting the judicial administration of the province to their own nominees! This is what you are doing by these debt conciliation boards who are not only to decide about the existence of debts and the execution of existing decrees but also those that may be passed by them. An arrangement of that type should be vehemently opposed by all persons who want the reign of reason and good sense in their country and who do not want springs of justice to be polluted. Therefore I ask the House not to pass this clause which is calculated to subvert the system of justice prevailing in this province.

In this connection, may I bring to the notice of the House that it is the taste of power which makes people abuse it?

4 P. M.

The original proposal of the Government in this case was that the previous concurrence of 40 per cent of the creditors should be replaced by another test. After all, if the debt is to be conciliated and if the creditors who do not agree to a particular settlement have to be forced to accept that settlement then some test of a fair offer should be laid down just as my honourable friend, Khan Bahadur Mushtaq Ahmad Gurmiani, also stated. What is the test of that fair offer? All the other provinces and the Punjab also laid down that if a minority of 40 per cent or more of the creditors agreed, that should be considered to be a test of a fair offer. But

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that is not now acceptable to the Punjab Government. Their opinion, when they proposed amending this Bill, originally was that they should lay down some test of a fair offer and I understand that in the original draft of the Bill which was circulated for opinion, they laid down a test of a fair offer—I speak subject to correction and it is open to the Honourable Minister of Development to correct me if I am wrong—the test was that if a person were paid double the amount of that originally advanced *minus* payments already made that offer should be considered to be a fair offer. They realised that unless these boards are not to be boards of spoliation but boards of conciliation, that some test of a fair offer should be retained and I in the select committee, if I may be permitted to refer to it—brought it to the notice of the Minister of Development, that some test of a fair offer should be laid down to which my honourable friend, Mian Mushtaq Ahmad Gurmani, referred. I few minutes ago. “No”, he said, “we want to give the power to the boards to do what they like”, and this has been done. It is no use after this has been enacted to consider as to what the result of the other debt legislation would be. It has been brought to my notice that several debt conciliation boards are going without work, because the creditor thinks that nothing is to be realised and he does not bother the conciliation boards and the debtor also is reluctant to go to the debt conciliation boards. So, some of the debt conciliation boards are finding themselves without employment and I have positive information that members of these conciliation boards whose term expired some time ago or whose term is about to expire, go round the countryside touring and asking the people to put applications before them, so that their continuance as salaried officials may be ensured. I am positive about this information. Let the Honourable Minister make enquiries about this matter. But now there would be no lack of work. Work would be provided for these nominees of the Government because the powers of adjudication have been given to them and their jurisdiction is also extended to towns. Is the continued employment of some of the members of these conciliation boards the reason for the increase of their jurisdiction so that these useful friends may not get out of their jobs? On all these grounds I oppose clause 8.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, I beg to oppose clause 8 on various grounds. Clause 8 as it stands means to remove the proviso, means to cut down the entire interest and it means converting the debt conciliation board into a coercion board. When the original Act was passed in 1934, the creditor community did not approve of it. But the lawyers after going through the Act convinced the creditor that after all the dark clouds have got some silver lining and for the creditor community there is some good in the Act. But whatever good there was in the parent Act, is now being taken away by this amending Bill. The object of the Act is clear from section 8 which runs “The Provincial Government may for purposes of any amicable settlement”. Unless the words of law carry some other meaning and, unless the words of law are to be held up differently, I submit the present Bill on the anvil takes away the sense of the words ‘amicable settlement’. The section is, “The Provincial Government may for purposes of any amicable settlement between debtors and their creditors establish debt conciliation boards”. Every

word of it raises a hope in the mind of the creditor. In the first place the object of the parent Act is amicable settlement between the creditor and the debtor and consequently it means debt conciliation boards. But the very object of the Act is taken away by the present Bill. The proviso meant originally that when a settlement between the creditor and the debtor up to the extent of 40 per cent of the debt was reached, the certificate could be granted by the debt conciliation board, and the debtor exonerated. But now that limit is going to be removed. Sir, I may make myself clear to the Honourable Minister of Development, that I am one with him if he brings forward a Bill in which the whole debt is entirely wiped off and debtors disappear.

Mr. Deputy Speaker : These arguments have already been advanced.

Munshi Hari Lal : These remarks have to be repeated when a new argument has to be advanced. I am opposing clause 8 and one of my reasons for doing so is that the present law removes the proviso.

Now, the proviso was very salutary. It was healthy. It was in accordance with the spirit of the law. It was in line with the other law, i.e., the Insolvency Act....

Mr. Deputy Speaker : This aspect of the question has already been discussed.

Munshi Hari Lal : It may have been but I am going to state why I am opposing clause 8. This may have been discussed or this may not have been discussed. What I am doing is to give you the reason why I am opposing clause 8 and one of my reasons is that it does away with the proviso. The removal is bound to create hardship, and likely to affect the creditor community as well as the debtor community. Because with the proviso it is known to the debtor that if he is able to settle forty per cent, he will get a certificate, but now there is no limit. It is left to the sweet will of the debt conciliation board. The board may not at all be inclined to grant certificate even if the debtor had satisfied the creditor up to the extent of forty per cent. The removal of the proviso, thus creates a difficulty not only in the way of the creditors, but also trouble in the way of the debtor class, for it throws the debtor at the mercy of the conciliation board. In the face of the enormous power that is going to be given to the conciliation boards, this proviso must not have been removed. The boards have now got the power to adjudicate and that power of adjudication does not only extend to Rs. 10,000, but virtually to any amount. A mock appeal has been provided against that order of the conciliation board. Look at the remedy that has been given by way of appeal. It will lie to the court of assistant collector of first grade. It has been said that first grade assistant collectors are as good as civil courts. I submit that this Government has been in power for the last three years, but it has never been suggested to them to amend the Land Revenue Act or the Punjab Tenancy Act where it is clearly given that no question of title arising with regard to land or interest in land can be adjudicated in a revenue court presided over by an assistant collector, by a collector, a commissioner or even by a Financial Commissioner. The question of title is always left to be decided by a civil court.

Mr. Deputy Speaker : This argument has already been advanced.

Munshi Hari Lal : I am discussing the point that the powers of the conciliation boards have been extended, they have been enlarged and in view of this enlargement of the powers of the conciliation boards, this proviso should remain and should not have been removed. It should not have been taken out of the Act. Another aspect is that the powers of the conciliation boards have been so much extended that they have practically become courts of small causes. The High Court has held recently that the jurisdiction of the debt conciliation board to determine the nature of the debt, the competency of the applicant, whether he comes within the definition of debtor or not and the amount of debt as well is exclusive. In that case the defendant was a firm. A partner applied to the debt conciliation board under section 9 of the Act and the conciliation board issued a notice forthwith to the civil court to the effect that the case be stayed. The court questioned that order and said that the conciliation board had no power to stay the proceedings, as the debtor belonged to the trading class and the debt was to the extent of Rs. 31,000 relating to trade and commerce. When there was a revision in the High Court—

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to the subject under discussion.

Munshi Hari Lal : The main point that I am arguing is that this clause may not be passed. One of my arguments is that there has been an enlargement of the powers of the conciliation boards. I am developing the argument with a view to show that clause 8 should not form part of the Act. The High Court decided that the stay order was right, as the conciliation board has the exclusive jurisdiction to decide whether a person is competent to present an application before the board or not, whether his debt amounted to Rs. 10,000 or not.

Mr. Deputy Speaker : I would request the honourable member not to bring in these details.

Munshi Hari Lal : How can I make my point clear unless I bring in these details, unless I place all the data before this House. The House will not be in a position to follow my argument properly. Suppose I am a debtor against whom a suit is brought for one lakh, and I apply to the debt conciliation board, the board will decide the amount of debt. The powers that rest with the conciliation boards are so exclusive and so wide that even if the case relates to one lakh or one crore, they can decide it. Under section 9 they may hold that even a trader is a debtor under the Act. They may hold that any applicant is an agriculturist or a zamindar or a person who lives by agriculture alone, or is dependent upon agriculture. Anyhow what I submit is that the debt conciliation boards have got the power to determine the status of the applicant and to determine whether the applicant is competent to bring forward such an application or not. And if they so decide what is the remedy against that decision? An appeal to the assistant collector.

If the constitution of the conciliation board be looked at, it will be seen that it does not justify the enactment of the clause. How is the conciliation board constituted? At the sweet will of the Honourable Minister of Development or at the sweet will of—

Mr. Deputy Speaker : This is repetition. This argument has already been advanced.

Munshi Hari Lal : This argument may have been advanced elsewhere.

Mr. Deputy Speaker : This argument was advanced in connection with this very clause.

Munshi Hari Lal : I am opposing clause 8. If you will care to consider the persons that constitute the conciliation board you will see that such a power as is laid down in the clause is not justified.

Mr. Deputy Speaker : The honourable member is not only repeating the arguments addressed by other members but he is also repeating the arguments addressed by himself.

Munshi Hari Lal : Taking into consideration the persons that constitute the debt conciliation board, my submission is that those persons that are appointed by—(*Interruptions*). There is nepotism, jobbery and favouritism.

Mr. Deputy Speaker : The honourable member is repeating the same argument over and over again.

Munshi Hari Lal : Such a board should not be given an extension of powers. The provision of interest has also been taken away. In the original Act it was six per centum per annum on the amount due.

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

So far as I have been able to follow the history of this legislation, I understand that a Bill was first introduced at the instance of the Honourable Minister of Development in the year 1934.

Mr. Speaker : The Bill is not under consideration. At this moment only clause 8 is being opposed.

Munshi Hari Lal : I submit that I will not be accused of repetition if I state that I am opposing clause 8 for various reasons. One reason is that the present amendment sweeps off the healthy proviso. The other ground is that it removes the clause of interest which was chargeable on the amount found due at the time of settlement.

When the present amending Bill was brought to the House the Ministers wanted that the interest should be reduced from 6 to 4 per cent. In the select committee also they opposed that interest instead of being 6 per cent should be 4 per cent. When it comes up for consideration in the House the very Unionist Government—

(Voices : Question be now put.)

Mr. Speaker : I am going to put the question.

Munshi Hari Lal : But I have got a right to speak. I cannot be deprived of my right. (*Voices : Order, order.*) (*Interruptions*). On a point of order. (*Interruptions*). I am making a speech. Can a member, who is speaking, be stopped by the Honourable Speaker in the middle of his speech unless he is irrelevant and is guilty of repetition?

Mr. Speaker : The honourable member's contention that I cannot put the closure motion to the vote of the House, as that would stop the honourable member in the middle of his speech, has no force. The Parliamentary Practice, according to May, page 843, is :—

Closure may be moved at the conclusion of a speech, or whilst a member is addressing the house, and in the latter case intercepts any motion which it was his intention to move. The intervention of the chair regarding closure is restricted to occasions when the motion is made in abuse of the rules of the House, or in fringes the rights of the minority. A closure motion may therefore be sanctioned by the chair, either immediately upon, or within a few minutes after, the proposal of a question to the House. In the discharge of this duty, the discretion of the chair is absolute and is not open to dispute.

Our own rule 62 (1), about closure motions, is as follows :—

At any time after a question has been proposed a member rising in his place may claim to move "That the question be now put," and unless it shall appear to the Chair that such motion is an abuse of the rules or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith, and decided without amendment or debate.

The honourable member will see that his contention is not sound.

Diwan Chaman Lall : May I rise on a point of order ? I understand what has happened is this that during the course of the honourable member's speech, an honourable member from the Ministerial Benches put forward the closure motion. I think it is perfectly correct according to Parliamentary practice that a closure motion can be moved at any stage and it is equally correct that a closure motion can be moved even during the course of a speech of an honourable member. Perfectly correct. All that I have to direct your attention to is this that the acceptance of a closure motion is entirely within your own discretion, and your discretion is conditioned by the fact that it does not infringe the minority interests and that it does not go against the minority interests. I take it that my honourable friend, Munshi Hari Lal, who was in possession of the House at the time when the closure motion was moved, belongs to the minority in this House and as he belongs to the minority in this House, the interests of the minority has to be protected.

Mr. Speaker : Yes. But at the same time it is my duty to see how the minority conducts itself.

Diwan Chaman Lall : That is a wider question as to how the minority conducts itself. The minority may misconduct itself.

Mr. Speaker : I do not mean or say this.

Diwan Chaman Lall : In this particular instance, I understand, only two speeches have been made.

Mr. Speaker : Every word of which was a repetition.

Diwan Chaman Lall : A case has been known where the Speaker apparently either did not like to hear an honourable member or the honourable member was being out of order or the honourable member was acting as an obstructionist that the Speaker, after that particular honourable member had spoken for a few minutes, interrupted his speech by accepting a closure motion moved by an honourable member to put an end to the speech. That honourable member whose speech was interrupted is sitting over there, my honourable friend Raja Ghazanfar Ali Khan. That might have been done not in all seriousness.

Mr. Speaker : Every honourable member of the Opposition repeats the arguments advanced by other honourable members of his party.

Diwan Chaman Lal : Then you have the power to stop that honourable member.

Mr. Speaker : It is my duty to protect the minority from oppression but at the same time it is my duty to protect the majority from obstruction. (*Hear, hear from the Treasury Benches*).

Diwan Chaman Lal : What I suggest is this that so far as repetition is concerned, there are definite rules to put an end to that particular speech. But here the closure motion was moved to put an end not only to that particular speech but to the entire debate. That is the issue that is involved.

Munshi Hari Lal : I was opposing clause 8 and I was saying— (*Interruptions*).

Mr. Speaker : I have heard the honourable member.

Munshi Hari Lal : You have not heard me. I had not finished my sentence when you moved the closure motion. (*Interruptions*).

Mr. Speaker : It is not for me to move a closure motion, it is for honourable members to do so. My duty is to put it to the House, unless according to our Rule 61 (1) it shall appear to me that such motion is an abuse of the rules or an infringement of the rights of the minority. The question is—

That the question be now put.

The Assembly divided : Ayes 71, Noes 24.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.

Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Qadir Khan, Khan Bahadur.
Ghulam Samad, Khan Sahib Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jafar Ali Khan, M.
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 Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan, Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.

Nasir-ud-Din Shah Pir,
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur, S. P.
 Sumer Singh, Chaudhri.
 Sundar Singh Mujithia, The Honourable Dr. Sir.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.

NOES.

Ajit Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Harjab Singh, Sardar.
 Jugal Kishore, Chaudhri.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kishan Singh, Sardar.

Krishna Gopal Duct, Chaudhri.
 Mazhar Ali Azhar, Maulvi.
 Mukand Lal Puri, Rai Bahadur Mr.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Baghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Shanno Devi, Shrimati.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sudarshan, Seth.

Mr. Speaker : The question is—

That clause 8 as amended stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 2-30 p.m. on Friday, 5th April, 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday 5th April, 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.

FETTERING OF KALI CHARAN ON HIS TRANSFER FROM JULLUNDUR TO MONTGOMERY JAIL.

***6461. Dr. Satya Pal :** Will the Honourable Minister for Finance be pleased to state whether it is or it is not a fact that a political prisoner Mr. Kali Charan while being transferred from Jullundur Jail to Montgomery Jail was fettered and that no suitable precautions were taken to prevent the injuring of his legs and ankles and that as a result of this his ankles were lacerated and he had to be admitted into the jail hospital for the treatment of these wounds ?

The Honourable Mr. Manohar Lal : Prisoner Kali Charan was fettered on transfer from the District Jail, Jullundur, to the Central Jail, Montgomery. Gaiters were duly provided to protect his legs and ankles from injury. There was no laceration of his ankles or legs when he was received at the Central Jail, Montgomery, nor was he admitted into the jail hospital.

Sardar Hari Singh : May I ask if it is at all imperative to fetter a prisoner when he is transferred from one jail to another ?

Minister : I will read out the rule on the subject. Paragraph 757 of the Jail Manual says—

Every Indian male convict, except juvenile offenders transferred to the Reformatory School, Delhi, shall, unless the Medical Officer certifies in his journal that he is, owing to age or infirmity, unfit, be fettered before he is removed from the jail for purposes of transfer.

Sardar Hari Singh : May I know if the Minister has ever considered the question of amending this rule ?

Minister : No.

Chaudhri Muhammad Hasan : Is it a fact that Kali Charan was suffering from fever when he was transferred.

Mr. Speaker : That question does not arise.

Pandit Shri Ram Sharma : May I know whether he was medically examined before he was transferred ?

Minister : No, the rules are quite the other way :—

“ Unless the medical officer certifies in his journal that he is, owing to age or infirmity, unfit, be fettered.”

No such question arose.

USE OF RADIO SET BY THE PANCHAYAT AT NAUSHEHRA VIRKA.

***6462. Dr. Satya Pal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that a radio set has been purchased and a daily Urdu paper is being subscribed for by the Panchayat of Naushehra Virka in the district of Gujranwala ;
- (b) whether it is a fact that both of these things purchased at the cost of the public are not available to the public of the locality ; if so, the reasons for denying the use of these things to the public ?

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

(b) The answer to the first part is in the negative. The second part does not arise.

Dr. Satya Pal : The information supplied is not correct. The radio set has been taken not to the Panchayat house but rather is kept at the house of the President of the Panchayat. A thing is purchased by the money of the public and yet the public cannot avail of it because of its being located at a private house.

Mr. Speaker : That is the honourable member's statement, Government does not admit it.

RELIEF FOR DAMAGE TO CROPS BY HAILSTORM IN AJNALA TAHSIL.

***6463. Dr. Satya Pal :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether Government is aware that a very severe hailstorm which broke out at 6 P.M. on 14th March, 1940, seriously damaged the crops in Ajnala tahsil and caused considerable loss to the peasants of that area ;
- (b) if the answer to (a) be in the affirmative, the steps that Government proposes to take to afford relief to the sufferers ?

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

(b) The question of granting relief will be considered in due course according to rules after the results of special girdawari are known.

DACOITIES IN ROHTAK DISTRICT.

***6013. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of daring dacoities and places and names of the persons in whose houses such dacoities have been committed during the first half of the month of December, 1939, in the district of Rohtak ;
- (b) what special steps the Government proposes to take in order to check this rising tide of dacoities in the said district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) Three. One in the house of Thambu Ram of Murthal (Police Station Sonapat), one in the house of Ram Chandar of village Bichpuri (Police Station Gohana) and one in the house of Sarup Singh of Ratangarh (Police Station Sonapat).

(b) Strong reinforcements of police have recently been sent to the Eastern Range and a special officer is being appointed to supervise anti-dacoity measures in this part of the province.

Pandit Shri Ram Sharma: Is it or is it not a fact that on an average 3 dacoities are committed in every two weeks in the district of Rohtak?

Parliamentary Secretary: I do not think this is correct. At any rate for the last month or so the crime has been under control. Supplementary questions have been asked in regard to this matter on several occasions and I have replied that Government is taking necessary measures. I hope the measures which Government is taking will put a stop to this crime. I trust my honourable friend and other people in the *ilaga* will co-operate with the police.

Lala Duni Chand: Is it true that in spite of repetition of stereotyped answers which the Parliamentary Secretary has been pleased to give, there has been no decrease in crime?

Minister: In what respect?

Lala Duni Chand: Regarding the committing of dacoities.

Parliamentary Secretary: I do not think the information of my honourable friend is correct.

Chaudhri Muhammad Hasan: Is it a fact that during the three months, since taking of special steps, the situation has not improved in the Rohtak district?

Parliamentary Secretary: The situation has definitely improved and several dacoits have been arrested.

Chaudhri Muhammad Hasan: How many?

Parliamentary Secretary: If my honourable friend gives notice, I shall supply him with the required information.

Pandit Shri Ram Sharma: Since when has the Government taken these special measures?

Parliamentary Secretary: I cannot give the exact date but for the last two or three months a strong reinforcement of police has been patrolling in the three or four affected districts in pursuit of the dacoits.

Pandit Shri Ram Sharma: Am I to understand that the Government began to take the so-called special measures in the first two weeks of December last?

Parliamentary Secretary: About that time.

Pandit Shri Ram Sharma: What is the nature of these special measures?

Parliamentary Secretary: I have given a reply to this question on several occasions that Government has sent a special body of police consisting of about 200 constables, head constables and sub-inspectors

[S. B. S. Ujjal Singh.]

under the charge of a special Superintendent of Police in the South Eastern range and it is hoped that the special police will be able to arrest the dacoits and put a stop to the crime.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state whether this police force has been sent exclusively for the Rohtak district, or for other adjoining districts as well?

Mr. Speaker : Disallowed.

Lala Duni Chand : An improvement in the situation has been claimed by the Parliamentary Secretary : may I know how many dacoities were committed during the preceding fortnight of December, 1939?

Parliamentary Secretary : If the honourable member gives notice of a new question I shall supply that information.

Chaudhri Kartar Singh : Who is the Superintendent in charge of this special police force posted at Rohtak?

Parliamentary Secretary : That question does not arise. I may be allowed to say that the special police force appointed is not for Rohtak district only ; it is for several districts in the eastern range. That force is spread over four districts under the supervision of a special Superintendent of Police.

Chaudhri Kartar Singh : My question arises out of the answer given by my honourable friend opposite when he stated that a body of 200 policemen under the supervision of a Special Superintendent has been deputed to that district. Now I ask who that Superintendent is.

Parliamentary Secretary : I have said that the special police has not been particularly located in the Rohtak district but it is a mobile force for all the three or four districts in the eastern range and the Superintendent of Police in charge is Sardar Waryam Singh.

Pandit Shri Ram Sharma : May I know how much special police has fallen to the share of district Rohtak?

Premier : My honourable friend should know that this is a mobile force which has not been exclusively appointed for Rohtak district, but for all those districts where dacoities are committed. I may also point out, for my honourable friend's information, that a special Deputy Inspector General has been appointed there and Mr. Bennett has been deputed to make enquiries into the cases of dacoities.

Pandit Shri Ram Sharma : Is it a fact that the police men belonging to Rohtak district have been transferred to some other place?

Premier : I am not aware of any transfers in this connection.

Pandit Shri Ram Sharma : Why have the police constables and head constables been sent to other districts? Is this measure included in the special steps taken by the Government?

Parliamentary Secretary : I am not aware of any transfers of the Rohtak police force to other districts, but surely that is no part of the special measures.

INCREASE IN THE NOMINATED MEMBERS IN LOCAL BODIES.

***6034. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state the names of local bodies in the province where the strength of the nominated members has been increased without corresponding increase in the strength of the elected members since 1st April, 1937 and the reasons therefor?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Municipal Committees of Kaithal, Amritsar, Lyallpur and Rohtak. The increase was sanctioned with a view to securing proper representation for the various communities.

Pandit Shri Ram Sharma : May I take it that in municipal committees of Amritsar, Kaithal, Lyallpur and Rohtak the strength of nominated members has been increased on account of under-representation?

Parliamentary Secretary : This question has been replied to so many times that I see absolutely no necessity to answer it again.

Pandit Shri Ram Sharma : In reply to my original question the Parliamentary Secretary was pleased to refer to four municipal committees in which the strength of the nominated members has been increased. May I now ask him in view of his reply whether the object of doing so was to give due share of representation to a particular section?

Parliamentary Secretary : I think my reply is quite clear. I have already stated that the increase was sanctioned with a view to securing proper representation for the various communities. I am afraid I cannot add anything further.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state in detail the names of the municipal committees where it was found necessary to increase the number of nominated members for securing proper representation?

Parliamentary Secretary : I want a fresh notice for this question.

Pandit Shri Ram Sharma : Is it a fact that the strength of the nominated members has been increased in Rohtak Municipal Committee? If so, why?

Parliamentary Secretary : I may point out that in this connection an adjournment motion was moved by the Opposition and discussed for two hours. I fail to understand why my honourable friend is so stubbornly after it.

Pandit Shri Ram Sharma : If for that question an adjournment motion was moved, then may I know the reasons for increasing the strength of the nominated members in Amritsar, Lyallpur and Kaithal municipal committees?

Parliamentary Secretary : The condition of three municipal committees named by my honourable friend is like that of others which I have mentioned.

Pandit Shri Ram Sharma : Then may I take it that the extra nominated members represented unrepresented sections?

Parliamentary Secretary : It is obvious that the number of nominated members was increased on account of the under-representation of certain communities.

Lala Duni Chand : The Parliamentary Secretary has stated that the Government have increased the number of nominated members to give representation to certain communities. May I know if during all these years they have not been under-represented ?

Parliamentary Secretary : Yes, the scheduled castes have all these years been not only under-represented but ignored and this Government have to look after their interests.

Pandit Shri Ram Sharma : May I know if the number of nominated members in these four municipal committees has been increased with a view to securing proper representation for scheduled castes only ?

Parliamentary Secretary : It has not been done for scheduled castes only but for the proper representation of other communities as well.

Pandit Shri Ram Sharma : Which were those communities other than scheduled castes ?

Parliamentary Secretary : I want fresh notice for this question.

Pandit Shri Ram Sharma : As in the Rohtak Municipal Committee there were two nominated members, was it not possible for the Government to allot one seat to a member of the scheduled castes ?

Parliamentary Secretary : I do not want to add anything to my reply, so far as the Rohtak Municipal Committee is concerned.

Pandit Shri Ram Sharma : Have the Government ever considered the desirability of decreasing the strength of the nominated element in any municipal committee ?

Parliamentary Secretary : The original question is about the increase in the number. If the honourable member gives me notice of a question relating to the decrease in number I would reply to him.

Pandit Shri Ram Sharma : May I know if it is the considered policy of the Government that the strength of the nominated members should be increased ?

Parliamentary Secretary : The Government do not explain their policy while replying to a question. (*Hear, hear.*)

Pandit Shri Ram Sharma : I want to know the considered policy of the Government in this matter. The Parliamentary Secretary may reply to my question by saying, yes or no.

Parliamentary Secretary : I have already stated that no reply can be given with regard to Government's policy.

Pandit Shri Ram Sharma : I submit that a question can be asked with regard to the considered policy of Government in this respect.

Parliamentary Secretary : No reply can be given either with regard to the considered policy or the unconsidered policy of Government.

Pandit Shri Ram Sharma : Very well, may I know the considered view of Government in this matter ?

Mr. Speaker : I cannot allow such supplementary questions.

NON-PAYMENT OF WAGES TO CHAUKIDARS AND SWEEPERS EMPLOYED BY SMALL TOWN COMMITTEE, PUNDRI.

*6228. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that the chaukidars and sweepers engaged by the Small Town Committee, Pundri, districts—Karnal, have not been paid for the last six months ;

(b) the number of chaukidars and sweepers in the service of the committee ;

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

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) They were paid their salaries upto 31st December, 1939, on 25th January, 1940.

(b) Eight chaukidars, 16 sweepers and 1 daffedar.

(c) Does not arise.

Pandit Shri Ram Sharma : Is it a fact that the wages were not given to the employees ?

Parliamentary Secretary : It might be so, but my information is that the payment of all the wages due upto 31st December has been made. It is possible that owing to financial stringency the wages of the employees might not have been paid.

Pandit Shri Ram Sharma : Does Government not take notice when such situation arises in municipal committees ?

Parliamentary Secretary : The Government does not interfere in such small matters of the municipal committees.

Pandit Shri Ram Sharma : But it does interfere in international affairs such as Poland and Finland's freedom.

Parliamentary Secretary : The Government can only interfere in a matter of principle.

SARDAR WARYAM SINGH KAKH.

***6457. Sardar Hari Singh** : Will the Honourable Minister for Finance be pleased to state the present weight and state of health of political prisoner Sardar Waryam Singh Kakh, in District Jail, Ferozepore, and his weight on admission into the gaol ?

The Honourable Mr. Manohar Lal : The present weight of prisoner Waryam Singh Kakh is 122 lbs. His weight on admission to the jail was 135 lbs. His state of health is satisfactory.

Sardar Hari Singh : May I know the reasons for this appreciable reduction in his weight ? Has the Honourable Minister asked the jail authorities at Ferozepore to explain this ?

Minister : I may inform the honourable member that I received the answer to this question only yesterday and I have asked for this information.

HEALTH OF CERTAIN POLITICAL PRISONERS CONFINED IN DISTRICT JAIL, FEROZEPORE.

***6458. Sardar Hari Singh** : Will the Honourable Minister for Finance be pleased to state—

(a) the present weight and state of health of political prisoners Ujagar Singh Ult, Surindar Kumar Shad, Chhaja Singh, Sita Ram Bande Matram, Pritam Singh and Chaudhri Narinjan Singh confined in District Jail, Ferozepore, and the weight of each of them on admission as under-trial prisoner ;

(b) the steps that are being taken to improve the health and weight in cases where they show decrease ?

The Honourable Mr. Manohar Lal : A statement is laid on the table.

*Statement showing the present weight and state of health of the prisoners mentioned in Assembly question *6458.*

Serial No.	Name of prisoner.	Present weight.	Weight on admission.	State of health and steps that are being taken to improve the health and weight, where necessary.
		lbs.	lbs.	
1	Ujagar Singh, Ult ..	121	124	When admitted into jail his health was indifferent and he was anæmic. His general condition is now quite good and he is being given proper medical treatment and extra milk for anæmia.
2	Surinder Kumar Shad.	106	102	His general health is satisfactory.
3	Chhaja Singh ..	134	142	He is at present in the convalescent gang where he is being given extra milk and <i>dalia</i> which is likely to restore his weight to normal. His general health is quite satisfactory.
4	Sita Ram Bande-matram.	117	113	When admitted into jail his health was indifferent but his weight shows that he is steadily improving.
5	Pritam Singh ..	120	120	His general health is satisfactory.
6	Chaudhri Narinjan Singh.	110	122	He is suffering from chronic pharyngitis and is receiving suitable treatment. His general condition is satisfactory and his weight is likely to increase with the improvement of his throat trouble.

Sardar Hari Singh : It is stated in answer to this question that Chaudhri Narinjan Singh's weight is reduced from 122 to 110 lbs. and that he is receiving special treatment. May I know whether he has been admitted into the hospital, and if so, what sort of medical treatment he is receiving there?

Minister : If the honourable member desires, I shall call for the necessary information, as he probably knows I have only just received answer to this question. The honourable member will notice that out of these prisoners the weight of three has gone up while the weight of the other three has gone down.

Sardar Hari Singh : I want to know about Chaudhri Narinjan Singh.

Minister : I will make inquiries, if the honourable member gives notice.

Sardar Hari Singh : As regards Lala Sita Ram of the *Bande Mataram*, it is stated that his health was indifferent when he was admitted and his weight has shown a steady improvement. May I know what disease he was suffering from and the nature of the indifferent state of health?

Minister : The honourable member will notice that he is one of those prisoners whose weight has gone up.

Sardar Hari Singh : As regards prisoner Chhaja Singh, it is stated that his weight is reduced by 8 lbs. and at present he is in the convalescent gang and is being given extra milk. May I know—

Minister : I have no further information besides what I have given here. As the honourable member has noted he is being given extra milk and *dalia* and that is expected to help him in regaining his own weight. His general health is quite satisfactory.

Sardar Hari Singh : What does the Honourable Minister mean by convalescent gang?

Minister : Prisoners who are weak and are not given ordinary labour.

Lala Duni Chand : In view of the fact that Lala Sita Ram of the *Bande Matram* has not been allowed to remain outside jail practically for the last 20 or 25 years, will the Honourable Minister take particular care of him?

Minister : I do not know anything about him.

REFUSAL OF PERMISSION TO COMRADE CHANAN SINGH TO SEE HIS
MOTHER ON DEATH BED.

***6460. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Comrade Chanan Singh, a State prisoner in Lahore Central Jail, asked for permission to see his mother on her death-bed; and
- (b) whether the permission was refused; if so, why?

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

(b) Does not arise.

RELIEF FOR DAMAGE TO CROPS BY HAILSTORM IN MUZAFFARGARH
DISTRICT.

***6464. Dr. Satya Pal :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether Government is aware that the zamindara committee of Kot Adu, district Muzaffargarh, has recently sent to the Honourable Premier a resolution passed at a public meeting, to the effect that the crops in that tahsil have been seriously damaged by hailstorm on 14th March, 1940;
- (b) if the answer to (a) above be in the affirmative, the steps that it proposes to take to afford relief to the sufferers?

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

(b) The assessment is fluctuating and relief will be given where due in the shape of *kharaba*.

Munshi Hari Lal : May I know how much area is affected by the hailstorm?

Parliamentary Secretary : Where?

Munshi Hari Lal : In Kot Adu.

Parliamentary Secretary : I am afraid I cannot give you the area without notice.

Munshi Hari Lal : Has any inquiry been made to ascertain the area?

Parliamentary Secretary : The officers are making inquiries.

STATEMENT BY THE CHAIR IN REPLY TO A LETTER OF THE
LEADER OF THE OPPOSITION RE ADJOURNMENT MOTION
MOVED ON 26TH MARCH, 1940.

Mr. Speaker : In his letter, dated the 28th March, 1941,¹ the Honourable Dr. Gopi Chand Bhargava, the Leader of the Opposition, has drawn my attention to a few points in connection with the debate on the adjournment motion moved by Mr. K. L. Gauba on the 26th March, 1940. After carefully considering the points, I have decided to clear them up in a statement to the House rather than by a communication addressed to him alone.

1 (a) The first contention of the honourable doctor is that the Honourable Premier took too much time that day, with the result that the Opposition did not get as much time as they should have been given. I have no hesitation in saying that the Honourable Premier took more time than he should have taken ; but it happens almost every day that, by mutual understanding and arrangement, the members of the Ministerial and Opposition parties, after excluding the time of the minister concerned, share half and half the remaining time fixed for the discussion of a motion. In the light of this practice the Honourable Premier did not take more time than he could have under the practice, inasmuch as the two members of the Opposition spoke for 43 minutes, according to the note kept by me and for 38 minutes according to the doctor himself ; while the two members of the Ministerial party spoke only for 30 minutes. In other words, excluding the time taken by the honourable the Premier, the Opposition had 8 minutes more than the Government party, and therefore has no cause for complaint.

(b) As I had not fixed the duration of extension, under rule 48, when the honourable mover of the motion was speaking, I did not deem it proper to fix it in the case of the Honourable Premier either, though on Chaudhri Kartar Singh's objection I asked him to confine his speech to " firing " and on the honourable Mian Abdul Aziz's protest I asked him twice to " wind up " his speech.

(c) A few minutes might have been saved, no doubt, by stopping the Honourable Premier, but that would have been unfair, in view of the gravity of the issues raised by the mover of the motion and the request made to the House by the Honourable Premier to be allowed to explain matters.

II. (1) Another contention of the learned doctor is that the Honourable Premier's speech, having taken a long time, had deprived the honourable mover of the adjournment motion of his right of reply. Doctor Sahib is presumably aware that, except where it is expressly provided otherwise, the right of reply can be exercised only by the mover of a substantive motion and that, therefore, the mover of an adjournment motion, which is not a substantive motion, has no right of reply, although in some cases, when time was available, I allowed the mover of such a motion a right of reply, which concession I will not make in future.

(2) The right of reply, even where it is expressly allowed, cannot be claimed or exercised before the debate ends ; and a debate does not end till no honourable member rises to speak or a closure motion is moved and carried. The very fact that a reply is allowed presupposes that the other members of the House have made and finished their speeches, which require

¹Vide appendix at pages 247-48 *infra*.

a reply. Therefore, so long as members, other than the mover of a motion, desire to speak for or against the motion, under discussion, they have to be called by the chair, unless a closure motion is moved and carried, or the time for speeches is over. If the mover has a right to reply, the other members have a right to speak. A reply is conceivable only to an adverse speech or remarks and not to a corroboration of a speech or silence. It is clear, therefore, that even the mover of a substantive motion cannot claim to exercise his right of reply, unless the debate terminates in one of the above-mentioned two ways.

(3) Unless a closure is moved and carried at a very early stage, it would be more difficult to get a right of reply, when the time or duration for the debate or discussion of any matter is fixed by law or rules, than when no such time or duration is fixed; especially because under Rule 71 (2) when the mover of a motion exercises his right of reply, it is imperative that the minister "to whose department the matter relates, shall also be given the right of speaking, whether he has previously spoken or not". Therefore, assuming for the sake of argument that there is a right of reply in the case of an adjournment motion, it is exceedingly difficult to find time for the exercise of that right, inasmuch as if that right is exercised by the mover, it must also be exercised by the minister concerned; while the time for discussing the motion is limited only to two hours.

III. (1) It is also contended that a closure motion cannot be moved when an adjournment motion is discussed "except when the Opposition desire to go to a division". But so far as my knowledge goes the honourable Doctor's contention is entirely untenable. According to Parliamentary practice as well as our Rule 62 (1), when a closure motion is moved, it is the mandatory duty of the chair to put it forthwith; unless it shall appear to it that "such a motion is an abuse of the rules or an infringement of the rights of the minority". And so far as I could see on 26th March, 1940, the closure motion was neither an abuse of any rule, nor an infringement of any right of the minority.

(2) According to Sir Erskine May, page 343, "the intervention of the chair, regarding closure, is restricted to occasions when the motion is made in abuse of the rules of the house, or infringes the rights of the minority. A closure motion may, therefore, be sanctioned by the chair, either immediately upon, or within a few minutes after, the proposal of a question to the House. In the discharge of this duty, the discretion of the chair is absolute and is not open to dispute".

(3) If the minority attacks Government by an adjournment motion, it cannot and should not expect, in fairness, that the adjournment motion should be only talked out and not defeated, if the majority so desire. It is my considered opinion, therefore, that I was not wrong in sanctioning the closure motion, when it was moved by the ministerial party.

Dr. Gopi Chand Bhargava : Sir....

Mr. Speaker : I am not going to allow any discussion on my statement.

Dr. Gopi Chand Bhargava : I am not going to start any discussion. I only want to make a submission with your permission. Am I permitted to give publicity to the letter which I wrote to you?

Mr. Speaker : I have no objection. I am going to publish it in the proceedings.

Dr. Gopi Chand Bhargava : Am I permitted to give a reply to the statement that has been made by you ?

Mr. Speaker : If the honourable member sends me another letter I shall be delighted to answer him.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Mr. Speaker : The Assembly will now resume discussion of the Punjab Relief of Indebtedness (Amendment) Bill.

Clause 9.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) : I beg to move—

That after part (i) of sub-clause (b), the following new part be added :—

“(ii) in sub-clause (i) for the words “agreement made” the words “order or agreement made or certificate issued” shall be substituted.

I am moving this amendment with a view to clear and improve the language of section 21 of the Act. The object of this amendment is to express in clear terms that the civil courts shall not entertain any suit or application for revision to question the validity of any procedure or the legality of any order or agreement made or certificate issued under the Relief of Indebtedness Act, 1934. The existing phraseology of this section does not make the intention of the legislature clear. It refers only to the agreement made under section 17. It is, therefore, necessary that the intention of the legislature should be expressed in a clear language and in unambiguous terms.

Mr. Speaker : The question is—

That after part (i) of sub-clause (b), the following new part be added :—

“(ii) in sub-clause (i) for the words “agreement made” the words “order or agreement made or certificate issued” shall be substituted.

The motion was carried.

Lala Sita Ram (Trade Union Labour) : I beg to move—

That part (ii) of sub-clause (b) be deleted.

The motion was lost.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That leave be granted to move that after sub-clause (b), the following new sub-clause be added :—

“(c) in clause (b), for the words and figure ‘sub-section 3’ the words and figures ‘sub-section (3) or (4)’ shall be substituted.”

This is merely a consequential amendment and hardly needs an explanation. This amendment is necessary in consequence of sub-clause (c) of clause 8 having been adopted by the House.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That the new sub-clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new sub-clause be added to the clause.

The motion was carried.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : I beg to move—

That at the end of sub-clause (c), the following words be added :—

“Filed by any party to the proceedings.”

You will be pleased to see that the wording as it exists at present is that—

Any suit for a declaration or any suit or application for injunction affecting any proceedings under this Act before a board."

When it is incorporated in the Bill it will read like this—

No civil court shall entertain any suit for a declaration, etc.

My reason in this case is that there are persons who even remotely or indirectly are not connected with the parties to the proceedings before the board and it is really most objectionable that these persons whether they belong to the creditor side or to the debtor, should be debarred from seeking relief in any civil court and secure either an injunction or a declaration with regard to any property. It is really one of the most mischievous provisions that is going to be incorporated in the form of an amendment. What business has the legislature to debar a third person who has got any connection with the property from seeking relief? For that purpose I have put in this amendment. Later on I may take an objection as to whether this can be incorporated or not. For the present I only want to add a rider to it that the mischief may be limited to the parties concerned. So, if these words are added the whole clause will read like this—

No civil court shall entertain any suit for a declaration or any suit or application for injunction affecting any party under this Act before a court filed by any party to the proceedings.

There may be some reason, it may be argued that on very meagre grounds parties before a board should not further multiply any litigation. But it does not smell of any sense that parties who have nothing to do with the matter should also be bound down. I give one concrete instance. Supposing an application is made before a board by a debtor and there are about ten to twelve creditors in that case and when an agreement is made between the parties an immovable property to which the debtor has no claim is also included and that property is partitioned between the different creditors. A third person who gets knowledge of this thing that this property does not belong to the debtor, comes forward. Question is whether he can come forward after the agreement is made and is carried into effect. The only remedy left for him is to seek a declaration to the effect that the property is his and therefore the property should not be partitioned among the creditors in terms of any agreement that may have been arrived at by the board. Or he may try to secure an injunction from a competent civil court to the effect that his property should not be touched. I wonder how a provincial measure of this nature can debar him from seeking a remedy. With these words, I submit that these words should be added so that the mischief may not affect persons who are in no way connected with the debtors or the creditors.

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

That at the end of sub-clause (c), the following words be added :—

"Filed by any party to the proceedings'".

Lala Duni Chand (Ambala and Simla, General, Rural) : The Government may have justification or a semblance of justification for the view that in so far as parties to any proceedings before a conciliation board are concerned they should not be given the right to take the matter to civil courts, but if a third person comes forward and says that what has been dealt with by the conciliation board really does not belong to the creditors, he should not be

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debarred from seeking relief. It is not a rare matter that other people may be affected. Very often it turns out that the property that was alleged to belong to a particular party really did not belong to that party, but belonged to a third party. So many declaratory suits are brought by persons on the ground that the property that has been attached or sold or has been dealt with belonged to a different person than the judgment-debtor. It belonged to a third person who claimed the property as his. What right has the Government got to shut up the door of a civil court upon such persons? There can be very many *bona fide* cases, so it appears to be nothing but just if the Government concedes the point that has been raised by my honourable friend.

Parliamentary Secretary (Mir Maqbool Mahmood): I am afraid the honourable member opposite, who has supported this amendment, has either completely missed the point or he has tried to put forward an amendment which will cut across the whole basis of this Bill.

Lala Duni Chand: Have you borrowed this expression from Mr. Chamberlain?

Mir Maqbool Mahmood: I have borrowed this expression from my own Mr. Chamberlain, the Leader of the House, whom I have to follow as far as I can. Let us see what will be the effect of this clause if the amendment proposed were inserted. The clause after the addition of the words proposed would read like this—

That no civil court shall entertain any suit for a declaration, or any suit or application for injunction affecting any proceedings under this Act before a board filed by any party to the proceedings.

Read like that it will only mean that the proceedings may be filed by any party and if they are so filed no injunction shall be permissible. That is exactly what the clause as provided intends to mean. My friend intends that the words "Filed by any party to the proceedings" should be inserted after the word "injunction," that is, it should read like this—

Any suit for a declaration, or any suit or application for injunction filed by any party to the proceedings.....

The Government referred the matter for opinion to the judiciary as well as to the executive officers and the consensus of opinion received was that even in cases where under section 7 the Act definitely provided that the decision of the conciliation boards should be final, various courts, unfortunately, had given injunctions for.....

Raj Bahadur Mukand Lal Puri: Where is that opinion? May I, through you, ask my honourable friend to lay that opinion on the floor of the House? That opinion was not even available to members of the select committee.

Mir Maqbool Mahmood: I am not prepared to place that opinion on the floor of the House but I am prepared to state definitely that the general opinion on that question was almost unanimous that this has been done and it should be stopped.

Raj Bahadur Mukand Lal Puri: Whose opinion?

Mir Maqbool Mahmood: I am not prepared to give the name but that was the general feeling.

Lala Bhim Sen Sachar : On a point of order. May I know if it is not the rule that if any honourable member makes a reference to a document, he can be asked to place that document on the table of the House?

Mr. Speaker : If the Parliamentary Secretary has no objection to place the document on the table of the House, he may do so. (*Interruption*) But please read Rule 70. It says—

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

He has not quoted yet any document.

Rai Bahadur Mukand Lal Puri : He has referred to written opinion which the Government has received.

Mr. Speaker : A reference to a document is one thing and its quotation is another thing.

Rai Bahadur Mukand Lal Puri : Anything written on paper is a document. (*Interruptions*).

Sardar Sahib Sardar Santokh Singh : Is it then on grounds of public interest that the Parliamentary Secretary does not place before us those written opinions? (*Interruptions*).

Rai Bahadur Mukand Lal Puri : Will the honourable member kindly state whether he considers the disclosure of the opinions received as detrimental to public interest?

Mir Maqbool Mahmood : I repeat, Sir, that I did not quote any opinion. I gave my own digest of what I had got from those cases and if my honourable friends are interested, I would refer them to specific cases that happened in the courts at Rawalpindi and Ambala and they will find that injunctions have definitely been issued against the conciliation boards that they should not try cases which under the Act of 1934 have been given over to them and declare persons as debtors. If the amendment of my honourable friend is accepted, it would mean that collusive suits would crop up and *benami* cases would start. It is not our intention that any *bona fide* third party should be unnecessarily harassed. If they find that their interest is jeopardised, it is open to them to come to the court and if the court has given decision, it is open to them to come to the assistant collector or collector. Why should they feel chary of expeditious procedure? With these words I oppose the motion.

Rai Bahadur Mukand Lal Puri : This is one of those sections which makes very great inroad on the jurisdiction of the civil courts. There is already section 21 on the Statute Book but by the present Bill it is intended to add another sub-clause (c) which runs as follows:—

That no civil court shall entertain any suit for a declaration, or any suit or application for injunction, affecting any proceedings under this Act before a board.

To this a very sensible amendment has been suggested by the honourable member from Ludhiana. No doubt, you may bar the jurisdiction of the civil courts if you so choose *qua* the persons who are properly before it but, if by design or by mistake a conciliation board has dealt with persons or with properties which are not within their jurisdiction, it should be open at least to those persons to go and establish their rights before a civil court with respect to any dispute which may have been decided by a

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conciliation board, between a debtor or any of his numerous creditors. The present Act ousts jurisdiction of the civil court, but the amendment seeks to ensure that the right of a suit for declaration by a person, who is neither the debtor nor any one of his numerous creditors, or by a person with respect to whose property an order has been made by a conciliation board, and that property does not happen to belong to either the debtor or creditor, that person's right to establish that an order has been passed with respect to his property should not be taken away.

Now, Sir, do you expect that these conciliation boards are super-human or perfect beings that they will not commit a mistake? Supposing they pass an order with respect to my land that it is not my land but it is the land of my brother, the debtor, who has applied for conciliation and supposing they lease that land and give it to the creditor for a number of years. Should it not be open to me, as a third party and not a party to the debt, to apply to a civil court for a declaration that this is my land and that it is not that of my brother who is a debtor, and that it is not proper that my land should be given over to the creditor? Similarly, orders may be passed with respect to the creditors who are not parties, or supposing an order is passed with respect to a debt which is not due from a debtor in question and supposing the conciliation board takes into its head to pass an order that a debt due to the creditor from the mother of the debtor or from the cousin of the debtor is also discharged. Should it not be open to that person to go to the civil court and say that this debtor, whose debts you are discharging was not within the jurisdiction of the conciliation board? It was with that object that the amendment was moved and I hoped the Government would have shown proper sense in accepting such an amendment. My honourable friend, the member from Amritsar made a complaint that civil courts, in spite of the fact that their jurisdiction has been ousted, have been to his knowledge entertaining suits for declaration and injunction. An able lawyer like my honourable friend from Amritsar should have known that the jurisdiction of civil courts with respect to matters which are not within the competence of the boards, created by such Acts, is never barred. Supposing, a matter is decided by a conciliation board, which is not within the jurisdiction of the conciliation board, the civil courts even now would be entitled to entertain suits for declaration and injunction. Therefore, it is not a matter of surprise that the civil courts did their duty at Rawalpindi or Ambala. Every civil court is entitled to entertain a claim unless its jurisdiction is expressly or impliedly barred by the statute. This statute, which you are now putting forward, entirely bars civil suits with respect to matters which are properly within the competence of conciliation boards. If a matter is not within the competence of conciliation boards, no amount of legislation will bar a suit for declaration and injunction. Supposing with respect to a debt which amounted to one lakh of rupees, the conciliation board gave a decision. The civil court can, even, in spite of your amendment, entertain a suit which is within the competence of the conciliation board. Again, Sir, I do not know the reasons which led the Government to deprive this House and through it the entire province of the opinions which they received on the various proposals which they put forward in this House. I do not know what reasons of policy and what reasons of wisdom impel the Government to keep these opinions as a close secret with them. Are they afraid that their whole

game would be exposed or the opinions are such that if they are published the policy of the Government would be exposed? If the opinions of Government servants are invited on an important matter and on an important legislation like this, why is it that they are kept a close secret not only from this House but from the members of the select committee? That is an aspect of the matter to which I want to invite the attention of the House. The motion for circulation for eliciting opinions was not entertained. Repeated requests have been made that an important legislation of this type should at least be sent to the courts which are particularly familiar with this type of work, but those requests have not been granted. The Government prides itself in having obtained some opinions of some of its favourite officers. Even those opinions are not placed before the House and we are asked to accept that those opinions support a particular proposition. I should be ashamed of a civil court which gave the opinion that a suit for declaration or injunction was incompetent or was improper if the declaration or injunction questioned the jurisdiction of the boards which have been created by a particular Act. I think such opinions cannot possibly be accepted by any person conversant with the elementary principles of law. And these opinions do not exist, otherwise no public interest is jeopardised by their disclosure. With these words I support the amendment which has been moved by my honourable friend.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I feel that I must say one word with regard to the last few sentences of my honourable friend's speech, where he said that we were hiding the opinions. There is no such thing as hiding the opinions. As a matter of fact, my honourable friend quoted the opinions of certain officers, who during the course of their reports, had mentioned such cases, and he also cited certain cases. There are certain reported cases, and my honourable friend would be surprised to find that the number of unreported cases is very large. Therefore, if he wants the facts, my honourable friend, the Parliamentary Secretary, will be prepared to give them. Instances of courts at Rawalpindi and Ambala have been brought to our notice, where the civil courts are alleged to have gone beyond their jurisdiction and to have ignored the provisions of this Act.

Rai Bahadur Mukand Lal Puri: May I interrupt my honourable friend? Who has held that those courts have gone beyond their jurisdiction? Has any special judicial authority said so or is it the opinion of the executive, the revenue assistants?

Premier: I am a layman. I know that from the orders of the sub-judge, an appeal can lie to the district judge. Apart from that, I would submit that my honourable friend would not have made this remark if he had waited and had had patience for a moment. I was going to say that some of these courts unfortunately—at least this is the impression amongst the intelligentsia—rely on the fact that these poor debtors will not be able to appeal, or to take the case to the higher court so that the higher court may say that the lower court has made a mistake. Nine out of ten debtors have no mind to go up to higher authorities to get this injustice redressed. That is what we want to stop as far as possible. If the courts would be careful in this matter, it would not be necessary for us to sit day in and day out,

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trying to strengthen the various agrarian laws by stopping the loopholes which exist. Even in this Act there are many loopholes. Therefore it is necessary to stop as many as possible. That is all. If my honourable friend wants to know those cases, I will give specific instances of Ambala and Rawalpindi. If they had gone up on appeal, the appellate court, or the High Court, would have upset the decisions of the lower courts.

Dr. Sir Gokul Chand Narang : Does the Premier mean by saying that the judicial courts are not careful and does he mean thereby that knowing that these people are too poor to appeal they deliberately pass wrong and unjust orders ?

Premier : No. My honourable friend forgets that they are apt to err as we do. They are human beings and they may make *bona fide* mistakes.

Dr. Sir Gokul Chand Narang : What did the Premier mean by saying that nine-tenths of these people will not be able to appeal ? This is one thing. His inference is that with this consciousness the judicial courts pass unjust orders in these cases on the assumption that these poor people will not be able to go to the appellate courts and therefore they pass any orders they like.

Mr. Speaker : The honourable member may understand the remarks as he likes, but he should not make any insinuation against the judiciary.

Dr. Sir Gokul Chand Narang : That is what the Premier did.

Premier : My honourable friend with his usual perverse ingenuity always tries to put—

Dr. Sir Gokul Chand Narang : Premier is indulging in '*darogh gayam bar rue to*' (*Interruptions*).

Mr. Speaker : I would request both the honourable members not to be personal.

Premier : My honourable friend has no right to interpret me ; he can understand what he likes, but he cannot put into my mouth what I have not said.

Sardar Sahib Sardar Santokh Singh : May I request you to have those words read out ?

Premier : What I said was that there is a genuine impression that some of the courts do not go carefully into the cases, as nine-tenths of these people being poor are unable to go to a higher court. I do not mean to say that they do it deliberately ; some do it by sheer carelessness. There is also a general impression that some courts are deliberately doing this. If that had not been the case it would not have been necessary for me to stop the loopholes. (*Interruptions*). My honourable friend can think what he likes.

Dr. Sir Gokul Chand Narang : On a point of order. (*Interruptions*). Will you ask these gentlemen to hold themselves in patience ? This is not a lunatic asylum. (*Interruptions*). This is a Legislative Assembly.

I rise on a point of order.

(Voices : withdraw, withdraw, withdraw.)

Mr. Speaker : I request both the honourable members to exercise restraint.

Dr. Sir Gokul Chand Narang : On a point of order. When these gentlemen began to shout at me I was stating my point of order. It is this that you were pleased to say that there should be no insinuations against the courts. The Honourable Premier has made two insinuations.

Premier : I have not.

Mr. Speaker : I have listened with great attention to his statement, he made no insinuation.

Dr. Sir Gokul Chand Narang : What he said was this that in the first place some judicial courts were careless and therefore knowing that there would be no appeal in nine out of ten cases they do not pay sufficient attention and care to the orders passed when the cases are disposed of. This is one thing. Then he said there was an impression that some courts deliberately pass unjust orders. I leave it to you to see whether this is an insinuation or not.

Premier : My honourable friend with his usual perverse ingenuity tries to interpret what I say in a different light. I say that there is a general impression abroad that some courts are not sympathetic; I repeat it and say it deliberately.

Mr. Speaker : The question is—

That at the end of sub-clause (c) the following words be added :—

"Filed by any party to the proceedings."

The motion was lost.

Lala Sita Ram : Sir, I beg to move—

That sub-clause (c) be deleted.

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

That sub-clause (c) be deleted.

Rai Bahadur Mukand Lal Puri : May I add a few words to what has been said on the floor of the House. The sub-clause reads—

Any suit for a declaration, or any suit or application for injunction.....

You will be pleased to observe that these words should be excluded because the civil courts are debarred from exercising jurisdiction in any suit. Well the word "suit" is comprehensive enough to include all kinds of suits and therefore *ex hypothesi* it includes suits for declaration and injunction. The most material portion of the amendment seems to be that the civil courts are now debarred from questioning any proceedings under this Act. A question may arise whether proceedings for contempt instituted by a conciliation board against one of the parties, debtor or a creditor or witnesses would be a matter which would be revisable by the civil courts. You know very well that the definition of the word "court" is now extended so as to include the debt conciliation boards. This amendment therefore would give the conciliation boards criminal jurisdiction of a type and in a manner which is not possessed even by the highest courts, because these proceedings before the ordinary courts are appealable to and revisable by higher courts. The House knows that proceedings with respect to perjury, forgery and other offences in relation to matters coming up before the courts cannot be instituted unless the

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court concerned files a complaint. Supposing a conciliation board files a complaint of perjury or forgery or takes action in the matter of contempt. These proceedings would also be not appealable or revisable and thus they would have more power than even a district magistrate or a sessions judge or single judge of the High Court.

The question is, does this House wish to confer these and similar other powers of a quasi-criminal character on these conciliation boards without the possibility of the mistakes being checked by any superior court such as appellate or revisional courts? The exclusion of the jurisdiction of the civil courts was so far only with respect to matters relating to recovery of any debt or recovery of debt which has been discharged on application. But if the jurisdiction of the civil courts is excluded "*from all matters affecting any proceedings before a conciliation board*," the House should at any rate realise the extent to which powers are being given to these boards. Supposing a tahsildar, a deputy commissioner or a collector acting in revenue proceedings chose to proceed against a person for perjury or forgery and he filed a complaint. That order can be looked into by a superior authority. Similarly if a criminal court, may be a naib-tahsildar, a second or third class magistrate, or a magistrate of the first class or even a district magistrate or sessions judge passed an order of this type, that order can be scrutinised by a superior court, it may be a district magistrate or in some cases a sessions judge or the High Court. But is it intended that if a conciliation board passes a similar order against a person, that order should be beyond the purview of scrutiny? These are my reasons for opposing this amendment. After all a legislative measure based on good sense makes a good law and good laws are more or less the same everywhere. You will find, Sir, that the jurisdiction of the civil courts with respect to the proceedings before debt conciliation boards is equally ousted in provinces where debt conciliation boards have been constituted, but there the jurisdiction is ousted only to the extent provided in the existing Relief of Indebtedness Act which is now in force. This new amendment further ousts the jurisdiction of the civil courts and does not find any place in the enactment of other provinces dealing with the same subject.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural): Sir, the objection on which I ask your ruling is of a technical nature and that is to the effect whether this provision as it stands is not inconsistent with the civil law of the land. The law as it stands at present provides for a declaration and for an injunction under the provisions of the Specific Relief Act. Under section 42 of the Act it is laid down :—

Any person entitled to any legal character or any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the Court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief.

Similarly, under chapter 10 of the same Act a provision in regard to perpetual injunctions is made which runs as follows :—

Subject to the other provisions contained in, or referred to by, this Chapter, a perpetual injunction may be granted to prevent the breach of an obligation existing in favour of the applicant, whether expressly or by implication.

When such obligation arises from contract, the Court shall be guided by the rules and provisions contained in Chapter II of this Act.

When the defendant invades or threatens to invade the plaintiff's right to, or enjoyment of, property, the Court may grant a perpetual injunction in the following cases (namely)—

and then there are five or six cases provided. Now if we accept this amendment, in that case we will have two systems of adjudication at one and the same time in this province. According to one, any person whose right of property is denied has a right of declaration by a court that this property is his or in other words if his right to a certain property is invaded he goes to a civil court and asks for an injunction to that effect. Now this amendment having been accepted will be inconsistent with the provisions that I have already quoted. I will make it clear by an example. Supposing there is dispute about a property which is mortgaged and the board decides that that property is included in the assets of the debtor. In that case a third person does not know about the dispute. In a previous discussion on this subject, the honourable Mir Maqbool Mahmood said that the third party could have a speedy remedy by appearing before a board. But this is not possible in this case because the third party is not at all informed and is not served with any notice. May I ask whether there can be two provisions one against the other at one and the same time, especially in view of specific provisions made in the Government of India Act under section 107 which has so often been quoted on the floor of this House that you might remember it? It runs—

If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail and the Provincial law shall, to the extent of the repugnancy, be void.

May I then ask whether it is at all advantageous to take the valuable time of the House in passing a provision which on the face of it is void, to the extent that it is inconsistent with the provisions of sections 42 and 57 of the Specific Relief Act? Then there would be some other difficulties. It may be pointed out that similar objections were also taken to provisions in the Agrarian Bills, but the House did not consider them at that stage, as later on the Governor had to submit the Bills to the Governor-General for his consideration and consent and thus meet the objections raised. May I know whether it is at all proper that when a certain objection has been raised at this stage that this provision is against the provisions already made, you, Mr. Speaker, should allow the House to proceed with the discussion of that clause at this stage? That can be ruled out and later on if Government remedies that thing or an amendment is made of the Specific Relief Act or other steps are taken, that is a different thing. But for the present there are two provisions that we are going to pass. On an amendment of this nature, Mr. Speaker, this House is not entitled to debar the right which other people have got.

Then with regard to the merits of this clause, I again want to draw your attention to the nature of this amendment. It may include all the property of those who have nothing to do either with the debtor or with the creditor. I am sorry that an amendment of this nature has been introduced either inadvertently or that there is the question of prestige with these people because they want that whatever is done by them should not be taken back,

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much less at the suggestion of Opposition. My submission is that this should not be the case with people who come forward either to help the debtor or to relieve the people of their indebtedness. May I know in what manner the debtor is going to be helped by adopting such an amendment which only attacks the right of other people? I ask for a ruling whether the provisions in sub-clause (c) of clause 9 are not inconsistent with the provisions of the Specific Relief Act and whether it is not a case in which the help of section 107 of the Government of India Act should be invoked.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I beg to invite the attention of my friend to the Seventh Schedule and he will find that the Concurrent List no. III deals with civil law and civil procedure. He will find also that section 100 of the Government of India Act, subsection (2) definitely lays down that the provincial legislature is competent to make laws with respect to matters enumerated in the Concurrent List. Subsection (2) of that section reads as follows :—

- (2) Notwithstanding anything in the next succeeding subsection, the Federal Legislature, and subject to the preceding subsection, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III in the said Schedule (hereinafter called the "Concurrent Legislative List").

My first submission is that under this section the provincial legislature is competent to enact laws with regard to matters in the Concurrent List.

We now come to the second side of the question, as to what would be the effect of an Act of this nature passed by this legislature. That is dealt with under section 107, and my honourable friend can raise that question after this House has passed this important measure, if it clashes with any provisions of any of the central legislation in force in this province. Under this Act this House is competent to discuss any legislation in regard to matters which tend to clash with the central legislation. That is the legal position, and I submit that we are entitled to request you that you might again with your clarity, as you did last time, give a clear ruling that this House is not debarred from discussing a law even though it clashes in the Concurrent List with the Bills or Acts passed by the Central Legislature. That will be considered after the Act is passed.

Pandit Muni Lal Kalia : May I ask the honourable member who has just resumed his seat whether the Specific Relief Act is specifically included in any of the lists in Schedule 7?

Parliamentary Secretary : That is all covered. I invite my friend's attention to item 4 of the Concurrent List III which reads—

Civil Procedure, including the law of Limitation and all matters included in the Code of Civil Procedure at the date of the passing of this Act.

Then read item 5—

Evidence and oaths; recognition of laws, public acts and records and judicial proceedings.

Then I invite his attention to item 8—

Transfer of property other than agricultural land.

Then to item 10—

Contracts, including partnership, agency, contracts of carriage, and other special forms of contract, but not including contracts relating to agricultural land.

Then item 15 :—

Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in this list.

That is in answer to his question.

Mr. Speaker : Will the honourable member read the relevant portion of section 107 on which he takes his stand ?

Pandit Muni Lal Kalia :

107 (1). If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail and the Provincial law shall, to the extent of the repugnancy, be void.

Mr. Speaker : This does not help the honourable member. From no point of view does it support his contention. The mistake he is committing is that he is considering a ' Bill ' as a ' law. ' The opening words of the section are :—

If any provision of a Provincial law is repugnant to any provision of a Federal law.....

If this Bill is passed, it shall be void, if it is repugnant to any law passed by the Federal Legislature or which the Federal Legislature may hereafter pass.

Pandit Muni Lal Kalia : The moment it is passed here it becomes law.

Mr. Speaker : Let it be passed, and then the honourable member may follow his remedy.

Dr. Sir Gokul Chand Narang : The Speaker's ruling is not binding on courts.

Mr. Speaker : Of course not.

Lala Duni Chand : I want to oppose clause (c) and my reasons are twofold. In all the proceedings of a summary nature it has been recognised that the aggrieved party has a right to appeal to a civil court. Take the Civil Procedure Code or the Tenancy Act or the Land Revenue Act or the Insolvency Act. Take any of these laws in which a summary remedy is provided for. The party not satisfied with the remedy has a right to go to a civil court. This provision here is an infringement of that recognised rule of law. It has been recognised in India ever since the British Government has been established. My point is that the proceedings under this Act are only of a summary nature. They are not of the nature of the proceedings in civil courts and in support of that I have referred to certain Acts, where it is provided that if the summary remedy has not been accepted, the aggrieved party has got a right to go to a civil court. The proceedings before the conciliation boards are of a summary nature. So, on the analogy of the other Acts which I have quoted and according to the rule of law that has been well established, the aggrieved party should have the right to go to a regular civil court. Rule 60 or 61 of Order 21 of the Civil Procedure Code, for instance, relates to objections before a civil court and if a party files an objection, that objection is enquired into and decided one way or the other, aggrieved party has got a right to go to a civil court and get a

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declaration that the decision given summarily should be set aside. The question is whether the proceedings under the Relief of Indebtedness Act are of a summary nature.

Mr. Speaker : Please quote definite instances.

Lala Duni Chand : Take the case of Land Revenue Act where matters relating to succession, transfer and other things are decided summarily. The aggrieved party has got a right to go to a civil court and have the order of the revenue officer revised.

Mr. Speaker : Do the revenue officers decide questions of title ?

Lala Duni Chand : Suppose a certain person dies and his heirs appear before a revenue officer. One party says that it is entitled to succeed to the land and the other party says that it is entitled. The revenue officer goes into the question of title, though summarily.

Mr. Speaker : But his decision is not final.

Lala Duni Chand : Sub-clause (c), I submit, is an infringement of that rule of law. Another reason is that in connection with these matters you should take into consideration the nature of the law. Grave consequences will follow by passing a law without any remedy for going to the civil court being provided for. The question is whether if this legislation is passed the consequences will not be disastrous and whether in view of the serious and disastrous consequences, it is not desirable, it is not proper, it is not expedient, it is not just, that the party aggrieved should have a right to go to a regular civil court. I give one instance and I finish. It is not only the ordinary debts that are decided by the conciliation boards but the usufructuary mortgages also are to be revived up to the value of Rs. 10,000. (*An honourable member :* The amendment regarding usufructuary mortgage has not been accepted.) I am trying to show the serious consequences that are going to flow from the legislation which is being carried through. Usufructuary mortgage will also be regarded as a debt and every mortgage will be subject to revision by the debt conciliation board. The only point that I want to submit is that in regard to several matters the consequence of passing the law will be serious not only to one party but to all parties. Therefore it is highly desirable that the civil courts should have the power of sitting in judgment upon the decision of the conciliation boards.

Mr. Speaker : The question is—

That sub-clause (c) be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 9 as amended stand part of the Bill.

The motion was carried.

Clause 10.

Mr. Speaker : Question is—

That clause 10 stand part of the Bill.

The motion was carried.

Clause 11.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :
Sir, I beg to move—

That sub-clause (b) be deleted.

The object of this amendment as proposed by the Government is apparent. Section 24 as it stands reads—

In any proceedings under this part of the Act, any party may with the permission of the board be represented by an agent authorised in writing or by a legal practitioner.

The amendment of the Government proposes that the words 'with the permission of the board' shall be inserted after the words 'writing or'. My submission is that the legal practitioner should not stand in need of taking any special permission. Though I know that it is really useless to make any speech or to give any argument here, I only want to make it plain that while the whole procedure is being set at naught, jurisdiction is being vested in people who are totally unfit to exercise it on account of their lack of knowledge of the law and procedure. In these circumstances it would be absolutely necessary that the conciliation boards themselves should have the assistance of lawyers, as their jurisdiction is being extended to the adjudication of cases up to the value of Rs. 10,000. It is very necessary that legal practitioners should be allowed to appear freely where the parties can afford to engage them. I do not want to say anything more.

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

That sub-clause (b) be deleted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I rise to support the amendment moved by Dr. Sir Gokul Chand Narang. You will find that this Act has been so amended that in future many questions of law would arise before the debt conciliation boards. You will find one of the amendments made by the Assembly is that the conciliation boards shall decide as to the genuineness or enforceability of the debt also. In such cases when we know that the members of the boards are not conversant with law, I should say most of them are not conversant with the law, it would be extremely difficult for them to decide when a debt can be enforced or when a debt is genuine. There may be many cases when they would require assistance as to how a law is to be applied. Take a case where a party comes to the conciliation board and pleads that the deed was got from him by misrepresentation or fraud. For the members who do not know law at all it would be extremely difficult to know what is misrepresentation or fraud. There is another amendment that has been passed that when a board passes an *ex parte* decree or makes an *ex parte* order against a party the party is permitted to put in a fresh application and that application can be admitted for sufficient cause. All my lawyer friends know what is a sufficient cause, but no layman can possibly know it unless he has gone through the whole of the case law which deals with the phrase "sufficient cause". In such cases when the powers of the conciliation boards have been so much increased, it would be extremely difficult to decide these cases. It is for this purpose that I rise to support this amendment, and I expect that my lawyer friends sitting on that side would come forward and support me, because they know that if lawyers are going to be barred

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from appearing before these boards, they would be starving and if for no other reason at least for this reason to save the lawyers from starvation, they should support this amendment.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): It is not possible to add very much more to what has already been said in this House, on this subject, but I believe I am voicing the feelings of the members of the Bar throughout the province when I say that they apprehend that the present Government is not well disposed towards them and that a deliberate endeavour is being made to see that they are shut out from all possible avenues of service and employment. The House has followed fairly closely the discussion relating to the conciliation boards and if one thing has emerged from this discussion it is this that these boards of conciliation are no longer going to be mere boards of conciliation but are being invested with full powers of adjudication as courts and not only with full powers of adjudication as courts but also with powers of executing those decrees. That being so, the original reason for excluding lawyers disappears altogether. If you study the original section, you will be pleased to observe that all that the conciliation boards had to do was to issue a notice to the creditor and when the debtor and the creditor had appeared to use their good offices to bring about a conciliation. And the only power that was conferred upon them was that if forty per cent of the creditors accepted a settlement, then they might certify the debts of the remaining sixty per cent who did not accept that settlement and the realization of these debts was postponed to a time till the debts due to the forty per cent creditors were paid up.

The first thing that a board will now have to decide will be, is the debt due and if so, how much of it is due? In determining the question whether a debt is due, the conciliation board might very well be called upon to decide whether the document on which the debt is claimed is admissible in evidence, and whether it is insufficiently stamped or is not stamped at all. It may have to see whether it is registered and if registered whether the registration is proper and if the registration is improper, whether the document is admissible or not. Again, a question might arise that the debt was contracted by a debtor when he was a minor. Then knowledge of the Majority Act and knowledge of the Contract Act would be required. Again, the debt might have been incurred for an illegal purpose, for the purpose which is prohibited by law, for a purpose which my honourable friends sitting on the Government benches are very fond of asserting, say for evading the object of the Land Alienation Act. Those are matters which will all come up before these tribunals. Again, one of the most frequently recurring questions which would come up before these conciliation boards would be, is the debt time-barred? The question might arise, is this debt realizable to-day, is the limitation on the particular case three years, six years or twelve years? Again if it is beyond three or six or twelve years, the question might arise whether any particular acknowledgment which is relied upon by a creditor renewing the period of limitation amounts to acknowledgment or whether it does not fall within the purview of section 19 of the Limitation Act. Those are some of the matters which each conciliation board will now be called upon to decide with respect to every debt. The question might again arise as to how much of it is due. Then there are intricate

provisions of rules and provisions of Debtors' Protection Act, Relief of Indebtedness Act which, in spite of repeated study, one is liable to compose. Our conciliation boards, as you know very well, possess the power—at any rate they claim to possess till it is questioned in a court of law—of setting aside mortgages of property. The law of mortgages is very intricate as your experience at the bar, Sir, must have convinced you. Even the names and definitions of some kinds of mortgages present difficulties even to lawyers. Those are all matters which this Assembly in its wisdom has chosen to entrust these gentlemen with. Is it not necessary, if these gentlemen are going to be called upon to decide those matters, that some kind of assistance should be provided for them? I, therefore, say that it should be possible to a creditor or debtor to be represented by a legal practitioner. The boards, you may take it, are not likely to allow legal practitioners to appear for obvious reasons. I appeal to you as a lawyer with experience of courts and ask, is not the presence of a lawyer in court one of the best remedies against the arbitrary and unjust use of powers by the presiding officer of the court? Does not your experience of administration of civil courts, as compared with administration of justice by courts where legal practitioners are not allowed to appear, convince you that the arbitrary use of power predominates in those courts? Is it not a fact that the litigants have to run after chaprasis and ahlmads where legal practitioners are not allowed to appear? Therefore, in the interest of purity of administration, in the interest of decent dealing by these conciliation boards themselves, it is necessary that an intelligent agency and a fairly intelligent agency like that of lawyers should be available to assist them or at any rate to watch their vagaries or to report to the Government or the Honourable Minister of Development the illegal practices of some of these conciliation boards and also whether and whenever they act in a manner contrary to the provisions of the Act. I know that several Bar Associations feel very strongly in this matter. Only the other day, I am told, the Amritsar Bar Association passed a resolution for holding the session of the Bar Conference at Amritsar with a view to bring to the notice of the Government and to the notice of the people of the Punjab that the jurisdiction of the civil courts and of the employment of lawyers is being seriously curtailed by the legislation which has been passed by this Government. Rightly or wrongly, in other countries, it is a general belief that the lawyers are the best custodians of the liberties of the people. May be that the experience of some members sitting on those benches is different, but we on this side of the House know that the lawyers in the Punjab have justified their existence inasmuch as they have stood up for the weak and the oppressed against the tyranny of the plutocrat whether he is a landlord or whether he is a capitalist banker. It is open, by the system which the Government has instituted, for the meanest kamin in this province to file a complaint against the big potentate and get justice at once, but when you deprive the people of the instrument which the Government has provided them for putting their grievances before proper authorities, you are certainly doing great injustice to the province. You would pardon me for taking the time of the House for recording my protest against this attempt which is made by this Government to exclude lawyers from all legislation which has recently been passed by it. Take the Panchayat Act, take the Restitution of Mortgaged Lands Act, take the Land Alienation (Amendment) Act

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and take all other legislation. After all, why are they afraid of lawyers, why are they afraid of publicity, why are they afraid of intelligent persons watching the administration of these Acts? I, therefore, strongly appeal to the Government that in this matter at least they should not exclude the lawyers of the province from appearing before the boards.

Lala Duni Chand : There is one circumstance that makes it absolutely necessary that the party to the conciliation proceedings should have the right to engage legal practitioners without any restriction and without any qualification and that circumstance is that it has been already passed by this House that where there is one or more than one creditor it will be absolutely necessary for them not only to file the written statements within a stipulated period, but it will also be necessary for them to appear either personally or through recognised agents or through legal practitioners on all the hearings. That has already been passed. If it has been made obligatory by the proposed law that every creditor must necessarily appear in one of the three ways, namely, either personally or through a recognised agent or through a legal practitioner, what justification can there possibly be for the Government not to allow the unfettered right to the party to engage lawyers? After that clause has been passed, I understand that the Government is estopped from denying to them the absolute right to engage legal practitioners.

I do expect that without any discussion or without any debate on this point, the Honourable Minister in charge will at once get up and accept this amendment. It is a wonder to me that this amendment is being opposed. In support of what I have said, I would like to relate a short story which I have borrowed from the Gulistan of Shaikh Saadi. That story is that a starving beggar went into a street and he found that all the doors, from which he could expect alms, were closed upon him. Not only the doors were closed upon him, but he also found that the people of that street had let loose the dogs. The beggar went into the street for a morsel of bread. Those dogs began to bark at him and they were about to bite him. He said, 'What curious people are these. On the one side all the doors have been closed upon me and I cannot get a single morsel of bread from these people, and on the other hand they have let loose their ferocious dogs and I fear they are going to bite me.' Then he wanted to pick up a stone from the street and the street was so snow-bound that he could not pick up a stone and he said, 'It is extraordinary that even an instrument of self-defence I cannot find so that I may be able to drive away these dogs.' He then said, 'I have seen nothing more curious than these people.' This is exactly the position of this Government. I think this is a very curious Government. On the one side this Government wants to make obligatory upon the parties to be present on every hearing. There may be 30, 40 or 50 hearings and people may have good reasons to be absent, they may fall ill or there may be other reasons on account of which it will not be possible for them to appear personally. Then in that case it is only fair that they should be allowed to appear through their recognised agents or through legal practitioners without any restriction. If they are not allowed to engage a lawyer as a matter of right, a great injustice will be done to them. Cannot this Government see through these obvious reasons? This is the obvious reason and the most convincing reason. I do not want to go into other reasons.

Lala Sita Ram (Trade Union, Labour), (*Urdu*): Sir, certain eminent and distinguished lawyer members have tried to throw light upon the amendment moved by my honourable friend Dr. Sir Gokul Chand Narang. As they are lawyers they may be accused of thinking of their own loaves and fishes, but a layman as I am I must make a few observations in this connection. In fact it is the idea of safeguarding the best interests of both debtors and creditors that has prompted me to make a speech on the point. I am strongly of the opinion that the parties concerned should be given the right of producing legal practitioners before the boards without applying for permission in the very beginning, so that they may enable the latter to understand the intricacies and implications of the law. There is no doubt about the fact that the point at issue is highly important and calls for serious considerations on the part of the Government. Section 24 of the original Act provides that in any proceedings made under the said Act, any party may with the permission of the board be represented by an agent authorised in writing or by a legal practitioner. These privileges were granted when they were not necessary as the powers of the board were limited; but now when these powers are enhanced and a lawyer with a legal mind to understand the pitfalls of law, is indispensable, the concession is withdrawn. I have not the slightest hesitation in admitting that the presence of a legal practitioner in the board can enable the latter to use its best endeavours for bringing about an amicable settlement between the debtors and creditors. In fact they can prove immensely useful in inducing the parties concerned to arrive at an amicable settlement, in ascertaining the genuineness of the relevant deeds and documents, and in making out the cases of their clients. The non-appearance of lawyers before the boards would prove detrimental to the best interests of the debtors as well as creditors. Now when you are debarring the civil courts from entertaining an appeal filed by a person aggrieved by the decision of the board, it would be in the fitness of things to allow the lawyers to present the cases of the debtors and creditors before the boards. Although it entirely rests with the board to give its final decision in respect of any debt, yet the debtors and creditors should not be deprived of this simple right of theirs to utilize the legal advice available to them. It is with this object in view that the present amendment has been sought to be moved. The Government should have no hesitation in accepting this amendment which is simple yet highly important. With these words I support the amendment under consideration.

Mir Maqbool Mahmood (Parliamentary Secretary): Sir, it has been stated by my honourable friend, Mr. Mukand Lal Puri, that the present Government is introducing this clause out of their apathy for the legal profession. I speak as a lawyer and one who is proud of belonging to that profession and I also feel that those gentlemen who belong to this profession as such would be proud of it. All I can say is that the charge brought by my honourable friend is unfair. He will find that in the present Government itself, there are three distinguished lawyers. Speaking with regard to conciliation boards, he will find that practically in every conciliation board there is a lawyer of some experience and in a few, where a lawyer is eliminated, a judicial officer of experience has been brought in.

Dr. Sir Gokul Chand Narang : Is that so ?

Mir Maqbool Mahmood : That is a fact which I have ascertained from the department. That is the position. With regard to the appearance of the legal profession before the conciliation boards, there appears to be some misunderstanding with regard to this clause. This clause is not intended to bring in any fresh idea or provision forbidding the legal practitioner to appear legally before conciliation boards. You will find that section 24 of the Act of 1934 was passed by the Government, of which my honourable friend Dr. Sir Gokul Chand Narang, a distinguished lawyer, was a distinguished member. They had passed a clause that without the permission of the board neither an authorised agent nor a legal practitioner can appear before a board. What have we done? We have not touched that part of the section which deals with the legal practitioners. We have removed the limitation which is imposed that an authorised agent should be able to appear before the conciliation board even without permission of the board. So instead of charging the Government for having made this measure very stringent, I think, in fairness, it is up to the members of the Opposition to congratulate the Government and the select committee on having liberalised the provision of this clause from what it originally stood. With regard to the appearance of legal practitioners before the board let me make it clear that even at present there is no bar to the legal practitioners to appear before a board. What the law enjoins is that they should appear with the permission of the board and I have to submit on authority that this permission has invariably been granted even in the conciliation boards where they have no power of adjudication. As a matter of fact there is not a single complaint from any lawyer that the permission was not granted to him to appear before a certain board. That is a matter which has to be borne in mind.

There is also another fact. My honourable friends will find that with regard to matters where the conciliation boards will be free to adjudicate we have provided two safeguards. Firstly, it will be open to the board to permit a lawyer to appear. There is to be an appeal to the collector and assistant collector not below the rank of first grade. The section does not lay a bar to the appearance of legal practitioners before a collector or assistant collectors, nor does it enjoin that their permission must be sought before they appear. Let me make it clear that cases involving points of law coming before the boards are not likely to be so many that it is necessary that legal practitioners should be permitted. On the other hand, I think it will be conceded that there are cases of the type of conciliation between a poor debtor and a very rich capitalist money-lender and, I speak with due deference to some members of my own profession, where they may not like to take a reasonable view of the matter and conciliation might be possible without them, you have a provision that as of right the legal practitioners should be allowed. In view of these matters what the select committee have done is to leave the *status quo* so far as permission with regard to legal practitioners is concerned. I feel confident that if it is found that the board is misusing the power and is not giving permission to the legal practitioners to appear in cases where it is in the interest of all concerned that they should be given the permission, the Government should

be able to issue instructions and it will be open to us to amend the clause. I can assure my honourable friends that these boards are in the charge of a Minister who is taking special care to see that the boards work properly. I am proud to state that members of my profession are such that any such omission is not likely to come up. I am sure that no reasonable application has been opposed by the boards so far. In view of these considerations I would submit that we should not take a parochial view. The position is clear so far as the agents are concerned: there is not to be any limitation in future for permission to appear so far as legal practitioners are concerned.

Dr. Sir Gokul Chand Narang: There was no limitation under the old Act.

Mir Maqbool Mahmood: My honourable friend should read the old Act; the words are—

In any proceedings under this part of the Act, any party may with the permission of the board be represented by an agent authorised in writing or by a legal practitioner.

That means that under the old Act even an agent was required to take the permission of the board but by this amendment the proposed agent will not have to take the permission and to that extent it has liberalised the provision. With these submissions I beg to oppose the amendment moved.

Diwan Chaman Lall (East Punjab Non-Union Labour): May I say a word in regard to my honourable friend's speech? He has made one very important admission and given an exhibition of the fact that he has never been a very serious practising lawyer. My honourable friend says—I quote his words—"Permission has been invariably granted for lawyers to appear before the conciliation boards". I take it that that was a statement seriously made by him. If that statement is correct I ask him: Why do you not allow lawyers to appear in all cases? If in actual practice, according to his statement, lawyers have been invariably permitted—it means there has not been an occasion on which they have not been permitted—then why bring in a measure of this nature which is a dead letter already and let that dead letter continue? I ask my honourable friend to give me a reply. If the practice has been of this nature why not continue the practice by the sanction of law? I want to be enlightened by my honourable friend in regard to this matter or by anybody on the other benches who might speak for him in reply to this particular remark. The second statement made showed that my honourable friend disclosed a lack of knowledge of actual procedure in law courts. It is not a question of a rich applicant or a poor litigant. The matter is one of the difficulty or the ease with which a particular legal point can be considered by this board. I think on that, with your experience of law courts ranging over more than half a century, you will be able to enlighten my honourable friend that not until an eminent lawyer like yourself or like my honourable friend the Minister for Finance gets up in a law court to raise that particular point, not until then is it possible to judge whether the point is of an intricate nature or not. Reading an application or reading a plaint does not give you the proper analysis of the legal position, not until the case is put and a judge holds really whether the point is of a serious and intricate nature or not. That is the *raison d'être* for a lawyer to appear.

[D. Chaman Lal.]

My honourable friend must realise that it is no longer a question of a rich man *versus* a poor man or a poor applicant *versus* a rich litigant : it is purely a question of a law point of a serious nature arising. If a law point is capable of being discussed by a lawyer under the present practical conditions, why should it not be capable of being discussed as a matter of right ? Why should my honourable friend deny that right to a lawyer for a debtor or a creditor as the case may be to go before the board and have the case settled properly ? My honourable friend said, look at the position to-day ; we have improved the position. I would ask, what improvement is sought to be made ? Section 24 does not give the right. As a matter of fact it does not give the authority for a man to appear by way of an agent unless he has put in an application in writing before the board. What it says is not ' shall ' but ' may.' There is no question of a mandatory duty imposed that in all cases a man can come before a board by virtue of the section and have the case argued before a board by an agent duly authorised by him in writing. The words are as my honourable friend will see—

In any proceedings under this part of the Act, any party may with the permission of the board be represented by an agent.....

The words taken out are ' with the permission of the board.' The word is ' may ' and not ' shall.' It shall not be represented : but may be represented and the board may say, no, we will not permit you to be represented.

The second part of what my honourable friend says amounts to this that if the words ' with the permission of the board ' were taken out the clause would have been perfectly all right. By taking out the words ' with the permission of the board ', this clause would read like this—

In any proceedings under this part of the Act, any party may be represented by an agent authorised in writing or by a legal practitioner.

But no, my honourable friend, because he has a bias against legal practitioners, I cannot see any other reason, interposes these words ' with the permission of the board ' and states that although an agent may appear before a board and a man may be represented by an agent before a board, yet as far as legal practitioners are concerned he will have to get permission of the board before he can appear. I do submit, Sir, that it is not a dignified thing to do as

5 P. M.

far as the profession itself is concerned. It may be that there are certain biased members of the board who may permit a particular lawyer to appear and may not permit another lawyer. It amounts to giving power of jobbery into the hands of a board and doing grave injustice and injury to the profession. Much may be said against this profession, but my honourable friend will admit—he himself belongs to this profession—that it is a very honourable profession ; it is a profession of which we are all proud ; it sets a very high standard for an individual generally speaking. I would be the last person if I were called upon to represent a case before a conciliation board to accept a brief under this restriction. It is, Mr. Speaker, degrading the profession to add a restriction like this of asking permission for appearing before a board. The legal profession is as much necessary for the administration of justice as the judiciary and should be treated on that very level and should be treated with the respect that is due to it.

My honourable friend should be agreeable to stopping at this particular amendment and should not proceed with the second amendment and thereby give permission as a matter of right to anybody to be represented before the board either by an agent or by means of an authorised lawyer.

Mr. Speaker, the final point still remains. I take it that my honourable friend will look at it from a practical point of view and will remember his own expression that he used in his speech. He said that permission has been invariably granted and if that is so, I do not see any reason why this restriction should be there.

Munshi Hari Lal (South-Western Town, General, Urban): Sir, with regard to the question of lawyers appearing before the conciliation boards one of the arguments advanced by my honourable friend opposite was that no complaint has ever been made up till now against a board by a lawyer for his being refused to appear before that board. I want to ask him, how does he know that? Are such complaints to be submitted to him? Sir, we, who are practising in the mofussil know how difficult it is to seek permission to appear before a board. Before whom are we to complain? Are we to complain before the present Ministry which is so much averse to lawyers? Whenever any legislative measure is brought before this House, it contains attacks against the lawyers. If he wants complaints—

Mr. Speaker: Almost every speaker has argued that this law is averse to the legal profession.

Dr. Sir Gokul Chand Narang: He wants to show that there have been many complaints, but there is nobody to listen to them.

Munshi Hari Lal: My point is that there are complaints but there is none to look to these complaints.

(At this stage, Mr. Speaker left the chair and it was occupied by Mr. Deputy Speaker.)

The introduction of the words 'with the permission of the board' means that lawyers will be required to win favour of the members of a board and this means demoralisation of the legal profession. The legal profession is the custodian of the rights of the poor. It is the protector of the weak. If this profession is to be demoralised and if this is the object of the legislature and of the Unionist Government, well and good, then retain this provision. But if there is any sympathy with them, if there is any love for honesty, such a provision should not be allowed in the Act.

Another argument was advanced from the other side that in the original Act this very provision exists. I may point out that the original Act was not so complicated as the amending Bill is. I need not repeat what has been said by my friend Lala Sita Ram, that so much power of adjudication has been given to the boards that no one can question it. I submit that as enormous powers in the hands of the boards are likely to be abused by them, the appearance of lawyers as of right is all the more necessary. Rather they should be encouraged to appear before the boards. These lawyers will watch the proceedings in the boards and see that nobody suffers injustice.

[Munshi Hari Lal.]

Another argument advanced by an honourable member opposite was that in the constitution of the boards the rule is always observed that one of the members of the board must be a lawyer and if a lawyer is not available a member of the judiciary should be placed on it. If the honourable member is under this impression, he is labouring under a misapprehension and I would inform him that on the boards the number of lawyers is not many. And if on some boards there are lawyers, I can say without any disparagement to them that they are briefless lawyers whose knowledge of the civil law is very limited. They have been appointed as members of the boards not because they deserve to be appointed on the score of merit but because they might have won the pleasure of the authority competent to appoint them as members. They are not appointed on the strength of ability, but they are appointed because they belong to a certain community, to a certain class or because they are connected with or related to certain high personages. On the other hand, merit is very often a disqualification. Why should a member of the profession, if he is earning something and if he is making his headway in the profession, sacrifice for a period of a year or two, his practice and join the conciliation board? Members having a practice at the Bar invariably refuse to become members of debt conciliation boards. It is argued that as there is a lawyer on the board, legal practitioners are not necessary for the board. Is this not a curious argument? The High Court Judges are mostly lawyers. The civil courts are now mostly presided over by lawyers. But in spite of the fact that they were themselves eminent lawyers, in spite of the fact that they were lawyers of some standing and in spite of the fact that they were appointed because of their special legal knowledge, they stand in need of lawyers to assist them. They do not want that lawyers should be stopped from appearing before the court. On the other hand, they want to encourage lawyers, because they themselves want legal help.

The members of the debt conciliation boards no doubt belong to the agricultural community. They may be well knowing the language of the cows or the language of the bullocks, they may know all about agriculture, but when the question of law comes in, surely they cannot be expected to be conversant with it. They cannot be expected to know the intricacies of law. The intricacies of law and their solution they have to learn from the lawyers. If the present Bill were a simple one, there would be justification for shutting out the lawyers, but as it is, the exclusion is not justified.

Mr. Deputy Speaker : The honourable member is repeating his own argument.

Munshi Hari Lal : If you wait for one minute, you will see that my argument is a new one. I am a lawyer. In this House the honourable members who adorn these benches are mostly zamindars and they are making laws in the interests of the zamindars. (*An honourable member :* There are 50 lawyers here). My argument is that the law is not so simple. The Honourable Minister for Development has written a commentary on Relief of Indebtedness Act which extends to over 800 pages. Another annotation extends to about 400 pages. If the law were so simple, the

Honourable Minister for Development would not have written such a bulky book. The very Honourable Minister who is now sponsoring this Bill has produced such a big volume of commentary upon the Relief of Indebtedness Act. Can this Bill, can this Act be called a simple Act? If it were a simple Act, if it were an Act which required no elucidation, if it were so intelligible to any layman, so many commentaries would have been quite unnecessary. The law is intricate and intricacy requires that the services of a lawyer should be available as a matter of right to the litigant community.

Khan Bahadur Nawab Muzaffar Khan (Attock North, Muhammadan, Rural): Sir, I had no idea of taking part in this discussion, but from what I have heard it appears to me that there is some misunderstanding in this case. As far as I have been able to make out the present provision makes absolutely no difference. In fact it is an improvement on the previous provision of law. As regards lawyers much has been said by Diwan Chaman Lall. He said that there are lawyers and lawyers and that there are briefless lawyers. As regards lawyers, I have nothing to say and I have very great regard and respect for them, but with all due respect I may say and my lawyer friends will no doubt accept it, that even in small and petty cases of Rs. 100 or Rs. 200 it is my own experience as a munsif—I have been a munsif for about ten years—that even in petty cases when lawyers have appeared we had to extend those very petty cases from day to day and from hearing to hearing. My friends will admit that wherever they want they can extend the cases. If this were allowed in conciliation boards there would be difficulties. In spite of this fact there is a provision in the Bill that wherever there are intricacies, lawyers can be engaged. This again is a great improvement on the provisions in other provinces. If you cast a glance at the Central Provinces Act, you will see that section 20 provides :

In any proceeding before a board any party may be permitted to appear by an agent authorised in writing but not by a legal practitioner.

Legal practitioners have been specifically excluded. From this it would appear that this is a necessary provision and I think that the Punjab provision is an improvement on the provision elsewhere, and I doubt very much whether any case has been made out by the Opposition.

Then my friend Munshi Hari Lal said a good deal about the appointment of relatives of highly placed men on the conciliation boards. He said that wherever these boards have been constituted, the relations of highly placed personages have been appointed. I am afraid this is a very wild statement, and the honourable member has not given even one instance. On the other hand I know of a few instances in my own district and in other districts where very good lawyers have been appointed. After all, as I said the other day, lawyers unlike poets, are not born, they are made. I mean to say, I myself learnt my law. The honourable members may take objection and say that the zamindars do not know the law. I think it is merely a question of application. Members of the board with some education will learn the provisions of the Act in a short time.

Lala Duni Chand : Do you want an instance? If so, I will give you one. One of the members of a conciliation board at Ambala was recommended by the Deputy Commissioner as unfit to be a member. He protested

[L. Duni Chand.]

against the appointment of that gentleman. In spite of that these high authorities like the Deputy Commissioner and the Commissioner were overruled and he was appointed by the Honourable Minister for Development.

Khan Bahadur Nawab Muzaffar Khan : What my friend Mr. Hari Lal said was quite different from what my friend Lala Duni Chand has said. What Munshi Hari Lal said was about relationship. Personally I know of no such case. There may be, but the few cases that I know of are, where very good and very honest class of lawyers have been appointed and they are generally the presiding officers of those conciliation boards, and wherever there are no such lawyers available, retired extra assistant commissioners or other officers who have been administering the law throughout their life have been appointed.

Another important factor is that if you see the note of dissent by these very lawyer friends who have now objected, you will see that they never took exception to this provision in the select committee. They did differ on other provisions, but as regards this particular provision they did not take any exception. Mr. Puri, Pandit Muni Lal Kalia and Munshi Hari Lal, all were members of this select committee. From this it would appear that they are not very serious regarding this amendment. Above all, as I have said, in other provinces the lawyers have been excluded altogether, and I do not think that the matter is so important as has been made out by the Opposition. With these words I oppose the motion.

Dr. Sir Gokul Chand Narang (West Lahore Division, General-Rural) : Perhaps it would not have been necessary to make any reply because my honourable friends have discussed the subject fairly well. But the honourable Parliamentary Secretary, Mir Maqbool Mahmood, was pleased to bring in my name in connection with the Act as it exists at present. Well, I was a member of the Government when the present Act was passed and that Act did not allow the legal practitioners to appear without the permission of the conciliation board, it is quite true. But the Parliamentary Secretary has overlooked one very important fact and that is this. Under the Act as it stands, the board was established exclusively for purposes of conciliation, to bring the parties together and persuade them to come to a settlement. You do not require much law there. You require persuasive powers. You require men with commonsense and intelligent men who might explain to the parties the virtue of remaining friends and who could persuade the creditor to remit a part of his claim and also persuade the debtor to agree to pay a certain part of the claim. That certainly did not require much knowledge of the law, either substantive law or procedural law or law of evidence. But the Parliamentary Secretary, in spite of being a wide-awake person and a lawyer, has ignored the most radical change, the most drastic change which this amending Bill seeks to bring about in the original Act, by which these tribunals or boards are now being transformed into courts, not only ordinary courts but courts which will exercise the powers of a first class sub-judge. If they are converted into courts and their jurisdiction has been fixed as high as Rs. 10,000, then my submission is that they cease to be conciliation boards and then they cannot say that no lawyers are required. If this jurisdiction had not been conferred upon them, then certainly, I would have never moved that lawyers should

be allowed to appear as a matter of course. The world may be surprised—they say here that the Punjab leads—the Unionist ministry will be leading all the governments of the world when they have passed this Bill and they announce to the world that here are courts in this province which will decide cases involving questions of property to the extent of Rs. 10,000 but before whom no lawyer can as a matter of course or as a matter of right appear. I have no doubt that the world will be astounded at this announcement, because such a course will be entirely unique. My honourable friend, Nawab Sahib, quoted his personal experience as a munsif and pointed out that even in petty cases he had to postpone cases from day to day because lawyers appeared and raised nice points of law, not the ordinary points of law but subtle points of law. Nawab Sahib found it rather difficult to dispose of those points straightaway and therefore he had to postpone cases so that he might study the law himself and might be in a position to give a proper *munsifana* decision, as a munsif. That rather shows how necessary lawyers are. Otherwise Nawab Sahib would have said, do not talk nonsense. I know all about this and here is my order. But he was obliged to postpone cases where the lawyers raised points which he could not ignore and had not occurred to himself and by ignoring which he would have involuntarily done injustice to one party or the other. I think instead of making this belated complaint, he ought to have expressed gratitude to those lawyers who appeared before him and who saved him from making mistakes and probably giving unjust decisions. Then he gave another argument. He read out the relevant provision in the Central Provinces Act. He said that under that Act an agent can be authorised in writing to represent either party, but not a lawyer. There again he makes the same mistake as was made by the Parliamentary Secretary, Mir Maqbool Mahmood. I have carefully studied the Central Provinces Act, and I may tell Nawab Sahib for his information that the Central Provinces Act is an Act of conciliation. The whole effect of it is the scaling down of debts. There the tribunals are not tribunals which are entrusted with the adjudication of cases to the extent of Rs. 10,000. There is another distinction and that is this. Wherever a conciliation board passes an order, the Government takes upon itself the responsibility of paying to the creditor the decretal amount determined by the conciliation board and then it recovers by easy instalments from the judgment-debtor. That is provided there. But whatever that is, it is an entirely different matter. The question is whether, when the conciliation boards are entrusted with the power to decide cases worth Rs. 10,000 or even more, it is not necessary that lawyers should appear. Why should the Government fight shy of lawyers? I think there is only one thing which is lurking in their mind, if I can make a guess. They think that if lawyers are allowed, creditors will be able to afford lawyers, while the poor debtors may not be able to afford lawyers. That is probably what is passing in their minds. It may be there is some force in that. But rather than shut out the courts against the lawyers, I would risk it. We know as a matter of fact even now that even in small cases, parties are as a rule represented. I do not mean any disrespect to any of my lawyer friends either in this House or outside this House, but the scale of fees of lawyers is not very high these days. As my practising friends would know, lawyers can be engaged on very low fees. I would not mention them, but they

[Dr. Sir Gokul Chand Narang.]

are so low that I myself feel shy to mention because that may imply disrespect to lawyers. Nawab Sahib should know and all practitioners know and my zamindar friends also know. The fees are so low that they are really unmentionable. So when the fees are so low and lawyers can be engaged so cheaply that argument disappears. The apprehension disappears. (*Interruption.*) Now my friend over there says "lower the fee the more worthless the lawyer." In ordinary matters it may be true. He should not think that lawyers command fees always in proportion to their worth. There are some very able people at the Bar who owing to various reasons cannot command high fees, while there are other lawyers who may not be better qualified than their poorer brethren but owing to various circumstances are in a position to command higher fees. So that it cannot be said that a lawyer who charges a low fee must necessarily be worthless. Certainly not. There are doctors who charge Rs. 32 and even Rs. 64 for examining a patient, while there are doctors who will do the same thing with equal efficiency for Rs. 5 and there may be others who may be able to do it for Rs. 2 and just as the world goes on with Rs. 2 doctors, with Rs. 5 doctors, with Rs. 16 doctors, with Rs. 32 doctors and with Rs. 64 doctors and with surgeons who charge hundreds and sometimes thousands for their operations.

• **Raja Ghazanfar Ali Khan :** And with barbers.

Dr. Sir Gokul Chand Narang : They can go on with cheap lawyers. And also they can go on with barbers. My friend seems to have an experience of some barber surgeon. Some of them are very good indeed and sometimes they can handle cases with greater success so that that argument really should not be dilated upon. That apprehension which is being entertained by my friends really should disappear, because they know that if there is a debtor who owes a debt of Rs. 10,000 and goes to a court with a petition, he can certainly afford to engage a lawyer and a lawyer of good standing. A person who owes Rs. 5 or Rs. 10 or Rs. 20 will never taken the trouble of going to a conciliation board, because his creditor will himself say, he is a half-penny two-penny fellow, if he is prepared to pay me Rs. 5 all right let us be quits and be finished. It is only people with larger debts who want to get rid of their debts who will go to the boards and they can easily afford lawyers. So that my submission is that even this argument should not weigh against my amendment. My friend said that the present amendment enlarges or liberalizes the existing section in the Act. In one respect it does because an agent can appear if he is authorized in writing without the permission of the board. That is quite all right. But my submission is that there should be no restriction even on lawyers. Other reasons have been given and I would not repeat them. I would simply say one word more. The word demoralization has been used here on more than one occasion. That will be the surest way of demoralization of lawyers. I do not mean any disrespect to anybody, just as I did not mean any disrespect to anybody on other occasions, if lawyers for appearing before a board have to take the sanction of the members of the board of conciliation, knowing as we do the constitution of these boards, do you think a grain of self-respect will be left in their minds? Their self-respect would be surely

destroyed, their prestige would be utterly destroyed and their independence would be utterly destroyed.

Khan Bahadur Nawab Muzaffar Khan : What do you do when you go to the North-West Frontier Province ?

Dr. Sir Gokul Chand Narang : That is an entirely different matter. If you have to appear in a High Court you have to get the permission of the High Court, I mean in any other High Court. It is no disgrace to apply to a High Court for permission. No lawyer feels himself above a High Court. If he does, I would say he is too vain, because we make our submissions to a High Court. But my submission is that even if he has to apply to a court for permission he applies to a court and not to three gentlemen picked up from the countryside and pitch-forked into the court chairs to dispose of cases worth ten thousand rupees. You ask your lawyer friend sitting over there, how he will like to ask the permission of these gentlemen. And then, Sir, knowing as we do, how these conciliation boards are influenced by extraneous considerations every lawyer would be feeling that he should not do anything or say anything in the village lest in the next case in which he wants to appear, permission may be refused. This will be the position. You are a lawyer yourself, Sir, and you can very well visualize what the mental condition of the lawyers would be if they have to depend upon the sweet will of these conciliation boards. You may look at the matter from any point of view, from any aspect of the question and you will agree with me that the permission should not be made compulsory. In this respect I would say with no intention of being rude, the Government is going back to the barbarous ages, even pre-Roman ages, when hardly any system of law existed and lawyers or legal practitioners as we understand them did not exist. But even in the times of the Romans you would know, the gentlemen who were placed in a position of authority and were called upon to dispense justice felt nervous when any particular matter of importance came up before them, and gradually a class of lawyers grew up who were in the Roman Law called *Juris Prudentes*. They were called by the courts themselves to assist them and help them. In the same way in ancient India, there was a class of people who were there at the disposal of people who were called upon to dispense justice and dispose of cases, and questions of difficulty involving interpretation were referred to them. In the same way there were Muftis, I think it is Muftis, who dispensed Muslim law. Qazis were the judges and Muftis were the lawyers. The institution of Muftis grew up in the Muslim countries to advise the Qazis on all difficult questions of Muslim law.

Khan Bahadur Nawab Fazal Ali : Certainly not.

Dr. Sir Gokul Chand Narang : They were Muftis. The Muhammadan law was administered through them and in matters of succession, and other cases of inheritance, etc., they were consulted. So that the necessity of the class of lawyers to help the courts was realized thousands of years ago and now this Government wants to go back to antediluvian days when no such institution existed or was ever thought of. The world is progressing, the world is going forward but our Government is trying to go backwards simply on unfounded apprehensions. With these words I would press my amendment.

Mr. Deputy Speaker : The question is—

That sub-clause (b) be deleted.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 11 stand part of the Bill.

The motion was carried.

Claus 12.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : I move—

That in the proposed subsection (2), lines 13—16, the words “ and if..... forthwith ” be deleted.

This is a new amendment of section 25 of the Act. Section 25 of the Act deals with the stay of proceedings when a debtor has sought assistance of the conciliation board under section 9 or when the creditor has moved the conciliation board. Section 25, sub-clause (1), lays down that all proceedings in civil courts pending with respect to that matter, at whatever stage, will be stayed. This sub-clause was not in the original draft which was put forward before the House, but in the select committee this portion was added, “ 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 proceeding.* ” The argument put forward was that if an animal is attached and the execution proceedings are stayed, somebody will have to bear the expenses of the proceeding which might be more than the debt due. To that portion of the clause no objection was raised but what followed in italics deals with a subject which has nothing to do with the animal. I do not know what the object is of giving this in italics except that it is done to show that it was not in the original amendment. (*Inter-ruption*). Oh, I am sorry. The words in italics have been added in the select committee. You will kindly observe that this is hardly a place where it should have found its place. If the idea was to modify the law in respect of execution of decrees, the provision of the Civil Procedure Code should have been amended or a separate section should have been brought in. This seems to be entirely out of place here because the provision is that as soon as a petition is put in, the judgment-debtor will be released. If the provision has to be modified, let it be modified in the ordinary way.

Mr. Deputy Speaker : The question is—

That in the proposed subsection (2), lines 13—16, the words “ and if..... forthwith ” be deleted.

The motion was lost.

Dr. Sir Gokul Chand Narang : I think the whole of this clause should be omitted. This clause seeks to add one subsection to section 25. Section 25, as it stands in the existing Act, reads as follows :—

“25. When an application has been made to a board under section 9, no civil court shall entertain any new suit or other proceedings brought for the recovery of any debt for the settlement of which application has been made to the board and any suit or other proceeding pending before a civil court in respect of any such debt shall be suspended until the board has dismissed the application or an agreement has been made under section 17.”

In the first place, the proposed subsection (2) does not fit in properly with subsection (1) or the existing section which, under the amendment, will be subsection (1) of section 25. Then on the merits, my submission is that it is an inequitable one. Supposing an animal is attached and this amendment rules that the animal attached shall be returned to the judgment-debtor, he shall be entitled to the return of such animal but shall not be competent to sell or in any way part with the ownership and so on. Now, the suparddar has certain responsibility because if the animal is lost while in his custody or it is disposed of, he will be responsible to the court. If the animal is returned to the judgment-debtor no responsibility attaches to the judgment-debtor. The clause does not provide that if the animal is lost, while in his custody, or anything else happens to the animal, the judgment-debtor will have to replace it. The animal once given to the judgment-debtor will practically become his own and the attachment will be nullified. The mere restriction that he shall not be able to sell it or part with the ownership of it is not adequate at all. If the proceedings drag on—and it will be in his interest that the execution proceedings drag on—the animal will remain in his possession and he will be riding the mare and may be giving it on hire and if it is a camel, he will be using it either for working the Persian wheel or for other purpose. If the execution proceedings drag on for a year or two, the value of the animal would go down very much and then when he is called upon to produce it, he may not produce it. And why should he produce it? Supposing, it is an animal which is not forbidden for eating purposes. He will use it as long as he likes and when he is to return it he will only say that the animal has died. Something is bound to happen to the animal. It may be used for eating by the judgment-debtor or some other agency. Thus an end will be put to its life. Supposing it is a camel—and I think a camel is not *haram* to anyone—the whole village would probably feast upon it and the skin of the camel can be sold in the market for making *kuppas* and other things. Why should he return the animal to the court? I do not know if this has occurred to the honourable mover of this Bill. I would, therefore, submit that this clause is pernicious so far as the interests of justice are concerned and it should not be allowed to be passed.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I do not think an elaborate speech is necessary. My honourable friend Mr. Mukand Lal Puri said that he was rather surprised that these last words were written in italics. They were written in italics for the simple reason that they were added by the select committee. He himself was a member of the select committee. The next thing which he said was that he had no objection with regard to animals, and that animals should be released, but where human beings are concerned, they should not be released. That is the sense of

[Premier.]

proportion which my honourable friend has shown! Animals should not be kept in confinement because they are innocent creatures and should be returned, but human beings should be kept behind the bars because, according to my honourable friend, the estimate of value of animals is greater than that of human beings! I must say that it is a very incongruous argument.

Then, my honourable friend Dr. Sir Gokul Chand Narang went on to say that the case might proceed for two years, and then what would happen to the animal? My honourable friend should remember that the courts will not leave the animal unprotected for two years. He was putting forward arguments which were not germane, and he said that the judgment-debtor would be riding the mare and that he would kill the camel and eat it up, and that before attachment you cannot stop him. (*Dr. Sir Gokul Chand Narang*: Where is the safeguard?) But my main point is this, that members of his party here agreed in the select committee to that particular amendment, and the only part from which they have gone back on their words is the last portion where the release of a human being is concerned. I think the House will agree with me that human beings, however depraved or degraded they may be, still have a higher value than animals.

Mr. Deputy Speaker: The question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Mr. Deputy Speaker: The question is—

That clause 13 stand part of the Bill.

The motion was carried.

Clause 14.

Premier: I move—

That the consideration of this clause be postponed.

The motion was carried.

Clause 15.

Lala Sita Ram: Sir, I beg to move—

That in the proposed section 35 (a) (1), lines 5-6, the words "not proved by the decree-holder to have been" be deleted.

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

That in the proposed section 35 (a) (1), lines 5-6, the words "not proved by the decree-holder to have been" be deleted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, section 35 of the Relief of Indebtedness Act deals with the amendment of section 60 of the Code of Civil Procedure and the section in the Act runs as follows:—

In section 60 (1) (c) of the Code of Civil Procedure, 1908, for the words "occupied by him" the following words shall be substituted:—

"not let out on rent or lent to others or left vacant for a period of a year or more".

In order to understand section 35, it is necessary to bring to the notice of the House the provision of section 60 of the Civil Procedure Code of 1908. Section 60 of the Civil Procedure Code lays down that certain kinds of properties shall be exempt from attachment in execution of a decree. Various kinds of properties are specified there and one of the property exempt from attachment is the house belonging to an agriculturist. The amendment which was made by section 35 of the present Relief of Indebtedness Act provides that instead of the words "house occupied by an agriculturist" the words "not let out on rent or lent to others or left vacant for a period of a year or more" be inserted. The result of this provision was that not only the house of an agriculturist, which was occupied by him was exempted from attachment but also all those houses which although not occupied by him were "not let out on rent to others or left vacant for a period of a year or more", so that it was open to an agriculturist judgment-debtor to show that although the house which was attached was not occupied by him yet it had not been rented and that it had been vacant for a period of a year or more. If he showed that, in addition to the house occupied by him such a house was also exempt from attachment. The present amendment just now proposed is—

In section 60 of the Code of Civil Procedure, 1908—

(a) in subsection (1)—

(i) in clause (c), for the words "occupied by him" the following words shall be deemed to be substituted, namely :—

"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 dependants or left vacant for a period of a year or more ;"

So that this amendment extends the protection which was given by the previous Act. The previous Act only confined the protection to houses not rented or lent to others or left vacant for a period of a year or more. This amendment confers the exemption even if the house may be occupied by "father, mother, wife, son, daughter, daughter-in-law, brother, sister or other dependants or left vacant for a period of a year or more ;" so that if any dependant or any relation of his happens to occupy the house that is also exempt or if it has not been let out for a year that is also exempt, and the amendment now proposed makes a radical change.

Sardar Sahib Sardar Santokh Singh : Sir, the House is not in quorum.

(The bell was rung and the House was found to be in quorum.)

Rai Bahadur Mukand Lal Puri : Sir, I was pointing out that on the one hand we have included in the category of exemptions houses occupied by a large number of persons which were not exempted before, but further a very important change of a far-reaching character has been effected by the use of the words "not proved by the decree-holder to have been let out." Now the whole scheme of section 60 is that certain kind of property in the possession of a judgment-debtor is exempt from attachment. Any person who wants to claim exemption from attachment has to prove that the property he wants to be exempted is one of the properties which falls within the purview of section 60 and if he succeeds in proving it it is exempted. The proposed section now lays down the onus upon the decree-holder to prove that the property does not fall within section 60. Now, how is it possible for a

[R. B. Mukand Lal Puri.]

stranger to prove the entire facts with respect to the property of the judgment-debtor? This amendment, therefore, makes a change in the Indian Evidence Act. The Indian Evidence Act lays down that the *onus probandi* or the burden of proof of a proposition shall be on a person who would fail if no evidence were led. Therefore this provision makes a change in the law of evidence in that respect. Apart altogether from that, you will readily see, Sir, how impossible a situation is created by the insertion of these words. The insertion of these words requires the decree-holder to prove that the house of the judgment-debtor was not let out on rent. If that house has been let out on rent, that is a fact particularly known

6 p. m.

to the person to whom the house belongs or is within the knowledge of the person who is using it or to the person who has anything to do with the management of the house. How can a third party, who does not know anything about the property of the judgment debtor and has no hand in the management of the property and who after a great effort for the first time comes to know of the existence of that property, be expected to prove that that property was let out on rent? For instance, if a decree-holder says that this house should be attached as it is let out on rent, the owner comes forward and says that it is not so and the man occupying says that he is not paying any rent as there is always a certain kind of relationship between a landlord and the person occupying the house, how can you expect in this case the decree-holder to prove the negative? Now section 60 of the Civil Procedure Code does not deal only with this matter and the amendment that you want to make is an amendment to an all-India legislation, as the Civil Procedure Code applies to all the provinces of India and not only with respect to the exemption of this property but with respect to the exemption covering a list of about 18 to 20 items and with respect to none of them has it been laid down by any provincial legislature or by Indian legislature that the onus of proof that the property is exempted from attachment should not be on the person who claims exemption but should be placed in a negative form on the person who wishes to attach. Sir, if it is my property and I wish to save it, I can give information about it; how is it possible for another person to say that it does not fall within one of the categories mentioned in the Act? Therefore I submit that this is a change of a most drastic and far-reaching character highly inequitable in its nature and reducing the law of evidence to a farce.

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

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, I want to give expression to my sense of surprise in regard to the proposed amendment moved on behalf of the Government. The Government proposes to amend section 60 of the Civil Procedure Code in the following manner:—

That in subsection (1),—

- (i) in clause (c), for the words "occupied by him" the following words shall be deemed to be substituted, namely:—

"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 dependants or left vacant for a period of a year or more;"

My amendment is that the number of relations to whom this concession is shown is too small (*laughter*) and I would like to add the words 'any of his relations whether dependent upon him or not.' That would improve the position of the Government to a very great extent.

There is one thing about which, I think, Government appears to be very particular. The Government appears to be particular that every possible rule of law should be murdered. You know the framing of this piece of legislation shows that all these things that are mentioned in this will be presumed to exist. If any unfortunate man comes forward and says, this house is not let to any of these people, he shall have to prove it. It shall be presumed in the first instance that it is let out on rent to the father. Again another presumption will be that if it is not occupied by father it is occupied by mother or by wife or son or daughter. All these presumptions shall arise and it will be the task of the unfortunate creditor to prove that it is occupied neither by this man nor by that woman. What is the rule of *onus probandi*?

Mr. Speaker : Which amendment is the honourable member discussing?

Lala Duni Chand : The amendment moved by Lala Sita Ram and supported by Mr. Mukand Lal Puri. After all it is the axiom of law that anybody who comes into court with a certain allegation has to prove the allegation. I submit whether a thing of that sort should be allowed or tolerated. Why are they going to these lengths to which no person having the least regard for principles of law will go? I could well understand if it were stated that no house belonging to a debtor as defined in this Bill will be liable to attachment. That would have been a perfectly fair thing to do. But instead of saying that a house belonging to the debtor as defined in the Bill will be liable to attachment in a roundabout way they mention about a dozen relations, and even then the list is not exhausted—"or other dependants." Why are you trifling with the people? Why are you making a mockery of the law? You can say that money-lending is a crime and that nobody would be allowed to advance money. Instead of saying this in a perfectly straightforward manner, you are saying it in a roundabout way which is the same thing. If you can serve your Jat community or agriculturists by banning money-lending, I think that would be a real service. If they can prosper without the necessity of borrowing from money-lenders, whether agriculturist or non-agriculturist, so much the better. But if you think that sometimes it is necessary to borrow, then there appears to be no sense in making a law of that kind. With these words I support the motion.

Khan Sahib Chaudhri Sahib Dad Khan (Hissar, Muhammadan, Rural) (Urdu) : Sir, I strongly oppose the amendment that has been moved by my honourable friend Lala Sita Ram. Let me point out to him that of all the provisions of this Bill, it is the one provision which would really benefit the zamindars. For, under this provision the burden of proof would lie on the creditor. For instance, if he cannot prove that the house of the debtor was let out on rent, in that case he would not be able to get it attached in the execution of a decree. I am personally aware of the fact that hundreds of houses of the zamindars which were occupied by them had been auctioned

[K. S. Ch. Sahib Dad Khan.]

in the execution of decrees. Now in order to prevent the execution of decree and warrants of attachment the zamindars have to spend at least a sum of Rs. 8 or Rs. 9 for filing an objection. The result of such procedure is that ultimately such houses are restored to the owners, but I may point out that at least it involves the zamindars in troubles. In fact they have to incur a good deal of expenditure as well. I think the amendment which is sought to be made by Government in Section 60 of the Civil Procedure Code is absolutely necessary. If it is adopted by the House then the burden of proof would lie on the creditor whether or not the house of the judgment-debtor was let out on rent. If he can prove that the house of the judgment-debtor was let out on rent, left vacant or lent, in that case it could be attached, otherwise not.

Besides, my honourable friend over there has stated that often it happens that the judgment-debtors live at a place far off from the residence of the decree-holder and in such cases it would be very difficult for the decree-holder to prove that the judgment-debtor's house was let out on rent or not and therefore he says that the decree-holders should as a matter of fact be expressly told as to what houses of the judgment-debtors could not be sold in execution of decrees. This argument, in my opinion, is not a sound one. As a matter of fact we have often seen that the judgment-debtors and decree-holders generally live at one and the same place. Five miles this way or ten miles that way is not anything which can be considered to be of any great obstacle in the way of creditors from realizing their debts. It never happens that judgment-debtor may be living in Hissar and the creditor in London. In the circumstances it is not correct to say that it is necessary for the decree-holder to know the houses of the judgment-debtors which are exempted from attachment in execution of decrees. On the other hand I think that rather the decree-holders know it for a fact that by paying a few rupees to some persons in the village they would easily prove it in the court that the houses of the judgment-debtors had been let out on rent. In this connection I may point out that I am personally aware of the fact that in the Hissar District owing to the ravages of famine hundreds of houses belonging to the zamindars have been attached in execution of decrees because the poor zamindars had not even money enough to file objections. My submission is that people who are actually starving and who have been working on relief works for 7 pice a day cannot be expected to have money to go to courts and file objection applications saying that their residential houses should be exempted from attachment in execution of decrees. In my opinion this is next to impossible for them to adopt this procedure which involves expense as well as good deal of embarrassment. I, therefore, may point out that if any relief can be given to the poor people that would be by virtue of this provision only, provided the courts, for which I have a great regard, do not interpret it in a way which should go in favour of the creditors. With these words I strongly oppose the amendment that has been moved by my honourable friend Lala Sita Ram.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Sir, there is only one question which, with your permission, I would like to put to my friend for the enlightenment of myself and my colleagues. Therefore I will not inflict a long speech upon you or my honourable friends. You will

notice that in clause 15 where the new clauses are put in, we come to sub-clause (ccc) at the bottom of page 6 of the Annexure of the Report of the select committee and it reads—

(ccc) 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) belonging to a judgment-debtor other than an agriculturist and occupied by him: Provided that the protection afforded by this subsection shall not extend to property which has been mortgaged.

For the proper understanding of the amendments that are now under discussion, I would request my honourable friend to tell us whether it would not be a fact that a particular gentleman whose house may be valued at a lakh and a half or two lakhs in a town would equally be exempted under this particular clause? The object of the measure is to protect people with limited assets, people whose assets are of a limited nature—a perfectly justifiable object and a desirable object, a laudable object. But here I would like my friend to tell us whether it is not a fact that A in town B possessing a residential house and other buildings attached and land attached worth about a lakh and a half would equally be exempted. I would like him to throw some light on this particular subject. It is possible that I might have misunderstood the object of this particular sub-clause.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): The thing is clear and it can be interpreted more easily by my friend than perhaps by myself. That would be the effect in certain circumstances.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, it is almost sickening, literally sickening, to get up and discuss the provisions of this Bill. I wonder if there is any part of the world, even the most backward part, where such rotten measures have been presented to a legislative house. In bringing forward this measure all the recognised principles of jurisprudence are being blown to the winds and all considerations of equity and justice are being trampled under foot. What is one to do? There is that solid phalanx behind the walls in the lobby somewhere ready to come in when the division bell rings, to support anything that is placed before this House by the Government. Have you seen during the last three years whether on a single occasion it has been recognised by the party in power that any sense has been talked by any member on this side? For the last three years, ever since the legislative zeal was manifested by one of the members of the Government, the voice of this side has been drowned in the voice of the majority there. Just look at this. Section 60 of this Civil Procedure Code has stood there for more than half a century. It is now being amended wholesale and being amended in a manner which may not appeal to any man who has got any sense of justice or fairness left in him. Here we are face to face with amendments which seek to set at nought the well-recognised principles, beaten principles, absolutely primitive and elementary principles, of justice and fair-play. Now look at this sub-clause to which an amendment has been moved by Lala Sita Ram. The Civil Procedure Code is sought to be amended by introducing these words with reference to a house "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,

[Dr. Sir Gokul Chand Narang.]

sister or other dependents or left vacant for a period of a year or more. Now two things have to be proved in this case by the decree-holder, one that the house has been let out and the other that it is lent to a person other than his father, mother, wife and so on. There may be some possibility although even that is a difficult thing, of proving whether a certain house has or has not been let. It would be impossible, in 99 out of 100 cases, for a decree-holder to prove whether it has or has not been let out. If there are any documents they must be with the owner of the house and harder still is it to prove what relationship the tenant or an occupant of a particular house bears to the owner. Is my honourable friend the best person to show whether the person who is occupying it is his son or is it for his creditor to prove that the occupant is not his son? Again, it is impossible for a creditor to prove whether a certain lady who is living in a house is the wife of a particular person or not. It is impossible for a decree-holder who may not even belong to that station to show that (*Interruption*). If the decree-holder still goes to court, my submission is that he goes to court because he still thinks that no law has been passed so far to wipe out all the debts in so many words, though impliedly the debts have almost been wiped out. Of course this is much worse because otherwise people will cry once for all and have done with it as a person who loses a relation cries and gradually resigns himself to the will of God and then keeps quiet. That perhaps from a certain point of view would be better, though not just. In this case they think there is still the possibility of getting back the money they had advanced foolishly to a debtor and then they are called upon to prove this relationship. You know as a lawyer and one need not be such an eminent lawyer as yourself to understand this elementary principle, that it is impossible to prove the negative. Supposing I say that such and such a person is not in Lahore. It is impossible for me to prove that he is not in Lahore unless I have made a search in every nook and corner of Lahore and by the time I search in one part he may move to the other part. I cannot prove the negative. But if a person says that such and such a person is in Lahore, it is capable of being proved, because he must have ascertained that that person is there. In the same way, how can a decree-holder prove that a certain person is or is not a father, is or is not a son, is or is not a wife, or a certain person is or is not a daughter or a daughter-in-law and so on? He should not only be cognisant of the marital relationship of the judgment-debtor but also the marital relationships of his people and he is forced to prove that such and such a woman is not the wife of his son and so on. You have to read this clause to see the absurdity. But none are so blind as those who will not see, and here you have to deal with a Government that will not see. It sees only one thing and that is, what is the most effective way of robbing the creditors, irrespective of the fact whether he is a poor creditor or a rich creditor? What is the best way of patronising, protecting and pampering the debtor, irrespective of the fact whether that debtor is a big chandhri like the members present in this House or he is a pauper? The rule is being made for all irrespective of the position either of the creditor or of the debtor and this burden is being thrown upon him. My submission is that this provision is one of the worst that even the brains of the present Government could think of and without taking more of your time, I would support the amendment of Lala Sita Ram.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, much has been said by the honourable mover of the amending Bill. But there is one point which requires elucidation. In the list of the persons "not proved by the decree-holder to have been let out on rent or lent to persons and so on, I find the word 'dependents' ". May I know what the word 'dependents' means? How is the decree-holder to prove that the person who is in possession of the house is not the dependent? This word 'dependent' is so wide, so vague, that it practically means that the decree-holder should not be able to prove his case at all. Then, Sir, as has been said, it is opposed to the accepted principles of jurisprudence. To throw the burden on a person to prove the negative is to create a revolt against reason, is to say good-bye to common-sense, and is to bid farewell to all principles of jurisprudence. The judgment-debtor may be a Jat or he may be other than a Jat, but an insurmountable difficulty is placed in the way of the decree-holder. It is the decree-holder who has to prove the negative, i.e., a man who is in possession of the house is not a 'dependent' of the judgment-debtor. I think that it is the climax of absurdity.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) : I have to say just a few words in reply to the criticism which has been offered by the learned lawyer members of this House. I was amused to hear one of the arguments put forward by Dr. Sir Gokul Chand Narang, Rai Bahadur Mukand Lal Puri and Munshi Hari Lal, namely, that it was outrageous to place the burden of proving a negative upon the decree-holder. That is exactly the reason why we have brought forward this amendment of the original Act. When the original Act was passed the wording was that every house belonging to an agriculturist would be exempt from attachment if it was not let out on rent or lent to others or left vacant for a period of more than one year. In our simplicity we were led to believe that when the case came up for decision before a court, it would be for the decree-holder who sought the attachment, to prove that a particular house was lent to somebody or that it was let out on rent. This was a positive and affirmative proposition and the burden of proof ought to have been on the decree-holder for two reasons, one that the burden of proving the negative should not be placed on the judgment-debtor, and secondly the man who sought the benefit of attachment should prove the circumstances which warranted attachment. We thought that that would be the case. But when the cases went up to courts they said that the burden of proving lay upon the judgment-debtor. He was required to prove, not a positive but a negative, namely, that the house was not lent to others or let out on rent. On our opponents' own showing, that being a perverse way of interpreting the law we have been driven to bring forward the amendment under discussion now. It will be, hence forward, for the decree-holder to prove that a house which he seeks to attach is lent to somebody else or is let out on rent. If he is able to prove that affirmative proposition, then, of course, he will have the benefit of attachment; otherwise he will not.

The next argument is that a decree-holder will have to prove that the house is occupied by a person who is not a son or a wife of the judgment-debtor. Here the element of proving a negative comes in. But not under the first portion of the clause.

Rai Bahadur Mukand Lal Puri : Do you want a third person to prove how your property has been dealt with or whether a person occupying the house is not debtor's wife, or daughter-in-law or his dependent ?

Minister : It is for the decree-holder to prove that the house has been let out. It is a positive proposition, not a negative one.

Rai Bahadur Mukand Lal Puri : How does a decree-holder know as to what you have done ?

Minister : If he wants to have the house sold, he must prove that circumstances under which a house can be attached exist.

Then, Sir, the reason why we enumerated a number of relations whose possession should be regarded as the possession of the judgment-debtor, is this. When a house was found to have been occupied either by a son or a brother of a judgment-debtor, courts held that even such relations fell under the category of "others," and the house was liable to be attached and sold. Now if a son happens to occupy a house belonging to a father, how can that house be made available for sale ? And yet this was the view held by courts. We had, naturally, to specify a number of relations who should not be regarded as "others".

Dr. Sir Gokul Chand Narang : If the son is separate and is self-supporting ?

Minister : Then the house does not belong to the father. If the house belongs to the son, it should not be sold. If the son is joint with the father the house cannot be sold. But loopholes were found to attach and sell the houses belonging to agriculturists, and we have simply been driven to propose this amendment by the attitude of some of our lawyer friends who always succeeded in persuading courts to take a view hostile to agriculturists and opposed to the wishes of the legislature as well as to the spirit of the law.

Dr. Sir Gokul Chand Narang : He might have let out his own house on rent.

Minister : If it is proved that the house has been let out on rent, it is liable to sale. Let a decree-holder prove this. But if the son is residing separately from the father for the convenience of the family, for avoiding say, quarrels, that does not mean that the house is liable to sale.

Lala Bhim Sen Sachar : Who is in possession of the lease or rent deed ?

Minister : There is no question of a rent deed in the case of a son occupying his father's house.

Dr. Sir Gokul Chand Narang : If a partition takes place, the son gets some houses and the father gets some houses and the son lets out his own.

Minister : It is a question of dividing one's claim. Either the house has ceased to belong to the father, has become the property of the son or still belongs to the father. If it is the property of the son, then it is obviously not liable to be sold. If it still belongs to the father, and is only occupied by the son as a matter of family convenience it cannot be regarded as lent to "others". I can never possibly persuade my friends to take a reasonable view of things, and that is the reason why we are driven to undertake such legislation.

Dr. Sir Gokul Chand Narang : Supposing a partition has taken place in a family. There were three houses. One house has been given to one son who has been separate and who carries on his own business, whether cultivation or otherwise. One is occupied by the father himself and there is one extra house which would have been available to the creditors but in order to defeat the creditors he allows the separated son to occupy it. Under the clause as it stands, it will not be available for attachment. That is the question.

Minister : My friend is thinking of the old law. Under the new law that is, the original Relief of Indebtedness Act, it was provided that whether the number of houses owned by an agriculturist was two, three or four, they would all be exempt from attachment unless and until the decree-holder proved that the house which he sought to attach was let out on rent or was lent to "others," by which we understood and expected all reasonable persons to understand strangers, not close relations.

Dr. Sir Gokul Chand Narang : One question more. That law has not yet been passed. Supposing a judgment-debtor owes only one hundred rupees and he has five houses worth five thousand rupees. Will none of those houses be available to the creditor ?

Minister : Not even one. (*Ironical cheers from Opposition benches.*)

Dr. Sir Gokul Chand Narang : That is the justice.

Minister : Yes, that is the justice. (*Ironical cheers from Opposition benches.*) Even if half a dozen houses belong to the judgment-debtor, unless the decree-holder proves that any of the houses have been let out on rent or lent to "others" that is, strangers, all the houses are exempt from attachment. (*Hear, hear.*)

Rai Bahadur Mukand Lal Puri : What is the meaning of the word 'dependent' ?

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : May I, with your permission, say a few words ? I have listened carefully to my honourable friend's speech. It is always a pleasure to listen to him because he gives the House plenty of material on which to fasten itself in reference to the speeches that he makes. But there is no necessity to import any heat into this problem nor any necessity to divorce ourselves from the ordinary canons of commonsense. Each clause—each amendment—must be submitted to a very careful scrutiny by this House. It must be carefully examined with the sole object of finding out whether the object which my honourable friend has in view is being furthered by the amendment, for, the scope of the proposition that he puts forward enlarges the measure to such an absurd extent that it is divorced from the original object that he had in view. I take it that the original object that my honourable friend had in view was that a house of an agriculturist—a poor man should not be attached. An agriculturist has been defined recently in a judgment of the full bench of the High Court as a man who engages himself in agriculture. (*An honourable member: That needs amendment.*) (*Interruption.*) It is said therein that the word agriculturist in clause (c) means a person who personally engages himself in the tilling of the soil and whose livelihood depends upon the proceeds derived from the tilling of the soil. The test

[D. Chaman Lall.]

afforded by considering the main source of income or the sole source of income is not an acid and correct test. The true test is whether a man personally engages himself in tilling and whether this occupation is essential to his maintenance. A man, who merely receives rent from tenants or the income of produce derived by the employment of servants or partners, cannot be said to be personally engaging himself in tilling the soil and cannot be said to depend for his livelihood upon the proceeds derived from so engaging himself in the tillage of the soil. Such person is, therefore, not an agriculturist. My honourable friend says that that definition needs amendment. But that is not before the House at the present moment. What I ask my honourable friend to remember is this. Let us be perfectly fair with this House and with this province. Let us ask this House to deal with a proposition on its merits. What is the proposition? There is a particular class of agriculturists that needs the protection of my honourable friend, that needs the protection of this House. He, as a man with a very limited income whose assets do not go beyond a particular fixed sum, needs the protection of my honourable friend but not a man who is in possession of property worth several lakhs. It can never have been the object of this particular measure or of any amendments which have been made so far. My honourable friend will remember that one amendment was made as a result of the recommendation of the Royal Commission on Labour referring to industrial work. The other has been made in connection with agriculturists, but it can never have been the intention or never was the intention of any of the measures that they should go beyond a limited scope of affording protection to people who are unable to protect themselves. Can my honourable friend state with any assurance that men who are in possession of property worth several lakhs are unable to protect themselves; that it is necessary for my honourable friend to bring in a measure for the protection of people who themselves are the cause, the main source, of the trouble that has arisen in this province, namely, the impoverishment of the actual person who is engaged in tilling the soil? Instead of affording, therefore, protection to the people who are defined, according to this Full Bench ruling of the Lahore High Court, as agriculturists, and again confining oneself to those agriculturists whose assets are of a limited nature and who, therefore, need protection, my honourable friend ranges round the subject and brings forward a proposition which has nothing to do with the main object and purpose of this measure but which goes beyond it and consolidates the position of the richest classes of the province. Now, I ask my honourable friend, who speaks day in and day out against that particular class, why is he becoming an accessory in providing support for that particular class? Does that class need support of this House? Does my honourable friend over there, the Minister of Public Works, realise that he is the owner to-day of the biggest estate in the province? I believe the estate runs beyond forty thousand or fifty thousand acres. There is not a person in the whole of the province who possesses an estate of that nature. Does he need protection? And yet, by virtue of this very amendment, it is my honourable friend over there—who possesses forty or fifty thousand acres—who will be granted protection by my honourable friend the Minister of Development. Let us, therefore, call things by

their true names. I ask my honourable friends sitting behind the Honourable Minister of Development, when naturally they show sympathy, right sympathy, good sympathy, sympathy in time for a particular class of impoverished persons in this province, do they contemplate that the measure they are supporting will, instead of benefiting that particular class, be benefiting people possessed of, as my honourable friend the Minister stated, a series of residential houses or possessed of property which is forty or fifty thousand acres? Not that my honourable friend needs protection but there are big zamindars who will take advantage of this proposition and want to take advantage of this legislation. Is my honourable friend's proposition going to resolve itself into this that these are the rich zamindars of this province—not the poor zamindars who were originally the object of this measure—who will get protection? The rich zamindars do not need protection. The result is that this will be the class that will be protected by my honourable friend if this measure is accepted.

7 p. m.
At this stage the Assembly adjourned till 12 noon on Monday, 8th April, 1940.

APPENDIX.

Letter from Dr. Gopi Chand Bhargava, M. L. A., Leader of the Opposition, to the Honourable Chaudhri Sir Shahab-ud-Din, Speaker, Punjab Legislative Assembly, dated 28th March, 1940.

As the Leader of the Opposition I have to draw your attention to the constitutional issue of some importance which arises out of the adjournment motion moved by Mr. K. L. Gauba on the 26th instant.

It is obvious that rules of debate have been framed for the purpose of facilitating the business of the House and enabling the Government and the Opposition to place their case adequately before the House.

During the debate on the adjournment motion this became impossible. All speakers are permitted under the rules a period of 15 minutes for their speeches on an adjournment motion, provided that the Speaker may permit a longer period in the case of the mover and the member answering him.

The mover in this case took less than 20 minutes. The only other speaker from the Opposition Benches was myself and I took less than 18 minutes. The rest of the time out of the two hours allowed was taken up either by two ministerial speakers or by the Premier who spoke for over an hour—the Ministerialists taking as much as an hour and 22 minutes as against less than 33 minutes permitted to the Opposition in respect of a motion moved by the Opposition. Even if it is admitted that a mover may utilize the time of another member of his party, this justification has no meaning in the case in question.

The Premier in the course of his speech introduced irrelevant matter and made serious, unfounded and uncalled for allegations against a member of the House. We drew your attention to the matter repeatedly and asked you not to permit the Premier to thwart at least the right of reply of the mover. We know that the rule gives you a discretion as far as the mover

and the Minister are concerned, but such a discretion cannot possibly mean that the mover is permitted an excess of five minutes and the Minister an excess of forty seven minutes or that such a discretion can be utilised when it is clear that the utilisation will mean the thwarting of a right of reply and the failure to place the Opposition case properly over an opposition motion. You will notice that same discretion is permitted in the case of a resolution and there the extension of time is indicated as thirty minutes although a further discretion still rests in the Speaker. The thirty minutes extension is important and significant since a resolution is capable of being debated without limit of time whereas an adjournment motion is strictly limited to two hours.

You, as the Speaker, are the custodian of the rights and privileges of the house and specially of the minorities. The discretion vested in you by virtue of rule 48 has therefore to be exercised with due and proper regard of the rights and privileges of the House as well as of individual members who present motions which they desire to discuss adequately and effectively. In this case the utilisation of an hour and 22 minutes out of the two hours by the Ministerial Party amounted to a wilful and persistent obstruction of the business of the House as contemplated by Rule 68.

What is further of serious import is the fact that we drew your attention repeatedly to these facts, but that in spite of our drawing your attention repeatedly the mover was left no opportunity to reply to the debate, while the Premier indulged in series of needless repetitions. A further point of importance arises out of your accepting a closure motion when only 8 minutes were left for the termination of the debate. You could have permitted the mover even that short time to exercise his right of reply instead of accepting a closure motion, which ordinarily, in India is not moved over an adjournment motion except when the Opposition desires to go to division. After the closure was moved and accepted, even then there was a little time and even then you did not ask the mover to reply.

I am constrained to bring these facts to your notice and to ask you to make it clear as to where the Opposition stands and whether it should expect the procedure adopted on the 26th instant to be the regular procedure. In this connection your attention is again drawn to the fact that even during the Budget discussions no mover of a cut motion was allowed by you his undoubted right of reply.

These matters require elucidation and the Opposition is entitled to a reply from you.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 8th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

SHIKAR CHAND.

***6212. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state the reason for recalling to duty one Shikar Chand, clerk, in the Ambala district police office soon after he submitted a medical certificate on 5th October, 1939, of ill-health by the Civil Surgeon, Rohtak ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The head constable named was ordered back to his place of duty having absented himself without leave. I do not think that it would be in the best interest of the police force to go into further detail here regarding an ordinary matter of service discipline such as this.

Pandit Shri Ram Sharma : May I know as to what orders were infringed by the clerk in absenting himself from duty ?

Parliamentary Secretary : Because he left the place without leave. He had reported ill-health. He was asked to get a certificate from the Civil Surgeon, Ambala, and instead of getting a certificate from the Civil Surgeon, Ambala, Shikar Chand left for Rohtak without permission.

Pandit Shri Ram Sharma : Is it not a fact that he was on leave when he left Ambala and had submitted a certificate by a medical practitioner ?

Parliamentary Secretary : My information is that when he left Ambala he was not on leave.

Pandit Shri Ram Sharma : Is it a fact that he had submitted a medical certificate for six days' leave on 18th September, 1939, and had gone home on the 23rd, that is, before the expiry of his leave ?

Parliamentary Secretary : I have no information and I require notice. But I must say that this is a very ordinary matter of discipline in the police force and I do not think it advisable for my honourable friend to press this point any further.

Pandit Shri Ram Sharma : Is it a fact—

Mr. Speaker : No more supplementary questions. Next question.

Pandit Shri Ram Sharma : As a protest for not allowing me to put supplementary questions I do not want to ask my next questions.

6248 and 6349.—*Cancelled.*

EXPUNCTION OF AN OBJECTIONABLE PORTION FROM THE
KEATS' LAST SONNET.

***6354. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the poem (Keats' Last Sonnet) was ordered to be expunged out of the book 'Bridges of Song' a course for the Intermediate Examination of the Punjab University, by the Vice-Chancellor, Punjab University in November, 1939 ;
- (b) whether it is a fact that this order was passed by the Vice-Chancellor on a representation made to him by the Principal of a Girls' College in Lahore ;
- (c) whether it is a fact that the Vice-Chancellor before passing this order consulted the Convener of the English Board of Studies ;
- (d) whether it is a fact that the above-mentioned poem has been restored by the Academic Council ;
- (e) whether it is a fact that there is no representative of Girls' Colleges on the Academic Council ;
- (f) whether any step was taken to bring to the notice of the Academic Council that the poem had been removed on a representation made by the Principal of a Girls' College ;
- (g) whether he is aware that this decision of the Academic Council has caused a good deal of resentment among women teachers all over the province ; if so, what action the Government intend to take in this matter ?

The Honourable Mian Abdul Haye : (a) to (f). Yes.

(g) *First part.*—Government has no information.

Second part.—Government cannot interfere with the decisions made by the University in such matters.

Sardar Hari Singh : May I know whether the Honourable Minister has read that poem himself and is he satisfied that Government cannot interfere with the decision ?

Minister : The decision has been made by the Punjab University and not by the Punjab Government.

Sardar Hari Singh : May I know if the Punjab Government is not within its right to draw the attention of the University to the objectionable nature of this poem ?

Minister : The attention has already been drawn and the point was considered and it is now for the Syndicate to take a fresh decision, and the matter will shortly be considered by the Syndicate.

Sardar Hari Singh : May I know whether the attention of the Honourable Minister was drawn to the last two lines of the poem ?

Minister : I have read those two lines.

Sardar Hari Singh : What does he think of them ?

Minister : I do not want to express any opinion.

Sardar Hari Singh : May I know what is his considered view in regard to this matter ?

Mr. Speaker : That is his personal opinion.

Sardar Hari Singh : I want to know the considered opinion of the Government.

Minister : The Government has not expressed any opinion. The matter is now before the Syndicate.

Dr. Gopi Chand Bhargava : May I know whether the ban has been removed or not ?

Minister : It will remain in force for the examination that is to be held in 1940 and the recommendation of the Academic Council is that the ban may in future be removed. The matter is now to be considered by the Syndicate.

Dr. Gopi Chand Bhargava : Was not the ban applied by the Vice-Chancellor and was it not removed by himself ?

Minister : No. The Academic Council has recommended that the ban may remain in force for the examination which is to be held in 1940, but for the next examination they have recommended its removal.

Dr. Gopi Chand Bhargava : Was there any discussion about this poem on the radio ?

Minister : I do not know.

Sardar Hari Singh : May I ask my honourable friend whether he is aware of the following resolution passed by the Istri Sahayak Sangathan and the Arya Pratinidhi Sabha, the representative bodies of women and a section of the Hindu population of the Punjab :—

“ We resent the decision of the Academic Council restoring Keats' “Last Sonnet” which had been removed from the poetry book “Bridges of Song” by the order of the Vice-Chancellor on a representation made to him by the Principal of a Girls' College in Lahore and, thus flouting the opinions and sentiments of lady teachers in utter disregard of the baneful effects which the study of such erotic literature can produce on the morals of students especially in these days when co-education is becoming popular.”

Minister : I did not see this resolution.

Sardar Sohan Singh Josh : May I know if the Honourable Minister thinks it to be pornographic or not ?

Lala Duni Chand : May I know after examining that portion which he himself has read or which has been read out to him, whether he is in a position to say that this part of the poem is objectionable or indecent ?

Mr. Speaker : That is a matter of opinion.

Sardar Hari Singh : May I ask whether the Honourable Minister consulted Begum Shah Nawaz in this matter of erotic literature ?

Minister : The honourable member must realise that the decision is not to be taken by the Government but by the Syndicate.

Sardar Hari Singh : But he may make suggestions to the University.

Minister : It is open to the honourable member to make any suggestion.

Sardar Hari Singh : May I know whether he consulted the lady member or not ?

Lala Duni Chand : May I know if there is any difficulty in the way of the Honourable Minister to say whether this part of the poem is objectionable in any way or not ?

Mr. Speaker : Disallowed. That is a matter of opinion.

Lala Duni Chand : Sir, this is a pure matter of information.

—

KHUSHI NAND PARASHAR.

*6456. **Sardar Hari Singh :** With reference to the answer to my starred question No. 5160¹ will the Honourable Premier be pleased to state—

- (a) whether Khushi Nand Parashar was given an opportunity to disprove the allegations made against him ;
- (b) the name of the person or those of the persons responsible for making those allegations against him ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The warning given to the pensioner by the Deputy Commissioner was in the nature of a preliminary proceeding and there was no occasion for him to call upon the pensioner for an explanation.

(b) The warning was necessitated, not by any allegations made by outside persons against the pensioner, but by his own speeches.

Sardar Hari Singh : May I know who reported these speeches ?

Parliamentary Secretary : I want notice.

Sardar Hari Singh : Were these speeches reported by the police or by non-officials ?

Parliamentary Secretary : I want notice.

Sardar Sohan Singh Josh : Were those speeches reported in long hand or shorthand ?

Parliamentary Secretary : I have to submit that the question was not asked with regard to that aspect of the question, but if notice is given, the matter will be looked into. It may interest the honourable members opposite to know that since then the military authorities have suspended the pension of that particular officer and if any question is to be put with regard to this matter it should be better put in the Central Legislature.

Sardar Hari Singh : Do I take it that this man was given a chance to reply to the allegations made against him ?

Parliamentary Secretary : As I said the action against this particular gentleman has been taken by the Army Department as such and the question concerning that matter may better be put in the Central Assembly.

Sardar Sohan Singh Josh : Who draws the attention of the Army Department to these things ?

Parliamentary Secretary : There are more agencies than one including the Criminal Investigation Department.

Sardar Hari Singh : Do I take it that the report of certain alleged speeches made by Khushi Nand Prashar in the Hoshiarpur district were made by the Deputy Commissioner and he gave a warning to Khushi Nand that he was making speeches of a subversive nature which the man denied and yet the Deputy Commissioner recommended to the Army Department to stop his pension ?

Parliamentary Secretary : It is not necessary for any District Magistrate to give a warning to any gentleman ; if he violates the law, action will be taken against him. The law as it stands is a warning to all persons that anybody who defies the law will be dealt with according to law as such. The Deputy Commissioner took a precaution by warning a particular gentleman that his speeches were transgressing the law but in spite of it it appears he did not take heed.

Sardar Hari Singh : Is it not a fact that he denied the allegations about his speeches ?

Parliamentary Secretary : I am not aware of it.

Sardar Hari Singh : Has Government asked the Deputy Commissioner to see that justice was done while making a recommendation to the Army Department ?

Parliamentary Secretary : My honourable friend is assuming that the Deputy Commissioner made the recommendation to the Army Department.

Sardar Hari Singh : Yes, certainly. Is it a fact that the Provincial Government or the district administration of Hoshiarpur sent a communication to the Army Department that this particular gentleman was making seditious speeches ?

Parliamentary Secretary : I am not aware of such a fact.

Sardar Sohan Singh Josh : Do Government warn people before taking action or follow the old rule of the old government ?

Parliamentary Secretary : In certain cases it is done and in other cases it is not.

Sardar Hari Singh : May I take it from the answer given by the Parliamentary Secretary, that the Army Department has got its own Intelligence Department in the districts to report speeches ?

Parliamentary Secretary : My honourable friend should know that there are various agencies under the Government of India Act which carry on the intelligence work in various provinces and so far as details are concerned I regret it is not in the public interest to answer.

Sardar Hari Singh : May I take it that the Deputy Commissioner did not write anything against Khushi Nand Parashar to the Army Department ?

Parliamentary Secretary : I am not aware whether he wrote anything. I am not aware of any such correspondence.

Sardar Hari Singh : Is it not a fact that his pension was stopped on the report of the Deputy Commissioner ?

Parliamentary Secretary : His pension was stopped by the Army Department but I am not in a position to state whether it was done at the instance of the Deputy Commissioner.

Sardar Hari Singh : Is the Parliamentary Secretary aware that he was elected a member of the district board on the Congress ticket and it is after that that his pension was stopped ?

Parliamentary Secretary : I strongly repudiate the insinuation. I may also add that whether a member is elected to a district board on the Congress ticket or the Unionist ticket it does not absolve him from the duty of observing law.

Sardar Hari Singh : May I know whether the Parliamentary Secretary is aware that he supported a resolution that non-official chairman should be appointed instead of the Deputy Commissioner ?

Parliamentary Secretary : I am sure if my honourable friend analyses the insinuation he will find that there are more than one district board in which non-official members have moved that non-official chairmen should be appointed including my own district, and Government have not taken action.

Sardar Hari Singh : Is the Parliamentary Secretary quite sure that the Deputy Commissioner was not in a revengful mood ?

Mr. Speaker : Disallowed.

Parliamentary Secretary : I repudiate that suggestion.

Lala Duni Chand : May I know if the Parliamentary Secretary has read the order of the Military Department by which his pension was stopped ?

Parliamentary Secretary : No, Sir.

Lala Duni Chand : In view of the seriousness of the matter, namely, that the pension of a man earned after life long service is stopped, will Government reconsider the matter?

Parliamentary Secretary : I understand it was once before stopped and restored : if a representation is made to the Punjab Government and the Punjab Government feel on merits that it is a representation which needs recommendation to the Government of India, they shall give it the consideration it deserves.

Lala Duni Chand : Will the Parliamentary Secretary be pleased to read out the order under which his pension was stopped and then say if any representation on his behalf was made to the Military Department?

Mr. Speaker : That is a request for action.

SHORT NOTICE QUESTION AND ANSWER.

BAN ON MEETINGS IN CONNECTION WITH THE CELEBRATION OF NATIONAL WEEK IN LAHORE.

Sardar Hari Singh : Will the Honourable Premier be pleased to state whether Government has recently received a representation from District Congress Committee, Lahore City, for lifting the ban on meetings in connection with the celebration of the National Week in Lahore in April next and if so, the decision taken in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood) : No representation has been received so far by Government.

The order issued by the District Magistrate, Lahore, on the 19th of March, 1940, prohibiting for a period of two months any gathering or assembly of five or more persons in any street, lane or public place of any kind whatsoever within the limits of Lahore Municipality was cancelled by him on the 26th of March, 1940, and there is no intention of re-imposing it unless the interests of public peace demand it.

Sardar Sohan Singh Josh : May I know why this order was withdrawn so soon?

Parliamentary Secretary : Does my honourable friend resent this order being withdrawn?

Sardar Sohan Singh Josh : Was it due to the Muslim League meetings or any other cause?

Parliamentary Secretary : Because Government does not wish to continue this ban longer than is absolutely essential.

Pandit Muni Lal Kalra : May I invite your attention to the ruling just given disallowing further supplementary questions of Pandit Shri Ram Sharma? I should like to know whether his supplementary questions were disallowed because they infringed the rules of debate.

Mr. Speaker : I have not followed the honourable member.

Pandit Muni Lal Kalia : Pandit Shri Ram wanted to put certain supplementary questions which you disallowed before they were actually put.

Mr. Speaker : I disallowed any further supplementary questions.

Pandit Muni Lal Kalia : Any further supplementary questions before they were actually put, were disallowed ; may I know if they were disallowed because they infringed the rules ?

Mr. Speaker : Even if they did not infringe any rules the other honourable members, who had given notices of questions were entitled to ask their questions. Supplementary questions are disallowed when a sufficient number of such questions has been asked. The matter is within the discretion of the Chair.

Pandit Muni Lal Kalia : Only two or three questions were put by him.

Mr. Speaker : I cannot allow discussion.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Clause 15.

Mr. Speaker : The Assembly will now resume discussion on the Relief of Indebtedness (Amendment) Bill.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Mr. Speaker I was speaking on the last occasion in reference to the matter relating to Section 60 of the Code of Civil Procedure, and I was submitting that I did not find any justification why my honourable friend should instead of protecting the small people, who need protection, people with limited amount of assets, go beyond the legitimate scope and afford protection to the people who do not need it. No justification has been given by my honourable friend why a person who possesses property worth 20 lakhs needs protection for his residential houses and thereby exemption from attachment under a decree if the other provisions of the law are complied with. Is there any justification or is it merely because my honourable friend wishes to protect, as he states, a particular class ? My honourable friend sitting behind him probably has not quite followed the implications of what I say so far as this particular class is concerned. I am confining myself only to this particular class at the present moment. May I ask whether those followers of my friend have followed the implications of the speech he made in favour of this particular motion ? The implications are quite clear. My honourable friend wishes to create a class of urban and rural privileged people, not divided on the basis of their economic condition or financial condition but divided purely on the basis of whether they belong to a particular class or not.

He has decided in his mind that this particular class no matter whether the members who belong to this class are the possessors of property worth 20 lakhs or whether they own property only worth 5 thousand or 10 thousand rupees must be protected. Supposing there is a person who legitimately contracts a debt and possesses property worth 20 lakhs and suppose

the property is capable of paying that legitimate debt. Why does my honourable friend want to protect that man, if he wishes to be dishonest and disown that particular debt? Why does he want to protect a person who is capable of paying a debt honestly contracted by him? Is it merely because he happens to possess certain residential houses and one of those houses, provided it is not let out on rent or mortgaged, is exempt? What is the justification of a provision of this nature? Is it that that particular individual is incapable of paying or is it that he refuses to pay and seeks the assistance of my honourable friend that he should be helped not to pay that particular debt? I submit that in matters of this description when such fallacies are pointed out to my honourable friend by the Opposition, it is his duty to listen to the Opposition and not pass measures which are against public policy and put a premium upon dishonesty. If my honourable friend will carefully consider this proposition and not say that as it is already in operation, he will not consider it, if he will look into it from the point of view of what has been pointed out to him, he would do a right thing to the people of this province in deleting an obnoxious clause of this nature. There are classes that are quite capable of protecting themselves and this law was originally propounded for the purpose of protecting the class that is unable to protect itself and if it can be pointed out to my honourable friend that the extension of this law might cover those classes which far from being not able to protect themselves are in a position of perfect security, then I submit my honourable friend should give way to reason and accept the amendment that has been moved in reference to this matter and omit the provision which will cover classes that can afford to pay. I submit, Sir, that from the point of view of public, from the point of view of the original objection to this measure and from the point of view of the well known and well ventilated ideas of my honourable friend, namely, that he stands to protect the smaller classes, people with limited means, from all these points of view, I submit, that there is no justification for this particular provision in this measure. If this measure is passed without this objectionable provision it will make the position of every honest man clear who wants to protect those who need protection and is against giving undue advantage to the richer classes who are capable of protecting themselves.

Rao Pohop Singh (East Punjab Landholders) (Urdu): Sir, There is a couplet of Dr. Iqbal which runs as follows—

ہدایا یہ تیرے سادہ دل بندے کدھر جائیں
کہ درویشی بھی عیاری ہے سلطانی بھی عیاری

I was not in the least surprised to find my honourable friends Dr. Narang and Lala Sita Ram opposing this clause. But I was simply surprised to find that opposition to this clause also came from no less a person than Diwan Chaman Lal who claims to be the representative of labour and who is imbued with socialistic ideas. During his speech he pointed out a ruling and stated that a man who tilled the land with his own hands should be an agriculturist. As regards the definition of an agriculturist as referred to I would inform the House at the proper time as to what defects are there in this definition. At present I do not want to take much time of the House. What I want to submit is that a man and his minor children are considered to be agriculturists since he tills the soil with his own hands. When he dies

[Rao Pohop Singh.]

his widow and children cease to be agriculturists according to the rulings of the High Court in spite of the fact that they depend upon the same land which was cultivated by the deceased. Take another instance. If a zamindar who used to cultivate land is disabled to do so on account of illness, he cannot be an agriculturist any longer. The ruling of the High Court is there despite the fact that his sons are cultivating the land. My submission is that as he ceases to be an agriculturist his house can be attached by a decree-holder. Then my honourable friend Diwan Chaman Lal was pleased to refer to the Honourable Major Khizar Hayat and stated that he is the owner of the biggest estate in India, and also said that the passage of this clause means that his houses and the houses of many others like him would be exempted from attachment. The objection raised by my honourable friend was that the clause under consideration would go a long way to help the big zamindars and land-owners. I may assure him that this is not the case.

Lala Duni Chand : On a point of order, Sir. No such question was discussed. The honourable gentleman is discussing the question which has not so far been brought before the House.

Minister of Development : What about Diwan Chaman Lal? He discussed all these things.

Rao Pohop Singh : Sir, this clause was condemned on account of this very reason, that is to say, that big zamindars would be benefited.

Mr. Speaker : The amendment under discussion is that the words "not proved by the decree-holder to have been" be deleted.

Rao Pohop Singh : Sir, the reason why I thought it necessary to make this observation is that the burden of the speech of Diwan Chaman Lal and his main tirade against the clause was that the only object of this clause was to exempt the property of big landlords. I would not prolong my argument. It appears that my learned friend, Diwan Chaman Lal, is not fully acquainted with the circumstances under which recoveries of debts are made. I would not call him ignorant. He is a very learned and capable man. But he does not know how decree-holders recover their debts. If the poor zamindar has only 20 maunds of a certain commodity, it is exempt from attachment; but the big zamindar has 1,000 maunds, and out of this, 666 maunds are open to attachment, and sale. These wealthy persons with cars and elephants can have warrants of arrests issued against them. I do not mean to say that any such thing has happened against any of our Ministers. Far from it. But I want to submit that there are ample means to recover the debts. The landlords' constituency from which I stood up and succeeded had 600 voters in all. Two hundred of them were jagirdars and 150 were money-lenders. Only 250 were really zamindars who had land assessed to Rs. 500 land revenue. We may calculate the total number of big zamindars in the 29 districts of the Punjab from this figure. They might be 1,500 in all. Now there are 44 lakhs of landholders in the Punjab. If we take it that the number of persons in each such family is 5, the total number of petty zamindars would come up to two crores. It is these poor people against whom all sorts of warrants and attachments are issued and who are turned homeless and landless in the end. It is these poor people whose exemption is sought by this

cl use. And yet my honourable friend Diwan Chaman Lall wanted to leave them unprotected by offering a flimsy ground that the big landlords would also be exempted. It is on this flimsy ground that he opposed the whole clause.

Sardar Sahib Sardar Santokh Singh : May I through you, Sir, ask the honourable member one question ? He is talking of 44 lakhs of land-owners. May I know if those poor people have their houses in big cities ? The people he is talking about, have they got houses in the city or is it only the big people that he is talking about ?

Rao Pohop Singh : That is what I was going to submit. The pity is that my honourable friends, Sardar Santokh Singh and Diwan Chaman Lall move about in big cities like Amritsar and Lahore. All they see here are big palaces and grand buildings. They jump to the conclusion that even in the villages, the zamindars have such plastered palaces. In fact that is a great misunderstanding under which they are labouring. The mud houses and straw cottages of zamindars have no value except that of the building site. The *malba* has no value and is on the other hand a liability. Creditor would find it difficult to carry it anywhere. These houses are not fit even for the dogs of the urban peoples to live in. Men, women, children and even cattle are housed in the same room. Even fuel is stored there. When a man grows old and has his daughters-in-law, he makes a separate enclosure of straw for himself. It is these houses that the money-lenders want to attach merely in order to turn the zamindars homeless. They want the poor zamindars to have no other roof except that of the sky and no floor except the land. It is these houses which they want to auction and it is these that we want to exempt from attachment. It was never expected that Diwan Chaman Lall would also go to such an extreme as to withhold this small mercy from the poor zamindars. I, for one, never thought that Diwan Chaman Lall would be a party to such cruelty as not to allow any protection to the most needy agriculturists. He at least should not have put forward such a flimsy argument. I am reminded of a Persian saying—

هر چه در کان نمک رفت نمک شد

He should have known how rulings are obtained in the High Court. The poor zamindars cannot afford to bear the costs of litigation. That is why we want to place the burden of proof on the decree-holder. The judgment-debtors are too poor to follow a case to the High Court. The question is, how can a poor zamindar give legal proof when he lives in such a house as I have described ? He has to walk on foot to reach a civil court. How can he pay for the lawyer, the clerk's fee, the petition-writer, the copies of the *khasra girdwari* and various other things ? The *patwari* charges from them even now Rs. 4 instead of annas 8 which is the real fee. The poor zamindar is handicapped in various ways. He does not know what to do. He cannot furnish even the list of witnesses. It costs him a lot. You will observe, Sir, that he has to experience great hardships in collecting material to prove to the satisfaction of the court that the said house cannot be attached as he is an agriculturist. If he succeeds in adducing the necessary proof, his house is released from attachment. But he has to

[Rao Pohop Singh.]

spend a good deal of money in achieving his object. He is confronted with other difficulties also. For instance, the courts do not award him the costs. Even if they grant him the costs, he does not possess sufficient means to realise the money. Besides, more often than not it so happens that the decree-holders get the houses of the poor zamindar debtors attached without the knowledge of the latter. The transactions of attachment take place in papers. The result is that the zamindars do not file objections even and consequently the houses are attached and auctioned for sale. In this connection I may point out that I can quote instances to the effect that in every district hundreds of houses were attached but on preferring objections were released from attachment. But this fact must not be lost sight of that this process involves a good deal of expenditure which only the rich can afford to incur. The financial position of the poor debtors is so weak that they cannot spend so much in order to get their houses released from attachment. The rich debtors can pursue the suit right up to the High Court and also can employ the services of legal luminaries. But as it is the intention of the Government to provide relief to the helpless and poor judgment-debtors they have thought it fit to transfer the burden of proof. In other words the Bill under consideration seeks to place *onus probandi* on the creditor or the decree-holder. That is, he should prove whether a particular house has been lying vacant for a considerable period and that it has been let out on rent to any person other than the relations of the judgment-debtor, enumerated in the Bill. It is only then that the said house is liable to attachment, and sale. I for one see no difficulty which the decree-holder will have to experience in giving the required proof to the court. I am, therefore, of the opinion that the Government have adopted the right course in changing the burden of proof. I may add that it has been done so, definitely with a view to afford protection to the poor and not the rich and well-to-do debtors. Then it was remarked by my honourable friends opposite that all canons of justice, jurisprudence and law of evidence have been blown to winds by the introduction of this change in onus of proof. They were pleased to say that as a result of this change the established law of evidence has been rendered absolutely ineffective. I beg to differ from them. May I ask why my honourable friends over there attach so much sanctity to the law of evidence? I may state for the information of the House that right from the establishment of the High Court of Judicature up to 1920, it had been held by this highest tribunal of the province that if the thumb impression implanted on any document was proved to its satisfaction or the debtor himself admitted that it was his thumb-impression, even then the burden of proof was placed on the creditor to prove that he had advanced the amount specified in the document to the debtor. But in 1920 one single ruling by the High Court set aside this practice which had been in vogue for 62 years. It was lately when Honourable Sir Shadi Lal, was the Chief Justice of the Punjab High Court, ruling was given that if the debtor admitted his thumb-impression or it was proved to be his in some other ways, the debtor should prove whether or not the amount mentioned in the document was received by him.

Mr. Speaker : The honourable member should not bring in names, if possible.

Rao Pohop Singh : I never mentioned it with any ulterior motive. I have the greatest respect for Sir Shadi Lal. He hails from my district and in fact we are proud of his achievements. I assure you that I had no intention to cast aspersions on him. I was simply trying to show that after 62 years the burden of proof was changed....

Mr. Speaker : The honourable member should not discuss further the question of burden of proof. The burden of proof is involved, no doubt, in the amendment, but the theory of burden of proof is not to be discussed.

Rao Pohop Singh : I may also add that in the whole of the Punjab all the courts began to act upon this ruling. Consequently the debtor had been put to great hardship since that time. Then in 1935 an attempt was made by the old Legislative Council to rectify this ruling by placing the *onus probandi* on the creditor.

(At this stage Munshi Hari Lal rose to speak.)

Mr. Speaker : Order, order. The honourable member got up thrice but the honourable member, who is in possession of the House, did not give way.

Rao Pohop Singh : I was submitting that by that ruling of the High Court, the burden of proof was changed. I am also sure that this ruling was given on the basis of a Privy Council judgment. Again, I may point out that the law of evidence or other laws are not unchangeable things. They can be changed with the change of time. For instance, I draw the attention of the honourable members to Section 162 of the Criminal Procedure Code.

Mr. Speaker : Please speak to the motion.

Rao Pohop Singh : Well, Sir, all I want to emphasise is that the change of burden of proof from the debtor to the creditor or decree-holder is a wholesome and a welcome change. It is in the best interest of the poor debtor and is quite just and proper. I am sure it has never been the intention of the Government to throttle law and trample under foot the canons of justice and equity. They have brought about this change with the sole purpose of affording relief and protection to the poverty-stricken debtors who really deserve this sympathetic consideration. The clause under discussion no longer seeks to benefit the rich. With these words, I strongly oppose the amendment now before the House.

Mr. Speaker : Now the honourable Munshi Hari Lal may ask his question.

Munshi Hari Lal : I wanted to ask whether the ruling of Sir Shadi Lal was not based on a Privy Council Ruling?

Rao Pohop Singh : Who has denied it?

Dr. Sir Gokul Chand Narang : May I ask whether it was a single bench ruling or a division bench, or a full bench ruling? If I remember correctly it was a division bench ruling.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir, I wish to make, in the capacity of a layman a few observations with regard to the clause now before the House. Let me point out that I am...

[Dr. Gopi Chand Bhargava.]

neither a representative of the landholders nor that of the labourers, but it does not mean that I have no right to say anything with regard to matters concerning them. I may tell my friends that I am a representative of the poor people and I claim to understand the theory of socialism and to some extent I do believe in it as well. But my socialism does not prevent me from raising my voice, however feeble it may be, against any measure the object of which is to benefit the richer sections. I may make it clear that my friends opposite who wish to defend their own actions under the false guise of "socialism," should take it from me that they have not understood this doctrine at all. Thus Sir, I may point out that in the Civil Procedure Code, Section 60, it was provided that—

Houses and other buildings belonging to an agriculturist and occupied by him

should be exempt from attachment in the execution of a decree. In 1934 this clause was amended by section 35 of the Relief of Indebtedness Act and in place of the words "occupied by him" for the purposes of this Act the following new words were substituted :—

Not lent out to others or left vacant for a period of a year or more.

This clause is now proposed to be further amended by the Punjab Relief of Indebtedness (Amendment) Bill now before the House. The new amendment is as follows :—

In clause (c) for the words "occupied by him" the following words shall be deemed to be substituted, namely :—

"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 Relief of Indebtedness Act, 1934, had the words "not let out to others" but it has now been amended to mean, "not let out on rent or lent to persons other than his father, mother," so on and so forth. My submission is that the proposed amendment in this respect is open to a very serious objection. For instance, if any property in the form of a residential house belongs to a poor woman, who is, unfortunately, wedded to an unemployed husband living in her house, how will this emergency be dealt with? Will such a house be included in the list of those houses which would be exempted from attachment in the execution of a decree or not? The clause as it stands does not make any provision for this emergency. The word "wife" is included in it but not the word "husband." I beg to ask as to how would this difficulty be solved? In the case of the wife of a "judgment-debtor" the burden of proof would lie on the creditor whether or not she is his wife, but how would this particular instance referred to above by me be solved?

Then this clause is open to another very serious objection. It is that this clause is being added in order to benefit the rich zamindars and not the poor. Let me point out that we do think, rather desire more intensely than my friends opposite profess to do that a person who is poor and who has not sufficient property which can be sold in order to discharge his debts, should be afforded sufficient protection to save him and his children from utter destruction. Rather in the case of such poor persons it is our duty that we should enact measures which give them adequate protection and we are doing our level best to have that done. I go further and say that

even if we wipe out the debts of such persons with one stroke of the pen that act would be supported by ample justification. But the words "to persons other than his father, mother, wife, son, daughter, daughter-in-law, brother, sister or other dependants" implicitly mean that this protection is being provided for big zamindars. For instance, if there is a zamindar who has bungalows in his village as well as in cities like Lahore, Simla or other hill-station and who is so rich that he does not feel the necessity of letting them out on rent but simply keeps them for his personal comfort such a big zamindar does not deserve nor does he require protection which is sought to be given to him. Let me point out that if he has constructed these bungalows as a means of increasing his income, in that case he shall have to get a rent deed transacted under the Specific Relief Act and shall have to register it as well. But on the contrary if he does not let out his bungalows on rent but only keeps them for his personal use or allows any of his relatives to occupy them for a few days or months or even if he keeps them vacant but for a period more than a year in that case his bungalows cannot be attached in the execution of decrees. This, in short is the meaning of the clause under consideration. In the circumstances I am constrained to remark that this Bill is being enacted in order to protect the rich people and to safeguard their vested interests rather than assist the poor and the deserving. If the Government do not intend to provide this relief to the rich zamindars let them come forward and exclude such people from getting this benefit by virtue of this Act.

Besides Sir, I may point out that a large number of relatives have been included in the clause and in their cases too the burden of proof will lie on the decree-holder, whether or not they are his relatives. That is what he will have to prove before he can get the house of a judgment-debtor attached. Further he should show that the house has been let out on rent or lent to persons other than his father, mother, wife, son, daughter, daughter-in-law, brother, sister, or other dependants. If he cannot prove either of that he will not be able to get his property attached. In this connection I may point out that the insertion of words "or let out on rent or lent to other dependants" is a gross and deliberate injustice to the creditor class. My submission is that rich persons, living in palatial building but seeking to avoid the payment of their debts should not be afforded this protection. As a matter of fact such persons should be made by law, to pay off the debts of the creditors. So far as the people other than the rich are concerned we agree that graded protection should be given to them. For instance, if there is any person who has not sufficient property by which he can make his living, in his case my suggestion is that some percentage of his debts should be wiped out and so on. This procedure with requisite adjustments should be followed in the case of others too. But a person who owns sufficient property but shirks the payment of his debts should not be given any protection at all for obvious reasons. I fail to understand why a person whose sole objects is to take out loans in order to lord over his fellow citizens should not be asked to pay off his debts. We cannot on principle support a measure which seeks to afford protection to those people who simply take loans for making merry. I am constrained to remark that the amending Bill does not fulfil that object for which it is mainly being enacted.

[Dr. Gopi Chand Bhargava.]

Then, Sir, you will find that after the enactment of this measure the burden of proof to the above effect would rest on the creditor. This in other words would mean that he would have to prove those things which so far he was not required to substantiate in the civil courts or before the boards. So far as this amendment is concerned I find there are two opinions among the lawyer class. There is the overwhelming class of those who would place the onus of proof on the judgment-debtors who wish to enjoy the advantages of the Act. This class includes overwhelming majority of the public opinion. But the view to the contrary is held by a class of lawyers who are either retired or have given up practice to take ministerial appointments and consistent with their short-sighted observations they fail to notice the very evident fact that after a year or two they may have to take recourse to that very profession which was giving them food and shelter before the advent of this constitution. But, Mr. Speaker, I beg to declare on the floor of this august house that all sane legal luminaries favour the former view. Moreover, in this connection I may add that matters relating to burden of proof are such complicated things that none but lawyers can successfully do that. Up till now the lawyers were permitted to appear before the boards with the previous permission, but after the enactment of this amending Bill into law no lawyer could exercise this right. They will forfeit it. Let me strike a note of warning to the honourable member opposite that although to-day he does not feel the necessity of pleading in courts it is, as I have already pointed out, just possible that a time may come and that too in the very near future when he would begin to feel its brunt. Therefore it is in his interest and the interest of his own friends opposite that he should do away with this restriction. Moreover, there are often points which a lawyer can grasp and other do not to that extent. In the circumstances it is highly necessary that these obvious shortcomings and drawbacks of the Bill should be removed.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Mr. Speaker, I did not feel the necessity of making a speech when I moved my amendment with your permission, because I thought that Government would not object to it. However, now I am obliged to say a word with regard to what the Honourable Minister for Development has said in reply to the points raised during the debate by the honourable members from this side of the House. The Honourable Leader of the Opposition and my friend Diwan Chaman Lall have brought to light the various defects inherent in the subject matter of the clause under consideration, and these have been thoroughly discussed. The Honourable Minister for Development in spite of our repeated requests has not enlightened us on the point whether by this clause it is sought to benefit the rich debtors or the poor ones. By all means do help the poor. We are one with you. But we smell the rat and it appears that the real object is something else. We feel that an attempt is being made to exempt the houses of the rich from attachment in execution of a lawful decree. The honourable members on all sides of the House have discussed this matter at length and I think it is hardly necessary for me to clarify these points any further. However, there is one point which I would like to stress and that is that if a judgment-debtor who is himself in occupation of the house or has but it to some one of his near relations, wants to have the house exempted

from attachment, the onus in every case should lie on the judgment-debtor. It is, but reasonable that a person who wants to derive benefit from this clause, should come forward and furnish the proof. This measure, Sir, is being enacted in utter disregard of the rules of procedure followed by the ordinary civil courts and the rulings of the High Court. It has been asserted with pride by the other side that the provisions of the measure sponsored by them are based on common sense. If this is common sense, excuse me if I say that it is an uncommon specimen. But I would ask you, Sir, whether it is not in conformity with common sense that it should be the borrower who is to get benefit by this provision, to come forward with proofs to show that the house has been lent to such and such relative of his, and is therefore exempt from attachment in execution of a decree. How is it possible for a decree-holder to know the various relations of the debtor or to find out the person who is in possession of a particular house? It is for the debtor to go to the courts straight away and show that the house has not been let out to a tenant, on the other hand, has been lent to one of his near relations and as such it is exempt from attachment. It is extremely unreasonable, keeping in view the hundred and one difficulties that you have created in the matter of realisation of debts that the burden of proof should also lie on the creditor. Excuse me, Sir, you are encouraging a debtor to evade payments. You are not only teaching him the way, but also providing him with law which is solely made to crush the creditors.

With these words I would request the Government to accept this very simple amendment. But if they do not see their way to accept it, they already stand exposed.

Mr. Speaker : The question is—

That in the proposed section 35 (a) (1), lines 5-6, the words "not proved by the decree-holder to have been" be deleted.

The motion was lost.

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

That in the proposed section 35 (a) (i), lines 8-12, for the words "let out on rent or more," the words "occupied by him or any of his relations dependant upon him" be substituted.

A similar amendment has already been discussed and discussed fully. I, therefore, will confine myself only to the discussion of that aspect of the question that I have raised. Sir, the real object of the proposed clauses to protect the debtor as defined by this Bill and certain of his relations. That is the object of this clause. My amendment serves exactly the same purpose without doing any injustice to anybody. My amendment has got this advantage that while it carries out the object intended by the framers of this clause, at the same time it avoids any injustice that might be committed by reason of retention of this clause in its entirety as desired by the Honourable Minister in charge of the Bill. In reply to two queries made by the Honourable Dr. Gokul Chand Narang, the Honourable Minister was pleased to say that he admitted that if a man has got a number of houses and all those houses were occupied by him, then this clause would protect all those houses against attachment. He also admitted in reply to another query of Dr. Gokul Chand Narang that if there was a small decree against a man

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who owns lakhs he stands protected. I must admit in fairness to the Honourable Minister that he understood the position correctly and that he admitted that that was the correct position. May I submit to him that if we give him this much power that he can protect the debtor or anybody who is dependent on him, what more does he want? I submit that my amendment is a definite amendment and a very comprehensive amendment and protects all those people, who according to his own point of view, not according to my point of view, are entitled to protection. Why should he then not accept this amendment? Sir, my honourable friend, Rao Pohop Singh, said a good deal on a similar amendment. He went even to the extent of criticising the High Court or some of the rulings of the High Court. It was all right that he was allowed to do so. But what I want to say is that it does not behove this gentleman to criticise either the High Court or the rulings given by it, because the High Court has done in his own case justice. It does not look nice that a gentleman who has derived the greatest benefit from the judgment of the High Court in his own case, should criticise the High Court—

Mr. Speaker : Please do not bring in the High Court.

Lala Duni Chand : It does not lie in his mouth to say, by reason of his own experience, that the High Court is a court that cannot undo the wrong that may have been done by the lower court. So he should not have grumbled about the High Court. Then, Sir, if this clause is carried out as it stands, in that case, I want the House to realise what situation will be created. It will come to this that nobody, who advances loan even to a very rich man, will be in a position to realise it. To me it appears rather curious or extraordinary that a debtor should have the right of borrowing without any condition being imposed upon him to repay the same. It would be fair and just if a condition were imposed on an agriculturist debtor, who owns only residential houses, that he would have no right to borrow and if he would borrow he will be committing a crime and will be punished. This is the logical conclusion that should be secured by this legislation. If he wants to be fair to the debtor he should see that the debtor is also fair to the creditor. He wants to kill the creditor without imposing any penalty upon the debtor. If he wants to be fair to the creditor, then in that case he should say that the creditor should not be allowed to fall into the clutches of unscrupulous debtor and it should be made a crime or offence that no debtor, who enjoys such and such privileges should be allowed to do so. With these words I move my amendment.

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

That in the proposed section 35 (a) (i), lines 8—12 for the words "let out on rent or more," the words "occupied by him or any of his relations dependent upon him" be substituted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I support the amendment moved by my honourable friend, Lala Duni Chand. The amendment is a very simple one. All that it says is that instead of recapitulating so many relationships, namely, father, mother, wife, son, daughter, daughter-in-law, brother, sister or other relations, whether or not dependents on the debtor, this clause should be precisely defined; and how does my honourable friend define it? He has defined

it to mean, "occupied by him (debtor) or any of his relations dependent upon him." I think the object of the Government is quite well served if they accept this amendment. Supposing, for instance, a person's son is a deputy commissioner or is a very big man, the mere fact that he happens to be occupying the house of his father should not make the house immune from attachment; although the son's own financial position may be such, as to be able to easily pay the debt of his father. Such cases should be given consideration. I feel sure that the Government will arrive at the same conclusion as my honourable friend has done that this exemption should only apply to people who are dependent upon the debtor and not otherwise. I do not think a long speech is necessary in support of this amendment. With these words I support the amendment moved by my honourable friend, Lala Duni Chand and I hope the Government will give it serious consideration.

The Honourable Chaudhri Sir Chhotu Ram (Minister for Development): Sir, the whole intention of the present amendment is to make everything definite, easily understandable, easily ascertainable. We want to lay down as a matter of statutory law that unless a decree holder is in a position to prove that a particular house has been either let on rent or has been given for occupation to certain people other than those enumerated in the section that house will not be available for attachment. We have enumerated certain relations and if a house, sought to be attached, is occupied by those relations, the house will not be available for attachment or sale and if the decree holder fails to prove occupation by persons other than these relations he will have no right of attachment or sale in respect of that house. If the amendment proposed by Lala Duni Chand is accepted then everything will be left in a most hazy and indefinite position to which we have the greatest possible objection.

Lala Bhim Sen Sachar (North-West Towns, General, Urban): Sir, there is no doubt that the Minister for Development has stated the intention of the amendment in very clear and unambiguous language but he has not been good enough to answer the question which was put to him by my honourable friend Lala Duni Chand. The aim of this legislation ought to be to protect those who deserve relief. If this standard is not applied then we are forced to the conclusion that because a house or houses belong to an agriculturist therefore they are immune from attachment. If this principle were recognised irrespective of whether or not a particular person needs relief I am afraid my honourable friend will be creating a caste system the existence of which is already admitted to be an evil. We have no quarrel with him so far as giving of relief to really needy people is concerned. As my honourable friend Sardar Santokh Singh has pointed out very properly a judgment-debtor may have a son who is substantially rich and because of certain arrangements or by some accident occupies one of the houses of that judgment-debtor. Now according to the standard laid down by my honourable friend the Minister for Development that house shall not be attachable even in respect of just debts. The Honourable Minister for Development was once pleased to say that if the effect of all his legislation is to destroy the credit of agriculturists in the market he would be happy and his object would be gained because he does not want the agriculturists to have any dealings with the non-agriculturists or to be in a position to raise loans even

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when the need for such loans is legitimate and is in their interest. Now I am sure with this most astounding proposition of the Honourable Minister for Development nobody, who has the interest of the province as a whole at heart, will agree. The difference between the outlook of the Minister for Development and of others on this side is that he believes that an agriculturist must become immune by the mere fact of his being an agriculturist quite regardless of this fact that somebody had helped that agriculturist at a time when his need was most urgent, perhaps when he needed money to educate himself or to educate his children : it may be probably his ailing wife was on death bed or his ailing child was on death bed. According to the standard of the Honourable Minister for Development the creditor is not allowed to realise money even from him who is in a position to pay. I hold no brief for him who tortures a person who has no capacity to pay, but our culture—the combined culture of the province—revolts against a doctrine which wants to deny payment of debts—proper debts, good debts and legitimate debts—to those who had properly and fairly advanced them and from those who are well in a position to pay them back. What is the answer of the Honourable Minister for Development to this simple question? My friend Lala Duni Chand has well said that when you make the house immune let it not be attachable provided it is occupied by debtor or by his relations dependent on him. Nobody can say, take the son out of the house or take the daughter out of the house. Nobody says, take the judgment-debtor out of the house and let him roam about in the streets so that the decree-holder's money may be realised. Nobody says that. What is intended is to plead for fairness for the sake of the traditions of our society, and in the interest of mutual dealings. Agriculturists and non-agriculturists are not two separate entities which the Honourable Minister for Development is never chary to state they are. If the Honourable Minister for Development is opposed to the most mischievous two-nations theory I cannot see any justification for his not taking up the same attitude towards this still more pernicious, more harmful and more retrograde idea of dividing agriculturists and non-agriculturists and to create a wedge in the body politic which stands as one entity. We should be treated as Punjabis and then amongst the Punjabis those who are able to pay and those who are not able to pay. I would request the Minister for Development to answer if there is any difference between him and me. I challenge him to say how much of an agriculturist is he. He is but one of the class of exploiters, because you will readily admit that there are only two classes in the province or for the matter of that in the country. One of those people who are dependent on others who may be very well exploited and the others who have—.

Mr. Speaker : Please speak to the amendment before the House.

Lala Bhim Sen Sachar : Sir, the amendment before the House is the one moved by Lala Duni Chand that only those persons should be exempted who are dependent relations of the judgment-debtor and I was submitting that as against Lala Duni Chand's amendment, the amendment of the Honourable Minister that regardless of this fact whether or not a man is in a position to pay his property should be immune merely because the house is in the occupation of a father, mother or son. That was the reason why I felt it necessary to point out that the standard which should regulate our conduct

is this : give relief to the poor, give relief to the needy, but do not by your action make those people who are honest dishonest and those people who have business necessity to degrade themselves to a level which none should like. That is all I want to say.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :

The only argument that the Honourable Minister of Development urged against the amendment of Lala Duni Chand was that this amendment would create confusion and that the Honourable Minister was pledged to clarity and definiteness. My submission is that this argument has absolutely no force. The clause as it stands is rather vague and the amendment of Lala Duni Chand will make the position more clear besides making it more just and equitable. What the amendment aims at is this : not merely by virtue of being a relation of a judgment-debtor should a person be entitled to remain in occupation of a house and there should be no attachment, but it should be proved that he is also a dependent of the judgment-debtor. Where is the ambiguity in this ? The word " relation " is very well understood, in fact in a way it extends the clause as it stands. In the clause as it stands only a certain number of relations is mentioned and in the amendment every relation would be included, even collaterals, may be of the fourth or fifth degree, while the Honourable Minister wants to extend the benefits only to a limited number of relations. The Honourable Minister should have no grouse against this amendment. The only question that Lala Duni Chand has raised is that whereas the house may be occupied by any relations, the house is free from attachment only if that relation who is in occupation of the house is dependent upon the judgment-debtor. What fault can you find against this amendment ? Does the Honourable Minister want that a house should be exempt from attachment simply because it is occupied by a relation of the judgment-debtor ? What logic is there ? What justification is there ? On what principle of law or equity can he justify such a proposition ? Of course there is only one principle on which he can justify and that is lack of principle, the object being simply this that so far as a judgment-debtor is concerned he should be practically sacrosanct and no property belonging to him should be available for attachment. It does not weigh with him, it is no consideration for him whether a judgment-debtor is a millionaire, as there are many among the agriculturists, owning a dozen of houses ; it is no consideration to him whether the decree is for a small amount. If a person himself occupies a house, that house must be free from attachment ; if his daughter occupies a house, she may be married to a Nawab, that should also be exempt from attachment ; if his son occupies a house, he may be entirely independent, as was pointed out by Sardar Santokh Singh, he may be a deputy commissioner, he may even be a Minister, still if he happens to occupy his father's house, that house must also be free from attachment. Take another case, Sir, in which a partition might have taken place in a family of a father and say 4 or 5 sons and the father was under debt when his sons had not risen to high positions. Each son gets a house and lets it on rent and one of them occupies one of the houses which had remained with the father and the father also occupies another house, these two houses also will be free from attachment. Does not the absurdity of the proposition strike even a Minister like him ? There are limits to absurdity ; there are limits to injustice, unreasonableness and unfairness. There must be a limit to which this Government can go in

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unreasonableness, in unfairness, in injustice and he would pardon my saying, even in absurdity!

If he says that it is not easy to determine whether a relation is or is not dependant, the answer is that in the clause itself there is a list of persons who are supposed to be occupying a house in order to make it free from attachment and you find the word dependants." Now if these words do not create any ambiguity, how can Lala Duni Chand's amendment create ambiguity? That should have struck him, but of course he knows the reasons why he sticks to that list including the word "dependants" and why he does not accept Lala Duni Chand's amendment. There can be no other reason except this that he wants that no creditor should ever be able to realise anything from the judgment-debtor no matter how poor the creditor may be and how rich the judgment-debtor is!

Lala Duni Chand : Sir, I would like to say a few words by way of reply. The Honourable Minister of Development says that if my amendment is accepted, the whole thing will be reduced to a confusion, but I fail to understand how and in what manner my amendment will create any confusion. I have simply stated "occupied by him." Does he find any difficulty in understanding these words? I further add, "or any of the relations dependent upon him". May I ask if this expression is not found in any other legal enactment? On the other hand, you will find very few enactments in which a whole list of persons is given. Generally a comprehensive expression is used. I think the charge that my amendment would cause haziness and confusion really has got no substance though he speaks in an authoritative manner because of an overwhelming majority at his back and brushes aside reason and logic.

Sir, there are two things that the Honourable Minister wants to do. One thing is that a third person like a decree-holder should prove that the house has not been let out on rent or lent to persons other than so and so. I want to ask, does he not offend by enacting this clause against two commonsense rules of law or two well-established rules of law? One thing is the question of the *onus probandi*.

Mr. Speaker : That matter has been discussed.

Lala Duni Chand : I might put it in a different way. I am not using that argument. He is going to place the *onus probandi* on a third person in order to prove certain facts which are not within his knowledge. Another thing is: Does he not offend against the rule of *onus probandi* as accepted by the system of jurisprudence or by the law of evidence? I want to know whether the Honourable Sir Chhotu Ram while he was practising the legal profession, would have had the courage to put forward an argument of this kind and whether any court in spite of his importance would have listened to him. The only reply is, that it is too much on your part to advance an argument of this kind. I do not know after this clause is enacted in the form of law—

Mr. Speaker : Please speak to the motion. The honourable member's argument is much wider in scope and field than his amendment.

Lala Duni Chand : I am trying to show the absurdity of the clause.

Mr. Speaker : The honourable member may confine his reply only to the amendment.

Lala Duni Chand : We have just listened to the speech of Rao Pohop Singh and I think after that my speech is not as irrelevant.

Mr. Speaker : He was irrelevant and I pulled him up. Please speak to the motion.

Lala Duni Chand : The other argument that I want to place before this House and before the Honourable Minister for Development is : is he not doing a great injustice to those needy debtors who have to borrow from time to time and on certain unavoidable occasions ? If Sir Chhotu Ram by making laws could provide two meals to the people—

Mr. Speaker : The honourable member is again going far beyond the amendment.

Lala Duni Chand : If you want to put a halter round my neck, I shall have to wear that halter round my neck. But I think what I am saying is relevant, but as it is in your power to put that halter round my neck—

Mr. Speaker : The honourable member is an able lawyer. So, he can make even irrelevant things relevant. But he should remember that he is discussing only an amendment and not the whole Bill.

Lala Duni Chand : The argument that I wanted to put was that if on the one side Government is absolutely unable to provide two meals to a large number of debtors and to provide for their elementary requirements the Government has no right to do the injustice that the retention of this clause will do to a large number of needy debtors.

Minister for Development (The Honourable Ch. Sir Chhotu Ram) : Sir, it has been suggested both by the honourable mover of the amendment and by Dr. Sir Gokul Chand Narang that I am taking undue advantage of the large majority which is at my back and that I have a desire to see that no debts are realised by creditors from debtors. May I say that so far as the allegation, true or untrue, that I do not desire that any debt should be realised from debtors by creditors is concerned, that position was created, not now by the present amending Bill but five years ago. That position was created five years ago when I had no such majority at my back, that is when the original Relief of Indebtedness Bill was passed by a Government of which Dr. Gokul Chand Narang himself was a member.

An Honourable Member : Then this is doubling that wrong.

Dr. Sir Gokul Chand Narang : Why amend it ?

The Honourable Chaudhri Sir Chhotu Ram : It is no wrong. Now we are amending that very Act. So far as the realisation of debts is concerned, if it is difficult under the law, it was made difficult in 1985, not now. What I now wish to secure by this amendment are two things. One that the burden of proof should be placed upon the decree-holder and not upon the judgment-debtor and second, I desire to have the word "others" definitely defined. My honourable friends can, if they like, take an objection to the fact that I am changing the burden of proof. Instead of the burden

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of proof being upon the judgment-debtor, I am placing it upon the decree-holder. That objection can be taken, but I made the position quite clear two or three days ago that it was intended even under the original Act that the burden of proof should be on the decree-holder and not upon the judgment-debtor, but we failed to achieve that object by using the language that we did, and now we are only rectifying a mistake which we have found as a result of recent decisions of the High Court. We had thought that close relations, such as wife, brother, daughter or son will not be regarded as "others." What we meant by "others" was strangers to the family. As the High Court has held that a brother or a son will be regarded as falling under the category of "others" we have introduced this amendment by which we desire to make it perfectly clear who can and who cannot fall under the category of "others." We have specified certain relations who will not be regarded as falling under the category of "others."

Lala Duni Chand : Regardless of the means of others ?

The Honourable Chaudhri Sir Chhotu Ram : There is no question of means. Means of such relations had been ignored or at least it was intended to do so even at the time when the Punjab Relief of Indebtedness Act was passed in 1935. That position we are not going to change now. If we were to accept the amendment proposed by Mr. Duni Chand or if we were to accept the soundness of reasoning advanced by Dr. Sir Gokul Chand Narang, it would worsen the position of the debtor. The position of the debtor was made quite safe in 1935. Now my friends are asking me that I should agree to that position being made worse by accepting the amendments proposed by them. I am not prepared to agree to any such thing.

Mr. Speaker : Question is—

That in the proposed section 35 (a) (i), lines 6—12, for the words "let out on rent. . . . or more," the words "occupied by him or any of his relations dependent upon him" be substituted.

The motion was lost.

Lala Sita Ram (Trade Union, Labour) : I beg to move—

That leave be granted to move the following new clause :—

That after the proposed section 35 (a) (i), the following proviso be added :—

"Provided that in the case of a person who is an agriculturist within the definition of this Act, but is not an agriculturist within the meaning of section 60, Civil Procedure Code (unamended by the Punjab Acts) the exemption shall extend only to the houses which are situated in the revenue estate from which he derives the largest portion of his agricultural income."

The motion was lost.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) : Sir, I beg to move—

That in the proposed section 35 (a) (ii) (cc), line 2, between the word "calf" and the sign ",", the words "or kids" be inserted.

It is self-explanatory and my purpose is quite obvious. I want that no other interpretation be put on the animals.

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

That in the proposed section 35 (a) (ii) (cc), line 2, between the word "calf" and the sign ",", the words "or kids" be inserted.

Dr. Sir Gokul Chand Narang : Why is the honourable member partial to the kids and not to the lambs? (*Laughter*).

Mr. Speaker : The question is—

That in the proposed section 35 (a) (ii) (cc), line 2, between the word "calf" and the sign " , ", the words "or kids" be inserted.

The motion was carried.

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

That in the proposed section 35 (a) (ii) (cc), line 2, between the word "calf" and "carts", the words "needed for him and his family" be inserted.

2 p. m.

The acceptance of the previous amendment of my honourable friend has furnished important material for amusement. We know that howsoever reasonable our amendments might be, they are bound to be thrown out. Our only satisfaction lies in making the position of the Government absurd, more absurd and most absurd. What I want is this. Let the benefit of the clause be given in the case of the animals mentioned. But the condition should be that they are really required for the needs of the debtor and his family. Land is already exempt from attachment and sale. Houses have been exempted. Even palatial buildings have been exempted from attachment. Bullocks are already exempt and now they want to exempt even milch cattle, including kids according to the previous amendment. (*Laughter*.) In connection with my amendment, I want to bring one fact to the notice of the Honourable Minister of Development. He must be well aware that the agriculturists rear a large number of milch cattle, not for the purpose of having milk for themselves and their families, but for the purpose of making income out of them. He must be knowing that class of people who are called *Gujars*. They do not pursue agriculture in its strict sense but their agriculture is that they bring up a large number of cattle and I have seen some of them keeping dozens of cattle and sometimes hundreds—a whole herd. If my honourable friend had ever been to the Kangra district, he must have found there a large number of *Gujars* from the plains taking cattle to the hills in the summer season. The *Gujars* of the plains take their cows and buffaloes to the Kangra district. If the amendment proposed by the Government is carried out, it means that all those people who carry on trade in cows and buffaloes—their cattle will not be liable for attachment. It does not matter if they are not liable to attachment. But what I mind is that all these cattle dealers who deal in cattle, buffaloes and other animals, really do so by borrowing the necessary capital from the money-lenders. The money-lenders are intelligent enough and shrewd enough and as soon as this Bill is passed, every money-lender will know what is the effect of this Bill. They will know what Sir Chaudhri Chhotu Ram aims at. There will be no difficulty to understand that—the whole scope of the Bill and all that is intended to be done. In that case nobody will advance the money to the *Gujars*. The *Gujars* and others who carry on their trade in cows and buffaloes would find their business gone. Nobody will henceforward advance them any money. The result will be that all this trade that is being carried on by them and which practically means their only livelihood, will die. He cannot say that it is not necessary for these people who traffic in cows and buffaloes, to borrow. If they got any credit so far, it is only because they owned a large number of cattle

[Lala Duni Chand.]

out of which they made large income, out of which they could pay to their creditors. So if this law is passed, it will mean that a man may advance thousands and yet he will not be able to realise a pice from these people. I simply want to impress upon the attention of the Honourable Minister the seriousness of the consequences that will follow. He should not think that all the agriculturists live only upon the plough. A certain number live upon it and there is a large number of people who live upon such trade as I have mentioned. So he is going to take out of the mouth of these people their only means of livelihood. I leave it to him whether he can appreciate what I have stated. With these words I move my amendment.

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

That in the proposed section 35 (a) (ii) (cc), line 2, between the words "calf" and "carts," the words "needed for him and his family" be inserted.

I have received notice just now of four amendments, two in the name of Khan Bahadur Mian Mushtaq Ahmad Gurmani, one in the name of Captain Sodhi Harnam Singh and one in the name of Sayed Amjad Ali Shah, all relating to the same subject. I want to know whether these amendments are moved at the suggestion of the Honourable Minister or they are moved independently. There ought to be a limit to these amendments. In this way we can never finish even this Bill for weeks. If there is any amendment which the Government wants to move, I think the Honourable Minister should move. Then I will perhaps pay greater thought than to the amendments received otherwise.

Minister of Development : I am not in a position to say that they had not my approval. They were discussed and I said, "if you think that the amendments are very important, you may move them." So I can say that, in general, they had my approval, but I cannot say that I instigated them.

Mr. Speaker : There is no question of instigation.

Minister : Some of them were agreed to by me.

Lala Bhim Sen Sachar : Does it mean that if left to himself, he would not have moved these amendments?

Mr. Speaker : Then the Honourable Minister is not keen to have them moved.

Minister : I am keen about the amendment relating to animals used for the purposes of transport or draught, because the actual word used in the original legislation is "bullocks" and there are certain parts of the country where camels and donkeys are also used as draught animals.

Mr. Speaker : What I would suggest is that amendment No. 12 in the Fourth Revised List (Printed) moved by Lala Duni Chand and No. 13, which stands in the name of Khan Bahadur Mian Mushtaq Ahmad Gurmani, and the next amendment in the second supplementary list, which contains the word "draught" and stands also in the name of Khan Bahadur Mian Mushtaq Ahmad Gurmani, should be discussed together. Lala Duni Chand's amendment will be proposed from the chair, but the remaining amendments will be put to the vote of the House, if necessary, separately.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhaumadan, Rural) (*Urdu*): Sir, I want to say a few words with regard

to the amendment now before the House, for I also have an amendment relating to the same sub-clause standing in my name. The object underlying my amendment is that the animals used for the purposes of transport and "kashtkari" be exempted from attachment or sale.

Diwan Chaman Lall : Where is the "Kashtkari" here? Do you know the meaning of "draught"?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Please do not assume the role of a teacher to me but try to follow what I say. Draught means act of drawing and animals used for the purposes of "Kashtkari" or agriculture can be termed as draught animals because they are used for drawing ploughs and working wells. The object of my amendment is that animals used for the purposes of transport or draught should be exempted from attachment or sale. Under Section 60 of the Code of Civil Procedure, the cattle of an agriculturist judgment-debtor, which may, in the opinion of the court, be necessary to enable him to earn his livelihood are exempt from attachment or sale. But similar protection is not given to other animals such as camels, mules, donkeys and horses which may be used for the same purpose. The use of these animals in the pursuit of agriculture, i.e. for drawing ploughs or working wells, is not uncommon in this province, particularly by poorer cultivators who cannot afford to buy expensive bullocks. There seems to be no reason why these animals should not be exempted from attachment or sale. In judging the necessity of an agriculturist judgment-debtor to enable him to earn his livelihood the courts exempt only such animals from attachment or sale, as are used for drawing ploughs or working wells. Animals used for carrying manure to the fields or for transporting the agriculturists' produce to the market are not exempted. Animals used for transport are as important and necessary for the pursuit of agriculture as those used for drawing ploughs and working wells. It is therefore necessary that these animals should also be exempted from attachment or sale. Now I would like to say a few words with regard to the amendment moved by my honourable friend Lala Duni Chand. His amendment says that only such milch animals as are needed for the cultivator and his family should be exempted. I do not know what is his standard of the need of a cultivator and his family. Does he mean to say that only such animals which are needed for the milk supply of the cultivator and his family should be exempted and no more?

Lala Duni Chand : Yes.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Then I am afraid my standard of judging the needs of a cultivator and his family differs from that of my friend. In majority of cases poor zamindars make their both ends meet by selling ghee and butter. In majority of cases this is their only allied occupation with agriculture. Their income from land is too meagre to meet even their bare necessities of life. They starve themselves and their children and sell milk and ghee to meet their needs. These poor people consume only buttered milk or lassi, and carry the ghee to the nearest town for the consumption of Lala Duni Chand's "Biradri." I wish they and their children could be in a position to use some of the milk and ghee which their animals produce. How can my friend Lala Duni Chand and his fellow townsmen know of the miseries of these poor agriculturists? They

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do not live with them, they do not associate with them, they do not share their sorrows or sufferings. They go once in a blue moon to the villages for political and economic exploitation. How can they appreciate the difficulties of poor villagers?

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It is a well known fact that over 80 per cent holdings in the province are uneconomic and the owners of such holdings have to resort to some other occupation allied with agriculture for their livelihood. Dairying is an allied occupation to agriculture and as I have already said a majority of such zamindars make a living by selling milk and ghee. Why should then the milch animals of the zamindars be not exempted from attachment or sale? The zamindar feeds these animals when they are dry and after a year when the time of reaping the benefit comes the sahukar comes and has those animals attached or sold. Imagine the disappointment and misery of the poor zamindar who is deprived of the advantage from his own animals which he had been feeding and looking after for the whole year in the hope that he will reap the benefit of his labour and expense from the sale of their milk and ghee. My friends of the Congress should have some sense of justice and fair play.

Lala Duni Chand : May I put a question with your permission? I know that there is a large number of agriculturists who are called "cattle lifters." Would he like that those "cattle lifters" should be exempted from the penalty? (*Laughter.*)

Khan Bahadur Mian Mushtaq Ahmad Gurmani : No, Sir, we want to protect the poor owners of these animals from the merciless "Bania Cattle Lifter" and thereby save zamindars and their children from starvation. It is a pity my friend Lala Duni Chand almost always takes a perverse view of every thing and on account of his defective understanding he goes off the track. I can only sympathize with him as also with Mrs. Duni Chand whose efforts to check him from going astray invariably fail (*laughter*). I am sorry my friend has a poor opinion of agriculturists, and he considers a majority of them to be cattle lifters and thieves. I am sure the House does not take Lala Duni Chand's remarks seriously. He should, however, realize that he represents a rural constituency and if he calls his voters thieves and cattle lifters, his own position is no better than a representative of thieves.

Before I conclude I must thank my friend Syed Amjad Ali for his suggestion to add the words "draught" in my amendment. I had originally proposed for the exemption of animals used for the purposes of transport. Syed Amjad Ali's suggestion to add the words "or draught" in the amendment has improved the amendment for which I am grateful to him. I trust the House will support my amendment.

Diwan Chaman Lal (East Punjab Non-Union Labour) : I am rising, Mr. Speaker, not to give dissertation on the merits of the policy adopted by the Unionist Government or the merits of the policy adopted by my honourable friend who has just spoken in regard to giving protection to a particular class of people or animals. I am rising merely to ask a few questions of my honourable friend. Will he be kind enough to enlighten this House firstly in regard to himself? He is an agriculturist and enormous number of

cattle is possessed by him such as draught cattle and milch cattle. Every agriculturist—big landlord—has in his livestock registers enormous number of cattle. Here is my honourable friend the Minister of Public Works. Will my honourable friend ask him to show him one day the very bulky volumes in which are entered the livestock owned by my honourable friend? Are you protecting all that livestock? If my honourable friend, who is himself a big landlord, does not possess this livestock which is utilized for the purposes of draught or transport, it is his misfortune; he happens to be singularly that landlord in this province whose business is being conducted in a most singular manner. Each one of us, who possesses a little bit of land which we do not cultivate with our own hands, possesses quite a number of cattle which are utilized for draught purposes and utilized for transport purposes. Why should we get protection? Why does my honourable friend want protection for himself or his colleagues who possess these cattle? Protect by all means the small man who is unable to protect himself, whose livelihood may depend upon one pair of bullocks that he possesses. Why go out of your way and protect people who are not owners of uneconomic holdings but owners of tremendously big estates like my honourable friend over there? Would he or would he not get protection? Is it just, is it decent that this House—presumably a House elected on the basis of protecting the interests of agriculturists—should proceed to protect the interests of big landlords like my honourable friend over there? It is not a question of uneconomic holding. If it were a question of uneconomic holding, my honourable friend would have the completest sympathy of this party in this House and I have no reservation in regard to that matter. In this party I include Dr. Sir Gokul Chand Narang and all. I am glad to take that assurance from him. But he can rest assured that as far as we are concerned, without the slightest hesitation or reservation, he will get the completest sympathy and support of this party but he will not get support or sympathy of this party when he proceeds to protect the interest of big landlords. I happen to be a smallish landlord myself. It has been charged against me that I never go to a village, that I have only lived in towns. My honourable friend apparently can use arguments without basing them upon facts. I happen to know more about village life, have lived more in a village than most of my honourable friends sitting over there. (*Voices from Treasury benches*: No, no.) I was brought up in a village. My mother never left her village until she was married, and until I went to England half of my life was spent in the village. We know something about the villages. We live now in villages. We constantly visit those villages and we are not the people to be protected. I do not claim any protection and it would be fair for every landlord of the type of my honourable friend, who moves this amendment, to stand up and say openly in this House, "We do not need protection, protect the small people who need protection."

That is why, Mr. Speaker, I rise to ask this question of my honourable friend. Will he enlighten the House in regard to this particular matter as to why he is wanting to protect bigger landholders and why he is wanting to protect the possessor of large number of cattle to be utilized for the purpose of draught or for transport? I submit that there is no argument excepting this that there happens to be one particular class, no matter who are the

[Diwan Chaman Lal.]

people who belong to that class—may be rich or poor—and they will protect all irrespective of the merits of the case. I do submit that it is a wrong way of doing things because in this amendment you are not doing justice to this province. A particular class that can frankly afford to meet its liabilities should be allowed to meet its liabilities. A class that does not need any protection should not be granted any protection. A class that can well afford to protect itself does not need any protection of my honourable friend by this legislation. That is why, Mr. Speaker, I say, let us haste slowly and let us haste intelligently. If we are going to take a step forward in amending this measure, let us amend it in the interest of that particular class which needs protection of this House and not in the interest of that class which does not need protection either of this side of the House or that side of the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I was intrigued by the speech of my honourable friend, Diwan Chaman Lal and I was struck by the vehemence with which he spoke as the champion of the poor zamindars using the stock arguments of the party which has been trying to dub the agrarian Bills as measures to protect the rich and not the poor. These have been their tactics throughout, and, in spite of the orders of the High Command to the contrary, they insist on repeating these baseless platitudes which have got no foundation whatsoever. My honourable friend, is, perhaps, not aware of it but if he looks up the figures he will find, that 94 per cent of the owners of land in this province pay Rs. 50 or less as land revenue, and that only 6 per cent pay more than Rs. 50. Can my honourable friend, by any stretch of imagination, contend that people who pay Rs. 50 as land revenue are rich and that they should not be protected? My honourable friend has the temerity to give himself as an example saying that he has been living in the village all his life. Well and good, nobody denies it. But the question is whether he has entered into the spirit of the village. I am sure, he has not entered into that spirit. If he has entered into that spirit, he would still be living in the village and he would also be aware that even those people, who like him are big landlords, are very rapidly selling their lands, and that it is very difficult for them to make both ends meet. Land is not now paying what it used to pay 15 years ago, and it is being divided between the sons of the landlords into small holdings very quickly. My honourable friend will concede that land is not a paying proposition in these days, and that the small holdings are not economic. Therefore, to try always to accuse this party of protecting big landowners is a falsehood which I think every honest man should repudiate.

Diwan Chaman Lal: What is a falsehood?

Premier: That these Acts are meant to protect only big landlords.

Diwan Chaman Lal: Who said that? My honourable friend always unnecessarily gets excited over such matters. All that we have said was that this particular provision in this particular measure has the effect of protecting also big landlords. Why not exclude that particular class? That is what we said.

Premier : My honourable friend has, again perhaps, not understood me. I was trying to explain that 94 per cent of the landowners in this province pay less than Rs. 50 as land revenue and they cannot, by any stretch of imagination, be termed as big landlords. Would you give relief to the 94 per cent or not ?

Diwan Chaman Lall : That is evading the question.

Premier : It is not evading the question.

Diwan Chaman Lall : Tremendous and large area is commanded by very few people, like my honourable friends over there.

Premier : It is not a question of very few people and tremendous areas. It is a question of people who will benefit by this Act. I again repeat that there are 94 per cent who pay less than Rs. 50 and who will get the benefit of this Act. Out of the remaining 6 per cent there are about a dozen, who do not stand in need of any relief. I am sure that this Bill will not affect them either way, because they are not indebted. They have got large assets to meet their liabilities. Even those who pay Rs. 100 as land revenue surely need protection. So we are giving them some kind of protection. So far as milch cattle and draught animals are concerned, my honourable friend could not understand the meaning of a draught animal. A draught animal is an animal which is used for ploughing the land, for drawing the cart, etc. That is what a draught animal means and that is what the dictionary says.

Lala Duni Chand : I challenge the correctness of that meaning according to the meaning of the dictionary. Draught animal is one that carries burden.

Premier : Let me tell my honourable friend that I am prepared to concede that English is not my mother tongue, and that I have got a limited knowledge of that language. But I must also say that I refuse to consider my honourable friend as an authority on that language. (Laughter.) I was saying that my honourable friend, Diwan Chaman Lall should have some sense of political honesty and not try to throw dust in the eyes of the people. He would be quite happy in saying that he is the champion of the poor and that we are trying to save the rich people. My honourable friend must realise that this is not the case. If he has got any political honesty he should get up and say that we want to save the poor.

Diwan Chaman Lall : You were not here when I was speaking on this point.

Premier : I heard my honourable friend's speech which he has just delivered and, therefore, I hope that he will forgive me if I say that this kind of propaganda is not going to do any good to him or to the party to which he is at present attached. I am almost certain that there are members on those benches who feel like us here, but perhaps under pressure of circumstances, or for political expediency are not at liberty or do not want to speak out openly. But I hope they will assert themselves in their party meeting and not allow erroneous and false statements to be broadcasted and will stir up their minds.....(Interruptions.)

Sardar Hari Singh : You stir up your mind regarding the Pakistan scheme. What do you say about it?

Premier : My honourable friend is very clever and bright and at the moment he is obsessed by the Pakistan scheme.

Sardar Hari Singh : I am not.

Premier : If he is not, then he should not interrupt me when I am saying something in the interest of poor zamindars, whom my honourable friend opposite also claims to represent. Therefore, this is no occasion or time for discussing that thing. I will be prepared to discuss it when the time comes and then I will see how they feel about it.

Sardar Hari Singh : Now is the time to discuss it.

Diwan Chaman Lall : Will my honourable friend allot some time for the discussion of that subject?

Premier : I think my honourable friend is very keen to discuss it.

Diwan Chaman Lall : My honourable friend's colleagues are keen to discuss it.

Premier : I am afraid that we must not dilate on it. Let us stick to the subject before us. I suggest that the amendment proposed by my honourable friend, Khan Bahadur Mian Mushtaq Ahmed Gurmani, is such that no zamindar can possibly oppose it.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I have very carefully listened to the speech delivered by the Premier. He has repeated with all the emphasis he could command that this legislation was meant for the poor and not for others.

Mr. Speaker : I would request the honourable member not to reopen the question.

Sardar Sahib Sardar Santokh Singh : I only want to make a suggestion through you to the Premier just to test the veracity of the statement he has made, and it is, whether he is prepared to agree, that this legislation would apply only to people who pay less than Rs. 50 per annum as land revenue. That will be an acid test of his sincerity of purpose. If this law was to apply only to those people who pay less than Rs. 50 as land revenue there would be some justice in it, but to exploit the name of the poor for giving benefits thereunder to the rich is a thing which really we cannot tolerate. The whole position resolves itself into this, whether or not the Premier accepts the position that this law would only apply to those people who pay less than Rs. 50 as land revenue. If he does so, we will have no quarrel, and we will withdraw all opposition to this measure. But our conviction is that the name of the poor is being exploited to give benefit to rich and undeserving. Will the Premier give a clear and a straight answer please?

Lala Duni Chand : Sir, I am glad that the Premier has condescended to intervene in this debate. The intervention of the Premier always adds zest and importance to the debate. First of all I will deal with what he has been pleased to say. He says that there is a large number of poor agriculturists who have got very small amount of land : look at those people : we have

no heart for these poor agriculturists. I appeal to him to stick to his words. He may exempt all those agriculturists whom he thinks fit. I leave it to him to protect those who deserve protection. Though I am neither the leader nor deputy leader I can say on behalf of my party that my party shall willingly accept that, but if he wants to protect big landlords like himself and others then we join issue with him. A gentleman of the responsibility of the Premier should not try to shuffle. I say he refuses to take cognizance of hard facts. What are the hard facts? The proposed law benefits not only the smallholders but also big landlords. His colleague Chaudhri Sir Chhotu Ram has admitted that if a debtor has got palatial buildings and there is a decree of Rs. 100 against him, all these buildings which may be situated in Murree, Simla and other places, are exempted. I say he should have regard for what his own colleague has said. All that I say is I pity those people who have got eyes but refuse to see. I say I have every sympathy with the Premier; he has got eyes and very wide awake eyes but he refuses to see. Why does he not admit that these are the facts? I have sent for the dictionary and I do claim that I possess a certain amount of the knowledge of English but not as much knowledge as my honourable friend possesses. I will see the dictionary and see the meaning of 'draught' whether it does not include animals used for husbandry or agricultural purposes. The second thing I want to submit to the Premier is that I congratulate the government benches, particularly, the honourable the Premier and the Minister for Development for higher and higher evolution of that mentality which underlies a legislation of this kind. Well, we have driven them to bay and to a position which they cannot support even for a moment. I am glad that Government benches are manifesting that mentality more and more. It is a wonder to me that when all these mad things are being done Mr. Manohar Lal is keeping quiet. The Punjab is being set on fire and he is sitting quiet. What I am saying I would like to support by quoting two couplets of Saadi: one is—

چون مراد که وزیر شد عالمی

نہد ملک در پنجہ ظالمی

The meaning is that when it is the will of God that a country should be devastated God puts that country in the charge of a tyrant—I do not think you are tyrants. It is the will of God that this mad Government should cease to exist and God is driving this Government towards mad acts. I am perfectly sure that this madness which they are showing will be sufficient to kill them. That is one thing. There is another thing. The Premier talked about poor people, widows and orphans. In connection with that I want to ask the Premier whether this Bill is intended to carry out the object which he has in view. Will it really protect the poor agriculturists? This Bill means that if the only son of an agriculturist debtor is lying on his death bed and he wants Rs. 10 or Rs. 20 he will not be able to raise that loan. If an agriculturist wants to raise a loan of Rs. 20 for seeds he will not be able to get it. I say that after all the agriculturist is a human being; he has his own needs. My fear is that they are going to make the position of the agriculturist much worse than it is at present. Government

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does not know how to protect them ; instead of protecting them it is doing the greatest injury to them. One word more and I have finished. There is a couplet of Saadi which says—

چراغِ کہ دیوہ زلے می فروخت
اسے دیدہ الٹی کہ شہرے لہوخت

Do you understand the meaning ? You are really by a legislation of this kind setting the Punjab on fire and you will be responsible. With these words I finish my speech.

Khan Bahadur Mian Mushtaq Ahmad Gurmani :

میرزا باگ می اند

The Honourable Chaudhri Sir Chhotu Ram (Minister for Development) (*Urdu*) : Sir, may I say a few words in connection with the speeches made by Diwan Chaman Lal and Lala Duni Chand ? They have accused the Unionist Government of making laws for the protection of rich zamindars and neglecting the interests of the poor who are crying for bread and salt. I am surprised to hear such speeches which are so full of distortion of facts. I wonder how this amendment can be interpreted as helpful to the rich and injurious to the poor. The Opposition frequently talks of those thousands of poverty-stricken families which do not get even daily bread. It is to ameliorate their miserable lot that we are striving day and night. We have made laws to secure them food and shelter. We have given them legal protection against the attachment of their milch animals which are their only support in the hour of need. It is this statutory protection which has saved them from being reduced to a life of beggary. We do not claim any praise for this. We have only done our duty. But it is high time for the Opposition at least to acknowledge in some small measure the services rendered by us to improve the condition of the starving millions. I am constrained to say that the Opposition have always shut their eyes to our good work. They have never said a single word of appreciation. On the contrary they add insult to injury by imputing unworthy motives to us. The honourable friends opposite say that this clause is meant to protect the property of big landlords and rich zamindars from attachment. They do not want, in fact, they cannot tolerate any zamindar big or small enjoying the protection of law. Some honourable members sitting on the opposite benches have made most ridiculous remarks and, in order to cover the unreasonableness of their position, have advanced ludicrous arguments. They say that if this clause is passed it will not be possible to compel even a big zamindar living in a palace worth a lakh or fifty thousand to pay a debt of Rs. 100, because, in their opinion, all his property will be immune from attachment. May I ask my critics one simple question ? Is there any warrant in practical life for a palace worth fifty thousand rupees being attached for the recovery of a sum of one hundred ? It is quite natural that a man owning a palace of fifty thousand must possess other smaller houses, horses and cars. This law does not exempt motor cars and horses from attachment. A creditor has a perfect right to attach motor cars, horses and furniture in the execution of his decree. Obviously, then, the attachment of a palace worth fifty thousand for the recovery of a sum of one hundred rupees is mere figment of our critics'

imagination. I ask my honourable friends opposite to cite a single case of a *sahukar* having attached the bungalow of a big landlord or having applied to the court for his arrest. I am sure my honourable friends will not be able to quote a solitary incident of this nature. Money-lenders are far too clever to do anything to give offence to big people. They always bow before such big people and their agents who pleading their cause in this House do not understand or do not care to understand their ways. Money-lenders are well aware of the fact that it is only with the aid of these big persons that they can exploit their petty zamindar debtors and always take pretty good care not to alienate their sympathy. The members of the Opposition are helping this exploitation and also crying for the protection of the poor at one and the same time. This is a self-contradictory attitude. The Honourable Premier in his speech has just mentioned that 94 per cent of the total number of landholders in the Punjab pay land revenue of fifty rupees or less and that there are only thirteen persons who pay land revenue of Rs. 10,000 or more. I may add that the number of those who pay a land revenue of Rs. 5,000 or more is just 28. Can any money-lender have the courage to get a decree executed against any of such persons even assuming that there are decrees pending execution against them? The creditor is entitled to satisfy his decree by attaching any minor article of the debtor instead of going to the extent of attaching his palace. Under the circumstances, the only effect of accepting the suggestion of the Opposition will be to harm these 94 per cent and other smaller fry rather than these 13 or 28 big landlords.

Sir, it has been repeatedly said that this clause is meant to protect only the big zamindars. We have nothing in view but to help the poor agriculturists. But I do not think that there is any harm if one big zamindar also gets some benefit along with one thousand small agriculturists, particularly, when the benefit cannot be secured to the small agriculturists without bringing in the big zamindars also with him. I have no hesitation in saying that we do not desire to make any distinction between big zamindars and small zamindars. Our opponents do, no doubt, seek to drive a wedge into the ranks of zamindars by creating distinctions of big zamindars and small zamindars, rich zamindars and poor zamindars, tenants and landlords. But let me assure my honourable friends that our policy is to resist all attempts to create such distinctions and thereby to promote mutual discord between zamindar and zamindar. (*Cheers.*)

Another point raised by the Opposition is that only such milch animals as are deemed indispensable for the use of a debtor should be exempted from attachment. But who can say with authority that only such and such animals and only so many animals are essential for the use of a debtor? We have exempted all milch animals, whether in milk or calf. This will avoid disputes as to whether the animal sought to be attached gives or does not give milk. The term includes a goat, a camel, a cow and buffalo. The moment a debtor proves his animal to be a milch animal he will be entitled to enjoy the privilege of exemption afforded by this clause.

Let me bring another point to the notice of the House. The term agriculture as defined in the Punjab Indebtedness Relief Act, includes keeping of livestock, poultry and even bees. Now when the term agriculture has

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been made so comprehensive as to include cattle breeding and bee-keeping we are quite consistent in affording protection to an agriculturist. We exempt his milch animals from attachment. In fairness to all a milch animal, whether its owner uses the milk for his personal needs or for sale as a means of livelihood ought to be exempted from attachment. The arguments of the Opposition to refute our contention are weak and shallow. I, therefore, see no reason for any alteration in this clause. The Congress certainly stands for high principles but our honourable friends sitting on the opposite benches have by opposing this Bill, betrayed these principles. However let them not forget that the public has become sufficiently enlightened and is not likely to be misled by catchwords, slogans or any other kind of cheap propaganda.

Honourable Members : Question may now be put, Sir.

Mr. Speaker : Question is—

That in the proposed section 35 (a) (ii) (cc), line 2, between the words "calf" and "carts," the words "needed for him and his family" be inserted.

The motion was lost.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) : Sir, I move—

That in the proposed section 35 (a) (ii) (cc) in line 2, between the words "calf" and "carts" the words "animals used for the purposes of transport or draught" be inserted.

The motion was carried.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) : I beg to move—

That in the proposed section 35 (a) (ii) (cc), lines 4-5, between the words "agriculturist" and "and," the following words be inserted :—
"or non-agriculturist carrying on the profession of agriculture either in urban or rural areas."

Sir, having realized that the Unionist Government have also now turned their benevolent attention towards the non-agriculturists, I have moved this amendment. As the Government themselves are anxious to help the non-agriculturists by granting concessions to them, I hope they would have no hesitation in accepting my amendment, which is a useful one. Moreover, the Opposition have been professing lip sympathy for the non-agriculturist labourers and other poor classes for the last three years. I hope they too will not hesitate to vote in favour of my amendment. Besides, I have seen that non-agriculturists, whether they live in the villages or cities, do keep milch cattle. I want that these as well as other animals, carts, open spaces, etc., mentioned in the clause to which this amendment is tabled, belonging to non-agriculturists, should not be attached and sold in execution of money decrees. Generally the non-agriculturists in the villages, in addition to carrying on the profession of agriculture along with other professional classes remain busy in preparing things pertaining to agriculture for the use of the agriculturists. For example, a carpenter prepares ploughs, etc., a blacksmith prepares plough shares, a cobbler prepares shoes, a weaver prepares cloth, etc. etc., There are others also who remain occupied in agriculture and carry on trade and other business because they cannot make their both ends meet by agriculture alone. Those who live in villages

till land of their own as well as of zamindars on 'batai' or 'chakota' as their tenants. The same holds good for the professional classes living in urban areas. I have, therefore, added the words, "those who are carrying on the profession of agriculture" in my amendment. The privileges granted to agriculturists in the proposed section 15 (ii) (cc) should also be granted to non-agriculturists who mainly depend for their livelihood on agriculture, and, in time of leisure carry on business pertaining to agriculture.

With these few words, I commend this amendment to the House for its acceptance.

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

That in the proposed section 35 (a) (ii) (cc), lines 4-5, between the words "agriculturist" and "and," the following words be inserted:—

"or non-agriculturist carrying on the profession of agriculture either in urban or rural areas."

Minister for Development (The Hon. Ch. Sir Chhotu Ram) (*Urdu*): Sir, the amendment proposed by my honourable friend Khawaja Ghulam Samad is not called for. There is absolutely no necessity for it. So far as the question of milch animals is concerned, their ownership is not under discussion at all. It is the ownership of "the open space" that is mentioned in the clause. The honourable member seems to have been mistaken by the word "belonging" which occurs in the clause. But that word refers to "open spaces" and not to the animals at all. Here is the relevant portion of the clause:—

"(cc) Milch animals, whether in milk or in calf, carts, and open spaces or enclosures belonging to an agriculturist and required for use in case of need for tying cattle....."

Now this word "belonging" really refers to "open spaces or enclosures" and not to animals. He has moved this amendment under misunderstanding. I may assure him, however, that milch animals are all exempt whether they belong to agriculturists or non-agriculturists and whether they belong to rural people or urban people. They are all exempt from attachment. There is, therefore, no need to adopt this amendment. I hope that the honourable mover will now realize the exact position and will be prepared to withdraw his amendment.

Khan Sahib Khawaja Ghulam Samad : I beg leave to withdraw my amendment.

The motion was by leave withdrawn.

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

That in the proposed section 35 (a) (ii) (cc), line 11, between the words "him" and "Provided," the words "if he is otherwise unable to pay up the decree" be inserted.

The same idea runs through all my amendments. The object of this amendment is also to make it clear that all those people who do deserve protection, should be given protection. Those debtors who are for any reasons unable to pay their debts, let them be exempted. Notwithstanding the fact that it is the injunction of Hindu law that it is the pious duty of a son to pay his father's debts and thereby free him from perdition, I am not prepared even to set upon that axiom of Hindu law and let even those sons whose duty

[Lala Duni Chand.]

according to the Hindu law is to discharge the debts of their fathers, even those sons whether worthy or unworthy be exempted. But what I want is that these debtors who are quite able to pay their debts should not be exempted. The payment of debt is not only the religious duty but it is also a business duty. All that I want is that it should be left to the courts to decide whether a particular debtor is able to pay. Speaking truly my object and the object of the Government is one and the same.

3 p.m. In any case it is the profession of Government that they do not want to protect those dishonest debtors who do not deserve any protection.

I have heard dozens of times this expression 'honest creditor and dishonest creditor, honest debtor' and dishonest debtor' from the lips of the Honourable Premier.

Mir Maqbool Mahmood : On a point of order. The honourable member is arguing the words 'if he is otherwise able to pay' while his amendment is 'if he is otherwise unable to pay his debts'.

Lala Duni Chand : The object of the amendment is that those who are able to pay should be made to pay.

Mir Maqbool Mahmood : But your amendment says 'if he is otherwise unable to pay his debts'.

Lala Duni Chand : I was submitting that this is a stock argument that has been very often used by the Honourable Premier. I say if you want to make a distinction between honest creditor and dishonest creditor, between an honest debtor and dishonest debtor, please do maintain that distinction, but we know professions are different from practice. I submit that my amendment is a reasonable one and it is supported by dozens of speeches which the Honourable Premier has made in this House and outside this House. With these words I move my amendment.

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

That in the proposed section 35 (a) (ii) (ccc), line 11, between the words "him" and "provided", the words "if he is otherwise unable to pay up the decree" be inserted.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : I would like to ask my honourable friend one question. Unfortunately we in this debate are getting into a circle of argument which is divorced from the realities of the amendments that are before us. We asked a question of the ministerial benches, a direct question, a straightforward question which has now been put by my honourable friend Lala Duni Chand through the amendment that he has now moved. We asked a direct question demanding a direct reply and in reply we have been given a series of words chosen out of the English language and utilized by my honourable friend the Premier in season and out of season and if you put these words together you can always be sure that that is the stock speech which is coming out of the mouth of the Honourable Premier. For instance, on all occasions he will come out with the words 'This is propaganda, this is intrigue, this is falsehood, these are baseless platitudes without foundation' and all these things. He is so accustomed to these choice expressions that he cannot divorce his mind

from these words and all the time the main object is being lost sight of. The main question put to him is this. Will he kindly answer this one question? Why, for what justification, are you going to give protection to people who can protect themselves? Why are you giving that protection? And the answer so far has been platitudes. To put a question like that is a platitude. It is running on false scent, it is indulging in falsehoods it is wanting to do propaganda, it is not in consonance with the principles of the Congress for which we stand as if he is the custodian of the principles of the Congress. My honourable friend, slippery and superficial as he usually is, walks himself into the House, makes a speech, when he has not heard anything as to what has gone before, he does not care to stop in his seat to know what is to go on after, and marches back to his room for a cup of tea. This is the manner in which he deals with this subject.

Mr. Speaker : Will the honourable member please speak to the motion?

Diwan Chaman Lall : I am relevant, because you will notice that the whole argument arises out of the relevant amendments that he has put in and the amendment moved by my honourable friend to the effect " provided otherwise he is unable to pay up the decree." The protection is only to be given to him if he is unable to pay. I ask my honourable friend Chaudhri Sir Ohhotu Ram, he made quite an eloquent speech, the infection that he received from my honourable friend the Premier probably affected him also and he got up and made an eloquent speech in justification of an argument that has never been raised on the floor of the House. If a class of persons is unable to meet their liability, you have a justification in protecting that particular class. What justification have you in protecting a man who owns a house in Simla, who owns a house in Lahore, who owns a house in Amritsar and elsewhere? And you protect all this property and you make no distinction whatsoever between the man who owns all these residential houses and the man who possesses only one little hut which it is necessary that you should protect. If there is any falsehood, it is this. You claim that you are merely protecting a poor person; we say by all means protect the poor, but what justification have you to protect those who do not need your protection? Why extend your helping hand to those people? Let me take an example of the false arguments advanced on the floor of this House. You say 94 per cent of these people are unable to pay. But who told you these things? It is we on these benches who have been day in and day out dinning these facts into his ears. But look at the position. The position is that there are 320,673 non-cultivating proprietors taking rent in money and kind. Does he know this fact? Then, are you going to extend your protection to 320,673 persons who are non-cultivating proprietors taking rent in money and kind, people who are in the position of capitalists living upon the land, living upon the labour of others and who are well able to protect themselves? This is the proposition and we ask my honourable friend this pertinent question and we get a reply saying ' Oh ' what a terrible thing we have done according to the Opposition benches! Yes you did a terrible thing when you did not discriminate in your legislation between people who actually need your protection and those who do not need

[Diwan Chaman Lal.]

it. It may be for private propaganda purposes, for the purposes of propaganda of the party or for other purposes unknown to us that you bring in legislation of this kind to protect people who do not need your protection. What is my honourable friend's answer to this charge? The only answer that there can be is this that we do not discriminate. We have taken one particular class of people as such to whom we are going to afford relief. There can be no other answer. But you cannot blow hot and cold together and say you are protecting merely the poor when you are also protecting the rich. What we ask you to do is to discriminate. We give you the fullest support for protecting the poor, but we give no support when you trespass beyond these limits and intend protecting people who do not need your protection. My honourable friend over there comes from my own district. He is a very big zamindar, owns a great deal of property. I would like to ask him, through you, I put a fair question to him, does he need the protection? Would he want the protection of this measure? No, there is no self-respecting zamindar who would like to have the protection that my honourable friend is affording him. No decent zamindar who has got a lot of property would welcome a measure of this nature and it would, therefore, as I said, be putting a premium on dishonesty. A relevant point that does arise is, can a member who is affected by this legislation have the right to participate in the voting on this legislation? Because it seems to me that if this measure is passed in this particular manner, a number of members would be affected pecuniarily by this measure. Are these the people whom we want to protect? Surely my honourable friend would be able to give this House a straight reply. But in regard to this matter my honourable friend can give no other reply but this that he has got a brush in his hand, he has got a paint box before him and he is going to paint the entire class with that paint and brush irrespective of whether it is necessary to do so or not. If my honourable friend has any arguments I have not heard them so far, if my honourable friend has stated any facts, I have not been convinced by any facts of relevant nature. There is one argument that he did not answer. Suppose a man has got a house worth a lakh and a half and he has other property also which can be attached. Suppose there is a decree of Rs. 5,000 standing against him and suppose he has no other property which is available for attachment. I do not want to go into details, but my honourable friend can easily summon up before his eyes examples of that nature where people are very heavily indebted with a large property all over. They would also get the protection of this measure. Two or three houses can be handed over by a word of mouth to a daughter-in-law, daughter's son or any other dependent and by the mere handing over by a word of mouth, they would get their protection. Is my honourable friend willing to give that protection? If so, for what reason? Is it only because they are indebted or because they happen to be rich people? What is the justification? There can be no justification for my honourable friend to give protection for five thousand or even for Rs. 5 to people who can protect themselves. The law is not meant for people who do not need protection of this House. The law is meant for people and this particular law is meant for people who do need protection of this House and this province, who cannot afford to carry on their avocations

ordinarily because of the heavy burden of debt, who belong to the poor class of zamindars. Protect them by all means. We are willing to give every assistance but we are not going to be a party to this underhand method, not an open method of protection but an underhand method of protection to large number of people of this province who can well afford to look after themselves.

Parliamentary Secretary (Mir Maqbool Mahmood) (*Urdu*): Sir, we were very often given to believe that our learned friends opposite had taken upon themselves to espouse the cause of the agriculturists and labourers of this province. We were very often told that my learned friend opposite, who has preceded me, was the real representative of the labourers and the poor people. But fancy when the Government brought forward a Bill calculated to afford protection to the non-agriculturists against the malpractices of the blood-sucking money-lenders, he forgot his first and foremost duty and actually opposed the enactment of this measure! I am of the opinion that to-day will be considered as a memorable day in the history of the Punjab because it is to-day when my honourable friend has revealed his true self. Let him at least consider the amendment which has been moved by an honourable member from his side dispassionately and see as to what its real object is. Before I draw his attention to the wording of the amendment I may make it clear that the amending clause now before the House does not relate to agriculturists. On the contrary it relates to judgment-debtors other than agriculturists, i.e. labourers, scheduled castes and poor people of the urban areas. It does not afford protection to those people who, as has been pointed out by my honourable friend over there, possess one bungalow at Rawalpindi, another at Lahore and yet another at Simla. It exempts "one main residential house and other buildings attached to it with the material and site thereof and the land immediately appurtenant thereto and necessary for their enjoyment belonging to a judgment-debtor other than an agriculturist and occupied by him" from being attached in the execution of a decree. Now what is the amendment of my honourable friend which he seeks to incorporate in this sub-clause? He says that the residential house or building of a judgment-debtor other than an agriculturist should be exempted from attachment in execution of a decree "if he is otherwise unable to pay up the decree". Let me point out to him that it is nowhere written in this sub-clause that if a non-agriculturist judgment-debtor is otherwise able to pay his debts he should not be asked to pay. Anyhow I ask if the proposed amendment is accepted, will it enable such judgment-debtors to pay up their debts? For instance, if a poor person lives in a small house in a city with his wife and children and if a decree worth Rs. 50 is given against him by any court, does my honourable friend think that he is able to otherwise pay Rs. 50 except by selling his house? If the proposed amendment is accepted, this would mean that his house would be auctioned in the execution of that decree. I ask my honourable friend Lala Duni Chand is this the object of his amendment? On the contrary, what we are doing is that we have exempted his one residential house from being attached in the execution of a decree. I ask my friends, is this the sympathy they are showing to the poor non-agriculturist debtors whom they claim to represent in this House? Is this the help they are going to give to the scheduled

[Mir Maqbool Mahmood.]

castes for whom they profess so much sympathy? I think the sooner their reality is known to the people, the better it would be for the interests of the province. Surely now the poor people of all classes would come to know as to who are their friends and foes? With these words I vehemently oppose the amendment now before the House.

Mr. Speaker : Question is—

That in the proposed section 35 (a) (ii) (ccc), line 11, between the words "him" and "provided" the words "if he is otherwise unable to pay up the decree" be inserted.

The motion was lost.

Sardar Kapoor Singh : As regards the next amendment if the proviso suggested by me is a new sub-clause then I will discuss it only if it is allowed to be moved.

Dr. Sir Gokul Chand Narang : The test of an amendment being a sub-clause is whether it would stand by itself. A proviso, particularly the one which has been suggested by Sardar Kapoor Singh, is not a sub-clause inasmuch as it cannot stand by itself. It does not stand independently of sub-clause (ccc) under (a). In fact, with due deference to him, I would say that he should not have put his amendment like this because that is rather vague saying 'protection afforded by (ccc).' The proviso cannot be an independent sub-clause: by itself it would mean nothing.

Diwan Chaman Lall : Does it not mean that my honourable friend is seeking that instead of—

Mr. Speaker : Let Nos. 18 and 19 be moved by Khan Bahadur Mian Mushtaq Ahmed Gurmani and Khan Sahib Khawaja Ghulam Samad.

Chaudhri Tikka Ram : They are not moving.

Mr. Speaker : Then we are confined to Nos. 16 and 17.

Sardar Kapoor Singh : I beg to move—

That the proviso should be deleted and the following words in its place be.....

Mr. Speaker : Substitution can be effected after deletion.

Sardar Kapoor Singh : But it is just possible that my friends over there might agree. If you will see the proviso you will find that it will nullify the first portion.

Mr. Speaker : Therefore, the honourable member may for the present move—

That the words 'Provided.....mortgaged' be omitted. (*Interruption.*)

Sardar Kapoor Singh : I am not moving it.

Lala Sita Ram (Trade Union Labour) : Sir, I beg to move—

"That clause (ccc) of the proposed section 35 (a) (ii), be deleted."

Before I advance arguments in support of my amendment, I would like to say that in the presence of section 60 of the Civil Procedure Code the inclusion of this clause is unnecessary. There in that section enough protection is already given and according to it while certain articles of the judgment-debtor are available to the decree-holder for attachment, there are others which have been exempted from attachment. Obviously the main object of this section was that the judgment-debtor should not be deprived of certain necessities of life and tiller of the soil as he was, law was made to come to his help so that no body might snatch the bread away from his mouth by attaching things which were his absolute necessities. An agriculturist judgment-debtor really needed this protection. But now you are going a step forward and have chosen to go beyond the limit of justice. By this new clause, you propose to add the following words after the proviso to clause (c) of section 60, which is as follows :—

“(ccc) 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) belonging to a judgment-debtor other than an agriculturist and occupied by him: Provided that the protection afforded by this subsection shall not extend to property which has been mortgaged.”

It would appear from this clause that an attempt is being made by Government to provide all debtors rich or poor with the same facilities which were available in the first instance to the poor agriculturist-debtor only. In other words effort is being made to afford protection to non-agriculturists as well, but the real object underlying this clause as I see is one and the same and that is that Government want to protect the landlords who own house-property in cities. When the last amendment was under consideration, some of the honourable members pointed out to the Honourable Premier and the Honourable Minister of Development that if their object was to help the poor and do something for them, they had better exempt their house property from attachment. If on the other hand they want that the rich may also receive protection afforded by this clause, they should have the courage to come forward and frankly admit that their object is to offer protection to the agriculturists, no matter whether they be rich or poor. It is, therefore, not fair on their part to make distinctions.

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

Now it is for us and we seriously want to give a direct lie to the propaganda that is being carried on by the so-called popular Government that they are friends of the poor and want to benefit them by such beneficial measures, while as a matter of fact they are trying to help the rich and capitalist classes of the province in so far as it is being sought by means of this measure not only to exempt one house but all the protection to non-agriculturists as well. It sounds well and good on the face of it, but the real object underlying this clause, as I see, is one and the same and that is that the Government want to protect their brother landlords who have now begun to own house-property in cities as well. If a few other urban people happen to derive benefit by this law, it is only accidentally. Their real intention is not to help the urban people as a class. It is their own friends in the city whom they want to protect and the urban population, therefore, should see through

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the game and may not take a stranger for a friend. When the last amendment was under consideration, some of the honourable members pointed out to the Honourable Premier and the Honourable Minister of Development that if their object was to help the poor and do something for them, they had better exempt their house property from attachment. If on the other hand they want that the rich may also receive protection afforded by this clause, they should have the courage to come forward and frankly admit it.

Now with this provision before us, we can give a direct lie to the Unionist propaganda that is being carried on by the so-called popular Government that they are friends of poor and want to benefit them by such beneficial measures, while as a matter of fact they are trying to help their own rich and capitalist friends whether living in the villages or in the cities. When we see that this measure seeks not only to exempt one house but all the houses situated at the various places and in different cities belonging to such people, we can easily judge who those persons are. Certainly a man possessing many houses and who can afford to give one house each to his near relatives, cannot be a poor man, you may stretch the imagination as far as you can.

Sir, so far as a person is an agriculturist in the strictest sense of the word this argument does hold good that his residential house, and other belongings necessary for agricultural purposes should be exempt from attachment, but I fail to see how it can be advanced in respect of persons who are owners of property worth thousands of rupees in the cities.

I beg to submit that credit is available to such persons as are the owners of at least two or three houses which can be offered as a security for the money advanced to them. But how can anyone hope to have a credit in the market without owning a single house other than a residential house? The creditors or the bank, from whom a sum of money is to be borrowed for trade or business purposes know, that if a person owning enough property is unable to pay his debt in the event of his trade or business failing, he will be able to liquidate his debts by selling his houses and that is why he has a credit in the market and is able to get loans for business purposes. On the other hand, if a creditor, or a money-lender or a bank were to know that a certain person who, even owning a number of residential houses worth lakhs of rupees, can very easily transfer their ownership to his wife, or children and thus get them exempted from attachment, they will refuse credit to such a person. In view of these facts the House can very well imagine the effect this amendment is going to have on the credit of the people of this Province, when all trade will be ruined and all business come to a stand still.

Formerly one had only to phone up a bank or a money-lender to borrow an amount of money on account of having a credit in the money market, but now this amendment would ruin it completely. Perhaps it may be said in reply that they can mortgage their property. But my submission is that getting a loan is not an easy affair. Once you openly mortgage your property, the whole of your credit is scattered to the four winds. Credit depends upon the good-will that you enjoy and your firm will have to pay to the last penny. There are many persons about whom it is not known

as to how much money they already owe, and in spite of that they enjoy credit in the market which helps them to earn a living for themselves and their dependents. It is because they are honest. They believe in fairness, but now in the presence of these new laws, if the loan is being taken out even for productive purposes, the money-lender or a bank will be loath to advance any sum when they are apprised of the fact that the debtor may and can evade payment, seeking the shelter of these laws.

I would request the Government, therefore, that if they are fair and square, they should accept this amendment and give this House a proof of their sincerity. It is the sacred duty of the Government not to destroy the credit of its people which is the very backbone of the wealth and prosperity of the land. You must cry halt to this policy of destruction. You cannot deceive people by affording facilities to the debtors for not paying their debts on the one hand and simultaneously expecting that their credit should remain unaffected. No banker who is in his senses will advance even a penny to a debtor in these circumstances.

This amendment is a very important one in so far as it affects credit which is the main pivot on which the trade and industry in our province revolves. There are many persons, as I have often submitted, who have brains but do not possess money to start an industry. The present measure strikes at the very root of the credit of such people and deprives them of an opportunity to borrow money from a money-lender or a bank whether a scheduled or a non-scheduled one.

My honourable friend Mr. Mukand Lal Puri has discussed this point very thoroughly in his minute of dissent, which is appended to the Select Committee report. He has made the very allegation that the Government is trying to exempt the big landlords from paying their debts by outwardly pretending that they are doing all this to protect the poor people.

They are very loud in declaring to the world that they are the champions of the cause of poor zamindars, but let me make it clear that so far as the present measure is concerned it will make it impossible for the zamindars to get any loans. The most deplorable thing is that the Government does not do anything to prove the claims that it makes.

To turn to the minute of dissent it is stated on page 19 of the minute of dissent appended to the report by my learned friend :

" If a landlord has got three residential houses, e.g. one at Lahore, other at Dalhousie and still another at Simla none of them would be liable to attachment under the proposed amendment."

It is really so. The landlord can say that this one is his residential house and that one is the house of his son. Again, he can say that the one is his summer residence and the other is his winter residence and can thus save all his houses. Whether he owns 10 or 20 houses and whether these houses were constructed with the money advanced by a money-lender or a bank, they will not be brought under the auctioneers' hammer for the purposes of repaying his debts.

[L. Sita Ram.]

My honourable friend Mr. Mukand Lal Puri further states that—

This provision will only benefit a few big landlords against whom decrees are outstanding and which may possibly be realized by attachment of some of their urban property, but it would work to the great detriment of a large number of respectable members of a notified agricultural tribe who on account of their reputed ownership of urban property are able to raise loans and obtain credits with individuals and joint stock banks and who would not be able to do so in future when the only security which was available to creditors is also exempted.

In the face of these facts, Sir, how can a creditor possibly risk his money by advancing it to a person whose urban property is not liable to attachment? Unless a creditor is sure of the realization of his loan by attaching the property of his debtor, he cannot be expected to lend even a single penny to him. Rai Bahadur Mukand Lal Puri further says—

This amendment instead of being a boon to a trader, as it is intended to be, will result in his ruin by destroying his credit so necessary for his business.

Now the Government may or may not believe it but it is a fact all the same that the series of the measures that the present Government has enacted ever since it came into power have resulted in the complete destruction of the money-lending business in the province. I need hardly say that rural credit has been absolutely ruined in the Punjab and no agriculturist can get a loan from any *sahukar*.

Mr. Deputy Speaker : The honourable member is going beyond the scope of the motion.

Lala Sita Ram : Sir, I think, I have not gone beyond the limit and scope of my amendment. What I want to drive at is this that the relief measures recently passed by the present Government, instead of affording any substantial relief to the agricultural community, have totally destroyed the rural credit. And now our 'benign' Government has come forward to uphold the cause of the non-agriculturists also. But as you know, Sir, this novel kind of patronage would definitely result in the ruination of the urban credit as well. How can a money-lender with a grain of sense in his head ever commit the folly of advancing a loan even to a non-agriculturist whose residential house is being exempted from attachment under the proposed sub-clause? You cannot imagine, Sir, the terrible set back that this provision would give to trade and business. It would directly or indirectly affect the interests of the capitalist classes on the one hand and of the labouring classes on the other as there will be no industries running and all doors of employment will be bolted upon them. It is not the occasion to go into details but I can assert without fear of contradiction that this sub-clause has been provided simply to benefit the rich and wealthy people of a certain party who happen to be in power now. To say that it will ameliorate the condition of the poor is a sheer propaganda. With these words, Sir, I commend my amendment for acceptance by the House.

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

That clause (ccc) of the proposed section 35 (a) (ii) be deleted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns Sikh, Urban) : Mr. Deputy Speaker, I rise to support the amendment moved by my honourable friend Lala Sita Ram. To my mind this is the most obnoxious clause

in this highly obnoxious Bill. By means of this clause it has been attempted to rope in also the non-agriculturists who carry on their trade in urban towns. I daresay that Government is not at all familiar with the conditions under which trade is being carried on in cities. These conditions are entirely different from those prevailing in the rural areas. Here the non-agriculturists petty or big shopkeeper cannot carry on his trade without credit and the effect of this clause, if passed, will be to kill all urban credit in the same way as the measures of this Government have already killed rural credit. There can be no two opinions about the fact that rural credit has been entirely killed. We on this side hold that the rural credit has been entirely killed whilst members sitting on the ministerial benches do not also deny the fact that it has been almost killed, and if I remember exactly the words used by the Honourable Minister for Development he did say so in so many words on the floor of the House that the rural credit has been greatly affected by the measures that have been passed by the present Government. Coming back to the trade as it is carried on in urban cities I make bold to say that these shopkeepers, big or small, cannot continue even for a day without credit. What does this clause provide? It says that one main residential house and other buildings attached to it will be immune from attachment. Now it is common knowledge that in the cities these shopkeepers and traders make big bungalows for residential purposes and it will be no exaggeration to say that in some cases the amount spent on these bungalows varies from Rs. 50,000 to a lakh. Now does Government seriously mean that if a man, if an urban trader loses money, apart from the fact that he may become dishonest, to defraud his creditors, does Government seriously contend that his house worth a lakh or a little less could be immune from attachment under all circumstances? I really cannot understand if this is the motive of the Government. What will be the effect of this? Let us consider seriously. The effect of this clause will be that nobody, even if he has got palatial houses costing lakhs, will be given any credit whatsoever knowing as the creditors do that in case of adverse circumstances they will not be able to realize anything out of the attachment of that house as that house will be immune from attachment. This will be the case of an honest debtor, not to talk of a dishonest debtor. He may have four bungalows or houses, all alienated to his son, daughter, sister, etc. This is not unoften done. The Government unfortunately has proceeded on the assumption that the creditors are all dishonest and the debtors are all honest. Without this assumption they could not have proceeded with this measure in the manner they have been doing. I am one of those who believe that Government is not really aware of the actual situation as it prevails in the cities in the domain of trade. I am not one of those who believe that they have eyes to see but they do not see. My assertion is that so far as they are concerned they have no eyes and they cannot see. They should have consulted some traders in this matter and there are many in big cities, in mandis. I daresay that they have not consulted anybody. No trader at least in the cities has been consulted by the Government. I am fully aware of that fact. If any shopkeepers of any important towns or mandis of the Punjab had been consulted, they would have certainly supported us in the attitude which we are taking up in the House. As a matter of fact trade cannot go on in the cities and towns without credit. Even if a man who has got 5 lakhs

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and does trade on a large scale, he must borrow another 5 or 6 lakhs. Business firms have liabilities aggregating lakhs and lakhs. Sir, it was because of the security and in this belief that creditors could realize their debts whenever they desired, that these urban people were given loans at a very low rate of interest. The urban man with a little good reputation in the city could get money at 4 or 5 per cent lower rate of interest than a big zamindar sitting on the ministerial benches. I do challenge that some of the big zamindars holding property 4 or 5 times more than a town dweller would not be able to raise money at anything less than 9 or 10 per cent interest. A small man in the city will be able to raise a loan at 3 or 4 per cent lower rate of interest. What was that due to? It was not that the creditor merely wanted to advance money to one class of people, but as a shrewd person, he would advance only to those from whom he expected repayment in time.

There are people who can borrow money at 3 to 4 per cent in the bazar and there are those with property who cannot borrow even at 9 per cent, that is all due to the certainty or uncertainty in the mind of the creditor as to how he will be able to get back his money that he advances to any one section of the people or the other. It is on this fundamental principle that the trade in the cities is carried on. You are cutting out the very source of raising loans and I assure you that trade in the cities will come down to a very great extent, because money has got to be raised which it will not be now possible to do. The position of a zamindar is very different in this matter from that of a trader in the city. A trader requires money each day of his existence, whereas a zamindar requires it on certain occasions, he may need it for paying land revenue or he may need it on the occasion of a marriage. Here we traders require money every minute, every second, if I may say so, for the purpose of carrying on our trade. If I find at this moment that by buying some goods from Rangoon and selling them here, it will leave me some margin, I will immediately do so, but if I have no credit in the bazar I cannot raise money and will have to go without that business. We businessmen do not keep our money in a safe even overnight but send every penny to the bank every day, at 3-30 p.m., so that it may be deposited against our cash credit account and thus save a day's interest. These are the difficulties under which we have to carry on our trade. Suppose a man were asked to lend some money to another man who has got a big bungalow, he will hereafter consider ten times before doing so, knowing as he does that that house which may be the only asset of the debtor was immune from attachment. In fact, he will be a fool to advance money to that person under any circumstances. You will see, Sir, that both the money-lender and the person who needed money lose, the former his interest and the latter his business. Capital is notoriously shy in this country and it will be all the more so after these legislations, as the people know that there is absolutely no security left and that further legislations may be in store for them the next day. Amendments have actually been tabled by the Government members, one by a Parliamentary Private Secretary himself, Khan Bahadur Mian Mushtaq Ahmed Gurmani, that all mortgages be wiped out, but it seems better sense has eventually prevailed and he has not actually moved it. I wish he had moved

it, for the people both inside this House and outside it, would know exactly what this Government was up to.

I submit, Sir, that such a concession has never been asked for by any trade association or by any trader or by anybody else living in the cities. I do not know what has made the Government or for the matter of that the Honourable Minister of Development to have a soft corner in his heart for these poor urbanites. (*Minister of Development*: I am a kind man after all!) I am sure that nobody requested him to do such a thing. Formerly Government used to say that they stand for the poor, but now they have come out in their true colours. They have placed no limit whatsoever; the property may be worth lakhs and still it will be immune from attachment and still the Government have the audacity and the courage to say that they are enacting these laws for the benefit of the poor! There is no country in the world in which average income of a person is as small as it is here; it is not even two annas, it is one anna and nine pies and even in the face of general conditions such as this, the house of a judgment-debtor worth lakhs of rupees will be immune from attachment. I do not know if absurdity could go any further. Having killed credit in the rural areas Government are out now to kill credit in the urban areas also. I would tell them in all earnestness and all sincerity that this legislation, if passed, will do no good to anybody. It will do positive harm, and what is more no traders or anybody on their behalf has ever asked for this boon from Government. Hitherto there was some sense of security in the mind of the money-lenders as far as the debtors in the urban areas were concerned, but now with the passing of this legislation that will also be a thing of the past. This is not the only thing that one has to be afraid of, goodness knows what may come next. To-morrow the Government may say that all deposits in the banks may be wiped out. In fact, with one stroke of the pen they may wipe out everything. Some time back when the question of the total assets of 5 thousand rupees was being discussed, the Honourable the Premier was pleased to say that in view of the weighty arguments advanced by the Opposition, he would give favourable consideration to all the aspects of the question. But what do we find? Instead of that facility limited to Rs. 5,000 this Bill has been brought in making the residential house, even when it is worth a lakh or more immune from attachment. If this does not mean killing trade and killing the credit in the cities, I do not know what else it means. We have noticed, Sir, that the Government does not care to benefit by any sane or reasonable advice that is given to them from these benches, but persist in their wrong course.

We have seen that up to the last minute, all these days, Government members have been giving notices of amendments. In fact, I have never seen before such a crop of amendments as has been the case in this legislation. The Bill as it was originally introduced was not so drastic. In the select committee it was made worse.

4 p. m.

Mr. Deputy Speaker: This is not relevant.

Sardar Sahib Sardar Santokh Singh: And it is being made from bad to worse, with each further amendment. Government must have some regard for the opinions and advice of those who are most concerned in the

[S. S. S. Santokh Singh.]

matter. It cannot be said of us that we do not represent the non-agriculturists. We do and nobody does it more than we do. We are in touch with them. We ourselves belong to trade. We know the nature of the difficulties under which trade is carried on. We know what is good and what is bad for the trade in the cities, and speaking with full sense of responsibility I do want to tell this Government that if they persist in this obnoxious measure, they will find at no distant date that they will be killing the trade and industry of the province which will be as much to the detriment of the agricultural classes as to the interests of the population at large. With these words, I support the amendment.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan Rural): I have very carefully listened to the arguments advanced by both of my friends sitting opposite. I need not go into detail in the way of a reply as to why my friends are imputing motives to the Party in power which sits as Government on these benches. The argument that this Government is amending this Bill for the sake of big landlords, for the sake of their own kith and kin and for the sake of those who do not really stand in need of this relief and also for the sake of propaganda, is not only fallacious and malicious but hackneyed, worn out, commonplace and stinking. It has been said more than once on the floor of this House whenever this Government has brought forward a legislation that they are doing this for the sake of propaganda, that they are having panchayat officers as their henchmen, and that they are creating members of these boards for the very reason that they want to exist by means of artificial respiration. This is absolutely false. I need not go into details of this, but I think my honourable friends should have learnt by now the *bona fides* of this Government instead of imputing false motives.

As to this amendment I would submit that my honourable friends are wearing very rose-coloured glasses with which they are reading meanings in these clauses which are not there at all.

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

A mere perusal of the subsection itself will raze to the ground all the objections raised by my honourable friends. Their first objection is this: Lala Sita Ram says that the real object underlying, including this clause as part of the Bill, is that the Government is out to help the agriculturists. How does that follow? Just cast a cursory glance on the wording of this sub-clause. The sub-clause reads—

....a residential house..... belonging to a judgment-debtor other than an agriculturist

How does the word 'agriculturist' come in?

The next thing which they say is that a man may possess many houses, one at Rawalpindi, one at Hoshiarpur, another at Multan and another at some other place, and all these houses will be exempted from attachment under this sub-clause. This again leads me to request them to cast a cursory glance on the wording of the subsection—

One main residential house....

How does that include two or three or four or five houses which he owns just for the sake of pleasure and not for the purpose of residence?

Rai Bahadur Mukand Lal Puri : My learned friend is trying to refute an argument which was never advanced. The argument which could not be refuted and which was not even attempted to be controverted by even Sir Chhotu Ram, was that in the case of an agriculturist the present legislation exempts from attachment even half a dozen or a dozen houses situated in big towns, provided they are not let, and to justify this indefensible position, the Government decided to add another unjustifiable exemption, i.e., the exemption of one main residential house of non-agriculturists also. That is the argument to which an answer should be given, if there is any answer.

Khan Bahadur Chaudhri Riasat Ali : The third objection raised by my honourable friend Lala Sita Ram was that the clause gives the debtor the right to dishonestly alienate the house to a son or to a daughter or to other near relations. There is no restriction put on the debtor to alienate his house to his son or to his daughter or to his near relations. How does this clause in itself give the right to a judgment-debtor to dishonestly alienate any of his property which is liable to attachment under order 21 of the Civil Procedure Code ? Again the honourable member has not carefully read the words : ".....house belonging to a judgment-debtor". His son, his daughter, his wife, etc., they are not judgment-debtors. Judgment-debtor is he himself, and the words are that the house belonging to a "judgment-debtor" and not to his near relations is to be attached.

Another argument which he used was again very stinking and a hackneyed argument which was in relation to the credit. I do not admit that the credit will be affected merely by the insertion of this little sub-clause in this amending Bill. Why ? Because if you read the proviso it is clearly laid down there that anybody is at liberty to give his house as a security for raising any amount of debt if he wants to raise it. The clause as such has no retrospective effect. The only clause in this Bill which has a retrospective effect is clause 14 (3) which relates to the rule of *damdupat*. I am not concerned with that at the time, but I want to point out that that is the only clause in this Bill which has a retrospective effect. This clause has no retrospective effect. Therefore from this date anybody who wants to raise a loan for the purpose of trade or business is absolutely at liberty to mortgage his house, his *kohti*, or anything else for the sake of money. So that credit is not affected.

Rai Bahadur Mukand Lal Puri : This is not so. May I ask if the Honourable Minister accepts the statement that the clause has not a retrospective effect ? Let him say that it has no retrospective effect. If he accepts this position, I shall support the amendment.

Khan Bahadur Chaudhri Riasat Ali : This is the first position, that the credit is not affected in any way. The second position is that even if the credit is affected I do not mind. The object of having this sub-clause in the Bill is not so much to protect the houses of the men who have got houses in the hill stations, but to save the poor man living in a village or in a town whose only property is a little hut in which his wife and his children, his sisters and others take shelter against the vagaries of nature that is, so far as weather conditions are concerned. That being so, where is the harm ?

[K. B. Ch. Riasat Ali.]

Some sort of protection from rains and winds should be given to the poor man.

Another thing which I want to mention is this. I want to go a step further and I want to remind my honourable friends of the words used by Mr. Calvert in his famous book, 'Punjab Peasant' that 'credit holds a man as a rope holds a hanged person'. Credit in itself is not a good thing. It is essential in some cases. To restrict credit in order to make a man live a life worth living, is not bad. If credit is not restricted to reasonable limits, the results will be disastrous. Otherwise you will be nowhere. A man who would not borrow money otherwise will go to the market to borrow money to any extent, to limits which are not reasonable, to an extent which is undesirable. So the argument that credit will be restricted is again a hackneyed argument. It has been discussed on the floor of the House many times that mere restriction of credit has saved many families from ruin.

Another important thing which Sardar Santokh Singh mentioned is this. He said that there are people living in rural areas with big landed property and when they go to the market they pay a rate of interest higher than another ordinary man living in a town. What I would request him to realize is that it is not a question of property. It is a question of personal security. I have known of men who are given credit on mere name, who borrow money, in spite of this legislation, without paying a single pie as interest. It is their personality which counts. The Government is out to help only those who are unable to pay as against those who are unwilling to pay. We are only increasing the paying capacity of the debtor so that the creditor may be able to realize whatever percentage of his dues he can realize. It is in the interest of the creditor himself that the debtor might be saved. Just as I said at Simla, it is in the interest of the tiger that the goat should be saved, it is in the interest of the hawk that the partridge should be saved, it is in the interests of the wolf that the lamb should be saved and if the debtor is not saved, there is no possibility of the creditor in the garb of the tiger, hawk or wolf, living and thriving in the village.

There is only one other argument of Sardar Santokh Singh to which I want to reply. The main objection is that the Government has not consulted the people to whom this legislation applies. This argument stands in the same category as the previous ones. Why? It is for the Government to know what particular legislation is required to meet a particular need. May I ask whether, when section 109 of the Criminal Procedure was enacted, all the vagabonds were consulted, whether when section 302 of the Indian Penal Code was enacted, all the would-be murderers were called to a conference and consulted or whether when section 399 or other similar sections were enacted, the robbers or the dacoits or the thieves were consulted? The very fact that Government steps in shows that there is need. It has to deal with all the people. It knows its creditors, it knows its debtors, it knows its money-lenders. It can read the political thermometer and knows at what degree the political thermometer reads on a particular day. Therefore the Government is supposed to legislate for one and all alike by their own experience, by their own personal touch with the people, by their own personal knowledge of the conditions prevailing in rural and urban areas and

it is not bound nor is it necessary to consult every individual whom a particular piece of legislation affects. With these words, I oppose the amendment of Lala Sita Ram.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, I will confine myself to the motion before the House and therefore I wish, in the first instance, to explain the *raison d'être* of the clause which has been put in by the Government. I wish to place before the House the circumstances under which a clause like the one which is not to be found in the legislation of any other province or of any civilized state in the form in which it is proposed in this legislation, came before the House. This particular clause is an amendment of section 60 of the Civil Procedure Code, exempting from attachment in execution of a decree one main residential house belonging to every non-agriculturist. This clause was not in the original draft, nor was any proposal put forward for the inclusion of this clause until a very late stage. It has been pointed out that other amendments of section 60 went to the length of exempting from attachment the houses not only of the actual tillers of the soil or agriculturists as they are understood in section 60 of the Civil Procedure Code as interpreted by all the high courts including our own High Court, but the amendment went to the length of excluding from attachment *all* the houses situated even in urban areas like Lahore or Dalhousie, or Simla or Amritsar, belonging to a member of a notified agricultural tribe or belonging to a big landlord, provided they were not let out on rent.

What reasons of policy, what justification on moral or equitable grounds, what justification on any grounds of equity was there to exempt from attachment all the house property situated in town of these plutocrats? That question was put to the Government in the select committee. That question was repeated in my dissenting note and that question was put again by Diwan Chaman Lal speaking day before yesterday when he asked the Honourable Minister for Development to state whether the effect of other amendments of section 60 was not to confer this exemption which could not be justified on any grounds. Sir, it was at that stage of the discussion when they were confronted with having a justification for this wholesale exemption for all the houses of these big landlords that a member of the select committee suggested 'Oh! why not exempt the main residential houses of the non-agriculturists also?' I submit there is no reason why an amendment of this type relating to non-agriculturists should have been brought except to justify a much greater injustice which has been done in favour of big agriculturist landlords, because *ex hypothesi*, it is only the rich absentee plutocrat who owns several residential houses in towns which are not let on rent. That is the *raison d'être* of this amendment. The *raison d'être* is not as my honourable friend Chaudhri Riasat Ali from Gujranwala has been pleased to put forward that this Government wants to give protection to the urban poor debtors also. Does this amendment give protection to the urban poor debtors? If that were so, why should not the Government have at once accepted amendment No. 16 moved by Sardar Kapoor Singh which was to the following effect:—

Provided that the protection afforded by (ccc) of this subsection shall extend to so much property only, the valuation of which does not exceed Rs. 5,000.

[R. B. Mukand Lal Puri.]

Again another amendment to the same effect was proposed by Pandit Muni Lal Kalia which was to the following effect :—

Provided that the market value of such property does not exceed Rs. 5,000 and in case it so exceeds so much of the property, whether mortgaged or otherwise, as values Rs. 5,000, the surplus being not so protected.

The Government definitely have not accepted these amendments. Therefore there is no idea of affording any protection to the urban poor debtors which can be very well achieved with this amendment if it were accepted that persons the value of whose house does not exceed Rs. 5,000 be protected. But the Government have no such intention. It is difficult to fathom the intentions of the Government, except that they want to save some of themselves or their friends from the payment of their just debts and in order to achieve that object, they are reckless in passing any legislation, regardless of its justice or its effect on the credit of the province. In order to carry on their own object of helping their friends, the dishonest debtors, they are out to pass any legislation regardless of its consequences to the financial credit or trade or industry of this province. I submit that the only reason why this amendment in this form was introduced at the select committee stage was that they could not otherwise justify the wholesale exemption of large number of houses situated in various towns of the province and belonging to some of their rich friends. It has not been introduced on any grounds of merit of the case. You will remember, Sir, that a resolution was brought forward in this house that a residential house whose value did not exceed Rs. 5,000 should be exempt from attachment. That resolution was withdrawn. The discussion in the House showed that considerable body of opinion was opposed even to that exemption.

Tikka Jagjit Singh Bedi : That resolution was never dropped. It was withdrawn only on the assurance given by the Honourable Premier that it would be included in this legislation.

Rai Bahadur Mukand Lal Puri : That resolution was never passed. It was withdrawn. What I wish to point out is that it does not necessarily follow that because you exempt the property of a trader from attachment and thus restrict his credit, you are not necessarily helping him. Take the case of traders or shopkeepers. Out of one thousand traders, at least 900 or 950 would be such who are running their business and earning their livelihood by the credit that they are enjoying and to restrict their credit is to hamper their business and restrict the opportunities or facilities for earning their livelihood. Out of 1,000 trader debtors, it may be safely assumed that at least 950 pay their debts regularly and would be ashamed to be put in courts. Out of the remaining fifty, there will be very few against whom it will be necessary to enforce an attachment of their houses and therefore this exemption would not help them though it would restrict their credit, and with respect to a very small minority whose houses may possibly be attached, it will only be in payment of debts which they have borrowed for their business. According to the laws of Hindus, Muslims and in fact of all religions, the property of the debtor is liable for payment of his just debts. Therefore you are not doing, if you come to that, any virtuous act by trying to help the debtor who has not paid his debt and who

would not pay his debt by making the realization of that debt an impossibility. I would not for a moment stand in the way of giving relief even to this small minority of the debtor class if the effect of this relief were not to put in jeopardy or to shake or even in some cases to destroy completely the business and credit of others. Who are these gentlemen who profess to come forward as the benefactors or helpers of the trading classes or the urban classes of this province? What are their credentials? The public utterances of some of the Ministers against traders and urban classes are a continuing menace to the peace of the province. Whether this legislation is in the interests of the debtors of the urban classes, we who sit upon these benches are the best judges, we, who are their representatives, are the persons living in these areas the best judges of this piece of legislation or this Government who in season and out of season is never tired of carrying a most relentless war against their interests? Here is Sardar Sahib Santokh Singh. He says that he is speaking in the name of urban commercial debtors. Here are other gentlemen like Lala Duni Chand, Advocate, and Lala Sita Ram who say that they speak on behalf of the urban classes of this province and I also claim to represent a fairly vast number of people belonging to trading classes who are indebted. Now, I say and I repeat it on behalf of the trading classes of this province that this restriction of credit far from being in the interests of the urban people is definitely and positively detrimental to their interests, because once the flow of that borrowed capital is restricted, trade and business is bound to suffer. I repeat that if you go to any small town or any big town, or any part thereof, go to Mozang, go to Anarkali, go to Dabbi Bazar and you see the wares lying there in the shops, at least half of the goods, if not more, are there as having been purchased with borrowed capital and I say as a person who is connected with commerce and industry and banking in this province that much of the trade in this country as in almost other countries is carried on on borrowed capital. If this is so, how does the Government come to the conclusion that the restriction of their credit is good? We know very well the ordinary system of hundis. No respectable banker who does not honour his hundi on a particular date or a particular hour can live and do business for a day. He will be turned out of the commercial markets. Now what is the fate of a person who has to retire his hundi for five thousand and has not got the cash? He goes to a friend or a neighbour or a money-lender and borrows Rs. 5,000 for two days and retires his hundi. No one would take the risk of accommodating him if he knows that the only tangible property which that person possesses, and the house is the foremost tangible property which any man possesses, is not available to him as a means of raising his credit. Nobody is going to mortgage his house for two days. Raising money by mortgaging his property is not worth his while. A man who is known to have mortgaged his house would lose all credit. Once people come to know that this man has mortgaged his house for a paltry debt he would lose his credit and his trade. Why is this Government embarking upon a legislation which would injure a vast majority of honest traders, on the off chance of helping an insignificant minority of dishonest debtors?

At this stage the Assembly adjourned till 12 noon on Tuesday, 9th April, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 9th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

PERMISSION TO SARDAR BALWANT SINGH DUKHIA TO ATTEND THE MEETING OF THE DISTRICT BOARD, HOSHIARPUR.

***5222. Sardar Hari Singh** Will the Honourable Premier be pleased to state the reasons why permission was not given by the Deputy Commissioner, Hoshiarpur, to Sardar Balwant Singh 'Dukhia', an internee in his village, to attend the meeting of the District Board, Hoshiarpur, of which he is an elected member, on 15th August, while he was allowed to attend a previous meeting of the Board?

Parliamentary Secretary (Sayed Amjad Ali Shah): The grant or refusal of such permission is entirely within the discretion of the District Magistrate, and it would not be in the public interest to disclose the reasons which lead District Magistrates to exercise their discretion in such cases.

Sardar Hari Singh: May I ask my honourable friend whether he himself has studied the reasons which he does not want to disclose?

Parliamentary Secretary: Yes, Sir.

Chaudhri Muhammad Hasan: Is the Government satisfied that the discretion was used properly by the District Magistrate?

Parliamentary Secretary: The Government is satisfied that the discretion was used properly.

Chaudhri Muhammad Hasan: What are the reasons on the basis of which you say that the discretion was rightly used by the District Magistrate?

Parliamentary Secretary: I have already said that it is not in the public interest to give those reasons.

Pandit Shri Ram Sharma: May I know why the permission was given to that gentleman in the first instance and what matter of public importance stood in the way of the District Magistrate not to grant him permission in the second instance?

Parliamentary Secretary: The District Magistrate was at first satisfied that there would be no harm if the gentleman was allowed to attend

[Sayed Amjad Ali Shab.]

the meeting of the district board and consequently he allowed him to attend the meeting, but subsequently he was not satisfied and so he refused permission.

Sardar Hari Singh : May I know why the District Magistrate used his discretion not to allow an elected member of the district board to attend the meeting of the district board and carry out his duties in the interest of the public of the *ilaga*, for which he was elected ? Under what law and rule did he deny that gentleman the privilege of attending the meeting ?

Mr. Speaker : Will the honourable member please state the rule under which he could allow him ?

Sardar Hari Singh : I take my stand on the privilege of the elected members of district boards and the Assembly. A member of the Assembly has a right to attend its meetings unless he is in prison. I want to know under what law that gentleman was prevented from attending the meeting of the district board.

Parliamentary Secretary : As far as I am aware I do not think there are any privileges attached to the members of district boards.

Sardar Hari Singh : He has no right to attend the meeting if he is in prison as a convict. May I know under what law he was not allowed to attend the meeting and to perform his duties there ?

May I now put another supplementary question ? Is he aware of the fact or does he admit the fact that he was allowed to attend the meeting of the board only a month earlier ?

Parliamentary Secretary : That question has already been asked and answered.

Sardar Hari Singh : May I know whether he is aware of the fact that before 15th August, he was allowed to attend another meeting of the district board and that on no ground was he denied the right to attend that meeting ? If so, where was the public interest in not allowing him to attend the meeting on the 15th August ?

Parliamentary Secretary : I have already replied an identical question put by my honourable friend Pandit Shri Ram Sharma and my answer is the same to this question.

Sardar Hari Singh : May I ask the Parliamentary Secretary whether he is aware that the gentleman concerned is the Leader of the Congress party in the District Board, Hoshiarpur ?

Mr. Speaker : That does not arise out of the question.

Sardar Hari Singh : I want to know whether the Parliamentary Secretary is aware of the position of that gentleman as the Leader of the District Congress Party.

Mr. Speaker : That does not arise out of the original question as well as the answers given to supplementary questions.

Sardar Hari Singh : I want to say that he holds an important position as the Leader of the Congress Party in that district board.

Mr. Speaker : The honourable member should have stated in his question that so and so, who holds such and such a position, was not allowed to attend the meeting of the district board.

Sardar Hari Singh : May I ask whether he was not allowed to attend the meeting on the ground that a resolution was moved by Sardar Balwant Singh Dukhia in the first meeting of the district board for the removal of the Deputy Commissioner as chairman or for the appointment of a non-official chairman by election ?

Mr. Speaker : The honourable member should have stated in his question that it was on this ground that the Deputy Commissioner did not allow him to attend the meeting.

Sardar Hari Singh : May I ask whether it was mainly on the ground that a resolution was moved by him for the appointment of a non-official chairman by election that he was not allowed to attend the second meeting of the district board ?

Parliamentary Secretary : No, Sir.

Pandit Shri Ram Sharma : May I know if the complaints were removed at the third meeting that he was granted permission to attend it ?

Parliamentary Secretary : Yes, Sir.

Pandit Shri Ram Sharma : May I know the nature of the complaints in view of which the Deputy Commissioner did not permit him to attend the second meeting ?

Parliamentary Secretary : I have already said that it was not in the public interest to permit him to attend the meeting.

Pandit Shri Ram Sharma : May I know the reason why he was permitted to attend the first meeting, not permitted to attend the second meeting, but again permitted to attend the third meeting ? What was the nature of the complaint that arose in the second instance and was subsequently removed ?

Sardar Hari Singh : May I ask my honourable friend whether his speech in the first meeting was offensive or was it derogatory to the prestige of the Deputy Commissioner ?

Chaudhri Muhammad Hasan : What was the date of the order refusing permission to Sardar Balwant Singh Dukhia ?

Parliamentary Secretary : I want notice for that question.

ARREST OF COMRADE UJAGAR SINGH.

***5923. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether arrest under section 117/188, I. P. C., in connection with the Lahore *Kisan Morcha* continued after the movement was stopped ;
- (b) the date on which Comrade Ujagar Singh of Bilga (Jullundur) was arrested and the date when he made the speech on the basis of which his arrest took place ?

Parliamentary Secretary (Sayed Amjad Ali Shah): (a) Obviously no fresh arrests could be made in the ordinary way after the movement had stopped. Only proclaimed offenders in cases under sections 117-186, Indian Penal Code, of whom Ujagar Singh was one, were arrested after the movement had stopped;

(b) 27th of November 1939 for a speech delivered on the 25th of June 1939.

Pandit Shri Ram Sharma: May I know from the Parliamentary Secretary as to when this movement was stopped?

Parliamentary Secretary: I require notice for that question.

Pandit Shri Ram Sharma: I had asked for the date when this movement was called off?

Parliamentary Secretary: Had the honourable member asked for the date in his main question I would have gladly supplied him with the requisite information.

Pandit Shri Ram Sharma: May I know what actuated the Government to make arrests even after the movement had stopped?

Parliamentary Secretary: In reply to part (b) of the main question I have already stated that the person in question was arrested for a speech that he delivered on the 25th June, 1939.

Pandit Shri Ram Sharma: What I want to know is the particular reason why it was deemed necessary to arrest him even long after the movement had stopped.

Parliamentary Secretary: The particular reason asked for by my friend opposite is this, that the person in question had absconded when arrest was made in June and it was necessary to effect his arrest which was only possible on the 27th of November.

SARDAR UJAGAR SINGH 'ULT'.

***5966. Sardar Hari Singh**: Will the Honourable Premier be pleased to state—

(a) the date of arrest of Sardar Ujagar Singh 'Ult' of district Hoshiarpur, under section 124-A, I. P. C.;

(b) the date of his conviction;

(c) reasons for delay in the conduct of the case?

Parliamentary Secretary (Sayed Amjad Ali Shah): (a) 18-6-1939;

(b) 6-1-1940;

(c) (1) The accused put in a transfer application.

(2) One of the prosecution witnesses could not give evidence, owing to illness, until 6-12-39.

Sardar Hari Singh: Who was the prosecution witness? Was he a police constable?

Parliamentary Secretary : I have already said that he was ill and could not come to court earlier.

Sardar Hari Singh : Was he a reporter ?

Parliamentary Secretary : I want notice for that.

Sardar Hari Singh : May I know whether the magistrate who convicted Sardar Ujagar Singh 'Ult' made any allowance for the fact that this man was for six months an undertrial prisoner in the jail at Hoshiarpur on account of no fault of his and without any reasonable cause ?

Parliamentary Secretary : I want notice for that.

BAN AGAINST PRITHVI SINGH, AZAD.

***6084. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state whether the Government has by this time considered the question of lifting the ban against Prithvi Singh, Azad, entering the Punjab ; if so, with what result ?

Parliamentary Secretary (Sayed Amjad Ali Shah) : No, he was released only in September last on the condition, accepted by himself, that he would not enter the Punjab.

Lala Duni Chand : May I know if it is true that before he was released the Honourable Minister for Finance had interviewed him personally for a considerable period and was satisfied of his being a non-violent and harmless man ?

Sardar Sohan Singh Josh : Is it within the knowledge of the Government that he has eschewed violence ?

Lala Duni Chand : Is it true that since his release this gentleman has been living the life of a satyagrahi under the personal supervision of Mahatma Gandhi ?

Parliamentary Secretary : No, Sir, Government is not aware of it.

Lala Duni Chand : May I know if there is any period of probation which he has to undergo before he can be allowed to return to his home, namely the Punjab ?

Parliamentary Secretary : No period is fixed.

Lala Duni Chand : Do I understand that Government is not going to allow him to return to the Punjab for the rest of his life ?

Parliamentary Secretary : Government will allow him when they are satisfied that he will not act in a manner prejudicial to public safety.

Lala Duni Chand : Is it not a fact that he has been living the life of a perfectly peaceful man and has not Government enquired into this fact ?

Sardar Hari Singh : Will he not be allowed to return to the Punjab even if he joins the Muslim league ?

Lala Duni Chand : May I know what are the difficulties which induce the Government not to allow him to return to the Punjab ?

Parliamentary Secretary : It is not in the public interest to give reasons : Government is satisfied of its action.

Lala Duni Chand : Will you give some other facts besides this blessed phrase ?

DISCONTENT AGAINST IMPOSITION OF TAXES BY THE MUNICIPAL
COMMITTEE, SONIPAT.

***6391. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether he is aware that discontent prevails at present among the Sonipat public against the taxes imposed by the Municipal Committee, Sonipat, recently, if so, whether he will give the names of those, other than the terminal and octroi tax, against which discontent prevails and also state the action intended to be taken to remove that discontent ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Government are informed that there is no discontent in the town of Sonipat against the taxes levied by the municipal committee. No tax was recently imposed.

Pandit Shri Ram Sharma : May I know whether the authorities received any representations against the imposition of these taxes ?

Parliamentary Secretary : I have already stated that no new taxes have been recently levied there and therefore the question of general discontent does not arise. Probably somebody might have put forward an objection to the imposition of one or other of the old taxes and honourable member calls it discontent.

Pandit Shri Ram Sharma : May I know the nature of the new taxes ?

Parliamentary Secretary : I have already stated that no new tax has been recently imposed.

Pandit Shri Ram Sharma : In that case what is the nature of the old taxes ?

Parliamentary Secretary : I require notice for answering that question.

NOMINATION OF SCHEDULED CASTES TO THE SMALL TOWN COMMITTEE,
TOHANA, DISTRICT HISSAR.

***6418. Pandit Shri Ram Sharma :** With reference to the answer to starred question No. 355¹ asked on the 8th July, 1937, will the Honourable Minister for Public Works be pleased to state whether Government had had an opportunity of considering the question of nominating a member of the scheduled castes to the Small Town Committee, Tohana, in the Hissar district and whether as a result of that consideration it has been able to decide that scheduled castes will be given representation on the said committee when the next general elections take place ?

Parliamentary Secretary (Sheikh Faiz Muhammad) : Nominations on town committees are made by Commissioners. Instructions have been issued to them that special consideration should be given to the claims

of the scheduled castes for representation on local bodies. In future all cases including that of Tohana will be considered by the Commissioners in the light of Government instructions.

Pandit Shri Ram Sharma : Did the Government consider the question of nominating a Harijan to the Tohana Municipality during the last elections ?

Parliamentary Secretary : I am afraid, I cannot reply to that question off-hand. I require notice for that.

Pandit Shri Ram Sharma : Is the Government aware of the fact that Harijans comprise one-sixth of the total population of that municipality ?

Parliamentary Secretary : The honourable member may rest assured that if the Harijans actually comprise one-sixth of the population of the town or their population is such as may necessitate the creation of a separate seat for them the Commissioner of the Division would be only too glad to consider their case.

Lala Duni Chand : May I know if the Commissioner has unfettered discretion to nominate anybody as a member without the interference of the Government ?

Parliamentary Secretary : I would refer the honourable member to the relevant provisions of the Municipal Act.

Lala Duni Chand : Will the Parliamentary Secretary be pleased to give an assurance that there will be no interference in regard to the nomination of any person ?

Parliamentary Secretary : The Government does not interfere with the statutory powers of the Commissioners.

Pandit Shri Ram Sharma : Did or did not the Government interfere in respect of Rohtak ?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : Is it or is it not a fact that pressure has been brought to bear upon the Commissioner to comply with the behests of the Unionist Party ?

Parliamentary Secretary : No.

C. I. D. PEOPLE IN THE VISITORS' GALLERY.

Sardar Sohan Singh Josh : Mr. Speaker, I want to bring to notice the fact that the C. I. D. people are allowed to come and sit on the front benches of the visitors' gallery. They have been watching our movements outside: now they have been allowed to watch our movements here also. I want to know whether this has come to your notice or not.

Diwan Chaman Lall : Do they possess visitors' passes ?

Mr. Speaker : That arrangement is entirely left by rules to the discretion of the Speaker. So, no questions can be asked about it; but if the honourable member wants full information, he may see me in my room and I shall gladly place before him the full facts.

Sardar Sohan Singh Josh : These C. I. D. people are sitting on the front benches and the visitors are not allowed to sit on the front benches.

Mr. Speaker : Some years ago certain measures were adopted to insure the safety of honourable members of the then Council and those measures have now been revived.

Sardar Sohan Singh Josh : Those days are dead and gone,

Mr. Speaker : But I am still here.

Dr. Gopi Chand Bhargava : You are not the same man ; formerly you were the President of the Legislative Council which was an irresponsible institution, now you are the Speaker of the Legislative Assembly which is a responsible one.

Mr. Speaker : If honourable members will offer me their suggestion privately, I shall be only too glad to consider them.

Diwan Chaman Lall : Sir, may I know whether these people are working under your watch and ward staff or they are controlled by the police.

Mr. Speaker : I decline to answer such questions ; but if honourable members see me, as suggested, I shall gladly give them the information they may require.

ADJOURNMENT MOTION.

CONTROL OF MOTOR STANDS.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to control through notification the motor stands in the province under Rules 7·2, and 7·12 to 7·14 of the Punjab Motor Vehicles Rules, 1940, enforced from 1st April 1940.

Mr. Speaker : Will the honourable member please point out the rule under which Government should have issued that notification ?

Sardar Ajit Singh : Under Rules 7·2, 7·12 to 7·14 of the Punjab Motor Vehicles Rules, 1940. It was the duty of the District Magistrates to issue a notification in that connection, but no such notification has so far been issued and the Government has not taken any action in the matter. I need hardly say that this indifference on the part of the Government is causing great inconvenience to the public.

Mr. Speaker : Then the honourable member should have worded his motion differently. It should have been the failure of the Government to instruct district magistrates.

Sardar Ajit Singh : I am prepared to alter the language now with your permission.

Mr. Speaker : I hold that the motion, as it stands is, vague and therefore not in order.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Clause 15.

Mr. Speaker : The Assembly will now resume consideration of the Relief of Indebtedness (Amendment) Bill.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, their other day some observations were made by the honourable Chaudhri Riasat Ali in regard to the amendment before the House. The main observation that he made was that there was no justification for the (members of the Opposition to impute any motives in regard to sub-clause (ccc) and that it was a perfectly legitimate and reasonable piece of legislation. I can start with the presumption that the Government has nothing but *bona fide* intentions to legislate this measure and when I do so, I am entitled to discuss the merits of the proposed measure. Clause (ccc) runs as follows :—

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) belonging to a judgment-debtor other than an agriculturist and occupied by him: Provided that the protection afforded by this subsection shall not extend to property which has been mortgaged.

The observation made by Chaudhri Riasat Ali would hold good, if this sub-clause was intended to protect those non-agriculturist debtors who really needed this protection. But as will be clear from the wording of this sub-clause, this is not the intention, but it is intended to protect and benefit big people. It does not say that only that much of the house will be exempted from attachment which is necessary for his residence.

Mr. Speaker : The honourable member is simply repeating the argument given by other speakers of his party.

Lala Duni Chand : I have been here all the time and I am sure that no member has so far advanced this argument.

Mr. Speaker : Rai Bahadur Mukand Lal Puri definitely put forward this argument.

Lala Duni Chand : I cannot contradict you, Sir, but I am certain that this argument was not advanced.

Mr. Speaker : The honourable member should avoid repetition.

Lala Duni Chand : I was submitting, Sir, that this clause exempts not only the residential house which is absolutely necessary for a debtor, but it exempts a number of houses attached to the main building and also the land which is attached to it. I know of certain houses to which 30 or 40 or even 60 or 70 bighas of land is attached. It was argued that there are very few really big people here in this province. I know it for a fact that in every district there is a certain number of very big landlords and jagirdars and in my own district there are dozens of big landlords. If the intention was to protect only those who deserve protection, it would have been different; but the sub-clause as it is worded ensures protection to big people and not the poor.

(Lala Duni Chand.)

It was open to the Government to prove its *bona fide* in the course of the debate on the sub-clause by accepting the suggestion and removing suspicions of the members of the Opposition.

Then another serious thing about the sub-clause is that it is going to apply to all those debts that are subsisting now or that will be subsisting after this sub-clause is passed. The people who advanced loans during the last fifteen or twenty years and those loans are still subsisting, what justification is there to apply this sub-clause to those loans which were advanced at a time when there was no such law and there was no fear of any such law being passed. At least ten or fifteen years ago nobody could possibly have thought that a law of this kind will be passed ten or fifteen years hence and the loan that they have advanced will be subsisting at that time. I submit that if Government wants to give a notice to all the intending creditors, let Government give notice. I want the abolition of the entire system of money-lending, but Government should give notice that in the interests of the agriculturists and non-agriculturists they are going to pass this law, therefore this will apply only to future loans and not to those that have already been advanced in the belief that they will be realised. I submit that this is a most serious thing about it and as soon as it is passed it will apply to all debts. I submit these are the important reasons for which I oppose this provision in the draft Bill.

Mr. Speaker : The question is—

That clause (ccc) of the proposed section 35 (a) (ii) be deleted.

The motion was lost.

Chaudhri Muhammad Husain (Gujranwala East, Muhammadan, Rural): I beg to move—

That leave be granted to move the following new clause:—

That in the proposed section 35 (b), before the proposed subsection (3), the following new subsection be added:—

“(3) Notwithstanding any other law for the time being in force an agreement by which a debtor agrees to waive any benefit of any exemption under section 60, Civil Procedure Code, shall be void.”

The Assembly divided: Ayes 46, Noes 21.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haya, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Ghazanfar Ali Khan, Raja.
Ghulam Samad, Khan Sahib Khawaja.
Gopal Singh (American), Sardar.

Gurbachan Singh, Sardar Bahadur Sardar.
Hari Chand, Rai Sahib Rai.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Jogindar Singh Man, Sardar.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.

Muhammad Akram Khan, Khan Bahadur Raja.	Ranpat Singh, Chaudhri.
Muhammad Azam Khan, Sardar.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Hassan, Khan Bahadur Makhdum Sayed.	Roberts, Sir William.
Muhammad Hussain, Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Nawaz Khan, Major Sardar Sir.	Shah Nawaz, Mrs. J. A.
Muhammad Yasin Khan, Chaudhri.	Shah Nawaz Khan, Nawab Sir.
Muhammad Yusuf Khan, Khan.	Sikander Hyat-Khan, The Honourable Major Sir.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sundar Singh Majithia, The Honourable Dr. Sir.
Muzaffar Khan, Khan Bahadur Captain Malik.	Suraj Mal, Chaudhri.
Nasrullah Khan, Rana.	Tikka Ram, Chaudhri.
Pohop Singh, Rao.	Ujjal Singh, Sardar Bahadur Sardar.
Prem Singh, Chaudhri.	

NOES.

Ajit Singh, Sardar.	Muhammad Hassan, Chaudhri.
Chaman Lall, Diwan.	Mukand Lal Puri, Rai Bahadur.
Duni Chand, Lala.	Prem Singh, Mahant.
Duni Chand, Mrs.	Rur Singh, Sardar.
Gopi Chand Bhargava, Dr.	Sahib Ram, Chaudhri.
Hari Lal, Munshi.	Santokh Singh, Sardar Sahib Sardar.
Hari Singh, Sardar.	Sant Ram Seth, Dr.
Harjab Singh, Sardar.	Satya Pal, Dr.
Jugal Kishore, Chaudhri.	Shri Ram Sharma, Pandit.
Kabul Singh, Master.	Sohan Singh Josh, Sardar.
Kishan Singh, Sardar.	

Chaudhri Muhammad Husain (Gujranwala East, Muhammadan, Rural) (Urdu): I beg to move—

That the proposed new clause be taken into consideration.

There are some benefits of certain exemptions which are allowed to debtors by section 60 of the Civil Procedure Code. But the dishonest creditors have found new methods to contravene the provisions of the law of the land. For instance, certain amounts of salaries and allowances and houses are exempt from attachment. But the clever money-lenders manage to attach even these things. What they do is to obtain by coercion some illegal agreement from the needy debtor at the time of lending money. Afterwards that agreement is presented before arbitrators and a decision is obtained accordingly. This will become clear from an example. A certain person made an agreement with a money-lender that he would pay 20 rupees out of his pay to the creditor which amount could not be attached by any court. The agreement was produced before arbitrators who gave a verdict in favour of the creditor. On the basis of this arbitration award, a decree was passed by the civil court and the pay of the debtor was attached

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to the extent of Rs. 20 per month in spite of the fact that law did not ordinarily provide for such an attachment. An objection was filed against this order of attachment. But even that objection was dismissed. A portion of salary was in this way attached while it was originally exempted by the Civil Procedure Code under section 60. An appeal was filed in the High Court. But even the High Court held that when a debtor had himself given up the concessions which the law had given him, he could not be granted the same afterwards. He himself had given up the benefit to which he was entitled under section 60 of the Civil Procedure Code.

It goes without saying that the zamindar debtors are, as a rule, illiterate and even simpletons. When they need money, they can be coerced to give up the protection which law ordinarily grants them. The money-lenders can make them agree to harsh and illegal conditions. It is in this way that the purpose of law is defeated by clever people. In order to prevent such contravention of the existing law, the present amendment is being moved. I hope the House will accept it.

Mr. Speaker : Motion moved—

That the proposed new clause be taken into consideration.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I oppose this clause. It comes to this, that even where the debtor is honest and wants to pay the debt, he is not allowed to do so. If, as a matter of fact, at the time of taking the loan, he has entered into an agreement claiming no protection under section 60 of the Civil Procedure Code, I really see no reason why this Government should go out of its way and try to make him dishonest. Is that the position of the present Government, that they want to make those who are really honest and who really want to pay, dishonest? I cannot understand the justifiability or the validity of this clause. The argument that has been advanced by the honourable mover of this clause is that in a certain case, the debtor had agreed to waive that protection under section 60, and had agreed to repay the debt by instalments of Rs. 20 a month. What was the harm done thereby? If he had not agreed to this, perhaps the man might have never been given that loan and why should the sanctity of the contract be broken and the condition attached to the contract violated? Whose interest is it in that such things are being encouraged? I submit, without making any long speech, that really Government is going too far in these matters.

The height of absurdity is reached when people who want to be honest are being deliberately made dishonest by this Government by the enactment of the laws such as the present one. I therefore oppose this amendment.

Mr. Speaker : Question is—

That the proposed new clause be taken into consideration.

The motion was carried.

Mr. Speaker : Question is—

That the proposed new clause be added to the Bill.

The motion was carried.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural): Sir, I beg to move—

That subsection (3) of the proposed section 35 (b) be deleted.

That clause runs as follows :—

“ For the purposes of this section the word “ agriculturist ” shall include every person whether owner, tenant, partner or agricultural labourer who depends for his livelihood mainly on income from agricultural land as defined in the Alienation of Land Act, 1900. ”

Now, Sir, this, I respectfully submit, is the most important change contemplated in section 60 of the Civil Procedure Code. Section 60, you will be pleased to observe, creates certain exemptions from attachment in execution of a decree in favour of agriculturists and certain other exemptions from attachment in favour of non-agriculturists. About fourteen or fifteen such clauses of exemptions are enumerated in section 60. The word “ agriculturist ” has stood in section 60 ever since the Civil Procedure Code was enacted in 1859 for the first time and then in 1882 and then again subsequently amended in 1908. The same exemptions are allowed all over India when a decree is to be executed against an agriculturist. This word “ agriculturist ” has been uniformly defined by all the High Courts to mean a tiller of the soil or a small holder who depends mainly upon cultivation. That is not only the opinion of the Lahore High Court as given in its latest full bench ruling confirming earlier division bench rulings, but it is also the opinion of all the High Courts in India including Calcutta, Bombay, Madras and Patna and also the opinions of the judicial commissioners of Sind and Nagpur. All over India, the exemption from attachment of a house is given to the actual tiller of the soil and this benefit is not given to the landlord, the capitalist who earns his income by realising the rent of the land. The Punjab legislature is now extending that benefit from the actual tiller of the soil to a gentleman who is defined in the added sub-clause—for the purposes of this section as follows: ‘ the term agriculturist shall include every person whether owner, partner or labourer who depends for livelihood mainly on the income from agricultural land. ’ So that a person who has never tilled his land, and he or his father and his grandfather and several generations upwards have always been residents of a town like Lahore and derive their income from rent of land at Lyallpur or land in Bahawalpur State or land in Mianwali or Dera Ghazi Khan districts is intended to be given that benefit. I ask the Government what are the reasons of policy which have led this Government to propose a change in the accepted interpretation of the word agriculturist so as to make agriculturist mean as far as the inhabitants of this province are concerned something entirely different from what is understood and has so far been always understood in the rest of India for the purposes of section 60, Civil Procedure Code. I respectfully wish to point out that this Government repeats *ad nauseam* that they want to protect the poor cultivator. Why do they, therefore, want to take a different line from the one which is adopted throughout India, different from the one which has been the law up till now in the Punjab? The argument, that some of the rich supporters of the Government are debtors and belong to that class and the Government wishes to exempt them from the payment of their debts, is intelligible. That argument one can understand and appreciate, but let not this important change in the definition of the

(R. B. Mukand Lal Puri.)

word "agriculturist" be introduced in this province in the name of the poor tiller of the soil, a small holder, who already enjoys that protection under the existing interpretation. I want my honourable friends the members of the Congress party who are always standing up for the rights of the cultivators and who make no secret of their aim of not helping the capitalist landlord, to take note of this definition. This is the most radical change which is attempted to be brought about in the name of helping the poor and the needy while it is really intended to save the dishonest landlords who derive their income from rent of land who have never cultivated land with their own hands and who on account of their luxurious habits live an unnatural life and thus run into debt. I hope the Honourable Minister for Development would vouchsafe the courtesy of a reply, and take the House into his confidence, as to why in the 20th century instead of defining an agriculturist by his occupation, by his trade, by the fact of what he is doing, he wants to define an agriculturist by the ownership of the land or by the incidence of birth. Kindly see what follows in sub-clause (4). The clause lays down :—

Every member of a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act, 1900, and every member of a scheduled caste shall be presumed to be an agriculturist until the contrary is proved.

What justification is there, when relief is professed to be given to the needy only, when relief is alleged to be given to people who deserve it, that you should make exceptions in

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the case of persons by birth as you are doing by sub-clause 4? I am not quite sure if it would not conflict with the provisions of section 298 of the Government of India Act by defining the word "agriculturist" in this fashion; while you are exempting all the houses in urban areas and all members of the notified agricultural tribe who depend mainly on agriculture, you are only exempting one house of a non-agriculturist. As far as the agricultural land is concerned, that is not involved here and as far as the houses situated at places where the agricultural land is situated that is also not under consideration now. The houses situated in rural areas are not the subject matter of my criticism at the present stage. What is being done by defining agriculturist in this clause and in other clauses which we have adopted is this, that with respect to urban property, the rule of exemption which is being laid down is of a differential character. If a person is an agriculturist within that conventional definition which is now being introduced, he will have all his houses situated in urban areas exempted from attachment. But another person who does not happen to belong to a notified agricultural tribe or who does not happen to be an agriculturist, only one house of his will be exempted from attachment and that only when it is occupied by him. That interesting exception of its being occupied by wife, son, daughter, daughter-in-law and half a dozen or more of other relations, male and female with whom the House has by now become familiar, does not find a place here. Therefore, in defining an agriculturist in this particular fashion and in creating an exception in that differential manner, I submit this legislature is certainly contravening the spirit even if not the letter of section 298 of the Government of India Act. I respectfully contend that apart from there being no moral justification and apart from there being absolutely no equitable justification for defining the word

"agriculturist" in this fashion, there are legal difficulties also. If I may be permitted to point out, the trend of modern thought even amongst the Unionist benches is to adopt a vocational definition of an agriculturist and not a tribal or a caste definition. Whatever anomalies in this matter may have been inflicted upon us by the framers of the Land Alienation Act or whatever may have been left to the present legislature as a legacy from the past Government, the correct opinion is that if relief is to be given to an agriculturist and if an agriculturist is to be considered as an entity, he should be defined in vocational terms and not in tribal or caste terms. You may define an agriculturist as they define him in the United Provinces as the owner of land. You may define an agriculturist as they define him in the Deccan Agriculturist Relief Act as the actual tiller of the soil. You may combine both these conditions, if you so choose and if you want to have a definition of your own, because both are vocational. But if you define an agriculturist, as it is attempted to be done here under section 60 of the Civil Procedure Code on the ground of caste or tribe, then you are certainly setting the hand of the clock back. You are not advancing but you are retrograding. This Government takes to itself to define anybody it likes as an agriculturist. Kindly see what ground of reason is there that a person who does not own land and who has not for generations owned or cultivated land, should be presumed to be an agriculturist, simply because of the accident of his birth in a particular tribe or caste. The courts are to presume that he is an agriculturist unless the contrary is proved. Is it not a differential treatment? This presumption will not be raised in favour of a person who is a son of a Brahmin or Khatri or Vaish; although he may own 200 squares of land, and whose entire income may be from agriculture, or even though he may be an actual tiller of the soil. But the presumption will be raised in favour of a member of a notified tribe, although he may be a lawyer, a doctor or a baker in the town of Lahore, and although he or his ancestors may never have been tillers of the soil. Therefore, I protest most strongly against the proposed definition of "agriculturist" which I consider is most retrograde in every respect, besides being inequitable and iniquitous.

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

That subsection (3) of the proposed section 35 (b) be deleted.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, let me first of all explain to the House the clear meaning of sub-clause (3). It says—

For the purposes of this section the word "agriculturist" shall include every person whether owner, tenant, partner or agricultural labourer who depends for his livelihood mainly on income from agricultural land as defined in the Alienation of Land Act, 1900.

Sir, the land as defined by the Land Alienation Act or by the Land Revenue Act means the land which is used for agricultural purposes or for the purposes subservient to agriculture. It comes to this that a man who may be owning, say, one lakh acres of land, and may be drawing an income of say, 4 or 5 thousand rupees monthly from other sources, but if he is drawing an income out of his land more than the other income, he at once becomes an agriculturist. This is the meaning of sub-clause (3). The operation of this sub-clause will come to this that all people who are owning large acres

(Lala Duni Chand.)

of land and who may be getting income out of their lands less than their other income, they all will be entitled to be classed as agriculturists and, therefore, they will be entitled to the benefit of this clause. My honourable friend, Sir Chhotu Ram has been very often preaching that he is the best Congressman living in India.

Minister for Development : I confine myself only to the Punjab.

Lala Duni Chand : He claims to be the best Congressman in the Punjab and he has been making this statement or putting forward this argument from a number of public platforms.

I also understand that he is one of the worst enemies of the capitalists. He has been preaching against the capitalists. He thinks that the capitalists are the worst enemies of the Punjab. Now taking him at his word, namely, that he is the best Congressman in the Punjab and the worst enemy of capitalism I want to know from him whether by bringing in this sub-clause he can justify the position that he has been taking in this House and outside. Is he not playing into the hands of the capitalists and the biggest of the capitalists? I understand that in the category of capitalists he includes also those landlords who own houses and land. I understand that land is one of the forms of capitalism. It is not merely the factories and money that make a capitalist. The possession of land can also make a capitalist. If according to this sub-clause he wants to exempt all the big landlords, then how can he say that he is a Congressman and that he is a very strong enemy of the capitalists? I think by putting in this sub-clause he belies all those claims that he has been making. I would like to have a reply from him. It may be a very good arrangement between him and the Honourable Sir Sikander Hyat-Khan, Malik Khizar Hayat Khan or some other big landlords. It is a good business arrangement. I think he is entitled to come to that arrangement, but has he any right of being a party to this kind of arrangement and at the same time to claim that he is so and so? Now I want to submit that if the agriculturist is defined as one who owns land, as defined in the Punjab Alienation of Land Act, I want to know from him, will there be any person owning land or who is a partner or a tenant, who will be left out of the operation of this clause? Why does he define the agriculturist in this arbitrary manner? Why does he not say in a straightforward manner that such and such persons should be exempted from any kind of liability? Why does he try to make out that it is only the agriculturist that he is protecting? He is not protecting the agriculturist: he is protecting those who are not agriculturists. How can anybody say that those people who may be Ministers, who may be Judges of the High Court, District and Sessions Judges, who may be holding other positions, and they may also be owning large amounts of land, how can he say that the Ministers, Judges of the High Court and District Judges or other Government servants occupying high positions are also agriculturists? On what justification can he include the richest men, biggest men living in the Punjab in the definition of the agriculturists? I say that this is stultifying reason: it is stultifying common sense and fairness. It is up to him to stultify everything. He could say I have got a certain plan: I want to act on that plan. He has got certain ideas which he wants to carry out. He can say I want to wipe out a certain class and that he wants to destroy the general

credit. He can say I want to destroy whatever industry there is. He can say all these things. At the same time if he is calling himself an industrialist, I think it is a contradiction in terms. A gentleman who is capable of these things cannot in the real sense of the word call himself an advocate of industry. Industry is fed on a number of things. I say that the income from the land is one of those resources upon which industry can flourish. Well, if he wants that there should be no credit and nobody should advance money, how can he say that he can advance the cause of industry? I submit that I am prompted by the dictates of conscience, by the dictates of the conscience of a Congressman, in repelling the attempts of the kind which are bound to be translated into action. Each time I get up and other members get up simply to tell him that the way that he is going will not lead him anywhere but will lead the Punjab to a condition from which it will be difficult for this province to recover for a long time to come. With these words I oppose the sub-clause.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban):

Mr. Speaker, one need not be necessarily a lawyer to understand the significance of the extended definition sought to be given by this clause to the word "agriculturists." The class that will benefit under this clause will be those idlers who live luxurious lives, who are not satisfied unless they order suits at Ranken's, those who keep 3 or 4 motor cars, who do nothing the whole day to improve their business, men whose sole ambition in life is to live an extravagant and luxurious life. Well, Sir, when the time of repayment of their debts legally and lawfully contracted by this class of people comes, they will fully avail themselves of the benefits that are extended to them and make their property immune from attachment. Such are the people who will benefit by this clause. I wonder if after this the Honourable Minister for Development will have the audacity to come forward and say that he was protecting only the poor by means of this clause. Why not be honest and tell the House and through this House the world outside that Government considers it as their duty to protect its own kith and kin, the men who adorn the ministerial benches and without whom this Government will not be able to run for a day? Why not be honest and say that? We shall be quite content. We shall then have no quarrel with you. In the name of the poor tillers of the soil Government is doing all these things to benefit those who support them in running this Government and running this show. There is nothing but this underlying the policy of the Government. The tiller of the soil is already protected, he has not got any property which can be attached or auctioned. The position here is however quite different. A man may be a minister drawing 4 thousand rupees a month, he may be a judge of the High Court, he may be a leading lawyer getting thousands of rupees from his briefs, but when the time comes for even such people to repay their debts, they can claim exemptions and they will be immune from attachments of their property under this sub-clause if it is passed. If this is not really the intention of the Government, what else do they mean? Before I got up I was waiting for the Honourable Minister of Development to speak so as to know what he has got to say, but he did not stand up. He may not probably speak at all, confident as he is of the numbers that are behind him, he may not meet argument by argument, but he should at least

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enlighten us as to the reasons he has got in support of this really indefensible clause. With these words, I support the amendment.

Munshi Hari Lal (South Western Towns, General, Urban): I can very well understand the anxiety of the Government to protect the debtor and especially a judgment-debtor, but that anxiety should have reasonable limits and bounds. Sweeping changes are being made in the definition of the word "agriculturist". "Agriculturist" has been construed as actual tiller of the soil by the High Court.

Mr. Speaker: Repetition is disallowed.

Munshi Hari Lal: If you allow me to finish my sentence, you will find that I am not repeating. My submission is, where is the necessity of making such a sweeping change in the definition? I will draw your attention to the word "owner" and the words "mainly dependent." If the owner of the land is mainly dependent on agriculture, in that case he is to be termed "agriculturist". The word "mainly" raises a difficulty and the difficulty will be felt in interpretation. What does the word "mainly" mean? Supposing the income of a person is Rs. 100; he gets Rs. 50-8-0 out of his land and Rs. 49-8-0, say out of his allowances as a member of this House. Will he be considered as mainly dependent on land and will he come within the purview of the word "agriculturist" and will his property be exempt from attachment? He will enjoy all the privileges that are going to be conferred upon the "agriculturist". Only a difference of 8 annas will take him within the protective clause and he will be protected.

Then, Sir, I come to the word "owner". Many of the owners who are called zamindars, have spent thousands of rupees in their election in order to have the honour of being returned as members of this Assembly. Do they want that the whole debt should be wiped out and not a little finger be raised against them? Is that the logic of introducing the word "owner"?

There is yet another expression which is not quite clear and that is "partner". Does the honourable member mean co-owner or co-lessee or co-mortgagee? If he means a partner in the actual tilling of the soil, then it means that he is co-tenant, but a co-tenant is covered by the term "tenant". I should like the Honourable Minister, if he so chooses, to reply and to make the whole thing clear. If he wants to protect a co-lessee, then a man who has a different profession and who may be a co-lessee for a period of say two or three years will be termed an agriculturist and will belong to that favoured class for which so many immunities are going to be provided. There is still another expression which needs attention and that is "agricultural labourer". I remember full well that I wanted the introduction of these words in the Money-lenders Registration Act and my amendment was disallowed on the ground that the words "agricultural labourer" were not considered as "definite". They were considered vague, wide and capable of so many interpretations. For want of certainty those words could not be introduced. In the *jamabandi* we find the word *kamins*. Does the mover of the Bill mean by the term "agricultural labourer", carpenter, artisan, a blacksmith or other persons who are employed and whose services are utilised by the cultivators for agricultural purposes? The word "agriculturist" should not have been given

such a wide extension, it should have been limited as it is done in the Civil Procedure Code which is an All-India Act and which has been interpreted by all the High Courts, as an actual cultivator. It means a tiller of the soil and not those persons who sit in palaces, do not take part in cultivation and who are big landlords by birth or by acquisition. The law should be for the weak. It may be that a humble creditor has advanced some money to a landlord, an "agriculturist" whom you are always anxious to protect. When time for payment comes the agriculturist may come round and say, "well I am an agriculturist and all my property is immune from attachment, I will not pay anything." In such circumstances it should be the duty of the person who administers the law to protect the weak. With these words, I support the amendment moved by Rai Bahadur Mr. Mukand Lal Puri.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*): Sir, generally I feel great repugnance to repeat a thing which I have already submitted on the floor of the House in connection with a particular matter. But since my honourable friends opposite have been harping for the last so many days upon this and only this argument that the object underlying the present measure is to afford protection only to the big landlords I crave your indulgence to make a few submissions which in substance I have already made on another occasion. I am at a loss to understand as to how the proposed clause seeks to benefit only big landlords. Here I may be allowed to read out the clause in question which runs as follows:—

For the purposes of this section the word "agriculturist" shall include every person whether owner, tenant, partner or agricultural labourer who depends for his livelihood mainly on income from agriculture and as defined in the Alienation of Land Act, 1900.

Now, Sir, the word "owner" is quite clear and requires no further elucidation. Then comes the word "tenant". The person called "tenant" is a cultivator and in fact the true tiller of the soil. His main occupation is to acquire land from other big zamindars and cultivate it with a view to earn his livelihood. Thus nobody should have the audacity to raise any objection to the clause so far as the tenants and owners are concerned. They are agriculturists without a shadow of doubt. Now comes the word "partner". I am free to admit that the verdict of the highest judicial authority of the province, namely, the High Court, goes against it, but in reality he is an agriculturist. He helps a peasant proprietor in cultivating his land and thus shares his produce. Then, Sir, sometimes an agriculturist deems it necessary to hire the services of a man on the understanding that he would either be paid one-eighth of the total produce or a monthly salary in return of the services so rendered by him. The person is generally employed for tilling or watering the lands of his master. He is generally called in agricultural labourer. Although this definition of an agriculturist is quite clear and simple, yet my friends opposite are still asserting that it will also cover persons like ministers and members of the House and thus enable them to enjoy the protection envisaged in the Bill. Let me assure them that these persons do not come within the purview of the definition. They are neither tenants, partners nor agricultural labourers. But so far as the question of ownership is concerned, I think my honourable friends would bear me out that unlike the United Provinces and Bihar the Punjab is a land of peasant proprietors. Here there are a very few big landlords.

[Rao Pohop Singh.]

Our province is parcelled out in as many as 44 lakhs of holdings and most of them are definitely uneconomic. The Land Revenue Committee Report tells us that there are only 13 big landlords who pay more than Rs. 10,000 as land revenue. Now may I know as to whether my friends intend to deprive lakhs of petty land-holders of the benefit contemplated in the Bill simply because they do not want to extend it to these 13 big landlords? Although the present measure seeks to exempt the animals and residential houses of both agriculturists and non-agriculturists from attachment, yet it is not going to grant any such protection to a person, who, having the means to pay, does not pay anything to his creditor. Even the salaries of the ministers and allowances of the members are liable to attachment. My honourable friend, Mr. K. L. Gauba, had given notice of an amendment to the effect that the salaries of ministers and allowances of members should be exempted from attachment but our party decided to oppose this suggestion tooth and nail. For it is not our intention to extend any such protection to a person who has the necessary capacity to repay his debts. My friends may rest assured that if any judgment-debtor has got residential houses at Dalhousie and Simla his property is not immune from attachment. Under the existing laws even the landed property of a well-off judgment-debtor can be given on *mustajari* for 20 years. In fact every person who is sufficiently rich will have to repay his debt. The main object of the present measure is to prevent the creditor from unnecessarily insulting and harassing the poor debtors.

Now, Sir, the second thing which I want to put forward would clearly show that the question of oft-quoted protection does not at all arise. Sub-clause (4) sufficiently clarifies the position in this connection. It reads as follows :—

Every member of a tribe notified as agricultural under the Punjab Alienation of Land Act, 1900, and every member of a scheduled caste shall be presumed to be an agriculturist until the contrary is proved.

Munshi Hari Lal : On a point of order. Sub-clause (4) is not under consideration and the honourable member should not anticipate a debate on that sub-clause.

Mr. Speaker : Just now sub-clause (3) alone is under discussion.

Rao Pohop Singh : Sir, what I want to submit is this that owners, tenants, partners and agricultural labourers depend for their livelihood mainly on income from agricultural land and so they are agriculturists pure and simple. If an agriculturist is a lawyer or a judge of the High Court he will not be granted that protection which is meant for the agriculturists in the strictest sense of the word. Their income or salary is liable to attachment. Only those persons will now come under the definition of an agriculturist who depend for their livelihood mainly on income from agricultural land. But those who supplement their income by house rents or other resources will not be considered as agriculturists for the purposes of the Bill. My submission is that big zamindars have nothing to do with it. As sub-clause (4) is not under consideration it is wrong to think that big zamindars would ever derive any benefit by the passage of this clause. With these words, Sir, I close my speech.

Minister of Development: (The Honourable Chaudhri Sir Chhotu Ram): Sir, Rai Bahadur Mukand Lal Puri suggested that the present clause 3 would be *ultra vires* of the Punjab Legislature and he referred us to section 299 of the Government of India Act. I am really surprised to find that he should have referred to a section which has absolutely no application to the question which is under discussion now. (*Rai Bahadur Mukand Lal Puri*: Section 298). Section 298 runs as follows:—

No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.

So far as subsection (1) is concerned, it refers only to the exclusion of certain persons on the basis of their birth, religion and so on. There is nothing in the clause under discussion which debars anybody on the basis of his caste or birth or religion from any office under the Crown or from a right of acquiring land.

Now the other objection that has been taken by certain members relates to the definition of the word "agriculturist". Now, we all know that the word "agriculturist" has not been defined under any statute. In consequence of the absence of any definition of this term, most anomalous results have followed, and it is with a view to removing those anomalous results that we have been compelled to bring in this clause defining what the word "agriculturist" shall mean. Rai Bahadur Mukand Lal Puri and those who supported him from the Opposition benches have introduced a class which is practically non-existent in the Punjab. When they speak of landlords rolling in wealth, when they speak of big land-holders leading a life of luxury, I think they are always thinking of provinces beyond the Jumna. Landlords of that type do not exist in the Punjab.

Lala Duni Chand: According to you only people like the Maharaja of Darbhanga are landlords.

Minister of Development: Not quite precisely. I do not define it in that way. But we must keep before our mind's eye the undeniable fact that in the Punjab with the exception of just 13, there are no landlords corresponding to the type which my honourable friends have had in their imagination when they were discussing this clause. We want a precise definition. We want an exact definition. We want a definition which will leave no room for doubt, and in order to make the definition free from all doubt, in order to make the definition practically fool-proof, we have adopted the language which has been used in the sub-clause. It is arguable that one or two or three or four or even a dozen people who are really big landlords, can, under certain circumstances, get the benefit of this definition. I do not suggest that that is impossible. I do not exclude the possibility of a very small number of big landlords getting the benefit of this definition.

Lala Bhim Sen Sachar: Any of them members of the Unionist party?

Minister of Development : I think some of the Congress people also may get the benefit of this definition. (*Interruption.*) I do not want a running commentary. Go on listening to what I am saying just as we were listening to what you were saying without interruption. I have already stated that in the Punjab there are just 13 land-holders who pay a land revenue of Rs. 10,000 or more. There are only 23 land-holders who pay a revenue of more than Rs. 5,000. I need not go beyond that. Now suppose these 23 landlords stand the chance of getting the benefit of this definition, will the heavens fall? We contend that out of these 23 landlords in the Punjab, none are indebted. But suppose some of them are indebted and they stand to gain under the definition which has been adopted in this sub-clause, what is the scope of their benefit? Houses, No. 1. Milch animals, No. 2. What else? Nothing else.

Rai Bahadur Mukand Lal Puri : Land.

Minister of Development : Land has already been protected by other legislation, not by this legislation.

Rai Bahadur Mukand Lal Puri : What else is left?

Minister of Development : It does not matter what is left and what is not left. The question is of the scope and extent of benefit under this definition. Let us confine ourselves to the clause under discussion.

Rai Bahadur Mukand Lal Puri : Decrees are passed against certain of these landlords which have not been satisfied for several years and executions are still pending and they are expected to be satisfied by attachment of the urban property of the judgment-debtors and its sale. If that urban property is also exempt, the decrees cannot be satisfied. Is it not a case of helping particular individuals?

Minister of Development : Let us confine ourselves to the benefits which have been conferred by section 60. Those benefits are in respect of houses, bullocks and milch animals. Is there anything else among the exemptions under this section in which a big landlord is interested? Bullocks, these gentlemen do not possess. Milch animals are protected, whether they belong to big landlords or small landowners, to an agriculturist or non-agriculturist, to an urban man or to a rural man. Therefore the only item protected under section 60, in the case of big landlords, is their house-property.

Rai Bahadur Mukand Lal Puri : Any number.

Minister of Development : I beg to submit that out of these 23 men, none is indebted.

Rai Bahadur Mukand Lal Puri : How do you know?

Minister of Development : We know it.

Rai Bahadur Mukand Lal Puri : Enquire from members of our own Government and from people sitting on your benches.

Minister of Development : When the Restitution of Mortgaged Lands Act was passed, the Premier made very detailed enquiries. As a result of those enquiries, we know that out of these 23 big landlords, not one is indebted.

Lala Duni Chand : What is the number of the voters of the land-holders constituency ?

Minister of Development : The number is 2,500.

Lala Duni Chand : They are poor people ?

Minister for Development : No. But all of them are not rich either. Nobody can assert that. The qualification for being on the electoral list of land-holders is payment of Rs. 500 land revenue or an assignment of Rs. 500 as jagir. Now the total number of persons who pay Rs. 500 or more is 2,500. All of these people cannot be called big landlords. If you propose that a man who is paying Rs. 50 should also be regarded as a big landlord, nobody can prevent you from doing that, but very few people will feel inclined to agree with such a definition. I repeat that there are just 28, just two dozen, big landlords in the Punjab and no more.

Lala Duni Chand : May I know according to this definition how many capitalists are there in the Punjab ?

Minister : At present I am not speaking of the definition of the word capitalist, I am only concerned with the definition of the word agriculturist. I was submitting that out of two dozen big landlords, there are none who are indebted. But suppose some or even all of them are indebted. Are we to sacrifice the interest of over 40 lakhs of zamindars just to deprive these two dozen big landlords of the benefit of section 60 ? No. We should not, and if a fool-proof definition of the word agriculturist is to be adopted I cannot keep out these big landlords out of the definition.

Lala Bhim Sen Sachar : Why not exclude these people ?

Minister : Why should we ?

Lala Bhim Sen Sachar : Ah ! that is the question.

Minister : The definition is here. This definition will cover 40 lakhs of individual land owners out of whom 28 happen to be big landlords. I have already submitted that out of these people there are none or very few who are indebted. Suppose some or even all of them are indebted. Can anybody suggest that their houses have in the past been put to auction ? Never. I submitted yesterday and I may submit again that it is not the big landlord who has been harassed by the decree-holder whose house has been auctioned in execution of decrees or who has been put into jail in execution proceedings. It is the smaller fry who have always been harassed in all possible ways by decree-holders. Therefore, this idea of the Unionist Party making this law for the benefit of the big landlords should cease to worry the opposition. Decency requires that this cry should be given up, justice requires that this cry should be given up, considerations of truth require that this cry should be given up.

Now I draw the attention of the house to the considerations which have compelled the Government to bring forward this amendment. When the Punjab Relief of Indebtedness Bill was under consideration and was referred to the select committee, I drew the attention of the members of the select committee to a ruling of the High Court that a zamindar who could not work himself due to infirmity, whose sole source of income was agricultural

[Minister for Development.]

land and who had no other means of livelihood was held not to be an agriculturist and was deprived of the benefit of section 60. A certain very responsible member of the select committee would not believe it and went to the extent of suggesting that if a judge could give such a ruling he ought to be dismissed or hanged. These were the exact words used by the gentleman, who indicated his disbelief in the possibility of such a ruling.

Diwan Chaman Lal : On a point of order. Is my honourable friend in order in revealing anything that transpired in the select committee, particularly a conversation in the select committee ? According to all the rules of procedure that I am aware of, no reference may be made to any proceedings of the select committee, to anything that transpires in the select committee.

Minister for Development : If I cannot make a reference to the proceedings of the select committee which held its meetings six years ago I am prepared to give it up.

Mr. Speaker : After the report of a select committee has been presented to the House, a reference to its proceedings is neither prohibited nor out of order ; but a reference to the judges of the High Court, even if it is based on the authority of somebody else, is not desirable and, therefore, should not have been made.

Diwan Chaman Lal : I draw your attention to the fact that the Honourable Minister was not referring to the proceedings of the select committee. That is public property, but any discussion that took place during the meeting of the select committee is sacrosanct.

Mr. Speaker : I will give my ruling later.

Minister : I would not make any further reference to this incident. But there are very few people who will be shocked to hear that a man who has no source of income other than income from land, who is a cripple and consequently cannot plough his land with his own hands, cannot get the benefit of the protection which has been provided under section 60. Will it be fair to hold such a man as not being an agriculturist, will it be fair, will it be just to deprive him of the benefit of section 60 ? If it will not be fair, then the definition we have adopted cannot be regarded as unfair or unjust. Now the reference which I made a minute ago was made with the object of drawing the attention of the honourable members of the House to the fact that a very responsible person—not a zamindar—was simply horrified to hear when I told him that the law as it stood deprived a decrepit old man of the benefit of section 60 simply because he was unable to till his land with his own hands.

Rai Bahadur Mukand Lal Puri : Which is that decision ? I should like to know the decision to which the Honourable Minister is referring. If a tiller of the soil was unable to till because he was old, no court would deprive him of that status.

Minister : I did not say that he was unable to till simply because he was old. Anyway I take it that Mr. Puri agrees with me that if a man who is unable to till his land with his own hands by reason of infirmity is excluded from the benefit of section 60, then the definition requires to be amended.

Rai Bahadur Mukand Lal Puri : Quite right.

Minister : May I draw his attention to a ruling of 1928 where it was established "that the judgment-debtor did not cultivate any land himself being physically unfit to do so, that he owned some land which was let out to tenants on the batai system, he did not own any cattle, the house intended to be attached was used as a stable for his mare and storage for fodder for the mare it was rightly held, that he was not an agriculturist under the meaning of section 60."

Diwan Chaman Lal : This is Justice Jai Lal's ruling.

Minister : This is only one of the rulings of the High Court.

Diwan Chaman Lal : It is a single bench ruling.

Minister : It was referred to with approval later on in division bench rulings. I may also draw the attention of the
2 P. M. honourable members of this House to the fact that a widow, who does not till her land with her own hands, has been held not to be an agriculturist, a *pardanashin* lady, who cannot possibly be expected to till her land with her own hands, will not be regarded as an agriculturist under the law as it stands, nor will a minor, who cannot earn his livelihood in any manner other than from his income from land.

Lala Bhim Sen Sachar : On a point of order. I hope you might have heard an honourable member on that side shouting, 'shut up.'

Mr. Speaker : May I know his name ?

Lala Bhim Sen Sachar : Let him have the courage now to repeat those words.

Mr. Speaker : Nobody has the courage.

Lala Bhim Sen Sachar : Then it is all right.

Minister for Development : I was submitting that under the law as it stands, a *pardanashin* lady, who has no means of livelihood other than income from the land, will be held to be not an agriculturist. A minor, who has no other means of livelihood will be held to be not an agriculturist. An old widow, who cannot till her land with her own hands, will be held to be not an agriculturist. A blind old man, who cannot till his land with his own hands, will be held to be not an agriculturist. When I repeat these things, I am not drawing upon my imagination. Let me tell my honourable friend that 2 or 3 months ago, when I was at Sialkot, two old men came up to me and said that their houses had been sold although they were agriculturists. I asked them why they were sold. They said that they did not know. I enquired whether they had filed an objection petition. They said, "We had." I enquired what had happened to those objection petitions and they told me that they had been dismissed. Then I said, "Did you appeal?" They said, "Yes, we did appeal." I asked them what had happened to those appeals. They told me that they had been rejected. I said, "Do you own land?" They said, "Yes, we own land." I said, "Do you cultivate your land?" They said, "Yes, we cultivate our land." I said, "Have you any other source of income?" They said, "No."

Diwan Chaman Lal : So you accepted it as a gospel truth.

Minister for Development : Yes, because zamindars are not in the habit of lying. (*Hear, hear from the Treasury Benches.*) I asked them who cultivated their lands. They said, "Our own sons. We cannot cultivate with our own hands because we are too old." Then an old blind man, accompanied by his son, came to Lahore from Hoshiarpur and said, "You say that the houses of zamindars are exempted from attachment and sale. My house has been sold." I said, "How many houses have you?" He said, "Only one." I said, "Do you cultivate any land with your own hands." He said, "I am a blind man, I cannot cultivate it myself, but my son cultivates my land for me." I asked whether he had any other source of income, he said, "none." I asked whether he had filed an objection petition, he said, "Yes". Then I said, "What happened to it?" He said, "It was rejected." I asked whether he had filed an appeal. He said that he had filed an appeal but it had been rejected. In the face of these things the Government had no alternative but to bring forward this amendment and make the definition of "agriculturist" as fool-proof as it can possibly be made. Who is an agriculturist under the proposed amendment? An agriculturist is a person who derives the main portion of his income from agricultural land. It does not make any distinction between A, B or C. It does not make any distinction between an urban and a rural man. It does not make any distinction between Mr. Mukand Lal Puri and Chhotu Ram either; if Mr. Puri derives the main portion of his income from agricultural land, he will be held to be an agriculturist.

Rai Bahadur Mukand Lal Puri : Do you accept that there is a presumption in your favour?

Minister for Development : Yes.

Rai Bahadur Mukand Lal Puri : Why?

Minister for Development : That is not under discussion.

Rai Bahadur Mukand Lal Puri : He is getting Rs. 3,000 as a Minister and there is a presumption that he is an agriculturist although his main source of income cannot be from agriculture.

Minister for Development : No court will have the least difficulty, if I have the misfortune to go before a court, in holding that I am not an agriculturist for the purposes of section 60. I own a very small holding and I will promptly confess that the main portion of my income is derived from sources other than agricultural land. I earned most of my income from my profession as a lawyer and now that I am a Minister, my salary as a Minister far exceeds any income that I may have from my land.

Rai Bahadur Mukand Lal Puri : Then why that presumption?

Minister for Development : It is only a presumption, and a rebuttable presumption. (*Interruptions.*)

Rai Bahadur Mukand Lal Puri : Why not deny yourself that presumption and place every one on an equal footing?

Minister for Development : We have denied ourselves or have been denied for several generations so many privileges that we cannot continue denying ourselves the protection which is available under the law. The

zamindar has been trodden down, his rights have been trampled under foot and his privileges have been taken away from him through ages, and it is time that we took some steps to see that the zamindar enjoys and is allowed to enjoy the protection which it was intended by the law to give him. Loopholes have been found to deprive us of that protection and therefore we want to make the protection effective. It has proved futile so far and the only way in which that protection can be made effective is to define the word, "agriculturist" in such a manner that no doubt will remain in anybody's mind that if a judgment-debtor is a Jat, or a Gujar, or an Arain, or a Kamboh, or a Choohra, or a Chamar, he is to be presumed to be an agriculturist in the first instance and if anybody questions his status evidence must be produced to prove that he is not an agriculturist. I have quoted instances of blind men with land as the only source of income who have been held to be not agriculturists. I have quoted instances of widows who have been held to be not agriculturists because they do not till their land with their own hands. I have also quoted instances of minors. With the knowledge of all these things I wonder if any man, with any sense of justice and fairness about him, or who has any sympathy whatsoever for the helpless and the poor, will have the hardihood to say that it is not a sound amendment or that it is not called for.

These were the circumstances which compelled the Government to introduce a definition which is not capable of any doubt and which is not capable of any misinterpretation. The apprehensions which have been given expression to on behalf of the Opposition that the big landlords will benefit by this amendment, are illusory. In the first instance, big landlords in the Punjab hardly exist, and the few that exist are, generally speaking, free from debt. In the second place, big landlords are not protected in all respects against decree-holders. In the third place, because big landlords have assets other than houses which can be proceeded against—

An Honourable Member : What assets ?

Minister : Horses, cars, furniture. If they are big landlords they will have cars, horses, will have 'shikari kuttas,' furniture, silverware, cutlery crockery. They can all be sold.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I mentioned yesterday, and I think to-day also, in my speech that the *raison d'être* of the amendment of section 60, Civil Procedure Code, was the desire of the present Government to protect a few big landlords against whom decrees are likely to be executed against the urban property possessed by them, and the Minister for Development has contested that proposition and has given facts and figures to show that this contention is not correct. His contention that there are only 13 big landlords in the province is too ridiculous to deserve notice, though he conceded that there are 24, according to some estimates. What a conception of a big landlord in a poor province like the Punjab ! At least 2,500 landlords and fairly big landlords paying revenue of more than Rs. 500 are on the electoral roll of the zamindar constituencies of the province alone. Sir, this legislation has been introduced with a view to meet certain specific cases of their friends.

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if the desire of the Unionist Party or the Government is to help, in addition to the actual tillers of the soil, the small holders or small landlords, then this amendment was not at all necessary. Without this amendment a house owned by an agriculturist of this province in the revenue estate in which his land is situate is exempted. You will remember that an amendment stood in my name to the following effect—

That after the proposed section 35 (a) (i), the following proviso be added :—

Provided that in the case of a person who is an agriculturist within the definition of this Act, but is not an agriculturist within the meaning of section 60, Civil Procedure Code (unamended by the Punjab Acts), the exemption shall extend only to the houses which are situated in the revenue estate from which he derives the largest portion of his agricultural income.

Now, Sir, the object of this amendment was to meet certain hard cases which have been suggested by the Honourable Minister for Development. Sir, one or two hard cases in which the law may have been misapplied or misinterpreted are no justification for wholesale amendment of the law simply because in one of his official visits in the province, certain persons came forward and related certain facts. Well, he says that since zamindars are not in the habit of telling lies he did not think it necessary to verify the facts. Having accepted those facts as gospel truth he comes to this House and amends the law. If a person gives some facts it is the duty of a responsible officer either to enquire into these facts himself or to ask some of his subordinates to do it and find out whether the allegations are correct or not. But the obvious method is not followed by the Honourable Minister for Development and naturally the Minister for Development, who has got a soft corner for the agriculturists and who has such an exaggerated and mistaken notion of the veracity of an average agriculturist was given such cock and bull stories. If in one particular case the existing law is misinterpreted or misapplied, is that a reason to change the law when in possibly all other cases the law has been correctly interpreted? You will see, Sir, that according to the present law and according to the amendment which I suggested, the house of every agriculturist, whether he is a tiller of the soil or not, where he is merely the owner, would have been exempted. But this clause was not allowed to be moved. The present amendment, as was pointed out by Diwan Chaman Lal, protects the palatial houses of big landlords situated at Simla, Dalhousie, Murree and Lahore and at the headquarters of the districts situated far away from the agricultural land from which they derive their income. I again ask the Government, is it or is it not so? If it is so, as obviously it is, I say, why is this being done, except in the interests of their rich friends? You will observe, Sir, that, leaving aside persons who do not till the land with their hands, the average holding of the ownership of land in this province is only 8 acres. Have you ever heard of a person owning 8 acres of land and still owning a house at the headquarters of a district in an urban area or owning a house at Lahore, Simla or Dalhousie? The average holder or even holder of 50 or 100 acres of land does not own houses in towns. Therefore, this protection of exemption of urban property from attachment, which is being done now, is of no use to 99 per cent of the owners of agriculturist land in this province, and is necessarily in the interest of an insignificant minority of big landlords. You are specifically doing this in the interest of these 50, 100 or 200

persons in the province only. Then why not be fair and say so? Why mislead the public, this House and even members of your own party by asserting that the present amendment of section 60 of Civil Procedure Code is calculated to help the poor landlords, when it cannot possibly be of any help to 99 per cent of the landowners in this province? They do not own more than one house and in any case not in urban areas. I respectfully want to enquire what justification there is for any legislature to exempt the house of an agriculturist or a non-agriculturist from attachment, which he possesses in addition to other houses which are used or are necessary for the proper cultivation of land. What justification is there for protecting the houses of agriculturists, big or small, which are situated at the headquarters of the districts or situated in big towns and which they hold quite independent of their being agriculturists? When this legislation was passed last time, some of us, who are practising as lawyers, were consulted as to whether a house situated at the headquarters of a certain indebted zamindar fell within the purview of the Relief of Indebtedness Act passed last time. Conflicting opinions were given as conflicting opinions are possible. Of course the opinion given by me was that these were not protected. This matter went up before a division bench of the High Court and the High Court held that ever since 1897 this has been the uniform law in the Punjab that the word "agriculturist" refers to the tiller of the soil, and the small holder. The same matter came up recently again before the Madras High Court and in a judgment reported in Indian Law Reports, Volume 60, Madras, the Madras High Court expressed the same opinion. The same view is prevailing in Bombay from 1888. I know of a case reported in XII Bombay and the same view is held there. Are there no small holders in the Central Provinces, in Sind or in the United Provinces? Why have they considered it necessary in the Punjab to exempt urban property of the agriculturist landlord from attachment? The necessity of such an enactment in this province should be the least because agricultural owners in this province are proverbially small holders and I state it here without any fear of contradiction that 99 per cent of the agricultural owners in this province do not possess any property in the urban areas. If that is so, may I ask for whose benefit is such a measure being brought forward, if it is not for their particular protegee, the big landlord? If an average holder in the province or even the vast majority of landowners in the province do not own any urban property, then this legislation is of no help to them. If it is not being done for the big landlord may I ask for whose benefit it is being done? I assert that the only persons for whom all this is being done are some of the members of your party and some of your supporters and all this legislation has been engineered and is being pressed to meet specific cases of your friends who will not leave you unless you have done what they want. (*Hear hear from the Opposite benches.*) It is all very well to hear that you want the tiller of the soil to be protected. Surely, no big landlord here is tiller of the soil. There are 18 big landlords in the province and we find them sitting on the front benches of the Unionist Government!

My honourable friend the Minister for Development was pleased to observe that a definition of the word "agriculturist" is necessary, but does he want a definition that will lead to anomalies? All the seven High Courts

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of the country have unanimously interpreted it in one fashion ; there is no anomaly at all ; it is you who are creating anomalies ; there is no anomaly which this legislation seeks to rectify ; it is calculated to create anomalies and over-rule all the rulings of the various High Courts. If a definition is necessary, you should propose a definition which is equitable and which is not contrary to its accepted meaning in the Punjab or in the rest of India. No doubt the Land Alienation Act does confer many privileges on you ; we are fully conscious of those privileges both economic and political, but why should you want to extend them ? Is there any justification, I ask the Honourable Minister of Development to say, honestly, is there any ground, moral or equitable, to extend privileges to a class that is already unduly privileged ? He should have come forward in a straightforward manner and put a definition of an agriculturist applicable to all Punjabis alike without any distinction on the ground of birth. This Government treats itself and the members who form its majority as a favoured class and in cases where so-called relief is given, this very class comes forward and says, ' we are the first entitled to relief.' Why this differentiation ? I ask. I have drawn the attention of the House to section 298 of the Government of India Act. As far as the question of land is concerned, it is a matter on which opinions might differ, but it is obvious that a rule of attachment of property different in the case of persons born of certain parents from that applicable to the rest of the population is repugnant both to the letter and spirit of section 298 of the Government of India Act. The mother of Parliaments gave sufficient indication of the spirit underlying the Government of India Act by enacting section 298 and enjoined that legislation shall not be guided by considerations of birth in determining civic rights and liabilities. Is not this House being asked, against the spirit of section 298, to lay down rules for exemption in execution of a decree for persons born of certain parents entirely different from the rules applicable to persons born of other parents ? Only this Government could in the present times sponsor legislation calculated to help a few individual friends and to accept and contend the principle of birth as a test to determine civic rights.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, Rai Bahadur Mukand Lal Puri has been blowing hot and cold in the same breath. In one breath he says, " why are you afraid, it is only a case of misapplication of the law"; and in the next breath he says " all the High Courts throughout India have held unanimously that persons whom you refer to are not agriculturists." Both these arguments cannot be sound. Either he must say the law has been misapplied or if he admits that the law has not been misapplied, it has been correctly interpreted, he must admit that there is room for amendment, and very large room for amendment. I can quote instances in which, as I showed not long ago, minors will be held to be not agriculturists ; widows will be held to be not agriculturists ; *purdah-nashin* ladies will be held to be not agriculturists ; decrepit old men and persons suffering from, say, paralysis or leprosy, will not be held to be agriculturists ; in spite of the fact that income from land may be their only source of livelihood. Is there any escape out of such anomalous results if the law as interpreted throughout India by all the High Courts is allowed to remain unamended ? According to me, the interpretation placed upon the word " agriculturist " by the various High Courts must be accepted to be correct.

Who can say that the view taken by High Courts is incorrect? Can Mr. Puri say so? I am not in a position to say so. I am not competent to say so. Therefore, we must admit that the law of the land as it stands at present is what it has been held to be by the various High Courts in India, and the law that has been laid down by the various High Courts in India is that a cripple, an old man, a widow, a minor, or a man suffering from paralysis is not an agriculturist although he may have no other means of livelihood, if he does not till his land with his own hands. That being the law, I insist that there is very clear case for amendment of the Act and for defining the word "agriculturist" and placing the exact connotation of the word "agriculturist" beyond all manner of doubt.

Another argument put forward by my friend was that I heard a certain number of zamindars complaining that although they were agriculturists their houses had been sold, and, perhaps, in a light-hearted manner, I took their word as gospel truth. He contended that I ought to have made enquiries. He does not know that all the enquiry that was possible was made by me, all the enquiry that was open to me was made by me. In what manner?—by putting questions to them. That was done in all cases. In some cases, I was able to have a look at the copies of judgments both of the original courts and of the appellate court. The Hoshiarpur man had copies of both the judgments in his hands. I recollect many cases of complaints in which poor zamindars sent up for my perusal notices issued by courts mostly for attachment of houses—*fard-patwaris*—to show that they were agriculturists and also copies of judgments in which their objections had been rejected. What other enquiry was needed? Am I in a position to call for papers from civil courts? Am I in a position to call upon a sub-judge to furnish his explanation why he held an agriculturist to be a non-agriculturist? I submit that I cannot, and if I had been in that position....

Rai Bahadur Mukand Lal Puri: Bring it to the notice of the High Court.

Minister for Development: I do not think that we can even draw the attention of the High Court. At least I cannot, but if I had power.....

Rai Bahadur Mukand Lal Puri: Anybody can.

Minister: If I had had any independent power of dealing with sub-judges, some of them would possibly have been dismissed by this time.

Mr. Speaker: The question is—

That subsection (3) of the proposed section 35 (b) be deleted.

The motion was lost.

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

That in the proposed section 35 (b) (4), lines 1—4, the words "Every..... and" be deleted.

Sub-clause (4) of the amending Bill reads as follows—

Every member of a tribe notified as agricultural under the Punjab Alienation of Land Act, 1900, and every member of a scheduled caste shall be presumed to be an agriculturist until the contrary is proved.

My first contention is that after sub-clause (3) has been passed which includes the definition of an "agriculturist", every person who owns land

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as defined in the Punjab Alienation of Land Act becomes agriculturist. It becomes unnecessary to include every member of an agricultural tribe as described in the Punjab Alienation of Land Act. Sub-clause (3) is comprehensive enough to include all the agriculturists and all the non-agriculturists who own land as defined by the Punjab Alienation of Land Act. If all the members of agricultural tribes as described in the Punjab Alienation of Land Act will be able to claim the benefit as given to them by sub-clause (3), then I am at a loss to understand why there should be any reason for another clause which I should call superfluous. The purpose is already served. The object has been already gained. Why should there be a repetition? The principle underlying legislation also requires that repetition should be avoided. Another thing that I want to submit is that a class of statutory agriculturists has been created artificially. Really the word "agriculturist" does not mean one who happens by accident of birth to belong to a community, may be Jats, Rajputs, Gujars and others. Now the policy underlying the Punjab Alienation of Land Act was quite different. That policy has been accepted in so far as all those persons who are really agriculturists and who are the backbone of the population of the Punjab should not be deprived of their land. But at this time as at that time also the artificial line was drawn between the agriculturists and the non-agriculturists. I know among the non-agriculturists, who are to be considered as non-agriculturists under the Punjab Alienation of Land Act, there is a large number of agriculturists who till the land with their own hands and who make their living out of agriculture. Similarly, among those artificially created agriculturists created by the Punjab Alienation of Land Act there is a large number of people who are not agriculturists in any sense of the word and who are parasites in the society in the same way as some of the capitalists are. Then what justification can there be even to the further extension of that artificial distinction that has been drawn between the agriculturists and the non-agriculturists? I know a large number of agriculturists have come under the Punjab Alienation of Land Act. Is not the honourable Chaudhri Sir Chhotu Ram who is shaking his head aware of this fact also that another class of money-lenders, another class of capitalists, has been created among the agriculturists?

Mr. Speaker : May I ask the honourable member to speak to the motion?

Lala Duni Chand : I am trying to give reasons as to why the phrase "the members of agricultural tribes" which gives them status under the Land Alienation Act, should go. I say it is unnecessary. I am trying to show that there is an artificial distinction that has been created by the Punjab Alienation of Land Act, between the agriculturists and the non-agriculturists and therefore merely by reason of that artificial distinction, a member of an agricultural tribe should not be given the benefit of the definition of an agriculturist. It is only those members of the agricultural tribe who pursue agriculture, and make their living out of agriculture, who should have the benefit of the definition. But those tribes who are artificially created, who do not pursue agriculture and who do not make their living out of agriculture and who are pursuing other callings and have nothing to do with the cultivation of land, should not be given the benefit.

Mr. Speaker : The sub-clause now under discussion is sub-clause (4) and not sub-clause (8).

Lala Duni Chand : True. It says " Every member of a tribe notified as agricultural under the Punjab Alienation of Land Act, 1900, and every member of a scheduled caste shall be presumed to be an agriculturist until the contrary is proved," that is, whether he is a genuine agriculturist or not. The idea is that these words should be omitted because the benefit will go to a class of persons who are not real agriculturists, who do not pursue agriculture but who simply are agriculturists by reason of their birth, by merely being members of certain tribes.

Mr. Speaker : Are they not members of agricultural tribes ?

Lala Duni Chand : You know, Sir, that in each district there are 20 or 40 castes who are notified. The members of those classes, whether they take to agriculture or not, are regarded as belonging to agricultural tribes. In every district there are a number of castes ranging between 15 and 40 who have been arbitrarily classified as members of agricultural tribes. For instance, some Brahmins are notified as agricultural tribes, some Sayads are also notified as agricultural tribes. They are not really agriculturists. But the Punjab Alienation of Land Act has prescribed them as members of agricultural tribes. The point, is, should they have those advantages which are given under this Bill ? Let them by all means have the advantages given to them by the Punjab Alienation of Land Act. But why should they be given further advantage under clause 15 of this Bill ? That is the reason why I want to omit " members of agricultural tribes." I have retained " members of scheduled castes." No doubt most of the scheduled castes do not pursue agriculture. But I do want that benefit should be given to them, though the honourable Chaudhri Sir Chhotu Ram, whenever the scheduled caste members approach him, says that they have no right to be agriculturists. He spurns them. Yet we are prepared to give them the status of agriculturists and give them the benefit which an agriculturist enjoys, because they are very poor people, downtrodden people. They may not own an inch of land, yet we are prepared to concede to them the status of agriculturists. I want that all the members of the scheduled castes should be agriculturists for the purpose of this Bill. You know they are not agriculturists and you are not going to make them agriculturists for the purpose of the Land Alienation Act. Therefore, notwithstanding that they cannot buy a single inch of land, if you really want to help them, to protect them from the harassment of the execution of decrees, let them by all means be considered as agriculturists and have all the advantages that are conferred on agriculturists. But what we object to is that people like the honourable Malik Khizar Hayat Khan who owns 50,000 bigas or more, who is a member of an agricultural tribe under the Punjab Alienation of Land Act and who earns from the lands a much higher income than the paltry salary of Rs. 8,000 a month, should get advantage because they are members of agricultural tribes. The honourable Sir Sunder Singh Majithia is a member of an agricultural tribe and he will have the benefit. This is an anomaly. It is much more than an anomaly, it is an injustice.

[L. Duni Chand.]

I was dealing with the question whether it is not a fact that men like the honourable Chaudhri Sir Chhotu Ram have been responsible for creating a class of capitalists, a class of money-lenders. They are to be found in large numbers. He has been going to Ambala. On the strength of information in my possession, on the strength of personal experience, I can say that now in the Ambala district there are as many agriculturist money-lenders as there are baniya money-lenders. It is this policy of theirs that is creating such a situation.

Mr. Speaker : What has that to do with the amendment before the House ?

Lala Duni Chand : What I am submitting is that the artificial division into members of agricultural tribes and others, has brought into existence a class of people who have nothing to do with agriculture, who are really sucking the blood of the poor people. Why do you give the benefit of this clause to those blood suckers ? According to them all these are blood suckers. What I say is that the retention of these words will give them the benefit of an agriculturist. That class of people, by operation of the Punjab Alienation of Land Act, have been converted into a class of money-lenders, into a class of parasites.

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

That in the proposed section 35 (b) (4), lines 1—4, the words “every..... and” be deleted.

Munshi Hari Lal (South-Western Towns, General, Urban) : I have to say a few words in support of the motion. I will remind the House that at Simla a law was passed under which a member of an agricultural tribe who is carrying on money-lending business is deprived of the privileges that are conferred upon a member of a tribe under the Land Alienation Act. He is ranked as a money-lender so long as he is carrying on that profession. Now the question is, should the exemption be granted to him because the phrase ‘every member of a tribe’ would also include an agriculturist money-lender. It is an open secret now that members of the agricultural tribes are more extortionate, and their conduct is more dishonest than the ordinary money-lenders who do not belong to the favoured class created under the Punjab Alienation of Land Act. I submit that if these words are retained, the protection will also be extended to the person who....

Mr. Speaker : What is under discussion now is the position or status of a so-called blood sucker as debtor and not as creditor. By this clause protection is being given rightly or wrongly to certain persons as debtors and not as creditors (*hear, hear*).

Munshi Hari Lal : Sir, I think I have not made myself clear. I will make my argument clear. Should such a man be in the position of a debtor, i.e., a man who carries on the money-lending business by borrowing money and becomes thus a debtor ?

Raja Ghazanfar Ali Khan : Very far-fetched.

Munshi Hari Lal : Oh ! very far fetched ? Even if this is far fetched, are you not including him ? My point is clear and straight. ' Every member of a tribe notified as an agricultural tribe under the Punjab Alienation of Land Act ' includes a person who is carrying on the money-lending business. If he happens to be a debtor does he not enjoy the exemption ?

Khan Muhammad Yusuf Khan : May I know whether this Assembly can be converted into a commercial house ? The honourable whip of the other party is selling khaddar. Is he allowed to do so ? It is a question of privileges of this House. No other business should be transacted.

Mr. Speaker : What is the honourable member's point ?

Khan Muhammad Yusuf Khan : The Assembly is a place to discuss certain measures and not to sell anything. My question is whether any member is entitled to sell anything in the House.

Mr. Speaker : I have not been able to follow the honourable member. Will he please explain himself ?

Khan Muhammad Yusuf Khan : My point is whether you as the custodian of the privileges of this House would allow any member of this House to transact any other business than what we are empowered to transact under the provisions of the Government of India Act and whether a member is entitled to sell anything in the House and convert it into a business house.

Mr. Speaker : Who has sold and what has he sold and to whom has he sold anything ? (*Laughter*).

Khan Muhammad Yusuf Khan : Mr. Sudarshan who is the whip of the Congress party is selling khaddar, because this is the khaddar week. (*Laughter*).

Sardar Sohan Singh Josh : Very good of him. I think you should buy khaddar.

Mr. Speaker : It is for the honourable member to decline to hold any conversation with him.

Munshi Hari Lal : The point that was raised by the Honourable Speaker has, I think, now been made clear by me. To put it briefly, I submit that the term ' every member of the tribe ' should not be so extended as to include a person who carries on the business of money-lending and who is placed somehow or other in the position of a debtor by borrowing money from others. Though he be a member of an agricultural tribe yet such a man should not be protected. He should be treated just like a member of the money-lending class.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Lala Duni Chand suggested that I was creating another class of money-lenders. I have not been able to follow how I was creating a new class of money-lenders simply by defining the term agriculturist in a particular manner or drawing a certain presumption in favour of members of a certain class. I have not been able to appreciate the argument although the same point was also taken up by Munshi Hari Lal. Here we are concerned with

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ensuring a certain amount of protection to agriculturists against money-lenders. If there are any money-lenders who are drawn from statutory agricultural tribes, they suffer under this definition. They suffer certain disadvantages under this definition, and do not stand to gain anything. Therefore, it cannot be said that I am creating a new class of money-lenders. I view all money-lenders with equal disfavour. Whether a money-lender is drawn from a class which is already known as a class of money-lenders or from a class which is generally known as agricultural, I have no love for either, because in the words of Lala Duni Chand himself, a money-lender has been a blood sucker for generations and generations and it is time that some effective check should be placed upon his pernicious propensities for sucking the blood of the poor.

Munshi Hari Lal : My question is specific, whether a person who is a member of the agricultural tribe and who is also carrying on the profession of money-lending and is placed in the position of a debtor, enjoys the protection in this provision or not, by the mere fact that he belongs to an agricultural tribe.

Minister : Yes. If a man happens to belong to any class which has been declared to be an agricultural tribe under the Alienation of Land Act, there is a presumption in his favour that he is an agriculturist. If he happens to be indebted to another person this presumption in his favour will be raised ; that is perfectly true.

Now another argument, which has been raised over and over again is that a man who does not cultivate land with his own hands should not be regarded as an agriculturist. I wonder whether, the law having been interpreted as it has been by all High Courts, any elaborate reply to this kind of criticism will not be futile. But I request honourable members of this House to recognize the fact that agriculture is not confined to just one agricultural operation, that is, that of ploughing land. There are so many operations connected with agriculture that a man, though not ploughing land with his own hands may yet reasonably and justly claim to be regarded as an agriculturist. Now, ploughing land is just one of a series of operations which are connected with agriculture. Besides this operation there are so many others. Clearing land from bushes, which is known as *Soor*, is another agricultural operation. Watering land is another agricultural operation. Guarding crops is yet another agricultural operation. Weeding, hoeing, reaping are other instances of agricultural operations. Thrashing and winnowing may also be included among agricultural operations. People should not be under an illusion that only that man can justly be regarded as an agriculturist who ploughs land with his own hands. There are so many other agricultural operations and if any of those agricultural operations is performed by a man, though he may not be ploughing the land with his own hand, he should still be regarded as an agriculturist even in a narrow sense of the word. After all in one family there can be only one or two men who plough the land. In an unusually large family the number of men who plough land with their own hands may be even

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three or four, but that family consist of 20 or 30 people. All the rest should also be regarded as agriculturists.

Now, it has been argued that a man belonging to an agricultural tribe should have no presumption attached to him that he is an agriculturist. Why should such a presumption be drawn? That is a question which has been asked. The reason is plain. When certain tribes were declared to be agricultural tribes under the Alienation of Land Act, a very long, arduous, detailed and comprehensive enquiry had preceded for ascertaining each individual tribe which had been carrying on for ages the profession of agriculture as a class. It was as a result of that long and comprehensive enquiry that certain tribes were declared to be agricultural under the Alienation of Land Act. Therefore, it is quite reasonable to draw the presumption under discussion in respect of a person who belongs to one of those tribes. It does not do any harm to anybody. If a money-lender thinks that a person belonging to a statutory agricultural tribe is not an agriculturist he can, according to the definition which we propose to adopt here, give evidence, produce witnesses or present documents to show that he is not mainly dependent upon agriculture for his livelihood and therefore not an agriculturist. The dispute, if any, can be easily settled. I do not see that there is anything wrong about the definition which has been suggested or about the presumption which has been prescribed, and the amendment proposed should be passed.

(At this stage Lala Duni Chand stood up to speak.)

Mr. Speaker : When I called the honourable member to speak he was not present.

Lala Duni Chand : But I must have a right of reply.

Mr. Speaker : I called upon the honourable member, but he was not present.

Munshi Hari Lal : On a point of order, Sir. With profound respect for the chair I say this choice is given to the Honourable Minister and not to the speaker. The Minister can alone choose to speak last of all.

Mr. Speaker : When no one got up, and even the Minister did not get up, I called the mover of the motion, but he was not here.

Lala Duni Chand : The question of the exercise of my right of reply arises after the Honourable Minister has spoken.

Mr. Speaker : No.

Lala Duni Chand : I have got a right to make a reply to the last words that have been said by the Honourable Minister.

Mr. Speaker : The position is this. A debate ends when no one rises to speak or a closure motion is moved and carried. After the closure motion is carried, the member, who has moved the original motion, upon which the closure was moved, has a right of reply and then the Government member, if he cares to speak, may reply. If the mover of the motion does not give

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any reply, the Government member has no right of reply. In this case, there was no closure motion. All that happened was that no one got up to speak.

Khan Bahadur Chaudhri Riasat Ali : I got up twice before the Honourable Minister got up.

Mr. Speaker : Sorry I did not notice it. So, I hold that the debate has not ended and that the honourable Lala Duni Chand has a right of reply.

Lala Duni Chand : I do not propose to make a lengthy speech in reply. I readily concede two points that have been brought out by the Honourable Minister. He says that an agriculturist does not mean only one who ploughs the land with his own hand. I admit that the word 'agriculturist' includes not only one who ploughs the land with his own hand, but it also includes one who pursues a number of supplementary agricultural pursuits, such as, horticulture, gardening, etc. I also concede that the agricultural operation is not confined to the handling of the plough. One may be doing some other agricultural work, such as winnowing, reaping, weeding, etc., which is connected with agriculture. I admit that. But does that argument on his part improve the position of the Honourable Minister in any way? But all the same the question remains whether a member of an agricultural tribe, who has been artificially created an agriculturist, with one stroke of the pen, can have a right of the status of an agriculturist. The point that he put forward does not help him in any way and I admit that there is absolutely no force in this argument. Then he says that there is a presumption that every person who has been made a member of an agricultural tribe actually pursues agriculture. I say, no. I know that the only effect of the declaration of a particular tribe or a particular class as member of a particular agricultural tribe is that he can have all those advantages which the Alienation of Land Act confers upon him. There are a number of rulings of the High Court to this effect which have not yet been set aside. All those rulings lay down the view that a person who belongs to an agricultural tribe, does not necessarily mean that he is an agriculturist or that he pursues agriculture. Of course, it was enough to say that the view as enunciated by the High Court should not be accepted with regard to presumption because, I say it is so. Well, then it is a different thing. I submit that that argument is absolutely hollow and devoid of sense.

The Honourable Minister says that a good deal of enquiry was made into the question as to who are the actual tillers of the soil and the actual agriculturists and after an elaborate enquiry that classification was made. Again, I join issue with him. He may refer to the debates in connection with the passage of the Punjab Alienation Act. When I was practising as a lawyer I was following all the debates in connection with the Punjab Land Alienation Act. The point that was then made was that for certain political reasons and economic reasons that class of agriculturists—artificial agriculturists—should be created. I think that is the policy on which the Punjab Land Alienation Act is based. It was pointed out in the course of the debate 'we do not want all those classes from among whom the soldiers are recruited should be deprived of their land.' I think that was the chief reason. With these words I support the amendment. Reason is on my side and everything else on the other side.

Mr. Speaker : The question is—

That in the proposed section 35 (5) (4), lines 1—4, the words "Every..... and" be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 15 as amended stand part of the Bill.

Diwan Chaman Lal (East Punjab, Non-Union Labour) : **Mr. Speaker**, one of the reasons why I have risen to speak on this clause is the speech that was made by my honourable friend Sir Chhotu Ram in reference to the legal point raised on the floor of the House. My honourable friend's justification for altering the definition of the word 'agriculturist' was based, as he stated, on certain decisions that have been given in respect of that term which, according to him were not satisfactory, nor did they carry out the purpose he had in mind. I take it that that was the position of my honourable friend in reference to this matter. One example was that of an agriculturist who was handicapped in carrying on the work of a tiller himself and therefore he was not considered to be exempt under section 60 of the Civil Procedure Code. The second example was that of a widow of an agriculturist who, because she was not herself engaged in the business of tillage or an agriculturist, therefore she could not claim the necessary exemption. I submit that if it was merely doubts of this nature which my honourable friend wishes to clear up then it was easy for him to bring in an amendment to clear up those doubts. But the amendment which my honourable friend has put forward goes very much farther than the objects, detailed in his speech, which he had in view, namely, the protection of those who are incapacitated, e.g., a widow who is not herself engaged in the art of tilling.

If we look at the amendment we will see a radical difference between the position taken up by my honourable friend and the position to be found in the amendment itself. We have an agriculturist at the present moment defined under the law as a person, firstly, who is personally engaged in the business of agriculture, and secondly, who derives his income generally from the business of agriculture. In regard to the first proposition, every High Court has held for the last 42 years this definition. The main object of the measure was to protect a particular specified class of persons and that class consisted of persons who were engaged personally in the business of agriculture. If it were deemed to protect that particular class we should not go beyond the original scope of the measure, namely, to protect that particular class only and if there is any lacuna in the law whereby every protection is not granted, I submit, the method to be adopted by my honourable friend was not to bring a radical change in the definition as he has done to-day, but to bring the necessary amendment to see that the object in view is fulfilled and the lacuna done away with. Now let us have a look at the law as it stands and let us see whether these limited ideas that my friend has in view, cannot be met by the interpretation of the law. We have a series of decisions on this point by the Lahore High Court. There is a decision on this matter in the Punjab Records of 1897 which originally laid down what an agriculturist was. The definition laid down according to 47, P. R., 1897, termed an agriculturist as 'a husbandman who carried on and made his living by tillage' and not merely an owner of land who in some cases might have

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never seen the land which he owned. I happen to be one of those who own a few squares of land in a particular village and to this day I have not seen that particular bit of land, I only know the name of the village where it is situated and the name of the district. Am I a person to be protected? There must be many land-holders like that who own properties of this nature. I happen to be an owner of other property in a village which I have seen, where I was brought up and I do periodically visit that village. But merely because I know this village, why should I obtain the protection of the law? The term agriculturist was not meant for me, but it was meant for a person who is a husbandman and carries on and makes his living by tillage. In the year 1928 a ruling—a single bench ruling—was given in the High Court to the same effect. Another ruling—again a single bench ruling—was given by the same judge in the year 1936. In all these rulings an agriculturist was stated to be a person who was not agriculturist in name only, but in the strict sense of the term. In the decision of 1928 a person was not an agriculturist who 'did not cultivate any land himself because of physical infirmity nor kept any cattle of his own.' Remember, it was not merely because of physical infirmity but other pertinent circumstances of a nature which gave us circumstantial evidence which had to be gone into before deciding whether a person was an agriculturist or not. If a person did not fall strictly within that definition, he will be reduced to the same position as an absentee landlord. My honourable friend shakes his head. If he were to refer to these judgments he will come to know what the true position ought to be (*Minister of Development*: I have gone through all of them). In the year 1939 there was a full-bench decision of the Lahore High Court. He will find in it that a person is not an agriculturist who did not keep any cattle of his own and who 'owned some land let out to tenants on the *batai* system.' Supposing there is a husbandman and he changes his own character and does not remain a husbandman any longer, but becomes an absentee landlord drawing his income by the *batai* system dividing the produce half and half, he also does not fall within the category of agriculturists. In this connection I would draw the attention of my honourable friend to a decision of the High Court in the year 1936 which lays down that persons should not be considered to be agriculturists who 'did not cultivate land themselves but got it cultivated through their servants.' In their case they do not adopt agriculture as their profession, but invest their money like a *sahukar* or a *bania* in land and get it cultivated by keeping a large number of servants. In A. I. R. 36, on page 737 another judge attaches to the word 'agriculturist' the ordinary dictionary meaning of the word 'as a person who cultivated land, was a farmer, was a husbandman' and not a person who 'did not till land and earn his living thereby.' It is not only tilling of the land but also earning his living thereby—the word used is 'and' and not 'or.' This was again a single-bench ruling of the Lahore High Court.

Then we come to the 1938 decision by another Judge of the Lahore High Court in which Mr. Justice Bhide after referring to an earlier decision to which I have already referred, that is 47 Punjab Record 1897, said that the term "agriculturist" denoted a husbandman and a person who carried on and made his living by tillage and not a mere owner of land. The distinction throughout has been the distinction between my honourable friend who

is now talking to the founder of the Pakistan movement and my honourable friend in blue coat. (*An honourable member* : Is he the father of the movement ?) The parentage is fortunately claimed by the Honourable Premier, the Nawab of Mamdot and Mr. Jinnah.

Dr. Sir Gokul Chand Narang : The parentage of the Pakistan movement is doubtful, is it ?

Diwan Chaman Lall : Very doubtful. My honourable friend is not the person contemplated in the original scheme of the Act. I am not the person contemplated in the original scheme of the Act. The person contemplated is the husbandman, the farmer who lives on the land, whose source of income is out of the land, who tills the land himself and who does not employ a servant to do the job for him who is not merely the owner of land and as such derives his income from it. It is the personal occupation of the man himself on the land which is at stake.

In A. I. R. 1938, Mr. Justice Bhide said that the term "agriculturist" denoted a husbandman and a person who carried on and made his living by tillage and not a mere owner of land. "Personal engagement in the business of agriculture" was taken as the test. Personal engagement and not the source of income was the actual test as far as agriculture was concerned. Let us have a look at it from the point of view of other High Courts. The Allahabad High Court has recently held the same view. Forty-two years of consecrated views of the High Courts of this country have laid down the definition in reference to the objective that this Bill had originally, and now my friend says by virtue of his amendment that the forty-two years have been wasted, something has gone wrong and therefore I must now consider that definition to be faulty because of two difficulties that have cropped up in the course of his tours of propaganda apparently or tours of inspection throughout the country. Some individual comes up and says to him this is my difficulty and my honourable friend without thinking says : I will amend the Act. If my honourable friend were to confine himself to the poor agriculturist in amending the Act, nobody would have the slightest objection, but he says it should be extended to the infirm. The word 'infirm' is not mentioned here at all. What is mentioned ? An owner as such is exempted, not only an owner as such is exempted, but a partner who is actually not an owner as such but merely a partner, may be a partner in a lease, is also exempted under the provisions of this law. A gentleman sitting in London to-day may be a partner in a British concern. My honourable friend had better listen carefully to this. He has not considered this position. Behind him sitting is Sir William Roberts—a gentleman who owns now a particular foreign company which is running a big farm called the British Cotton Growers Association. They have been given a huge tract of land by my honourable friends. They have the right to exploit that land. If there is a partner in that particular business sitting in London who has never seen this particular tract but who may own certain property which is under this Act, his property will be exempted. Under what canons of jurisprudence does he give that absentee partner—a partner who has never seen the land, who has never come to this country but who happens by some chance or other to own some property within the jurisdiction of the courts—that protection ? Where is the justification for it ?

[Diwan Chaman Lal.]

Is he extending the protection to him because he is physically incapacitated from tilling the land? Or does that partner come within the definition of "widow" who is unable to cultivate the land herself? Neither of these contingencies does this particular instance that I have quoted come into. And I submit that my friend could have, if there was any doubt and I submit that there is no doubt, but if there is any doubt, he could have, easily amended the law in reference to that particular doubt. But what has he done? He has roped in every owner of land in the Punjab, every person who owns land. Even that hated *sahukar* of his, even that hated *bania* of his, even he gets an exemption. Does he deny that fact? According to this definition every person of that nature gets that exemption without any distinction whatsoever, provided he comes within the purview of this measure, and provided he is an owner, he becomes straightaway an agriculturist. Such a person becomes an agriculturist by virtue of the amendment that he has moved.

Not only that. I have already stated that a partner becomes an agriculturist. A tenant also becomes an agriculturist. It is not necessary for that tenant to be even on the soil, it is not necessary for that tenant to be actually tilling the soil or to be cultivating it or to be connected with it. He may be an absent person, may get that land as a tenant cultivated, again by some one else and even he becomes an agriculturist according to the arguments advanced.

It is not clear as to why the honourable member wants to do these things. If there is any demand made, by all means, do it, but do not widen this measure in such a way that all sorts of people, who have nothing to do with the business in hand, namely, the particular type of person that is sought to be protected by the terms of this measure, are roped in and given the necessary protection. And when there is no necessity and no desire evinced by anybody belonging to that particular class for that protection, why does the Minister wish to give them that protection?

Before I leave this particular point, I want to complete it. I was referring to the Allahabad High Court. Here they decided that the main test to be applied was that the main source of income should be from agriculture and apparently this income should be derived from personal engagement in the business of agriculture. In 35 Allahabad 307—this is a case which came up in 1918—distinction was drawn between zamindari and cultivation and this was repeated in A.I. R in 1937. Another decision of the Allahabad High Court was in 1927. In 1935 again in an Allahabad case, Mr. Justice Bennet held that a man who did not himself plough or sow was not an agriculturist, as also in 1938 Allahabad 85. In 35 I. C. 343 in Calcutta, my honourable friend will find that a division bench decided that agriculturists within the meaning of this section would apparently be only the common agriculturists, that is, *raiya*s who till the field and whose main source of livelihood is cultivation. This is the particular class that needs protection—not any other class that is now being sought to be brought within the purview of this Act by virtue of my honourable friend's amendment. Now in Bombay, 12 Bombay 363

states—and this decision still holds the field as far as Bombay is concerned, this is a division bench ruling—an agriculturist in that sole character is only protected, in his sole character. In A. I. R. 928 of Bombay, a division bench held that a judgment-debtor must prove that the man is living wholly or principally by agriculture or that he is ordinarily personally engaged in agricultural labour. Now my honourable friend can easily take advantage of a ruling of this description whereby both the classes that he mentions would necessarily be protected. For instance, if a physically unfit person can prove that he earned his living wholly or principally by agriculture, he would be exempt, or if he could prove that he ordinarily is personally engaged in agriculture, he would be exempt. Similarly, the widow would be exempt under this particular division bench decision of the Bombay High Court, if she could show that she earned her living wholly or principally by agriculture. If there is any doubt arising as a result of the decisions of the Lahore High Court enumerated by me, if there is any doubt arising, then my honourable friend should have brought in an amendment to make the position clear. By virtue of the division bench ruling of the Bombay High Court where this dual capacity is given to the agriculturist and whereby the benefit of the dual capacity is given, the widow and the blind man or physically incapacitated man would be amply protected under the law and that is as far as my honourable friend wanted to go. Did he want to go beyond that? We have not heard one word from him, Mr. Speaker, so far, and I must complain in this respect, I have not heard one word from him, in justification of the other proposition that he has placed before this House. He has gone only so far as the two examples cited by him. He has not told us why he wishes to protect the partner, why he wishes to protect him and the reasons for applying the terms of this measure to him. Why does he wish to do that? Why does he wish to protect the tenant? This House will bear witness to this fact that this is the manner in which legislation of a far-reaching character is being got through by my honourable friend without even showing the small courtesy to the House and to this province and to the people who are going to be affected by this measure, that he would not take the trouble to mention the reasons which prompt him to bring forward legislation of this nature, with such utter contempt with which the House is being treated. If my honourable friend can make out a case for treating him in this protected manner under this measure, we might have been in a position to side with him or side against him. We are completely in the dark. If my honourable friend further could bring forward any reasoning as to why an absentee partner should be protected, he might have got our support if he could have convinced us. But at the present moment . . . (*Interruption*). My honourable friend says 'no.' Yes, my honourable friend will not get the support of this side of the House as long as we sit on these benches, for any unreasonable proposition. If there is any reasonable proposition to protect the interests of the poor, my honourable friend will get the fullest support from us, but not if my honourable friend wishes to protect not merely the interests of the poor but to go beyond that and protect the interests of a class, already privileged because of its economic position, to protect the interests of people who do not themselves claim that protection, to protect the interests of people who have no desire to be protected or who ought not to be protected. I submit that this is a point which my honourable friend may well remember in

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future when he brings forward legislation of this kind, that he cannot treat this House with this contempt, that he cannot treat this province with this contempt, that he may at least show this much courtesy to those of us who are sitting on these benches by telling us what is actually in his mind, not merely what is actually on the order paper of the day, but the exact reasons that prompt him to bring radical changes in a measure which was meant originally for the protection of a very poor class of agriculturists in the province who were unable to protect themselves but which is now being sought to be utilised by my honourable friend for purposes other than the original purposes. Let me repeat once more that my honourable friend can take it from me, and I speak on behalf of my party in this House on this particular matter, let him take it from me, that whatever steps he wishes to take to protect the legitimate, actual agriculturists stricken with poverty in this province, he shall have the full-hearted support of my party in the measures that he may bring forward to protect those particular classes (*Minister of Development* : Empty assurances). We are not in a position at the present moment to implement any of those assurances, but he may rest assured that when we are in a position, he will not find us sitting in those benches and, under the false plea of protecting the poor, protecting the rich and under the wrong plea of protecting a particular class which needs protection, protecting a class that does not need protection. I ask my honourable friend if he could put his hand on his heart and honestly say on the floor of this House that by this measure he is not also protecting the people who are quite well able to protect themselves. Is he or is he not doing that? And yet when he is going out of the original purview of this measure, going outside the original aims of this measure and protecting a class of people who are well able to take care of themselves, my honourable friend does not even deign to give this House a single reason why he wishes to protect that particular class. As far as that class is concerned, my honourable friend must consider these assurances to be empty assurances. We are not in a position to fulfil those assurances now. Coming from the Opposition they have to be empty assurances. It is my honourable friend who gives assurances of one nature and brings in measures of a different nature. Is my honourable friend who is wanting to protect the interests of the poor and poverty-stricken agriculturists and incidentally protects the interests of the millionaires and the multi-millionaires and the pseudo-millionaires, aware of that? Has my honourable friend realised that? There is a method of doing these things and that method is a very simple one, Mr. Speaker. That is this. Beat the drum as loud as you can, that you are wanting to protect the interests of the poor, because your main object is not that at all. Your main object is to protect the privileged classes, the vested interests,—that is your object,—of a particular specified cadre, privileged classes of a specified cadre. Your object is to protect them, to protect a few big rich landlords. That is your object and in getting that object fulfilled, in the process of getting it fulfilled, you bring in a measure and beat loud the drum that it is your main object to protect the poor only. I have no objection to my honourable friend protecting the poor only. Let him come forward with simple measures to protect the poor. We know how my honourable friend protect

the poor. I give you one example, Mr. Speaker. My honourable friend was so urgent that he was almost besides himself with urgency over the Trade Employees Bill. He wanted this House to give him immediately a select committee, so that the select committee could report within a few days. Fifteenth November was fixed to bring in this law. We have not heard about the terms of the Bill so far, although six months have elapsed since my honourable friend, in the interests of those poverty-stricken people, those people who are being sweated in these shops, brought in that measure and wanted the sanction of this House within a few months to put it into law. This is the urgency and when it is a pure and simple measure for the benefit of a particular poverty-stricken class, it is shelved, in spite of my honourable friend's urgent demands that the House should give him the necessary sanction to bring in a measure within a few days, a sanction which he got from this House and my honourable friend has not even thought proper to mention that fact for six months and we know that when this session is over, there will not be another session to consider that measure until next October. That is how my honourable friend considered the interests of the poverty-stricken workers of this province when their interests alone are at stake. But when the interests of the poverty-stricken agriculturists are mixed up with the interests of the poverty-stricken rich zamindars, then it is that my honourable friend will sit here day after day, bring in a measure and see that it is passed as quickly as possible.

My honourable friend's methods are directly open to question as far as measures of this nature are concerned. (*Interruption*). My honourable friend says that there is a method in my friend's madness. I do not think my honourable friend is afflicted with madness at all. He is a very wise and intelligent man. He does very wisely and intelligently. He wants the poverty-stricken people on his side and does not want to divest himself of the support of the richer classes of the province. My honourable friend has certainly got a method, an intelligent method. He is doing these things in the interests of his own particular schemes and not one word would be heard about the interests of the poverty-stricken people of the province from my honourable friend's lips if it did not pay him to do so, if he could carry the day with the help of merely the big people with vested interests. My honourable friend would have confined these measures only to those interests. He has never considered them. He has considered everything from the point of view of the electoral gains that he can make, from the point of view of the personal advantages that he can derive for a particular privileged class. I submit that he has an opportunity of doing the right thing by this province. For instance, measure after measure has been suggested for the betterment of the province. He has turned them down. Only such measures has he handled which are likely to help him electorally. His sympathy is based upon the benefits that he may be able to derive electorally. His sympathy is not based on any opportunity of helping the poor against the vested interests. It is a sympathy which wants to carry the masses with him in order that the vested interests may not be divorced from the support that they have offered to give him. I submit that had my honourable friend been wanting to do

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the right thing to this very poverty-stricken agriculturist class, he would have accepted many a suggestion that we have made, health insurance, unemployment insurance, reduction of land revenue, reduction of water rate, and many a thing that we have suggested. But these are the things which affect only the poverty-stricken people. They do not affect, they do not benefit, the vested interests. They do affect them, but they do not benefit them and that is the reason why these measures of simple nature have not been considered by him. But measures of this nature are utilized by my honourable friend in order that he may be able to protect the classes that are already fully protected and do not need his protection. That was the reason, Mr. Speaker, why I rose to ask my honourable friend to explain to the House the various implications of the proposal that he made even at this late stage when this particular clause is before the House for being passed or rejected. (*Hear, hear.*)

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural) : I have carefully listened to the very lucid speech of my honourable friend Diwan Chaman Lal. The honourable speaker in the course of his speech gave very minute details of the various decisions which have been given by the various High Courts of this vast country. According to his own argument, I think, he will concede that the views expressed by the various High Courts on this very important question are divergent and self-contradictory. No definite position has been arrived at so far as the question of exemption of the income of the 'agriculturist' under section 60, Civil Procedure Code, is concerned. He must admit that in a particular ruling it was laid down that a man who does not plough the land with his own hand or who does not keep cattle, though his main source of income may be from agriculture, cannot claim the exemption. Again, he says that those people who do not till the land with their own hands, who till it through their servants, the ruling is that even these people, are not protected. Now, Sir, I would give him one or two examples. In the case of a land-owner, however small he may be, it may be necessary in some cases to keep a servant to be able to derive any income from the holding. He might be an infirm person he might be physically unfit. The owner might be a widow, or a minor. Would you hold that even in these extreme cases a person shall lose the protection of the statute by the mere fact that he has committed the blunder of engaging a servant? Is it fair that that person, that land-holder, however small his holding might be, should be deprived of the benefit conferred upon him by section 60 of the Civil Procedure Code? I would say no. Again, he has stated that the source of income is not the test. With all due deference to the pronouncements of the High Court, I would like to say that the intention of the legislature has not been carried out by the machinery of interpretation. We have no right to throw any aspersions or insinuate anything against the highest courts of justice in this province or any other province, but if the intention of the legislature in a certain enactment has not been given effect to, it is within its powers to make a clear pronouncement of its intention about the meaning to be attached to any word used in any piece of legislation. As there has been no clear view of any High Court to make a settled condition or to give a definite meaning to the word 'agriculturist', it is extremely essential and extremely necessary for the legislature to clarify the position which has been muddled about and about which a

mess has been created. There lies the reason for enacting this clause as a part of this Bill.

Then another argument advanced is that in spite of the definition, in spite of the enactment in the Civil Procedure Code, no relief has actually been given to the debtors as such. I would refer the honourable member to the three methods given in the Civil Procedure Code for the execution of a decree: (1) is by the appointment of a receiver, (2) is by attachment and auction of the property and (3) is the remedy against the person by arrest. In spite of the fact that there are provisions on our statute book to protect the debtor against the three remedies, no protection worth the name has so far been given to any of them. Take the case of section 60. What does sub-clause (c) say? It says something about a Government servant or a servant of the railway company or a local body who is drawing a pay to the extent of one hundred rupees. What is the exemption given in his favour? The exemption is that his first hundred rupees are always safe and the pay above that may be attached to the extent of one-half only. But what does actually happen? We have cases of a number of people who are drawing no more than Rs. 25 a month and more than half of whose pay is being attached by the courts (*hear, hear*). Take the case of Inder Singh. He is a luggage porter, North-Western Railway, Lahore, getting a pay of Rs. 23 per mensem. There are two orders of attachment in force against his pay—one of Rs. 10 from Small Cause Court, Amritsar, and another of Rs. 10 from the Judge, Small Cause Court at Lahore. Rupees 20 have been attached out

4 p. m.

of a pay of Rs. 23, that is, the pay less than $\frac{1}{4}$ th of Rs. 100. What is the state of affairs? A very large number of attachments is taking place. It is on account of these things that it has become extremely essential that a definite definition should be prescribed in the law itself. I am not imputing any motives to the courts concerned. I have got a large list of such railway menials' cases but I will only mention a few of them. In one case the man was getting Rs. 23 and the order of attachment was for Rs. 10. There was another order of attachment of Rs. 5 in a pay of Rs. 17. In another case the order of attachment was Rs. 10 out of a pay Rs. 27. In another case the order of attachment was Rs. 10 out of pay of Rs. 27 and so on and so forth. Instances can be multiplied. Now, this is the relief which is granted by the law as it stands. Now, take the case of arrest. I will only quote one instance and that was a case, *Manak Chand versus Jai Ram*, which has been recently decided by the District Judge of Gujranwala. It has been said that as the judgment-debtor appellant was able to pay his debt in part, but he has been avoiding contumaciously to pay his debts, therefore, he has been sent to jail for six months. It was remarked by the District Judge that the man was able to engage a lawyer, that he was able to file an appeal and that he was able to spend Rs. 2 on stamp, therefore he was partly able to pay his debt, but because he has failed to pay the decree in part, therefore, he was sent to jail for six months. In spite of section 84 in this Act, in spite of the amendment of the Central Legislature of the Civil Procedure Code that the part payment should be substantial and the part should be a substantial part, what has happened only 4 days ago? The man has been sent to jail. It has been said that this provision has been enacted to save big zamindars and capitalists. First of all I do not admit it.

[K. B. Ch. Riasat Ali.]

As has been said by the Honourable Premier yesterday, does my honourable friend believe that a man who pays Rs. 50 as land revenue is a big man or capitalist? It is impossible for him, owing to the general economic depression, to make both ends meet. He cannot be called a capitalist. Ninty-six per cent of those agriculturists are those people who pay Rs. 50 or less as land revenue. The House was told the other day that there are only 13 people who pay Rs. 10,000 and 23 who pay Rs. 5,000. The number of those who claim exemption or who should be entitled to exemption under this clause is very big. Total number of land owners in this province is 3,506,400. Out of these, 253,800 people possess less than 5 acres. This means that 58.3 per cent of the present proprietors or landowners in this province are possessing holdings which are uneconomic and which are less than 5 acres. Does it lie in the mouth of my honourable friends to say that this Government is out to help the capitalists under the garb of helping the poor? They are always clamouring that the Government is out to help the rich, and they are the champions of the poor but that claim cannot be justified on account of a very famous couplet which runs thus—

دوسرے لیایں نہیں ہوتا کوئی معمل نشین
قیس دوسرے نہیں در ایک دیوانے کا نام

It is not so very cheap for everybody to claim that he has a soft corner in his heart by helping the poor. My other argument is that if there are capitalists in the garb of zamindars, they have other sources of income. If they are big, their houses, their property, their motor cars, their furniture, their cash and everything else can be attached and they have not been exempted. Therefore, the clause as such is not giving any protection worth the name to the big people or capitalists. I was saying that the percentage of people who are debtors is rather more than those who are called capitalists and creditors. Therefore, the argument that this section is out to help big landlords falls to the ground.

One little thing more and I have finished. It has also been said that sub-clause (8) as such stands part of the Bill and there is no necessity of enacting it. The mere perusal of the words used by the member in charge of the Bill in this clause will give you an idea that they are not connected with sub-clause (4) and there is no danger whatsoever of any repetition or the thing becoming redundant. I would remind the honourable Munshi Hari Lal that sub-clause (8) has no reference whatsoever to the protection afforded to a member of an agricultural tribe in the garb of a debtor as such. There is a provision in sub-section (2). I would remind him that this principle has been recognised in an earlier stage viz., section 7 of the Act. Therefore, no wrong has been committed if similar spirit is carried into effect and similar protection is given to a member of an agricultural tribe as such.

Munshi Hari Lal (South-Western Towns, General, Urban): Sir, I think that we should not allow this clause to be passed without a final word of protest. The clause as it stands aims at drastic changes. Section 60 is going to be amended and whatever was allowed to the creditor is now going to be taken away. The clause is badly worded. It is absurd in some

respects. It is bound to demoralise the character, a character about which the great philosopher Aristotle said in one of his discourses—

It is obligatory upon every Government that deserves a name, to see that every legislation aims at raising the moral tone of the people and their character. But democracy very often forgets that there is the existence of such a duty.

Judged in the light of these remarks, the clause should disappear. I take first 15 (a) (i). It says—

“...not proved by the decree-holder to have been let out on rent or lent to persons other thanor left vacant for a period of a year or more.”

There is always a cry against a dishonest creditor and the dishonest judgment-creditor. When his dishonesty comes to light it is flared up and flashed. Laws are passed in order to protect the debtor, though the moral lapses of the dishonest creditor may be few and far between.

But where is the safeguard against dishonesty of a judgment-debtor. He may be owning hundreds of houses and may be giving them on loan to his relations and dependants. What is the duration of loan? It may be one day or one week. If a decree is passed against a judgment debtor and he owns 10 bungalows, he can evade the execution by lending them to his relations and to his dependants for one week and then all those bungalows are protected by the word ‘lent’. Then there is another passage ‘vacant for a period of a year or more’. He may lend for one week and before the expiry of the year may lend them for another week; the bungalows will not be vacant for a year or more. They will be considered as lent and therefore they will be free from attachment or sale. Is it not so? Every judgment-debtor to avoid the provisions of this law will lend his bungalow for a week or so in the course of a year to one of his dependants or relations and then claim that the bungalows have not been vacant for a year or more. Is there anything in the way of the judgment-debtor, a dishonest judgment-debtor, to stop him from evading the law? Where is the safeguard? It may be said that the court will look to the *bona fides* or the intentions of the debtor. There is no such word. The courts will be helpless. It is an established canon of law that the law is to be interpreted in favour of the persons for whose sake the law is enacted. The Minister for Development has been very honestly and frankly saying that he stands only for the judgment-debtor. The law that he is proposing before this House is going to be enacted in the interests of the judgment-debtor. This is quite obvious and the courts will take notice of it and will administer the law according to the spirit of the Act. This clause will be construed in favour of the judgment-debtor. The letter of the law stands in favour of the judgment-debtor. Any judgment-debtor may come forward and say that as his house was lent for a month in the year it has not been vacant for a year or more. He might give his house on loan on the day when the application for execution of the decree is filed. There can be no other interpretation. There are such big holes in the clause and no attempt is made to plug them. There is no safeguard against dishonest people. The judgment-debtor has been given a free hand. Is this provision not degrading and debasing the judgment-debtor? Does it not demoralise the judgment-debtor? Does it not affect vitally the economic relations of man with man? I submit that the provision as it stands is opposed to all dictates of justice. According to

[Munshi Hari Lal.]

Aristotle Government is meant to raise the moral tone and the character of man, be he a judgment-debtor or a judgment-creditor. Is this just, is this equitable? I am for bringing in a millenium for judgment-debtor. The judgment-debtor should be saved. But the law should be sensible, just and should be such as to remove the difficulties that stand in the way of debtor's relief. But it should not encourage dishonesty and should not affect the honest judgment-creditor.

Sir, under the garb of sympathy with the non-agriculturist judgment-debtor a provision is going to be enacted that his residential house will be free from attachment as well as from sale. Sir, this affects the credit of the non-agriculturist people who live in urban and in rural areas. (*Several honourable members* : He is repeating arguments).

Mr. Speaker : The honourable member knows that the whole clause is under discussion.

Munshi Hari Lal : I am discussing the whole of clause 15 and I am taking it up part by part. According to one of the provisions of this clause protection is being extended to non-agriculturists and the main residential house together with all the buildings is going to be exempted. No attachment can be made of a house nor can it be sold in execution of a decree if it is mortgaged. I want to point out an inconsistency first and then I will point out whether the provision means sympathy with the non-agriculturists or an antipathy, whether the non-agriculturists are getting a boon or a funny bone which has got no particle of flesh. First the inconsistency. The idea is to give relief to non-agriculturist judgment-debtor. His house will not be attachable and saleable, but it is subject to a proviso which detracts considerably from the original proposition that if this house happens to be under mortgage for a rupee, ten or twenty, immunity is taken away. I put this clause before eminent lawyers and asked them if they could say whether the residential house under mortgage was free from attachment in execution of the decree for a debt other than a mortgage debt. The answer was 'No.' Supposing I gave my house to a man on mortgage for 20 rupees and there is another gentleman who has got a decree against me for one thousand rupees, the house can then be attached and sold even though it is mortgaged for 20 rupees. If my house is mortgaged for a petty amount of Rs. 20 nobody will be prepared to give me any loan. If they want to give protection to the non-agriculturists surely the protection should be given in the same way as to the agriculturists. The proviso does not redound to the credit of the sponsors of the Bill. They have not fully considered the effect of the words. The proviso implies that if a house is mortgaged, howsoever insignificant the amount may be, off goes the protection.

As it is, it is absolutely impossible in this province for a non-agriculturist to make out his living except by carrying on some business or trade. Whether his business flourishes or not, he has to depend upon others for money. He has to borrow money and if he has got his residential house only, he will not be able to raise a pie, as the creditor knows that his house is not attachable, though it may be worth a lakh of rupees. If he wants money, he should either sell it or mortgage it with possession which means parting with it for ever. Is this the sympathy? Is this the love,

that they are showing to the non-agriculturist? Whether he lives in towns or in rural areas he would be compelled by the provisions of the law, to transfer his house temporarily or permanently for a small amount of money that he may require in order to carry on his business. Is there any sense, any logic? If this is love, surely it is misplaced! The real love in the mind of the Unionist Government is for the agriculturist. He should not be deprived of his property. His land should be sacred. I do not grudge it. On the other hand, I, as a non-agriculturist, am to be deprived of my house. My family may be ruined; I may be ruined. Whenever I wish to raise some money, I must part with my residential house.

Mr. Speaker : That is a repetition of the honourable member's own arguments.

Munshi Hari Lal : There is another thing. I cannot get any service. If I go to the Honourable Minister of Development for service, his reply will be—

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Mr. Speaker : Service under Government is not under consideration.

Munshi Hari Lal : I am showing that by this provision, I am being deprived of the source of my livelihood even. I cannot raise any money for investing it in some business whereby to earn for me and for the maintenance of my family. I must alienate my house in order to eke out my living as I being a non-agriculturist cannot get any service.

At this stage the Assembly adjourned till 12 noon on Wednesday, 10th April, 1940.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 10th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

ARRESTS OF AHRAR LEADERS.

***5826. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state the number of Ahrar leaders and workers so far arrested under the Defence of India Act, 124-A, I. P. C., with dates of their arrests, the dates of their conviction and sentences respectively ?

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.

Pandit Shri Ram Sharma : May I know what is the difficulty in the way of Government collecting this information from the files of different courts ?

Parliamentary Private Secretary : This question was asked previously in a similar form. At that time it was stated on behalf of Government that it was very difficult to collect the requisite information because scores of persons had been arrested and it was very difficult for the Government to classify them into Ahrars and other parties.

Pandit Shri Ram Sharma : Do Government admit that thousands of Ahrars have been arrested and that is why they cannot supply this information ?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : May I ask the Parliamentary Private Secretary whether it is not possible to give the answer accurately ? If not, let him tell us the approximate number of persons who have been arrested.

Parliamentary Private Secretary : I have already stated that the question cannot be answered with any accuracy if it is put in this form. If my honourable friend wants a very approximate number and if he puts the question in that form, effort will be made to answer it, but it is very difficult to give it at all accurately.

Pandit Shri Ram Sharma : May I know why it is difficult for the Government to ascertain this fact from the files of the different courts ?

Parliamentary Private Secretary : It is very difficult for the Government to first go through all the files of different districts and then supply this information.

Pandit Shri Ram Sharma : May I know what is the difficulty for the Government to ascertain the number of Ahrar leaders and workers who have so far been arrested under the Defence of India Act, Section 124-A, I. P. C. and also 153-A, I. P. C. ?

Premier : I fail to understand why my honourable friend has assumed that when such persons are arrested they particularize themselves as Ahrars. If a person is arrested that does not mean that necessarily he belongs to the Ahrar party. My honourable friend has also stated that it is very easy to ascertain this number by consulting the files of all the courts in the province. But I may point out to him that it is easier said than done. As a matter of fact, thousands of rupees would be incurred in collecting this information, and even after it had been incurred, the result would be the same as has been communicated to the honourable member just now. I may add that it is very difficult for the Government to find out from the addresses and names of arrested persons whether they are Ahrars or not. For instance, the name of my honourable friend Pandit Shri Ram Sharma does not indicate whether he belongs to the party of the left or the right wing in the Congress or to the forward block.

Lala Bhim Sen Sachar : Do I take it that the Police Department is not in a position to report to the Government as to what the extent of the agitation of the Ahrar party in the province is ?

Premier : That is not the question.

Lala Bhim Sen Sachar : That is the question. Is it not possible for Government to get the information from the Police Department ?

Premier : No.

Pandit Shri Ram Sharma : Cannot the Government ascertain this fact from the addresses of the arrested persons ?

Premier : No. We cannot for instance, know from the Rohtak address of Pandit Shri Ram Sharma whether or not he belongs to the left or the right wing of the Congress.

Sardar Hari Singh : May I ask the Premier whether it is not a fact that all the Muslims arrested and convicted under this section belong to the Ahrar organization or to the Muslim League as well ?

Premier : It is not a fact. It is difficult to say who is an Ahrar and who is not.

Sardar Hari Singh : Do some of them convicted under section 124-A and 153-A belong to the Muslim League besides being members of the Ahrar organization ?

Mr. Speaker : The honourable member's question is wider than the original question. Disallowed.

Pandit Shri Ram Sharma : Is the Honourable Premier aware of the fact that as compared with other parties the leaders and workers of the Ahrar party have been arrested in larger numbers ?

Premier : Unless I have facts and figures before me I cannot say anything with regard to this question.

Pandit Shri Ram Sharma : Do Government deny that as compared with other organizations the leaders and workers of the Ahrar party have not been arrested in larger numbers ?

Premier : I think the statement is not correct.

Sardar Hari Singh : Will the Honourable Premier please state whether it is within his knowledge that Maulvi Mazhar Ali Azhar, Maulvi Hissam-ud-Din and Syed Ata Ullah Shah Bukhari who were arrested under these sections were Ahrars ?

Premier : If they say they are Ahrars.

Sardar Hari Singh : What is the information of my friend ?

Premier : If they declare themselves to be Ahrars, they are Ahrars. How would the honourable member describe himself.

Sardar Hari Singh : I am a Congressman.

Premier : But then the difficulty is which type of Congressman—Subhash Chandra's Congressman or Gandhiji's Congressman ?

Sardar Hari Singh : I did not mean which type of an Ahrar. All that I want is whether they are Ahrars.

Pandit Shri Ram Sharma : May I know whether the Government do not keep a record of this thing ?

Premier : Government do not keep any record of how many Ahrars have been arrested. Those people who commit crimes are arrested and unless and until they expressly state that they are Ahrars Government cannot know that they are.

Sardar Hari Singh : May I ask whether he is a Khoja Muslim Leaguer or a Unionist Muslim Leaguer ?

Lala Duni Chand : May I know if the Government is not interested in knowing the strength and number of Ahrar leaders and, if so, why does Government not know their number and strength ?

Premier : Who can find out the strength ? The number is confined to those people who declare themselves to be Ahrars.

Mr. Speaker : The next question.

IRREGULARITIES IN THE ADMINISTRATION OF THE HISSAR MUNICIPAL COMMITTEE.

*6437. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether the Secretary to Government, Medical and Local Government Departments, down to the Deputy Commissioner, Hissar, have received, in the first week of January, 1940, a long representation under the signature of ex-municipal commissioners, Messrs. Kunj Lal, Agar Chand and Nand Ram and also of the ex-President of the Municipal Committee, Hissar, containing details of the numerous irregularities in the administration of the said committee ; if so, the action taken thereon ?

Parliamentary Secretary (Shaikh Faiz Muhammad): Government received a copy of a representation which was addressed to the officer-in-charge of local bodies in the Hissar district. The complaints were investigated and the Deputy Commissioner held that they were not substantiated.

Pandit Shri Ram Sharma: I want to know whether the Deputy Commissioner allowed the three ex-members of the municipal committee to substantiate their allegations?

Parliamentary Secretary: I do not know whether the Deputy Commissioner allowed them an opportunity or not. But this much I can state that this complaint was made and the Deputy Commissioner held inquiries into the matter and found that the allegations were baseless.

Pandit Shri Ram Sharma: May I know how the Deputy Commissioner arrived at the conclusion that the allegation was wrong?

Mr. Speaker: Dissallowed. Is there any specific law or rule of procedure for holding such inquiries?

Pandit Shri Ram Sharma: What I want to know is whether the complainants were afforded an opportunity to give proof of their complaints. Is it not a fact that the irregularities mentioned in the complaint—covering 17 pages—were brought to the notice of the authorities? If so, what action have they taken?

Parliamentary Secretary: No, it is not a fact.

Pandit Shri Ram Sharma: It means that you deny it. Perhaps you take it that this complaint was against the Deputy Commissioner. What I want to know is whether the long complaint made by these ex-members also contained a complaint in paragraph 6 that these complaints were personally brought to the notice of the Deputy Commissioner, but to no purpose.

Parliamentary Secretary: The allegations were inquired into and found to be baseless. My honourable friend should know that the complaint was made by three ex-members of the committee who are apt to make such complaints.

Pandit Shri Ram Sharma: These members tendered their resignations on account of maladministration, but no notice was taken even of their resignations. May I know why?

Parliamentary Secretary: People who are in minority always make such complaints.

Pandit Shri Ram Sharma: How did you arrive at this conclusion that the complaints were baseless?

Parliamentary Secretary: In the usual manner.

ACTION AGAINST LAMBARDARS, SUFEDPOSHES AND ZAILDARS BY DEPUTY COMMISSIONER, HOSHIARPUR.

***6455. Sardar Hari Singh**: Will the Honourable Minister of Revenue be pleased to state—

- (a) number and names of lambardars, sufedposhes and zaildars against whom action was taken by the Deputy Commissioner, Hoshiarpur, since 18th April, 1939, and the nature of the action taken in each case;

(b) the result of appeal in this behalf to the Commissioner, if preferred in any case?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): A statement is attached.

Statement showing particulars of raddars, sufedposhes and lambardars punished by Deputy Commissioner, Hoshiarpur, by fine, suspension or dismissal, since the 18th April, 1939.

Serial No.	Name of village.	Nature of punishment.	Result of appeal, if any.
		SUFEDPOSHERS.	
1	Hajipur ..	Suspended for failure of duty ; inquiry still proceeding.	
		LAMBARDARS.	
11	Tajpur ..	Dismissed for absence and failure to produce a sarbrah.	
2	Kotla Naudh Singh ..	Dismissed for neglect of duty ..	The case was remanded for a fresh decision after framing regular charges.
3	Simbli ...	Dismissed for non-payment of village bank debts and habitual absence.	
4	Jallowal ..	Dismissed for absence.	
5	Sikri ..	Dismissed for failure of duty ..	
6	Do.	Ditto ditto ..	The punishment was reduced to a warning.
7	Bure Rajputan ..	Dismissed for evading appearance before Collector in connection with appointment of a sarbrah. Later an application for re-instatement was submitted and accepted.	
8	Jiwanwal ..	Dismissed on account of continued absence for 3½ years.	
9	Achharwal ..	Dismissed for failure of duty ..	Re-instated.
10	Dobhali ..	Dismissed on account of continued absence.	
11	Do. ..	Dismissed on account of absence, but it was observed that if the lambardar appears within a month, the order of dismissal will be revised. The lambardar did not appear within the month, hence he was removed from his post.	

Statement showing particulars of zaildars, sudeposhes and lambardars punished by Deputy Commissioner, Hoshiarpur, by fine, suspension or dismissal, since the 18th April 1939—continued.

Serial No.	Name of village.	Nature of punishment.	Result of appeal, if any.
		LAMBARDARS—continued.	
12	Polian Jaswalan ..	Dismissed for failure to appear before Collector and absence without permission.	
13	Mojowal ..	Dismissed on account of conviction in connection with misappropriation of Government land revenue.	
14	Chonta ..	Lives in Multan district. Removed from lambardari for absence, but directed to produce a letter from Multan district authorities certifying that he is required to live there. On the production of such a letter his case is to be reconsidered.	
15	Ahrana Kalan ..	Removed for absence without permission.	
16	Dhofbaha ..	Suspended for one year for neglect of duty.	The punishment was reduced to a warning.
17	Alawal ..	Suspended for one month for not paying village bank debt. The suspension was extended by six months for continued failure to pay with a note that thereafter it will be a case of dismissal, if no effort is made to pay up. He paid the debt and was re-instated on 7th February, 1940.	
18	Hoshiarpur ..	Suspended for failure to refund excess of land revenue realized by him.	
19	Hardo Khindpur ..	Suspended for one month for failure of duty, severely warned and pachtora for that month confiscated.	
20	Haree Mansar ..	Suspended for one month, pending.	
21	Bhol Kalote ..	Suspended for one month, but was re-instated.	
22	Jhanwan ..	Suspended for six months for giving false evidence.	
23	Bhatoli ..	Suspended for six months for giving false evidence, but reinstated.	

Statement showing particulars of zaildars, safedposhes and lambardars punished by Deputy Commissioner, Hoshiarpur, by fine, suspension or dismissal, since the 18th April, 1939—continued.

Serial No.	Name of village.	Nature of punishment.	Result of appeal, if any.
		LAMBARDARS—continued.	
24	Kaloya ..	Suspended for six months for giving false evidence, but re-instated.	
25	Rachhpalian ..	Ditto ditto.	
26	Ranipind ..	Suspended for six months for indigence and neglect of duty.	
27	Maiju Mazara ..	Suspended for six months for giving false evidence.	
28	Gondpur ..	Suspended for six months for failing to stop excise offences in his village, and neglect of duty.	
29	Mehatpur ..	Suspended for six months for being involved in certain criminal cases on account of which he could not discharge his duties properly.	Appeal accepted by Commissioner and he was allowed to work, but will not get pachotra during the period spent under suspension.
30	Sahri ..	Suspended for failure to pay half pachotra which had been confiscated as a punishment for giving false evidence. He paid the confiscated pachotra and was re-instated.	
31	Gagnoli Nikka ..	Ditto ditto ..	
32	Dharmal Dholu ..	Suspended for giving false evidence in favour of accused in a Crown case.	Re-instated on appeal.
33	Tulowal ..	Suspended for three months for not appearing before Collector in spite of being served personally several times in a case of recovery of village bank debt pending against him, Case pending.	
34	Mehangarwal ..	Did not pay land revenue in time and was suspended, case pending.	
35	Harse Bela ..	Suspended for one month for not appearing before Collector although personally served in connection with a debt against him payable to the village bank; was re-instated.	

Statement showing particulars of zaildars, susedposhes and lambardars, punished by Deputy Commissioner, Hoshiarpur, by fine, suspension or diemiasal, since the 18th April, 1939—concluded.

Serial No.	Name of village.	Nature of punishment.	Result of appeal, if any.
		LAMBARDARS—concluded.	
36	Muzaria Dingerian..	Suspended for non-appearance in a case of village bank debt recoverable from him.	
37	Mehtiana ..	Suspended for one month for not appearing before Collector; but was re-instated.	
38	Bhonowal ..	Suspended for two months for being challaned in a criminal case under section 307, Indian Penal Code.	
39	Badoh ..	Suspended for one month and warned for not assisting Public Health staff.	
40	Kandhala Sheikhan	Suspended for one month and warned to be punctual in his duties in assisting Public Health staff.	
41	Ibrahimpur ..	Suspended for one month for failure to furnish security of Rs. 1,000.	
42	Khushalpur ..	Suspended for one month for not appearing before Revenue Officers although served in a case of village bank debt pending against him.	
43	Panjawar ..	Suspended for six months for giving false evidence.	
44	Rampur Bilon ..	Suspended for non-payment of village bank debt.	
45	Kandhala Sheikhan	One-eighth of his pachotra for kharif 1939 forfeited for giving false evidence in a Crown case.	
46	Mohan ..	Ditto ditto.	
47	Nangal Jamal ..	Fined Re. 1 for not reporting outbreak of smallpox.	
48	Jakhera ..	Fined Re. 1 for making wrong entries in chaukidara birth and death registers.	
49	Kapahat ..	Removed from lambardari for not resigning the post of Forest Guard.	
50	Jatpur ..	Warned severely for absence without permission; pachotra for the period of absence confiscated.	

LEASE OF GOVERNMENT LAND IN GUJRAT DISTRICT.

*6465. **Lala Bhim Sen Sachar :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the lease of 1,122 acres of land situated in Chak No. 9, Gurbakhshpura, tahsil Phalia, district Gujrat, which was leased to Lala Harbans Lal during the year 1939-40, has been granted for the year 1940-41; if so, to whom has the lease been granted;
- (b) whether the lease for the year 1940-41 was publicly auctioned or tenders for it were called for from the public and if tenders were called for the manner in which it was made known to the public that tenders had to be submitted for the grant of this lease and if no such publicity was given either in writing or verbally to the fact that tenders had to be submitted before deciding to grant this lease, the reasons therefor;
- (c) whether it is a fact that as against a rental of Rs. 7-12-0 per acre on which lease of the land in question to the new lessee is intended to be given, offers to the extent of even Rs. 14 per acre have been received by the Government; if so, the manner in which these offers have been disposed of?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes, to Sardar Ragbans Singh.

(b) No tenders were called. In view of the fact that this land was formerly allotted to the family of Sardar Ragbans Singh, it was decided to lease it to him for one year only by private treaty.

(c) The lease has been given at Rs. 13 per allotted acre per annum, which was considered to be the market value. In view of the offer having been made and accepted, the higher offer of Rs. 14 made probably by *bid* cannot now be entertained.

Lala Bhim Sen Sachar : Is it not a fact that this lease at Rs. 13 was sanctioned after receipt of notice of this question?

Parliamentary Secretary : No.

Lala Bhim Sen Sachar : Will the Parliamentary Secretary be so good as to be absolutely sure of his reply? Was this lease given on the advice of the officials at Rs. 13?

Parliamentary Secretary : Originally it was proposed to be given at Rs. 8. Then the Government received higher quotations from various people and the Government thought that it would be proper to increase it to Rs. 13 and the Government finally decided that it should be given at that rate. There was another offer at Rs. 14 but that was received after the Government had arrived at this decision. Therefore the Government thought as the offer had been given at a reasonable market value, the question need not be re-opened.

Lala Bhim Sen Sachar : Is it not a fact that the present lessee to whom the land has been given at Rs. 13 is the brother of Sardar Harbans Singh, Extra Assistant Commissioner?

Parliamentary Secretary : Yes.

Lala Bhim Sen Sachar : Is it not also a fact that the lessee of the previous year had also applied for the lease being given to him and that the offer of Rs. 14 was his or somebody else's and that when this order of Rs. 18 was passed, this offer of Rs. 14 was also on the file ?

Parliamentary Secretary : No.

Lala Bhim Sen Sachar : Let him make sure. I take responsibility for this statement and I have documents in my possession. I respectfully request the Parliamentary Secretary to be absolutely sure.

Minister of Revenue : I am quite sure about it.

Lala Bhim Sen Sachar : May I know whether the offer of Rs. 14 was not made to the Honourable Revenue Minister when he passed those orders ?

Minister : No.

Mr. Dev Raj Sethi : On what date was the order passed ?

Minister : I cannot remember those dates.

Lala Bhim Sen Sachar : Is it or is it not a fact that under paragraph 869 of the Colony Manual no lease of Government land can be given except by tenders ?

Minister : It was not necessary. Government can do what it thinks best.

Lala Bhim Sen Sachar : Will the Honourable Revenue Minister be good enough to refer to the rule of the Colony Manual under which this procedure which I have referred to can be departed from ?

Parliamentary Secretary : Generally such lands are allotted by calling tenders. But the Government is not bound always to call for tenders. It has a right to decide the case. In this particular case I may inform the honourable member that the Government's intention was to allot this land for some other purpose but as only a very short time was left the Government thought that it was not possible to decide finally the scheme according to which this land was to be allotted. There was no time to call for tenders and the Government thought that the rate at which it was now given was reasonable.

Lala Bhim Sen Sachar : I shall be very much obliged to the Parliamentary Secretary if he could quote the rule under which he has made the exception ?

Parliamentary Secretary : May I ask the honourable member to quote the rule under which the Government is bound to call for tenders ?

Lala Bhim Sen Sachar : Paragraph 869 of the Colony Manual.

Parliamentary Secretary : Will the honourable member please read it ?

Lala Bhim Sen Sachar : I can do no more than make a reference to that paragraph and on the strength of the reference I can say that the procedure followed by the Government is absolutely illegal and is intended merely to confer a favour.

Parliamentary Secretary : I am afraid the interpretation put by my honourable friend on that paragraph, which he has never read, is entirely wrong.

Chaudhri Kartar Singh : May I know as to whether the Parliamentary Secretary has gone through that file ?

Parliamentary Secretary : I have seen this file. If I had not done so I could not have been able to give a reply.

Chaudhri Kartar Singh : You have stated that the offer of Rs. 14 per acre was also included in the file, and now my question is whether you have read the file in question.

Parliamentary Secretary : The file is still here with me, but I am afraid I cannot show it to the honourable member. He may rest assured that the reply which I have given is based on the contents of this file.

Chaudhri Kartar Singh : Will you please enlighten the House as to whether it is open to a Parliamentary Secretary to go through a Minister's file ? (*Laughter*).

Mr. Dev Raj Sethi : The Parliamentary Secretary has stated that since the offer was made by the person in question out of rivalry it was not accepted. But may I know as to how a difference of Rs. 1 only can be construed as having been made out of rivalry ?

Parliamentary Secretary : The honourable member has misunderstood me. What I wanted to say was that the Government can exercise its discretion in the matter of deciding these tenders purely on their merits.

Lala Bhim Sen Sachar : In view of the reply given by the Parliamentary Secretary that the offer of Rs. 14 was not considered because that was considered to have been actuated by *zid*, may I know if the Parliamentary Secretary knows just as he knows in the case of Sardar Harbans Singh and Raghbans Singh, that the tenderer Lala Sardari Lal is the father of the previous lessee ?

Parliamentary Secretary : I do not know the pedigree of the gentleman.

Lala Bhim Sen Sachar : The Parliamentary Secretary does not know when it exposes him.

Parliamentary Secretary : I am not supposed to know the parentage of every one.

Rai Bahadur Mukand Lal Puri : Would you kindly inquire about it ?

J. V. COURSE.

***6466. Syed Mohyuddin Lal Badshah :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that two years have been fixed for the J. V. course, for which provision exists in the Punjab Primary Education Bill still under consideration in all Normal Schools in the Punjab except in the case of Normal School at Gujrat where the students admitted this year will be able to complete the course in one year only ; if so, the reasons for creating this distinction in the case of the Normal School, Gujrat ;

(Syed Mohyuddin Lal Badshah.)

- (b) whether it is a fact that there will be no difference between the salaries and grades of one-year and two-year J. V. trained teachers ; if so, the reasons therefor ;
- (c) whether at the time of admission to the J. V. training class at Ghakhar last year the candidates were told that only two-year J. V. trained teachers will be allowed to join the S. V. class ; if so, the reasons for removing this condition under the Director of Public Instruction's circular issued in November last and for bringing the standard of one year and two years' J. V. training to the same level ;
- (d) whether he is aware that those fortunate J. V. teachers who have been allowed to complete the course in one year, will get into service one year earlier than their unfortunate brothers required to complete the course in two years, and will also be able to seek admission to the S. V. class earlier ; if so, the manner in which it is intended to compensate those who will suffer financial loss as also loss of one year of their life for no fault of theirs ?

The Honourable Mian Abdul Haye : (a) There is no provision regarding the length of the J. V. course in the Draft Punjab Primary Education Bill ; but on the advice of an Expert Committee Government has decided to have a two year J. V. course. The Normal School at Gujrat started last year with a view to training quickly some vernacular teachers for private schools which were anxious to have some of their men trained. This is a purely temporary arrangement and will cease as soon as the urgent requirements of private institutions have been satisfied.

(b) No.

(c) No.

The condition was not removed but modified as follows :—One year trained J. V. teachers are eligible for admission to the one year S. V. class provided that (1) the teachers' work has been endorsed as "good" for a period of at least three years continuously and (2) the teachers have been experimenting on a new method of teaching or have worked a new method with success or they have improved their qualifications by passing University Examinations in oriental or modern languages.

(d) Most of the one year J. V. pupil teachers at Gujrat being already in service, the question of priority of entry into service does not arise. As the initial salary of the two year J. V. teacher will probably be higher than that of the one year J.V. teacher, the question of compensation does not arise.

Pandit Shri Ram Sharma : May I know as to whether the teachers admitted to J. V. classes in the Gujrat school have been so admitted on the recommendation of private schools ?

Minister : I have already stated that most of them have been admitted on the recommendations of private schools.

Pandit Shri Ram Sharma : On what grounds have the remaining teachers been taken ?

Minister : For the reason that they wanted to serve in *maktabs* and *pathshalas*.

Pandit Shri Ram Sharma : Is there any teacher who was admitted without anybody's recommendation ?

Minister : Probably.

Pandit Shri Ram Sharma : There is no question of probability. I want a definite answer.

Minister : I think there is none.

Sardar Sohan Singh Josh : May I know the difference between the salaries and grades of one-year and two year J. V. trained teachers ?

Minister : The Special Committee which prescribed a new syllabus and changed the term from one to two years recommended that the J. V. trained teachers should be paid Rs. 25 instead of Rs. 20 or even less than what they get at present.

Pandit Shri Ram Sharma : Will the trained teachers from the Normal School, Gujrat, be eligible for appointment in schools other than private ones ?

Minister : The Government does not employ them but if some other institution wants to avail of their services there is no bar to their being employed by them.

Sardar Sohan Singh Josh : May I know as to whether the proposed grade for these trained teachers is reasonable ?

Mr. Speaker : It is a question of opinion.

GRANT OF LAND ON HAVELI PROJECT IN REWARD FOR
WAR SERVICES.

***6467. Mr. Dev Raj Sethi :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that he addressed a public meeting at Jagraon on or about 25th February, 1940, in which it was promised to give away 15,000 acres of land out of the area irrigated by the Haveli Project in reward for the services that may be rendered during the present European War ; if so, was this announcement made after it had been resolved by the Cabinet to reserve so much land for the purpose ;

- (b) whether he will be pleased to lay a copy of the resolution on the table of the House ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes; the announcement was in accordance with the decision of Government.

- (b) Cabinet proceedings are in all countries confidential.

Pandit Shri Ram Sharma : May I know as to whether the Government has issued any *communiqué* apart from the announcement made by the Honourable Minister of Revenue in the matter ?

Parliamentary Secretary : So far as I am aware no such *communiqué* has been issued.

Chaudhri Muhammad Hassan : So far as this district is concerned, has the promise been fulfilled by the Revenue Minister ?

Minister for Revenue : The time has not come yet.

Sardar Hari Singh : May I know if the rewards would be given at the termination of the war ?

Parliamentary Secretary : The Government is not prepared to commit itself at this stage.

Sardar Hari Singh : Would they be given even if the Punjab becomes a Pakistani State ?

Parliamentary Secretary : That would be seen (*Laughter from the Opposition benches*).

Minister : If my honourable friend applies for it, I will consider his case.

Lala Bhim Sen Sachar : Should we understand that the Honourable Revenue Minister will be a member of Cabinet in the Pakistani State ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : What would be the nature of services in return for which squares of land will be granted after the successful prosecution of the war ?

Parliamentary Secretary : The land in question will be granted in recognition of war services, but when the war is still going on it is too early to say anything in the matter.

Pandit Shri Ram Sharma : Has the Government decided to grant these lands to those persons who would be helpful in raising war subscriptions and offering recruits or other services ?

Parliamentary Secretary : Whatever the case may be these lands will not be granted to those who launch civil disobedience campaign.

Chaudhri Kartar Singh : Is the Parliamentary Secretary prepared to assure the House that these squares of land will not be granted to the relatives of certain honourable members of the House ?

Parliamentary Secretary : I have already stated that these squares of land will be granted in recognition of war services only and will in no case be awarded to those who hinder war preparations.

Chaudhri Kartar Singh : Is it or is it not a fact that under the pretext of war the Government wants to award those squares of land to ensure success in the coming general elections ?

Mr. Speaker : Disallowed.

Premier : If my honourable friend still thinks that the war is a pretext I can only pray that the Almighty may give him light.

Mr. Dev Raj Sethi : Will those people be awarded these squares of land who would help in raising war loans and supplying recruits ?

Parliamentary Secretary : Their cases will most certainly be considered.

Lala Duni Chand : May I know if the offer of reward was not premature and therefore unwise being before the issue was concluded ?

Mr. Speaker : That is a question of opinion.

Pandit Shri Ram Sharma : Will these squares be granted to the Ministers also ?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : Was that announcement made with a view to induce people to offer active service in the war ?

Premier : No formal announcement has been made in this connection. The fact is that we have set aside some 15,000 acres of land which will be granted for services in connection with the war, and even Gaur Brahmins will have their due share.

Chaudhri Muhammad Hasan : Is it a fact that four other Ministers were present in the meeting addressed by the Hon'ble Minister of Revenue ?

Parliamentary Secretary : No.

Minister of Revenue : But what of that ?

HOURS OF SITTING.

Premier : Sir, I move.

That on all the remaining days of meeting in the month of April, 1940, the Assembly shall sit till 8 p. m. and the Speaker shall adjourn the meeting at that hour without question put."

Unfortunately it has not been possible for me, although I tried my best, to catch my honourable friend the Leader of the Opposition, but I have made this motion on account of the very slow progress which we are making with the pending legislation. If later on we find that the progress is very rapid, we can rescind this motion and, by agreement, decide to rise earlier.

Mr. Speaker : Motion moved.

That on all the remaining days of meeting in the month of April, 1940, the Assembly shall sit till 8 p. m. and the Speaker shall adjourn the meeting at that hour without question put.

Sardar Hari Singh : Can you stand it ? (*Interruption*).

Diwan Chaman Lall : May I say a word in regard to this matter ? I think my honourable friend will agree with me that it is necessary for us to know whether this motion, that he has made, applies for today or whether it applies for days after today.

Premier : After today.

Diwan Chaman Lall : Does it apply in reference to the present Bill that we have under discussion because my honourable friend stated that if the business of the House was accelerated, he might then rescind this particular motion ?

Premier : If the progress of this Bill is rapid, it is possible that we might get through the other Bills quickly and if we do, then we can amend this motion or by mutual agreement, decide to rise earlier.

Diwan Chaman Lall : May I make a suggestion ? It is possible that there might be acceleration of the business of the House in reference to the Bill which is being discussed because the main controversial portions of the Bill are finished. Therefore, may I make a suggestion, which I hope my honourable friend will agree to, that this motion may be taken up tomorrow after we have seen exactly what the business of the House is like after today's session ? May I request him to put this motion to the House not today but tomorrow ?

Premier : My point is that it is not with regard to the present Bill. So far as the present Bill is concerned, my honourable friend has himself conceded that we have gone through all the more controversial clauses but there is other very heavy pending legislation. But if he desires that I should not move this motion till tomorrow, I am prepared to do so.

Chaudhri Krishna Gopal Dutt : May I ask the Hon'ble Premier whether he consulted the Leader of the Opposition or the acting Leader of the Opposition in regard to this matter ?

Premier : I said in the beginning that I tried my best to catch my honourable friend but he was not available either yesterday or this morning. So, I did not have an opportunity of consulting him. But for the present I shall not press the motion and I accordingly beg leave to withdraw the motion.

The motion was, by leave, withdrawn.

POINT OF ORDER.

REFERENCE TO CONVERSATIONS BETWEEN MEMBERS OF A SELECT COMMITTEE.

Mr. Speaker : Diwan Chaman Lal raised a point of order yesterday regarding certain conversations between members of the select committees and other honourable members of this House. What was the honourable member's point of order ?

Diwan Chaman Lal : I wanted to have your ruling in regard to this matter, whether any conversations that took place or discussions which were not noted down in the report of the select committee, that might have taken place between individual members of a select committee, could be mentioned or disclosed on the floor of this House.

Mr. Speaker : The honourable member is probably aware of the fact that I have dozens of times ruled from this chair that references to conversations held between the honourable members are undesirable, because if one member will make one version, the other will make another.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Clause 15.

Mr. Speaker : The Assembly will now resume discussion on clause 15.

Munshi Hari Lal (South-Western Towns, General, Urban) : My submission is that clause 15 is to be read along with section 85 of the Punjab Relief of Indebtedness Act and section 60 of the Civil Procedure Code. The amendment provides that in execution of a decree the property which is given in clause 15 will be exempt from attachment and sale. Previously, section 60 gave something to the judgment creditor but clause 15 has created restrictions. I oppose this clause because of instances that I would quote. Supposing there is a decree of maintenance passed in favour of a wife against her husband and the decree is for money. These decrees are not rare. Do you know that decrees for maintenance can be obtained by the wife or the widow in a joint Hindu family ? How can they enforce such decrees ?

Their property is not liable to attachment. All the buildings are exempted from sale. If it gets into the head of the judgment-debtor not to pay anything to such decree-holders, there is absolutely no provision for such judgment-creditors getting the fruits of their decrees. According to subsection (2) of section 60 it is only one kind of decree in the execution of which the buildings and sites are attachable and saleable and in no other class of decrees. Has the mover of this Bill considered this aspect of the case that he is going to shut out all kinds of money decrees? So many personal decrees are passed against persons who are responsible for maintaining widows and personal decrees are passed against husbands. Then how are these judgment-creditors going to enforce the decrees when the property is going to be exempted? Nothing is left against which such a judgment-creditor can seek his remedy.

Premier : Sir, I most respectfully submit, through you, that all these matters were discussed when amendments were put before the House. The sheer repetition of the same arguments is not going to do any good to my honourable friend nor to anybody else, and it will take more time of the House if a general discussion goes on over every clause. So far as general condemnation of the whole measure is concerned, honourable members will get an opportunity at the third reading of the Bill. Now, it means that we are wasting the money of the province, specially when these things have been discussed and settled in this very House after a division in almost all cases. I would most respectfully, through you, request my honourable friends opposite that they should not go on recapitulating all those arguments which have already been carefully heard in this House with the result that every amendment was either accepted or withdrawn.

Sardar Hari Singh : Are there two Speakers in this House ?

Mr. Speaker : The Honourable Premier has made a request.

Munshi Hari Lal : I am giving arguments as to why this clause should not be passed. I submit that when this clause was under consideration nobody put this aspect of the thing before the House. I may submit that a law is going to be framed in order to exempt a larger number of properties than it was originally provided in section 60.

Mr. Speaker : The honourable member should not repeat his arguments. He has been repeating the same arguments at every stage.

Munshi Hari Lal : I am not repeating my arguments. I am only giving a reply. I would not recapitulate my arguments. The arguments which I am putting forward were never advanced and they never entered into the calculations of those who are in charge of this Bill. This clause is going to be finally considered and the point is whether this clause should be passed or not. I am pointing out flaw and faults in this clause. Still there is time for amending this clause. Relief should be given to judgment-creditors who deserve relief. There should be relief for the judgment-debtor. It is his right. But that right should not be pulled so tight that it may become wrong. I submit that the right of the debtor to be protected is admitted but the right should be allowed within reasonable bounds. Clause 15 should not be passed in the manner in which it stands and if it is going to be passed, I should say that the sentiments of self-interest are behind it and are displacing reasons. There is no argument except the argument

(Munshi Hari Lal.)

of the majority. Otherwise there are so many faults in this clause and still there is time to amend it. With these words I oppose clause 15.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural), (Urdu) : Sir, it was about two months ago that I moved a resolution in this House to the effect that the main residential house of a non-agriculturist whose total assets did not exceed Rs. 5,000 should be exempted from attachment or auction in execution of a debt decree. That resolution remained under consideration for two days and various speeches were delivered on the subject. During the course of that discussion, the Honourable Premier was pleased to give me an assurance that if I withdrew this resolution he would manage to incorporate a provision in the Punjab Relief of Indebtedness (Amendment) Bill, which would have the desired effect. I accepted the assurance and withdrew my resolution. I am now really grateful to the Ministry that they have adopted the principle of my resolution in the Bill under consideration. My special thanks are due to the Premier who has fulfilled his promise in good grace. The other thing that I would like to mention is that my honourable friend Sardar Santokh Singh is not right in observing that no one in the province has approved of this principle. His impression was that the province as a whole is opposed to it. I want to refute that charge. I have received a letter from the Punjab Bahmuk Aahhut Federation, Ludhiana. A perusal of this letter would dispel the misconception created by Sardar Santokh Singh. The letter reads as follows :—

جناب من تسلیم-اخبارات کے ذریعہ معلوم ہوا ہے کہ آپ پنجاب لیجسلیٹو اسمبلی کے موجودہ اجلاس میں اس اصول کی تجویز رکھ رہے ہیں کہ غریب زراعت پیشہ لوگوں کے رہائشی مکانات مالیتی ۵۰۰۰ روپیہ فرق نہ ہو سکیں اور سابقہ ڈگریاں منسوخ فومائی جائیں۔ یہ تجویز پھر بہت خدشی ہوئی کیونکہ غریب اچھوت لوگ تو سب سے زیادہ قرضہ میں دے پڑے ہیں اور عموماً شہری لوگ اپنے رہائشی مکانات ہاتھ سے دے بیگھے ہیں اور اس میں فیڈریشن ہذا بھی سرگرم کوشش کر رہی ہے۔ کیونکہ آج اچھوتوں کا سب سے بڑا ہمدرد رہی شخص یا جماعت ہو سکتی ہے جو انہیں قرضہ کی بنا سے نجات دلائے۔ لہذا آپ سے درخواست ہے کہ آپ اپنی تجویز یا تفصیل ہمیں بھیج کر مشکور چرماہ تاہم آپ نے ریزولوشن کی تائید اچھوت بھلک کی طرف سے کرا دیں۔ مزید امید کرنا ہوں کہ آپ نے اپنے ریزولوشن میں اگر نظر انداز نہ کر دیا ہو تو پنجاب کے قضائی اچھوتوں کا بھی خیال

آپ کا خیر اندیش

انس سکریٹری

پنجاب ہالیمف اچھوت فیڈریشن۔

لڈیانہ

Now this is, Sir, only one of the several letters that I have received. But I would not take any more time of the House by reading those letters. My object was to repudiate the charge of Sardar Santokh Singh who had said that no class or party had approved of this principle of exempting the main residential houses of the non-agriculturists from attachment or sale. I have proved, on the other hand, that this principle is being welcomed by the inhabitants of the Punjab, as the Punjab Balmik Achhut Federation, Ludhiana, has done.

In the end, I thank the Ministry once more for having accepted my suggestion. With these words, Sir, I close my speech.

Minister for Development (The Honourable Chaudhri Sir Chhota Ram) (Urdu): Sir, I rise to meet the criticism levelled by some of the honourable members of the Opposition against the clause under consideration. Unfortunately they are not in their seats now. However I must give a categorical reply to two or three points raised by them without minding whether they are present or absent from the House. My honourable friend, Diwan Chaman Lall, was pleased to remark that the Unionist Government was a queer sort of government. It enacted laws which were invariably intended to benefit the rich and not the poor. Then he held out an assurance on behalf of the Congress party that if the Government brought forward any measure calculated to benefit or safeguard the interests of the down-trodden and poverty-stricken people, the measure would have the fullest and unanimous support of his party. But I may point out that the present Bill, which has been put forward by Government, is being enacted into law with the sole purpose of affording relief and protection to the poor debtors.

Rai Bahadur Mukand Lal Puri: Absolutely wrong.

Mr. Speaker: No interruption please. (*Rai Bahadur Mr. Mukand Lal Puri rose to speak*). I cannot allow an interruption.

Minister for Development: I may point out that we on this side of the House listened to the speeches of the Opposition without making any interruptions. But here my honourable friend is getting unnecessarily restive. He has not the patience to hear the other side. Well, Sir, I was submitting that this Bill had been brought forward with a view to affording protection to those against whom decrees have been awarded to creditors. My honourable friend, therefore, cannot in fairness say that these debtors are rich people. Again to argue that judgment-debtors who owing to their inability to pay off their debts have to be placed behind the bars or whose houses have to be attached in execution of decrees, are affluent people is simply preposterous. I am not prepared to attach any weight to such arguments.

Now I may be allowed to proceed to expose the hollowness of the claims of the Congress Party for sympathy with the poor. As I have already stated the honourable member, Diwan Chaman Lall, in the course of his speech declared that if the Government put forward any measure with a view to better the lot of the poor or to protect their interests, his party would wholeheartedly support it. Let us see how far this statement is borne out by facts, especially in the light of their past record. The honourable members are aware that the Registration of money-lenders Bill was brought on the

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anvil with the sole object of protecting those impecunious people who while borrowing did not even know to what amount they had put their thumb-impression. May I know whether the Congress Party extended its support to this measure? The answer is obviously in the negative. Then let us turn our attention to the Marketing Bill. One of the main objects underlying this Bill was to penalise false weights and fraudulent weighments. What was the attitude of the Opposition in regard to this measure? They opposed it tooth and nail at every step.

Lala Duni Chand : We never opposed the provisions of the Bill. We only tried to improve upon them.

Minister for Development : My honourable friend has been pleased to remark that that they offered opposition only with a view to improving upon the provisions of the Bill. This is far from the truth. In this connection I have a faint recollection that the Advocate-General of the Congress Party, I mean Pandit Muni Lal Kalia, went to the length of questioning the authority of the Assembly to enact that measure. It took two days to have this matter thrashed out. In view of these facts the proposition put forward by my honourable friend Diwan Chaman Lall, has neither substance nor weight. Let me also remind honourable members of the benami transactions Bill. The Unionist Government introduced this measure with the object of setting aside wholly illegal transaction which had been entered into in flagrant and fraudulent contravention of the Alienation of Land Act. May I know if the Congress Party gave any evidence of its readiness to support this measure? It is true that Sardar Ajit Singh supported that Bill, but as one swallow does not make the summer, the support of one solitary member out of a party consisting of 39 members carries no weight. Besides, we sponsored a Bill which provided that all the lands, mortgaged prior to 1901, from which mortgagees had derived a benefit equal in value to twice the amount of the original capital advanced, should be restored to their owners without any further payment.

Sardar Sahib Sardar Santokh Singh : On a point of order. Is the Honourable Minister in order in bringing in all these irrelevant matters when discussing this clause?

Minister for Development : Sir, I was refuting an argument which had been vigorously put forward by that side of the House, *viz.*, that the Opposition was prepared to support any measure provided it was intended to benefit the poor. I am simply citing instances to show that the statement made by my honourable friend over there is all moon-shine. May I know what treatment was meted out by the Opposition to the Restitution of Mortgaged Lands Bill? Did my honourable friends opposite support it? Now as a result of this measure 835,000 acres of land belonging to 366,780 persons with a mortgage debt will stand redeemed without any payment. Does my honourable friend consider that any of these persons who have not been able to redeem their lands for the last two or three generations are rich? No; they are the poorest of the poor.

Rai Bahadur Mukand Lal Puri : The Honourable Minister is addressing me.

Mr. Speaker : He cannot address you. He must address the Chair.

Minister for Development : Why does my honourable friend presume from the mere fact of my face being turned in his direction that I am necessarily addressing him ? He should also remember that in the course of his speech he invariably faces sometimes, in one direction, at other times in another. But we never objected to that. However, I may assure him that all my observations are meant for the Honourable Speaker. Well Sir, I was submitting that these mortgaged lands will be restored to their poor owners. But I regret to say that the Congress party did not support this measure either.

The second point raised by Diwan Chaman Lall was that he could not reconcile himself to any protection being granted to an owner, as well as his tenant and above all his partner. He remarked that he failed to understand why on earth the partner should receive the same treatment as the owner. It seems that he could not quite understand the meaning of the word "partner" in regard to agriculture. Let me enlighten my honourable friend that a partner of a land-owner means in our own language a *part* or a *share* that is, one who helps the owner in tilling the land and receives in return a fixed portion of the produce. May I know what makes my honourable friends, the so-called champions of the poor, apprehensive when we safeguard the interests of a tenant and a partner along with the owner of the land ? I fail to understand why in spite of their claiming to be staunch Congressmen, they should grudge this protection to these people.

Again with a view to allay their apprehensions I may tell them even at the risk of repetition, that the measure, under discussion is by no means calculated to benefit the big and rich zamindars. The number of land-owners in this province is about 40 lakhs. Out of them only 13 can be considered big zamindars as they pay a land revenue of at least ten thousand rupees. There are just 23 zamindars who pay Rs. 5,000 or more as land revenue. But by the grace of God none of them is indebted to any moneylender. But according to my honourable friend all those zamindars should be classed as big zamindars who pay Rs. 500 or more as land revenue. Well, they number only 2½ thousand. In other words, even according to him there are 6 big zamindars out of every 10 thousand land owners. Do my honourable friends seriously contend that we should sacrifice the interests of 9,994 small zamindars just for the purpose of depriving six of the so-called big zamindars of the benefit of the proposed definition of "agriculturists"? This logic simply surpasses my comprehension. I consider this line of argument as most perverse and completely lacking in any sympathy for the poor. Now, let us see what will be the income of a person who pays Rs. 500 as land revenue. If he pays 50 per cent of net assets by way of land revenue it means that his gross income would come to no more than Rs. 1,000. If he pays less than one-half, then his income may come up to more, say Rs. 1,200 or at the most to Rs. 1,500. If his gross income is Rs. 1,200 or Rs. 1,500 it would mean that after paying land revenue his net income will be no more than Rs. 700 or Rs. 1,000. Just imagine the enormity of calling these people as big zamindars. Even if we admit such zamindars to be big land-holders for the sake of argument even then their proportion comes to more than six in 10,000. I think it would be sheer injustice if we sacrifice the interests of 9,994 poor agriculturists just for the fun of depriving six

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so-called big zamindars of the proposed benefit. In the circumstances, I ask my honourable friends of the Opposition to consider whether it is not worth while that the definition of the word "agriculturist" should be made fool proof so that 9,994 agriculturists should be sure of relief even though 6 so-called big zamindars may also benefit in addition. Now let me come to the argument of Diwan Chaman Lall and other honourable members to the effect that during the last forty years all the High Courts of India have almost consistently held that an agriculturist was one who tilled his land with his own hands. Let me point out to them that I have never denied that the High Courts of different provinces of India have taken such a view. I admit freely that many High Courts have given judgments to this effect. What to speak of other High Courts our own High Court at Lahore, in a Full Bench decision, ruled that an agriculturist was one who tilled his land with his own hands. But may I repeat my submission of yesterday that if this definition of the word "agriculturist" were to be accepted it would mean that an old widow, a *pardanashin* lady, a minor or an infirm person even though solely dependent on land would not be considered as an agriculturist if he or she did not till the land himself or herself? What is more even a blind man would be excluded from the category of agriculturists if the definition referred to above were to be accepted. Such persons cannot till their lands, with their own hands. But would it not be sheer injustice to exclude them from the definition of the term "agriculturist"? I ask if there is a single honourable member who will have the hardihood to say that a *pardanashin* lady who lives solely or mainly on income from land should not be considered an agriculturist merely because she cannot put her land to the plough? My honourable friend who claims to have great sympathy for the poor and the helpless will surely not exclude such persons from the definition of the word "agriculturist". Again, suppose an agriculturist dies leaving behind him four children aged, 8, 6, 4 and 2, respectively, who cannot till their lands with their own hands and who have no other means of livelihood except agricultural income. Do my honourable friends want us to prevent such minor children from being regarded as agriculturists? If such a definition were to be incorporated in this clause would this Bill be called just and fair? I do not think that any person who possesses a bit of common sense can call such a measure as just, equitable or fair.

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

In the circumstances, if we have provided a precise and unambiguous definition of the word "agriculturist" in the Bill now before the House we have committed no sin. What we have provided is that any person who depends for his livelihood mainly on income from agricultural land shall be included in the definition of the word "agriculturist". We have made this definition clear and definite in order to leave no room for doubt so that no sub-judge howsoever stupid he may be should feel any difficulty in interpreting the word correctly. This is, in short, the definition which has been under discussion on the floor of the House for the last three days. I do not want to take any more time of the House, I hope and trust that honourable members will pass this clause without any further delay.

Mr. Deputy Speaker : Question is :—

That clause 16, as amended stand part of the Bill.

The motion was carried.

Sayed Amjad Ali Shah : I propose, Sir, that clause 14 may be taken up now.

Minister for Development : Yes, we can take it up. There is no bar under the rules.

Mr. Deputy Speaker : Ordinarily if the consideration of a clause is postponed it is taken up at the end.

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

Clause 15-A.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) : I beg to move—

That leave be given to move the following new clause :—

“ 15-A. That after Section 35 of the said Act, the following section shall be added, namely :—

“ 35-A. Notwithstanding anything contained in any law to the contrary where an objection to the attachment or sale or temporary alienation of any property movable or immovable is based on any statutory exemption, it shall be entertained, decided on merits, and, if established, given effect to, even though it is preferred after the sale or temporary alienation, as the case may be, has been confirmed :

Provided that such an objection shall not be competent if a similar objection has at any earlier stage of the case been already preferred by the same party and disposed of in accordance with law.”

The motion was carried.

Pir Akbar Ali : Sir, I beg to move—

That the proposed new clause be taken into consideration.

This amendment though very simple is an extremely important one. While asking the House to accept it, I do not feel the necessity, however, of making a lengthy speech to bring out its merits. For instance, if attachment of a bullock belonging to a zamindar in execution of a decree is unlawful and yet it is attached, it should be open to the judgment-debtor, even at any later stage to raise an objection which should be considered on its merits. Again, if the House of an agriculturist debtor is attached in execution of a decree and he, while claiming exemption under a certain provision of law, prefers an objection that the attachment is unlawful, the objection should be entertained. This is, Sir, the object of my amendment.

It is indispensable and should be accepted by the House. With these words I resume my seat.

Mr. Speaker : The motion moved is :

That the proposed new clause be taken into consideration.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Government members having voted for leave to introduce this clause being given, I take it that the Government is prepared to accept this amendment and more especially as it is moved by my friend **Pir Akbar Ali** who is one of the leading members of that party.

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The High Courts and other agencies concerned with the administration of justice have adopted the rule that any objection which may be taken to any proceedings should be taken in time and at the proper time, and if it is brought forward at a time when the occasion for bringing it forward is gone, it should not be entertained. The Lahore High Court in line with some other High Courts has framed a rule that if an objection to attachment is to be made, it should be made before the property is actually sold, with a view to compel any person who is aggrieved by attachment to come to the court at the earliest time, because it is no use going through the lengthy procedure relating to sale if the property is not liable to attachment at all. When the property has been attached and objection to attachment is disposed of, then the proclamation of sale is issued and the terms of sale are settled; it takes about two or three months. After the proclamation of sale has been issued, the property is sold. The bids are invited and it is publicly sold and after it has been sold, a report is sent to the court which confirms the sale. I do not see any reason why this delay in objection should be permitted because once sale has taken place, new titles come into existence. A court of justice functioning in the province advertises that a particular property is for sale. It issues advertisements, invites innocent third parties to come and bid at the sale. People knowing that it is a court of His Majesty the King which is advertising a sale go and bid and the highest bidder in accordance with the rules and requirement of law deposits one-fifth of the price then and there and pays the balance later on. If there are no objections to the sale or if any objections to the validity of the sale are made, after they have been disposed of, the sale is confirmed and the court issues a sale certificate which is the title deed of the auction purchaser. This is tantamount to a transfer by the court itself. If in this manner, through the instrumentality of court, a sale has taken place to an entire stranger who has paid cash to the court, should it be open to anyone to come forward at such a late stage and upset that transaction? If that transaction is set aside, who suffers? It is the innocent purchaser, the third party to the transaction. If the amendments of my friend were confined to what was given in an earlier amendment which was not moved, there would be some sense in it. That amendment was that an objection to attachment may be taken or may be considered by court even after the sale has taken place but before the sale is confirmed. The rule of the High Court now is that objections to attachment are not considered after the sale has taken place, even if they are advanced before the sale is confirmed. If you want to give longer time to the objector to raise the objections you may do that, although it will cause unnecessary delay in the disposal of execution petition and would overrule a very sensible rule which has been adopted by the Lahore High Court and other High Courts in the interests of speedy disposal of applications for execution, but this amendment if it is passed would create a hopeless situation. The amendment is :—

Notwithstanding anything contained in any law to the contrary where an objection to the attachment or sale.....is based on any statutory exemption, it shall be entertained, decided on merits, and, if established, given effect to, even though it is preferred after the sale.....has been confirmed.

After the sale has been confirmed, the execution court is *functus officio* and there is no court in existence to give effect to it. If the amendment were that after the sale has taken place but before the sale is confirmed, the court is there to give effect to it and if a longer period is intended to be given for the consideration of these objections the object would be achieved. But after the sale had actually been confirmed, the executing court has, according to law, as I understand it, no jurisdiction to deal with the matter. Again, the proposed amendment does not fix any period of time within which the objection should be brought, even after confirmation of sale. Supposing the sale has been confirmed in the year 1940, should it be open to a person to go to any court, let us assume the successor of that executing court, in the year 1945 and say, "this property was attached and actually sold and purchased by such and such a person and it should now be released?" I respectfully submit that in the first instance that court would have no jurisdiction and in any case, what would the court decide? Is the property to be taken away from the innocent purchaser five years after the sale has actually been confirmed? Let us assume that the sale of a house has taken place in execution of a decree of A against B, and C, a third party, an entire stranger unconnected with A or B has actually purchased it in open court sale and has paid the money and ultimately the sale has been confirmed and he has been given a sale certificate and has also obtained possession of that house through court, would it be open under this amendment to the original owner of the house to create a doubt on the title of this purchaser five or ten years after he has actually been in possession of the house, by the mere expedient of putting in objections to the attachment and sale of the house. I know that in most of the cases these objections will be dismissed, because they are usually frivolous, but do you want to give everybody in this province a right to throw doubt on well established titles which have been obtained through courts and in a perfectly *bona fide* and straightforward manner, i.e., purchasing the property in public auction and after paying the money to court, also getting the sale confirmed by the court and then taking possession of the property also through court. Under the amended law, an objection may be raised that the house sold was the main residential house. The objection may be that of the several houses possessed by a judgment-debtor, the house sold was the main residential house and not the others which along with this were in his occupation at the time of attachment. It is a mere matter of opinion as to which is main residential house. What an amount of uncertainty and insecurity is being created in the title of auction purchasers at court sales by these amendments! Every one is aware that under the Limitation Act time is fixed and sale cannot take place unless a month has elapsed after the proclamation and then it will not be confirmed within a certain time after the sale has been reported to the court, so that if my honourable friend wishes to go further and give more time to any person interested in the judgment-debtor to file these objections, let him amend this particular provision so that if they are presented after the date of sale and before the sale had actually been confirmed, they would be considered. But, as I have already stated, after the sale has been confirmed, the court is *functus officio* and further it is most inequitable, if not iniquitous, that without any time limit, titles obtained through courts should be open to objection.

Chaudhri Muhammad Hussain (Gujranwala East, Muhammadan Rural) (*Urdu*): Sir, the amendment moved by my honourable friend Pir Akbar Ali is a very reasonable amendment and I wholeheartedly concur with what he has said to support it.

My honourable friend Rai Bahadur Mr. Mukand Lal Puri has, while admitting the correctness of the procedure envisaged by this amendment, remarked that it would be instrumenta' in prolonging the proceedings. He has suggested a further amendment of the amendment in order to make it more reasonable and acceptable according to his view. As my honourable friend practises exclusively in the High Court and does not have to appear before the lower courts he probably does not know that the decree-holders get their decrees executed two months or so after they have been granted by a court, and after notice to the judgment-debtor gets the execution proceedings consigned to the Record Room. The debtor is thus left with the impression that there is no execution pending against him. But after a short time the creditor again applies for execution and gets some property, which is exempt from attachment, attached secretly. He pays two or three rupees to the process-server and makes him submit a fictitious report. The same is the case with the notices for the disposal of objection and proclamation for sale. The judgment-debtors being mostly simple and illiterate people, the process-server takes undue advantage of their ignorance and without going to the judgment-debtor the notice is 'served' while sitting at the district headquarters and a fictitious thumb-impression is affixed on the report. Next comes the auction stage and here again the fact that an auction is to take place at a particular place and a particular time is not notified either by the beat of drum or by any other way. All that a process-server does is this, that he gets the village chawkidar's thumb-impression and makes a report that no offers or bids have been made. On this the decree-holder gets the court's permission to bid for the property or house himself. A secret auction is held at the district headquarters or at the decree-holder's house and the auction is thus completed.

Sir, if you were to examine all these cases you will be pleased to find that the judgment-debtors are made the victims of such frauds in cent per cent cases. He does not at all know as to what procedure has been adopted and what proceedings have been taken against him, because no notice has even been served on him. He thinks that no order has as yet been passed. He is only made aware of the real state of affairs when the decree-holder comes to take possession of his house. Now the poor judgment-debtor, who did not receive any notice nor was the auction notified by a beat of drum, is taken aback at this sudden loss of his house and if he goes to the court he is informed that it is now too late for opening any proceedings or entertaining any objections. The courts refuse to hear the objection on this plea. Even in the High Court the rulings are conflicting. In one or two cases it has been held that however late the objections may be they can be entertained. But in other cases these objections have been held to be untenable as being belated. My submission, therefore, is that such an amendment is very essential in order to remove any doubts about this matter as also to guard against a possibility of such mutually contradictory rulings of the High Court.

Here I may be allowed to invite the attention of the House to a ruling given by the Division Bench of the Allahabad High Court. Their Lordships held that an illegal thing is always illegal whether it takes place today or 10 years hence. Thus if today under section 60 the residential house of a judgment-debtor is not liable to attachment or sale it will remain exempt so long as this section enjoys the force and validity of law. It is, therefore, incumbent upon the court to set aside its own orders relating to the attachment or sale of a particular house if it becomes cognizant of the fact that the house is exempt from attachment or it is proved that its owner is an agriculturist. When section 60 definitely provides that a house belonging to an agriculturist is neither attachable nor saleable then how far is it correct to say that an objection to the attachment or sale should not be legally dealt with after the confirmation of the sale? In fact only those persons require protection who have been made to suffer on the ground of delay and ignorance, otherwise the position of a judgment-debtor who prefers objections to such proceedings in time is quite safe and secure. The decree-holder cannot rob him of his movable or immovable property. With these words, Sir, I strongly support the amendment moved by the honourable Pir Sahib and which also stands against my name. I hope and trust the Honourable Minister would be disposed to accept this exceedingly simple and reasonable amendment.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*)
Sir, I feel constrained to say that had the moneylenders been honest and straightforward in their dealings there would have been no need for enacting such obviously harsh and stringent measures. It has been admitted on all hands that the moneylenders have always resorted to corrupt and dishonest practices in their dealings and in realizing their debts. In fact the agricultural community has been ruined by the nefarious activities of these *sahukars*. Had it not been possible for them to attach or auction the properties of their debtors by unfair means it would have never occurred to the Government to provide such safeguards as embodied in the present measure. Recently a very startling fact has been brought to light which clearly shows as to how the poor judgment-debtors are generally looted in the Punjab. The process-servers appointed in the court of the Senior Sub-Judge, Ferozepore, had prepared a list of all the village *chaukidars* and *lambardars* of the district. Whenever they were asked to serve an order on a certain villager they remained at the headquarters and affixed a false thumb-impression on behalf of a certain *chaukidar* or *lambardar*. After that they informed the court that they had properly served the notice or the order on the judgment-debtor in the presence of such and such a *chaukidar* or *lambardar* who has also affixed his thumb-impression thereon as a witness. These process-servers were aware of the fact as to whether a particular *lambardar* or *chaukidar* is literate or otherwise and whether he signs in Urdu or in Hindi. Thus several houses and lands belonging to judgment-debtors were auctioned without the least knowledge on their part. And when after at long last they came to know of the fact that their lands and houses have actually been attached and sold they rushed to the courts with a request to re-open the case but were almost invariably told that it was now too late to do anything in the matter. Thus with the collusion of these process-servers or such other persons the creditors always play havoc with the

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properties of their judgment-debtors. Sometimes they file criminal cases against the debtors on the ground that the latter have refused to comply with the ejectment orders issued by the court. The only object of these bloodsucking *sahukars* is to squeeze the last penny out of the pockets of the poor judgment-debtors. Under these circumstances the incorporation of such a useful clause which aims at the protection of the debtors from the highhandedness of unscrupulous and dishonest creditors, is absolutely essential. Such a provision if accepted would go a long way to remove the possibilities of doing any astounding harm to the interests of the debtors. Let me assure my friends that the addition of a proviso to the new clause clearly shows that the honourable mover does not intend to extend any undue protection to the debtors. The proviso says that an objection shall not be competent if a similar objection has at any earlier stage of the case been already preferred by the same party and disposed of in accordance with law. Only those debtors will be extended the proposed protection whose houses, lands, bullocks, or carts have been auctioned without their knowledge. In short the clause under discussion has been moved only to eradicate the evil of dishonesty and corruption. I hope the Honourable Minister would be kind enough to accept this simple yet very important clause.

Munshi Hari Lal (South-Western Towns, General, Urban) (*Urdu*): Sir, certain honourable members of the House have been pleased to remark that they are pressing the incorporation of the present provision simply because they want to obviate the possibilities of those corrupt and dishonest practices which the creditors generally resort to in executing their decrees. The clause which they have brought forward provides that if any 'judgment-debtor' raises an objection to the effect that the attachment or auction of a certain property has been effected without his knowledge such a proceeding should be declared *null and void*. Sir, I feel constrained to say that my friends opposite are labouring under a serious misapprehension. They think that the property of a judgment-debtor can only be auctioned in execution of a decree awarded for loan. But my submission is that there are several other kinds of decrees in the execution of which the attachment or auction of a judgment-debtor's property might take place. The Honourable Minister of Development has himself admitted this fact that at present a property can be attached or auctioned in execution of any money decree so much so that this can be done under the present law even in execution of a decree given to a widow fixing maintenance.

Now if this is the true proposition, and if we believe, as we are required by the Ministry to believe, that the real object of the Bill under consideration is only to put a stop to the dishonest practices of the dishonest moneylenders, then surely this provision should not be so passed as to cover all the money decrees. This provision is based on a misunderstanding that all money decrees are necessarily debt decrees. As a matter of fact that is not so. Money decrees are also awarded in various other suits which are not debt suits at all, for instance, damage suits and sale of goods suits and various other suits. The execution of such money decrees may result in attachment and auction of properties belonging to judgment debtors. If a judgment debtor remains silent and does not prefer any objection at the time of sale and attachment of his property

and if he is given liberty to prefer an objection at any subsequent date, irrespective of any time limit, the title of the auction purchaser will remain shaky and unsettled as it can at any time be questioned by the judgment debtor himself or his successors. It would be creating a very dangerous position. The sword of Democles will remain hanging on auction purchasers' head. Property may be snatched at any time. The new owner or the occupant will always remain confronted with the dread of being ejected at any moment. Even after a period of 20 or 50 years or hundred years the judgment debtor or his successor in interest may get up and eject the purchaser out of the house that was sold or attached in execution of a money decree in the distant past. The passage of such an Act would create innumerable difficulties. Even the judgment debtor will suffer a heavy loss inasmuch as the auction purchaser will make allowance for the uncertainty of the title at the time of buying the house or offering a bid in the auction. He will calculate the possibility and offer less money for the house than it is worth. In view of this risk, the auction purchaser would offer less price than is due. The judgment-debtor will not be able to receive the full value. Both the parties will suffer on account of this provision.

With these words, Sir, I oppose this clause.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): I expected that the Honourable Minister would not be accepting this amendment but in answer to a question he has been frank enough to declare that he is going to accept this amendment. Personally I think it would be, even for our purposes, not a bad thing if this amendment goes on the Statute Book because the more absurd the Bill becomes, the more plainly the highhandedness, if not the folly of the Government, will be exposed. From the remarks made just now by one of the members on the other side and made from time to time by some of the members of the Ministerial party, it is patent that this law is being made not in the spirit in which legislators sit down to make laws but in a spirit of vindictiveness and malice. No attempts are made to conceal that vindictiveness and that malice. Some people have suffered wrongs at the hands of moneylenders and they have got this opportunity and are taking their full revenge against them. Whatever that may be, the amendment, once it goes before any authority that has to consider it finally, will speak for itself. I am really surprised that an amendment like this should have been moved by a lawyer perhaps of thirty years' standing like my honourable friend Pir Akbar Ali and should have been supported by another lawyer who is also of a sufficiently long standing. The case of honourable members who are not lawyers and are only actuated by other considerations is excusable. What does it come to? This amendment, if accepted, means repeal of the Civil Procedure Code so far as this matter is concerned, the repeal of the law of limitation so far as it is applicable to such matters, it is practically repeal of every law, even I should say the Punjab Courts Act because it aims at restoring jurisdiction to courts even when they are *functus officio* as has been pointed out. It does not appear that the honourable members who have supported this amendment, have fully realised its implication. They have included both kinds of property—movable and immovable—and yesterday or the day

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before yesterday an honourable member from this side was anxious to include even kids in the list of property which should be exempt from attachment.

Mr. Speaker : So far as may be possible, no reference should be made to the debates or speeches of the current session.

Dr. Sir Gokal Chand Narang : You will soon see why I made it. That is most relevant. What is the property which has been made exempt from attachment ? If you wait for a second I am sure you will yourself agree that I was perfectly right. This clause seeks to provide that the property which is exempt from attachment should be again set free from attachment and sale once it has been attached by mistake. But what is the property ? It is movable and immovable property. In the immovable property are included houses because lands of agriculturists are not liable to sale though they are liable to attachment and usufructuary mortgages thereof can be ordered by courts. Then, movable property includes, say, agricultural implements. Movable property also includes grain which may be required by an agriculturist for seed purposes or for the maintenance of his family. Movable property also includes cattle and animals used for purposes of draught as well as for transport and that property also includes kids and milch cattle. This clause seeks to provide that an objection might be taken at any time.

Mr. Speaker : No, please see the next amendment.

Dr. Sir Gokal Chand Narang : I am not discussing the next amendment. I am discussing this amendment. I have not seen the next amendment. I am discussing the clause as it is. Then you admit that, as it stands, it is absurd.

Mr. Speaker : Yes, it is absurd.

Dr. Sir Gokal Chand Narang : That is the declaration I wanted from your mouth. The clause, as it is, is absurd. I am grateful to you for this declaration. It is this clause that I am discussing and I am not discussing any other amendment for the present because that is not before the House. I have not in fact seen what that amendment is, whether it seeks to improve this clause or not. My honourable friend says that it refers to something else. (*Interruption*). (*Rai Bahadur Mr. Mukand Lal Puri :* According to the section as it stands, attachments which have taken place twenty years ago of residential houses of non-agriculturists or of cattle, could be re-opened. The amendment of Khan Muhammad Yusaf Khan only provides that.....)

Mr. Speaker : That will be seen.

Dr. Sir Gokal Chand Narang : I am discussing the clause as it is and when discussing it, I am not taking into consideration any amendment that might be moved or might not be moved. All that I was interested in was to show that the clause, as it stands, is absurd and I am very grateful that you entirely agree with me that as it stands it is most absurd. Absurdity, I think, could not go any further. Here is a kid or bullock or for the matter of that anything. A kid is edible. You attach it, it is sold, you have a marriage in your family, you kill it and eat it and then my honourable friend will come and go in search of remains of that kid—I do not know

where he would find them. In the same way, supposing some grain which was not attachable, has been attached and has been sold and eaten. Where will he find the traces of that grain which has been eaten?

I wonder how those lawyers, who do other people's cases and claim to seek justice for them, can ignore such palpable and obvious absurdity in the amendments which they have the courage to bring forward before this House. I am really surprised. It would be improper on my part to question their ability but it must be a case really of one's finer qualities being overshadowed by prejudice or bias and over-anxiety to do favours to the class to which they belong. That is the only explanation that suggests itself to me, otherwise I cannot imagine for a moment that any person with any sense could have brought forward such an amendment. The Honourable Minister is quite welcome to accept it and, in fact, if he accepts it we shall not be very sorry but will approve of it. But I must submit that it will be another nail in the coffin of this Bill. His Excellency should think a hundred times before he gives his approval to such a measure.

Munshi Hari Lal : I want to know when this amendment that stands in the name of Khan Muhammad Yusuf Khan is going to be put.

Mr. Speaker : The point for decision is whether the new clause should be taken into consideration or not. If the House decides that it should be taken into consideration, then any member may move an amendment or amendments to it and the clause, if and as amended, will be put to the vote of the House. The clause, as it stands, is open to objection. For example, there is no limitation.

Dr. Sir Gokul Chand Narang : Will you postpone its consideration?

Mr. Speaker : That is for the House to decide.

Dr. Sir Gokul Chand Narang : The House has postponed consideration of many clauses before on various occasions.

Pir Akbar Ali : I may explain the thing, which, perhaps, has created some doubts in your mind.

Mr. Speaker : Let the House decide whether this new clause should be considered or not?

Lala Duni Chand : May I know from the Honourable Minister if he is going to insist upon the retention of this amendment?

Mr. Speaker : That question has already been asked by Dr. Sir Gokul Chand Narang.

Munshi Hari Lal : Am I to understand that this amendment is going to be a part of the clause?

Mr. Speaker : It is an amendment. Whenever new clauses are moved it is open to honourable members to give notices of amendments. If and when the House decides that the new clause should be taken into consideration, then an opportunity shall arise for moving amendments to the clause.

Lala Duni Chand : What I was about to say was that the amendment has been moved by a very experienced and able lawyer. I understand that my honourable friend, Pir Akbar Ali, is not only an able lawyer but is also an adviser, and perhaps, that legal advice that he has offered to the Government has been accepted by the Government. Apart from other things

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that my honourable friend Dr. Sir Gokul Chand Narang has said, I want to say one thing with regard to this amendment. Personally speaking, I would not like that any property that could not be attached or sold under any law should be attached or sold. But this amendment, if passed, will put a handle in the hands of every judgment-debtor. The property may be sold or attached. It is all very well and it is perfectly in accordance with the law. But if this amendment is there, a judgment-debtor, with full knowledge of the fact that the property can be attached or sold, will come forward and say, 'this has been wrongly attached or sold and I want the whole thing to reopen.' There is this danger. There will be very few judgment-debtors who, if they can make use of instruments like this, will hesitate to make use of them. In fact the weightiest argument that has been given or could be given was that of Dr. Sir Gokul Chand Narang. I warn the Government in connection with this Bill that it is driving towards extremes. The more extreme the Government goes, the more it exposes itself. If you are going to undo the whole law and to set aside the whole law, you should do so. I would feel almost pleased to see that the Government is taking this step. There is no other remedy left. The only remedy is, and I feel great pleasure in it, that the laws should grow more and more absurd and there lies our satisfaction. I want to see to what extent the Government is prepared to support a member of the Unionist Party. He wants that the right to have a certain fact unsettled should vest in the judgment-debtor for all time to come and that it should be open to him, to his sons or to his grand-sons and all others to do this. I welcome you on the acceptance of this amendment, but I should be very sorry if Sir Chhotu Ram becomes wiser and does not accept this amendment and I would not like him not to accept it.

2 P. M.

Minister for Development : With your permission I move—

That the consideration of this clause be suspended.

The motion was carried.

Clause 16.

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

That part (b) of clause 16 be deleted.

Sir, in order to make my amendment understood it is necessary for me to refer to section 37 of the Relief of Indebtedness Act of 1934. It runs thus—

Where, in a suit for the recovery of a loan, the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred, the court may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.

Now the Government by proposing an amendment to section 37 wants to convert the discretionary power of the courts into absolute power. What government wants is that if anything has been entered in any document in excess of the amount actually advanced, however small it might be, that will make it obligatory on the part of the court to dismiss the suit. Suppose there is a suit for the recovery of Rs. 10,000 and in that case a sum of Rs. 200 has been entered on account of stamp or registration

expenses. The sum that was necessary may have been only Rs. 100 and by mistake Rs. 200 may have been entered as the money required for payment of stamp or registration fee; then, that will leave no discretion to the civil court to condone that mistake. It shall be obligatory on the part of the civil courts to dismiss the whole claim for Rs. 10,000. We know human nature is imperfect. Of course the Honourable Sir Chhotu Ram may be the most perfect man, but all the same a man with the best of intentions is apt to make mistakes and sometimes apt to lapse. I say for that mistake or lapse which is inherent in human nature to inflict a drastic punishment of this kind is not justified. I do not want that any creditor should enter in his account book a pice more than is actually advanced. There is another instance. A creditor goes to a village at a distance of 5 miles to a debtor. He hires a *gari* or a car and pays Rs. 2, he makes an entry of Rs. 2 in the accounts as hire money which he has not actually paid to the debtor. That will bring the man within the four corners of the clause. He will be perfectly justified to include Rs. 2 he spent on hiring a car but if he includes Rs. 2 in the accounts he shall have his case dismissed on that ground. I say that the discretionary power already given is perfectly reasonable. That gives power to the courts to punish people who may have been guilty of deliberately inserting in the accounts a sum that was not actually advanced. There might be cases in which there may be perfectly good reason to condone the mistake or lapse. Therefore it appears to me extremely highhanded that civil courts should be deprived of the discretion which they should ordinarily have in a matter like this. The Honourable Minister is shaking his head. Has not Chaudhri Sir Chhotu Ram advanced similar arguments in courts? Does he mean that all that we are doing is so unreasonable and devoid of sense that he shakes his head? He has been indulging in arguments like that all his life. Has he not been taking up the question of discretion or arguing the question of discretion to be exercised by the Courts? I say let that power remain. If anybody is found guilty of improper conduct let him be punished but do not punish each and everybody without any regard to the circumstances under which the mistakes may have been committed. With these words I move my amendment.

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

That part (b) of clause 16 be deleted.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural), (Urdu): Sir, the object underlying section 37 of Act VII of 1938 was to put a stop to the dishonest practices of *sahukars*. They used to make fictitious entries and while they had actually lent only one hundred rupees to the debtors, they used to get a promote of two hundred rupees executed in their favour. Obviously therefore this section was enacted in the following words:—

37. Where, in a suit for the recovery of a loan, the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred, the court, may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.

Unfortunately, however, this provision proved inadequate so far as its object to check dishonest practices of the money-lender was concerned. It has failed to achieve its object for the simple reason that the party adversely

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affected by the provisions of the section tried their utmost to create conditions which made it difficult for the courts to exercise the discretion vested in them in a proper manner. It is therefore proposed, in order to meet the new situation that the words :—

Shall disallow the whole claim with costs, unless the creditor satisfies the court that the wrong entry was accidental or was the result of a *bona fide* mistake.

shall be substituted for the words :—

May at its discretion disallow the whole or any part of the sum claimed by the plaintiff.

Sir, it has been made obligatory on the civil courts that where an entry is proved to be fictitious or wrong or the sum claimed is shown to be disproportionately more than the actual sum lent they shall, unless satisfied by the creditor that the wrong entry was accidental or the result of a *bona fide* mistake, disallow the whole claim with costs. This, as you will see Sir, is no hardship. Whoever commits an unlawful act should be prepared to meet its consequences. Is it a sin to punish a thief? No, it is not. On the other hand it would be clearly in the public interest that he should be punished for the offence. Unless you act upon this principle, how can you expect to stop such malpractices of the money-lending class?

It is far from the object of this amendment to create obstacles in the way of realization of debts due to sahu-kars. We only want that he should give up the habit of fraudulently extorting more money from his debtors, than he has a right to claim from them. We are only trying to reform him. We want that he should not make wrong entries in future, and when he has lent hundred rupees, he should make an entry of one hundred in his register and no more. We want that if he has lent one hundred rupees, it should not be possible for him to make it two hundred and fifty rupees by adding interest to it at the rate of Rs. 5 per cent within a short period. It happens very often that when the debtor states before the court, that he borrowed only one hundred, and the money-lender has wrongly entered three hundred rupees, the sahu-kar deposes on the other hand that he lent three hundred rupees, and produces the promote in support of his claim. Such things are going on every day in courts. This new clause is therefore brought forward to put a stop to these fraudulent dealings. I have no doubt that it would prove an effective check on dishonest practices of the money-lenders.

It is undoubtedly a very beneficial clause and I hope it will meet with the approval of the House.

Rai Bahadur, Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, if an example were necessary of the vindictiveness of the present Government and their distrust of the courts, the amendment proposed in this section is a very glaring instance. The section in the original Act provides that if an entry has been made in a document of an amount in excess of what has actually passed between the debtor and the creditor, a discretion is given to the courts for this default, to disallow the entire claim or any portion thereof. If a court finds, for instance, that in a transaction of one lakh of rupees, a sum of say a hundred rupees has been intentionally entered in excess, the penalty which the legislature has already provided is that the suit relating to Rs. 99,900 also which has been

proved or even admitted by defendant to have been advanced, may be dismissed in its entirety and the costs shall also be disallowed. The legislature, guided as it then was by judicious, sensible and equitable principles of British jurisprudence, laid down, not by this 'autonomous', or if I may call it by its true name "Jatonomous", Government, but by representatives of the British Government in that legislature who were well-versed in the principles and traditions of Roman and English Jurisprudence, that discretion should be vested in the courts of His Majesty to deal with the delinquents according to the measure of their guilt. If the court found that a creditor had deliberately misbehaved and that an example should be made of him, the court was given the discretion that even for an intentional overcharge of even one hundred rupees the entire suit for 99,900 rupees should be dismissed. But if it was found that the gravity of the default was not so great, the court could decide that $\frac{3}{4}$ of the suit or $\frac{1}{4}$ of the suit should be dismissed. Anyone would believe that a legislation of this type was deterrent enough, but this Government, mad with the power of its majority, wants to pass laws which transcend all bounds of reasonableness and is now laying down that there should be no discretion to the courts and if a default of this type occurs the whole claim should necessarily be dismissed irrespective of the nature of the offence and the courts should be prevented from making the punishment proportionate to the guilt. I ask the Government, what justification is there except a feeling of vindictiveness for a legislation of this type? There can be no other reason except a great mistrust of the courts of the province. Honourable members on the Government benches while supporting their amendments make no attempt to conceal their animus against judicial courts and the judiciary established by the British in this province. I would ask honourable members to quote one instance where a court has shown leniency in a matter of this type. Have they found one instance since the passing of the Act of 1984 where a court has let the delinquent off with a nominal punishment and where a court may have failed to exercise a proper discretion in this matter? I submit that there is absolutely no necessity for such a measure; it is merely a feeling of vindictiveness and it will be a slur on the Government if it is passed.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*): Sir, I rise to oppose the amendment moved by my honourable friend Lala Duni Chand. I am at a loss to understand that when there is already a provision for the punishment of an offence against an existing law, and when a person contravening such law is punished accordingly, why a new provision should be made to make it possible for that person to have his punishment set aside on preferring a complaint. We want to take back such wide powers from the sub-judges in the interest of the debtors.

The sub-judges have proved themselves vindictive in dealing with such matters and have always tried to favour creditors as against the debtors. I can cite some examples in which the sub-judges have taken very vindictive steps to ruin the debtors to favour the creditors.

Mr. Speaker: Please do not make insinuations against the judiciary.

Dr. Sir Gokul Chand Narang: What about clerks of courts, what about readers?

Sardar Ajit Singh : I do not say anything against any particular person but I am speaking of them in general. I beg to submit, Sir, that the clause should stand as it is and no further amendment should be made in it. We do not want to give any latitude to the dishonest banias (creditors) to encourage corruption, but we want honest banias.

All the honourable members in this House are aware of the fact that the creditors play many tricks to bring about the utter ruin of the debtors. They deliberately leave loopholes with regard to the entries when a loan is advanced by them. For a sum of Rs. 100 which is actually advanced by them they enter Rs. 500 in their registers, and if the poor debtor is unable to prove that he only owes Rs. 100 he is made to pay Rs. 500; and it is not easy for a poor debtor to prove it, so he suffers and the creditor makes good for his dishonesty.

It is very essential, therefore, that safeguards should be provided for the debtors. In case they are unable to prove to the satisfaction of the court that they only owe Rs. 100 they should not be made to pay even the amount which is actually due from them, and the whole of the debt should be written off.

With these words, Sir, I support the original clause as proposed in the Bill.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*) : Sir, I am surprised at the mentality which the Opposition are exhibiting in opposing this clause. It is a well known fact that most of the money-lenders dishonestly make scores of wrong and incorrect entries in their books with regard to the sums of money advanced by them. More often than not these entries are made in respect of the debts taken out by illiterate agriculturists or non-agriculturists. These people being illiterate do not know whether the money-lender has entered the sum advanced in his books or has recorded a figure representing double the amount received by them.

Again, in respect of payments which are generally made by instalments, the poor debtors are not aware as to what amount is being entered by their creditors. Moreover, no receipt is given to a debtor and he is at the mercy of the money-lender who may or may not enter the amount paid by the debtor in his books.

My honourable friend Rai Bahadur Mr. Mukand Lal Puri remarked that the existence of this clause shows that the Government do not repose any confidence in the civil courts. Let me make it clear to him that so far as this clause is concerned the reverse will be the case and it will only increase the confidence enjoyed by them. Honourable members belonging to the legal profession and you too, Mr. Speaker, would excuse me if I say that a lawyer is generally instrumental in misleading the courts by his arguments. In spite of the fact that the conscience of the judge urges him to disbelieve his arguments he is compelled to accept them. It is to empower the courts to dismiss the claim of a creditor as a whole or in part if it is proved that wrong entries have been made in his books that the word "shall" appears in the

clause which makes it compulsory for them to act accordingly. In these circumstances the Opposition ought to have supported the clause instead of opposing it. With these words I support the clause as proposed in the Bill.

Lala Duni Chand : I would say only a few words by way of reply to some of the observations that have been made by some of my friends. My honourable friend over there says that experience tells us that section 37 has not proved effective and he further says that proper use of section 37 has not been made. Government publishes reports on the administration of law and justice. I want to know whether it has been pointed out by any of the judicial officers, district judges or the High Court that section 37 has not been properly used. It will not do to make a bold allegation that the section has not been properly used. There is no proof that this section has been improperly used. I was glad to observe the highest pitch to which the righteous indignation of my honourable friend, Mr. Puri, reached, but I think this righteous indignation is rather late. He must have known long ago that this Government has been and is capable of all that atrocious conduct which he imputes to the Government now. We have not allowed ourselves to be deceived. We have always been of that opinion that that is the way in which Government wants to carry on here.

I am not certain whether Sardar Ajit Singh understood what was exactly under discussion. I understand that he agrees with me so far. My fears are that he did not like to say that no discretion should be given to the courts to punish the wrong-doer. I do not think he meant to say that in all cases, if a slight mistake has been discovered, the entire case should be dismissed. I think this is his view. With these words I resume my seat.

Sardar Ajit Singh (Punjab) : On a point of personal explanation, Sir My honourable friend Lala Duni Chand was pleased to remark that I have misunderstood the proposed clause. What I meant to say is this that if the court is satisfied that the creditor had intentionally made a wrong entry in the record it should disallow the whole claim and there is a provision even in the present form of the Bill that if the creditor makes a wrong entry accidentally and unintentionally the court will not consider this wrong entry as a mistake which is sufficient for the court to disallow the whole claim.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I am glad the honourable Leader of the Opposition is now present. We have heard two speeches from members of the Congress party on this clause. One speech has been made by Lala Duni Chand and the other by Sardar Ajit Singh. I should be very grateful to know which of these two speeches represents the views of the Congress party. (*Hear, hear*). I hope somebody will press this motion to a division and we shall be in a position to know where the Congress party stands.

I now turn my attention to certain remarks which were made by Rai Bahadur Mukand Lal Puri. He threw out a challenge suggesting that not a single instance could be quoted—

Dr. Sir Gokul Chand Narang : Has not Sardar Ajit Singh resigned from the Congress party?

Mr. Speaker : I do not know.

Dr. Sir Gokul Chand Narang : That is what the honourable Leader of the Opposition says.

Sardar Ajit Singh : I most emphatically repudiate that charge. I have not resigned from the Congress; and whatever I spoke I spoke on behalf of the Congress.

Dr. Gopi Chand Bhargava : I think, Sir, that this question whether a member belonging to a certain party has said something and the other member said something else, is not relevant. Similarly, whether a member has resigned or not from a certain party is irrelevant. But I beg to submit that Sardar Ajit Singh has sent in his resignation to me.

Minister : And the resignation has not been accepted. Efforts are being made to persuade him to withdraw it. Anyway it ought to prove a lesson to Sardar Ajit Singh and other zamindar members in the Congress party to see how the Leader of the Congress party repudiates the speech of Sardar Ajit Singh by inviting attention to the fact that the Sardar has sent in his resignation.

Dr. Gopi Chand Bhargava : I repudiate this insinuation.

Minister : There is no insinuation. I am only stating a fact.

Rai Bahadur Mukand Lala Puri : On a point of order. Is the honourable member speaking to the motion? This morning the Honourable Premier made a request that we should expedite the business.

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

Lala Duni Chand : Has the Honourable Minister had any hand in asking Sardar Ajit Singh to resign?

Minister : I was saying that Mr. Puri threw out a challenge suggesting that not a single instance could be quoted in which courts had used their discretion improperly. Under the rules of debate we are prevented from making any reflections upon the conduct of courts. Therefore, I am very sorry I am not in a position to reply to this part of the criticism. But a resolution was moved in this House suggesting that a special officer should be appointed in order to ascertain whether agrarian laws were being properly administered by courts. If a special officer is appointed and submits a report after enquiry, it will be time to judge whether courts have or have not used their discretion properly.

Rai Bahadur Mukand Lal Puri : But at present there is no data?

Minister : I have plenty of data. I receive applications every day suggesting that courts have not been using their discretion properly.

Rai Bahadur Mukand Lal Puri : If the Honourable Minister had this data he would have shown it to me in the select committee. When I asked him in the select committee about this matter, he had no reply to make.

Mr. Speaker : The honourable member is not referring to the recorded proceedings. He should not refer to what happened in the select committee.

Rai Bahadur Mukand Lal Puri : Let him contradict me if he can.

Mr. Speaker : No reference to conversations in the select committee should be made.

Rai Bahadur Mukand Lal Puri : I only wish to put a question. When this matter came up for discussion before the select committee I pointedly put to the Honourable Minister a question whether the Government had received any complaints to the effect that any sub-judge or any court had not properly exercised its jurisdiction under section 37 and if I remember aright, I was told that there was no such information with respect to this clause. If there is any complaint, even now, it may be placed before this House. I am sure there is none. I ask him whether this is correct or not.

Minister of Development : As I submitted half a minute ago, we have to proceed on the assumption that our courts are paragons of virtue. I cannot make any reference to anything in which they may have departed from the proper procedure. I only desire to say that so far as complaints are concerned, I receive some almost daily with regard to the manner in which courts have been administering laws enacted for the protection of the poor. But as I suggested, I cannot say a word on my own authority in regard to the manner in which courts have been administering these laws. A resolution was moved in this House—later withdrawn on a certain assurance being given by the Honourable Premier—that a special officer would be appointed to go into the whole question. If such an officer is appointed and he makes a report, we shall be on surer grounds to form a judgment about the manner in which these laws have been administered by courts.

Further, Rai Bahadur Mr. Mukand Lal Puri stated that this amendment was a conclusive proof of vindictive spirit in which the present Government has been proceeding in the matter of making laws. I am really surprised that a member occupying the position of Rai Bahadur Mr. Mukand Lal Puri should make a statement of that character. The ordinary law even at present is that if a material alteration in the account books of a creditor is proved, the court must dismiss the whole of his claim. Is that or is that not the law even now? Can anybody deny that if a material alteration in the account books of a creditor is proved to the satisfaction of the court the whole claim must, under the existing rulings of our High Court, be dismissed?

Dr. Sir Gokul Chand Narang : Then what is the use of the present legislation?

Minister : What does the present amendment seek to do? All that it seeks to do is to make a slight change in the present law which says that if it is proved to the satisfaction of the court that an entry in excess of the amount actually advanced has been made in the account books of the creditor, the court has discretion to disallow a part or whole of the claim. That is how the law stands at present. We want to amend this clause in such a manner that where it is proved to the satisfaction of the court that an amount in excess of that actually advanced has been entered in the account books of a creditor the court shall have no discretion but must dismiss the whole of the claim. This is all that the amendment seeks to do. Am I not justified in making counter-charge that if any instance was needed of the perversa

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mentality which the Opposition bring to bear upon discussions here, the attitude of Rai Bahadur Mr. Mukand Lal Puri is there to supply it? Now if it is proved to the satisfaction of the court that a wrong entry has been made and an amount in excess of what has actually been advanced has been entered in a book, why should not the court dismiss the whole of the claim? We make a further saving by prescribing that the penalty of dismissal shall be incurred only if the creditor fails to prove to the satisfaction of the court that the wrong entry was accidental or the result of a mistake. Even after this qualification if an honourable member of this House can get on his legs and state that this amendment is an instance of a vindictive spirit on the part of the Government, I can only pity the mentality of the honourable member, I am surprised to find that the moral sense of certain members has been debased to such an extent that even a salutary provision of this character is being resented by them. When we once prove to the satisfaction of the court that a wrong entry has been made and the creditor fails to prove that that wrong entry was the result of any inadvertance or a mistake even then my honourable friends venture to suggest that the court should have a discretion not to dismiss the claim. In such circumstance the court must be under an obligation to dismiss the whole of the claim and anybody who has any sense of decency, any sense of right, any sense of wrong and any capacity for resenting dishonesty should see that this clause is passed without any demur on the part of anybody. However, it is a strange world in which we are living. We witnessed the painful sight of honourable members growing indignant that this clause had been proposed in this House. With these words, I resume my seat. (*Hear, hear*).

Dr. Gopi Chand Bhargava : Is it moral to give double punishment to a man when he has committed only one crime?

Mr. Speaker : Whom does the honourable member expect to answer his question?

Dr. Gopi Chand Bhargava : The Honourable Minister for Development.

Mr. Speaker : Yes.

Dr. Gopi Chand Bhargava : Is it moral and proper according to the Government to give a man double punishment for one offence?

Rai Bahadur Mukand Lal Puri : Or is it immoral to make the punishment proportionate to the crime?

Mr. Speaker : Question is—

That part (b) of clause 16 be deleted.

The motion was lost.

Mr. Speaker : Question is—

That clause 16 stand part of the Bill.

The motion was carried.

Clause 17.

Mr. Speaker : Question is—

That clause 17 stand part of the Bill.

The motion was carried.

Clause 14.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural) : I beg to move—

That in line 2, for the figure '(2)' the figure '(1)' be substituted.

Sir, I would briefly explain the object of this amendment. Clause 14, as amended by the select committee, seeks to amend subsection (2) of section 80 of the Relief of Indebtedness Act, 1934. Section 80 has two subsections. Subsection (1) relates to debts borrowed before the commencement of the said Act and subsection (2) relates to debts borrowed after the commencement of that Act. Now clause 14 seeks to amend subsection (2), but if you will read the proposed subsection (2) which is to take the place of the original subsection (2) of section 80, you will find that the provisions contained in the proposed subsection apply to debts both borrowed before or after the commencement of the Relief of Indebtedness Act and will thus conflict with the provisions of subsection (1) of the Act. Subsection (1) of section 80 says that "in any suit brought after the commencement of this Act against a debtor as defined in section 7 for the recovery of a loan borrowed before the commencement of this Act, no court shall grant a decree in satisfaction both of principal and interest for a larger sum than twice the amount which the court finds to have been due at the commencement of this Act."; while the proposed subsection (2) reads as follows :—

"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 (e) of subsection (2) of section 3 of the Usurious Loans Act, 1918."

Sir, you will observe that the provisions of the proposed subsection (2) apply to debts borrowed both before and after the commencement of the Act and thus are in conflict with subsection (1). If clause 14, as it stands, is adopted by the House, it will make the provisions of section 80 self-contradictory and ambiguous. I personally think that there has been a mistake somewhere, perhaps in printing. I cannot believe that the select committee could suggest an amendment which will make the whole section ambiguous. I, therefore, propose that the proposed subsection (2) be re-numbered as (1) and should substitute subsection (1) of section 80 of the Act.

With these words, Sir, I commend my amendment to the House.

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

That in line 2 of clause 14, for the figure '(2)' the figure '(1)' be substituted.

Rai Bahadur Mukand Lal Puri : Evidently it appears to be substitution of one sub-clause by another. This is an amendment of section 80. If you will refer to the report of the select committee regarding clause 14, you will be pleased to observe that the select committee has not proposed the deletion of sub-clause (1) of section 80. The original draft of the Relief of Indebtedness (Amendment) Bill also dealt with the amendment of the sub-clause at page 5. It was not intended to repeal sub-clause (1) at all. What the select committee considered was the amendment of subsection (2) of section 80. The amendment or repeal of subsection (1) of section 80 was not considered. The effect of this amendment is deletion of subsection (1) of section 80—an amendment which was not in contemplation either in the

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original draft or by the select committee. Is this the object of this amendment that sub-clause (1) of section 30 should be deleted ?

Mr. Speaker : Yes.

Rai Bahadur Mukand Lal Puri : If that is the object, it should be placed before the House in some intelligible form and the gentleman who wishes to show that sub-clause (1) of section 30 is now unnecessary, should explain to the House as to why it is unnecessary. I do not know whether the Government is accepting it or not. Is it the Government's position that sub-clause (1) of section 30 is not now necessary ? Does it want to repeal subsection (1) of section 30 and substitute in place of the existing sub-clause (1) and sub-clause (2) something quite different from what was considered in the select committee or what was in the original Bill ? If that is the intention, what are the reasons which have led the Government to put forward that view ? An honourable member, when dealing with an objection from our side that legislation of such technical character was sprung upon the House by surprise, was pleased to observe, that it was not necessary for them to consult people whom this legislation affects and he asked, "when legislation under sections 109 and 110, Criminal Procedure Code, is brought forward, are *badmashes* of the province consulted ?" If that is the spirit of the Government also, I have nothing further to say. But in dealing with a technical matter of that type, somebody should be taken into confidence as to what is intended. A clause was proposed in the original draft which was a very radical amendment of the Act. That was not adhered to and a different clause was put forward in the select committee without much discussion. Now, what are the reasons which have led the Government to change their point of view and entirely give up the original draft as well as the subsequent draft of the select committee and put before the House not only the amended form of sub-clause (2) but also the entire repeal of sub-clause (1) which was neither considered originally by the Government nor---

Khan Bahadur Mian Mushtaq Ahmad Gurmani : It is not a Government's amendment. It is a non-official amendment.

Rai Bahadur Mukand Lal Puri : My honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani points out that it is a private amendment and that it is not a Government amendment. I wish I could agree with him in that view. He occupies an official position. He is a Parliamentary Private Secretary and I hope he will pardon me if I do not accept his statement that his amendment has not got the approval of the Government. If it has not, then I ask the Honourable Minister of Development to state what is his position. I am proceeding on the assumption that the amendment has the approval and the support of the Government. All I say is that in dealing with legislation of this type, this amateur and in fact childish way of tinkering with important legislation should not be resorted to. The Government should consult its law officers or tell the House what it intends doing. I, for instance, did not realise up till now whether the Government had decided to repeal sub-clause (1).

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural) : The amendment, as it stands, evidently means that sub-clause (1)

of section 30 of the parent Act should stand deleted. In view of the wordings of subsection (2), as proposed by the select committee, I do not see any need of subsection (1) of section 30 standing as part of the Bill. In the original Bill two standards have been laid down by the legislature. Sub-clause (1) relates to those debts which were borrowed before the commencement of that Act. In these cases the rule of *damdupat* was that no decree should be passed for more than double the amount which has accumulated at the time of the commencement of that Act. Subsection (2) related to those debts which were incurred or those loans which were borrowed after the enforcement of the parent Act, that is, the Relief of Indebtedness Act, 1934. In these cases the rule of *damdupat* was that no court should pass a decree of an amount which was more than double the sum which was originally advanced. These were the two cases. Subsection (2), as it stands now, is redundant as the new rule of *damdupat* has been provided in the present Bill. Therefore, it is clear that subsection (1), as it stands in section 30, is redundant. With these words I would request that this amendment be accepted.

Mr. Speaker : There appears to be an ambiguity. There are two sub-clauses of the original section 30. Clause (1) relates to debts raised before the commencement of this Act. Clause (2) relates to debts raised after the commencement of this Act. But the proposed clause does not specify whether it relates to debts before or after the commencement of this Act, and whether the proposed clause will take the place of sub-clause (1) or (2) of section 30.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, if you will kindly see all my amendments to this clause, you will observe that after they have been accepted by the House the amended subsection will read thus—

- (1) In any suit brought after the commencement of this Act in respect of a debt as defined in section 7, advanced before the commencement of this Act, no court shall pass or execute a decree or give effect to an award in respect of such debt 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 (e) of subsection (2) of section 3 of the Usurious Loans Act, 1918.

Mr. Speaker : If the honourable member in charge of the Bill is satisfied that it is in order, the honourable member may move it.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, my honourable friend Mr. Mukand Lal Puri remarked that the select committee proposed to substitute subsection (2) of section 30 of the Act after due consideration and that my amendment will extend the scope of the Bill and will materially change the provisions of section 30 of the Act. As I have already explained, it seems that there has been a mistake somewhere otherwise the select committee could not have proposed such an absurd amendment.

Rai Bahadur Mukand Lal Puri : It is a substitution of a new clause.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Yes. My amendment proposes that the proposed subsection (2) should substitute subsection (1) of section 30 of the Act instead of subsection (2) as proposed in clause 14. After my other amendment have been carried, the proposed subsection (2) will apply to debts borrowed before the commencement of the

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Relief of Indebtedness Act. Subsection (1) of section 30 of the said Act also applies to the same category of debts.

Mr. Speaker : The question is—

That in line 2, for the figure “(2)” the figure “(1)” be substituted.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I beg to move—

That the proposed subsection (2) be re-numbered as (1).

The motion was carried.

Lala Sita Ram (Trade Union, Labour) (*Urdu*) : Sir, I beg to move—

That in the beginning of the proposed subsection (2), the words, “in any suit brought after the passing of this Act” be added.

I may point out, Sir, that whenever any amendment is brought forward be it by the Government or by the Opposition the primary thing which should be taken into consideration is that it should be fair and equitable. Fairness demands that Government should make it a point to see that nobody is treated unfairly. The object of the sub-clause under consideration without the addition of my proposed words would be to give retrospective effect to the subsection which in my opinion is far from being fair.

Sir, whenever a law is made by a Government worthy of the name similar words necessarily find a place in that law. For instance, section 30 of Act VII of 1934 accordingly commences with the following words—

Any suit brought after the commencement of this Act against a debtor as defined etc., etc.

What I mean to point out is that laws are made in view of the conditions and circumstances prevailing at a particular time, and when an amendment to any such law is brought forward, the object apparently is to change that particular law so as to suit the new conditions that have arisen. But no new law should seek to undo and declare illegal what was perfectly lawful a few years ago. You are at perfect liberty to make any new law you like, for you have the support of the majority at your back, but I would request you to see that this provision does not act retrospectively, so that it may be open to anybody in future to make advances or not as he thinks best. If the new provision suits him, he may act accordingly, if not, he may not risk his capital. But it is sheer absurdity to compel him to make his old transactions subject to a new provision which he knows as certainly harmful for him. With these words, Sir, I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in the beginning of the proposed subsection (2), the words “in any suit brought after the passing of this Act” be added.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*) : Sir, the object which has prompted my honourable friend, Lala Sita Ram, to move his amendment, appears to be that the principle of ‘damdupat’ may be applied to loans that will henceforward be taken and that it should not have retrospective effect. When this law was originally framed in

1934, the conditions were entirely different from what they are now. Consequently when the non-official members in the legislature tried that the principle of 'damdupat' should be given the force of law, their efforts were not crowned with success—strangely enough—for lack of only one vote.

When I look at the demand of Lala Sita Ram that the principle of 'damdupat' be applied with effect from 1940, I cannot refrain from thinking that my honourable friend has not given this measure the consideration that it deserved. Is it fair on his part to ask us to retrace our steps when in fact we should go a step further. You may attribute it to our weakness, if you so like, but the fact remains that we could not accord it legal sanction earlier. But does that mean that we should not rectify this mistake even now. Our Government came into power, as everybody knows in 1937, and there is no denying the fact that this measure should have been brought forward within two or three months of its assuming reins of office; but on account of various other matters of public importance which engaged the attention of the Government, the needful could not be done earlier.

The object of this provision is that the principle of 'damdupat' should be given retrospective effect to include all debts advanced after 1934. I can say without any fear of contradiction that unless this principle is accepted, this measure cannot serve any useful purpose. Money-lending as you know, Sir, has received a definite set back, inasmuch as neither there are many borrowers who want money nor creditors offering their capital. In view of this, no one can say that the amendment moved by my honourable friend Lala Sita Ram is a reasonable one.

Apart from this, I beg to submit that this is not a new principle. Its origin can be traced to Manu Smriti—a well-known work on jurisprudence—which lays down the principle of double the amount advanced or one and a half the quantity of the grain loaned. It is suggested that interest is unlawful according to strict Islamic law—they say it is strictly forbidden. Anyway I would request my friends over there to vote in favour of this provision so that the money-lending class may well keep within proper limits.

With these words, Sir, I oppose the amendment moved by my honourable friend Lala Sita Ram. (*Hear, hear.*)

Mr. Speaker : Question is—

That in the beginning of the proposed subsection (2) now renumbered as subsection (1) the words, "In any suit brought after the passing of this Act" be added.

The motion was lost.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural) : I beg to move—

That in the beginning of the proposed subsection (2) now renumbered as subsection (1) the following words be added :—

"In any suit brought after the commencement of this Act in respect of a debt as defined in section 7, advanced before the commencement of this Act."

Sir, the proposed subsection (2) which has now been renumbered as subsection (1) will take the place of subsection (1) of section 80 of the Relief of Indebtedness Act, 1934. The original subsection (1) relates to debts borrowed before the commencement of the Act. The object of my amendment is that the proposed subsection (2) now renumbered as (1) should also

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apply to debts borrowed before the commencement of the Relief of Indebtedness Act, 1934. The result of the substitution of the proposed subsection for the original subsection (1) will be that where according to the existing subsection (1) of section 30, no court can grant a decree in respect of a debt as defined in section 7 borrowed before the commencement of the Relief of Indebtedness Act, 1934, for a larger sum than twice the amount of principal and interest, which the court finds to have been due at the commencement of the said Act; now no court shall pass a decree or give effect to an award in respect of such debt for a larger sum than twice the amount of the sum found by the court to have been actually advanced by the creditor to the debtor, less any amount that the debtor may have paid to the creditor in excess of the amount due to him as interest under clause (e) of subsection (2) of section 3 of the Usurious Loans Act, 1918. The existing subsection (1) of section 30 of the Act restricts the powers of the court to grant a decree for larger sum than provided in the subsection, but it does not apply to the awards given by an arbitrator. The proposed subsection remedies this defect. The existing subsection (1) provides that the court may give a decree in respect of loans up to double the amount of principal and accumulated interest which the court finds to have been due at the commencement of the Relief of Indebtedness Act, 1934. While the proposed subsection provides that in no case shall a court give a decree for a larger sum than twice the amount of the sum actually advanced by the creditor and if the creditor has received any amount in excess of the amount of interest due to him under clause (e) of subsection (2) of section 3 of the Usurious Loans Act, 1918, as amended by clause (8) of this Act. Such amount shall be deducted from that sum, i.e., from double the amount of the amount actually advanced and the decree shall be given for the balance.

Mr. Speaker : Question is—

That in the beginning of the proposed subsection (2) now renumbered as subsection (1) the following words be added :—

“ In any suit brought after the commencement of this Act in respect of a debt as defined in section 7, advanced before the commencement of this Act. ”

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Rural, Muhammadan) : I beg to move—

That in the proposed subsection (2), now renumbered as subsection (1), line 1, between the word ‘pass’ and the article ‘a’ the words ‘or execute’ be inserted.

Sir, the object of this amendment is that the provisions of the proposed subsection (2) now renumbered as (1) should apply not only to suits brought after the commencement of the Act, but also to such decrees which are not in conformity with the provisions of this subsection.

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

That in the proposed subsection (2) now renumbered as subsection (1), line 1, between the word ‘pass’ and the article ‘a,’ the words “or execute” be inserted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, this is one of the most important amendments that has been

introduced. The honourable member was pleased to insert at the beginning of this sub-clause by his amendment No. 9 the following words :—

In any suit brought after the commencement of this Act in respect of a debt as defined in section 7, advanced before the commencement of this Act.

You will be pleased to observe that this amendment—

Mr. Speaker : That amendment has been carried.

Rai Bahadur Mukand Lal Puri : Yes and that has made the effect of this part of the legislation retrospective. Under the previous Act there was no retrospective effect.—(*Khan Bahadur Mian Mushtaq Ahmad Gurmani :* Beg your pardon.) in any case with respect to one portion thereof. Let us leave for the time being the change in the law which has been effected by the acceptance of amendment No. 9 and let us confine ourselves to the change in the law which is proposed by amendment that has been moved just now, namely amendment No. 10 in which the words 'or execute' are proposed to be inserted after the word 'pass.'

The sub-clause as amended therefore will read as follows—

That no court shall pass a decree or execute a decree.

The effect of the acceptance of this amendment would be that if a decree was passed ten years ago in accordance with the law which was then in force that decree will become a nullity and will not be executed on account of the legislation which we are passing to-day. Supposing a decree for Rs. 10,000 has been passed by the Privy Council after considering the rights and wrongs of the matter in the year 1935, in accordance with the law which was then in force—the Usurious Loans Act and even the Indebtedness Relief Act, but that decree is not in accordance with the law as laid down in the present Bill, which we are now considering and which is not yet law, the courts shall be debarred from executing that decree. That, I submit, is a clear definite method of wiping out decrees. The original draft of the Government or the draft which was proposed by the select committee made no such provision with respect to the execution of a decree. If a decree has been once passed and upheld by the highest courts, it should be sacrosanct. It might be a matter for conciliation, but courts should not be debarred from executing that decree or to treat it as a nullity. I wish to ask, is it the intention of the Government that decrees which were passed ten years ago should be opened up and that executing courts should be made to go behind the decree? I want to know what the Government proposes to do. I pause for a reply. The sub-clause as proposed to be amended reads as follows—

No court shall pass a decree or execute 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.

What is the effect? A decree is passed for Rs. 10,000 in the year 1935. *Ex hypothesi*, that decree could not have given effect to the provisions which are now being enacted—provisions, for instance, in the Usurious Loans Act which make an advance at more than 7½ per cent simple interest in the case of secured debts usurious. Is it the intention of this legislature that

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those decrees shall not be executed, in so far as they are in conflict with the law which we are now considering? May I, to make matters clear, read out to you as to how the amended section would read—

In any suit brought after the commencement of this Act in respect of a debt as defined in section 7, advanced before the commencement of this Act, no court shall pass a decree or *execute 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.

I take it that if the object of my friend is that the court shall not execute the decree which may have been passed after the commencement of the Act, my objections do not apply, but if the intention is, which I believe is not the intention of most of the members of the House, that decrees which have been passed ten years ago should not be executable merely because they did not conform with the present clause, then I have very serious objection to it. Therefore I oppose the substitution of these words. If they are intended to have the meaning which I have tried to put upon them, I submit they are monstrous. It practically means that those decrees are a nullity, for no rhyme or reason. Even they are not allowed to be executed for the proper sum which is due. If that is not the intention, then the only other explanation is that it is redundant and mere repetition, as in several other matters in this Act, because no court shall pass a decree after the commencement of this Act except in accordance with the terms. Therefore it is absolutely redundant to provide for the execution of a decree whose coming into existence has been made impossible by the sub-clause. In either of these two cases, the sub-clause is either mischievous or it is redundant. Therefore I oppose it.

Mr. Speaker : Question is—

That in the proposed subsection (2), now renumbered as subsection (1), line 1, between the word "pass" and the article "a" the words "or execute" be inserted.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That in the proposed subsection (2) now renumbered as subsection (1), line 2, for the article "a" the word "such" be substituted.

This is a mere verbal amendment and needs no explanation.

The motion was carried.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : I beg to move—

That in the proposed subsection (2), now subsection (1), lines 2-3, for the words "In respect of a debt," the words "against a debtor" be substituted.

If you look at section 7, it defines "debt" thus :—

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 British India.

Then "debtor" is defined :—

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.

Now to this definition of 'debtor' another clause has been added and my object in substituting the words "against a debtor" in place of the word "debt" is that if the zamindar members wanted to take advantage of this provision, they might do so, without bringing in others.

Mr. Speaker : Question is—

That in the proposed subsection (2), now subsection (1), lines 2-3, for the words "in respect of a debt" the words "against a debtor" be substituted.

The motion was lost.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural) : I beg to move—

That in the proposed subsection (2), now subsection (1), line 3, the words "as defined in section 7" be deleted.

If you read amendment No. 11 just accepted by the House you will find that these words are redundant.

The motion was carried.

Lala Sita Ram (Trade Union Labour) : I beg to move—

That in the proposed subsection (2), now subsection (1), lines 6—11, the words and figures "less any amount.....1918" be deleted.

(Urdu) : Sir, the only difference between the clause in the original Act and the clause now being proposed is that the following words are sought to be added in the new measure :—

Less any amount already received by a creditor in excess of the amount due to him under clause (e) of subsection (2) of section 3 of the Usurious Loans Act, 1918.

I take my stand, Sir, to oppose the addition of these words. We have already repeated from these benches several times that retrospective effect should not be given to the new measure. But it is a great pity that the Government does not pay any heed to what we say. All that you have to satisfy is whether the rate of interest charged is reasonable or not. If the rate of interest has already been fixed at a minimum, there can absolutely be no justification whatever for making the present measure retrospective. Why should the Government set up a principle first, and then proceed to infringe it afterwards? The amendment that has now been moved makes the measure more drastic and strict. It will tell harshly on the money-lenders. As a matter of fact the Government wants to take back from the money-lenders whatever they have already taken and eaten up. You are compelling them to re-live at a low standard a life which they have already lived. May I respectfully ask if the principle of 'damdupat' is to be confined to money-lenders alone and not to be applied to businessmen, industrialists and traders? Are you going to stop the industrialists from gaining more than double the amount they originally invested in any industry? There

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the capitalists are free to earn not only double or treble but many times more than their original capital, but it is the misfortune of the money-lenders alone that if they advance money to needy persons even for trade or productive purposes, they are debarred from receiving more than double the amount originally advanced. I need not point out that there are several concerns where the gain is 800 per cent and even more than that. The money-lender is being dubbed a criminal on account of his charging even a single pie more than double the amount advanced, but others are not. The Government ought to realize that if the amount due from a person exceeds a prescribed limit, the fault is not of the creditor. He does not charge an excessive rate of interest. It is only the period of time that makes the sum multiply and there is no dishonesty on the part of the money-lender. Let the debtor pay his debt in time, and not try to punish the money-lender for his own delays. If he had paid back the debt, the creditor could have lent the same amount to somebody else, and after receiving that sum from the latter, could again lend it to yet another person. In this way the creditor would have received more than double or treble the original sum. But if he allows the same amount to remain with a single debtor in mutual interest for a long time, he is made to suffer while the debtor is supported by the Government to go on deriving benefit from that amount even up to the extent of 800 per cent. That is really a poor reward for a creditor's leniency in allowing his debtor a long term instead of compelling him to pay the debt at once on demand. It is unfair to ask the creditor to refund the money which he has been lawfully receiving from his debtor from time to time. That sum should not be included in the decree, I pray. It is the height of cruelty to deprive the creditor of his lawful gains. Such a law would be based on lawlessness as we have been repeating over and over again. It is based on vindictiveness, and not on reason and fairness.

With these words, Sir, I beg to commend my amendment for the acceptance of the House.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proposed subsection (2), now subsection (1), lines 6—11, the words and figures "less any amount.....1918" be deleted.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural) (*Urdu*) : Sir, the speech made by the honourable member Lala Sita Ram is both surprising and preposterous. He said that grant of permission to realize from the debtor an amount equal to double the principal amount was tantamount to trampling under foot the legitimate rights of the money-lending community. He was pleased to remark that justice and equity demanded that they should be allowed to make recoveries not twice as much but thousand times greater than the original amount. The honourable members can easily realize that by uttering these words my honourable friend has exhibited his usurious mentality. In this connection I am reminded of a couplet which aptly applies to people of his ilk. The couplet runs thus—

نہ خالی ہے قائل نہ خلقت کے قائل
عین یہ قائل تو ہو گس کے قائل

I would rather say that it is the interest alone that counts with them. This is really a deplorable state of affairs. Then my honourable friend tried to compare interest with commercial profits. He said that if a person after having borrowed some money from a money-lender, invested it in a trade and derived the maximum benefit out of it, the money-lender should also be entitled to a proportionate amount of profit in the form of interest. But I may point out one thing and that is this. My honourable friend has conveniently overlooked the fact that trade does not always mean profits. It often results in losses as well. I may also add that in the case of losses the amount of interest does not decrease proportionately, it rather continues to accumulate with the same speed. I, therefore, think that the argument advanced by my honourable friend does not hold water. I would request him not to oppose such measures as are intended to better the lot of the poor. With these words I strongly oppose the amendment now before the House.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : (Punjabi) : Sir, whenever an honourable member from this side of the House makes a speech, the ministerialist benches invariably think that the speaker has been guilty of exhibiting *sahukara* mentality. As everything looks yellow to a jaundiced eye, the honourable members opposite are so prejudiced that they think that whatever comes from this side must necessarily be in favour of the *sahukars* and against the best interests of the poor zamindars. They accuse the Opposition of being devoid of all sense of decency and lacking the desire for the amelioration of the down-trodden people. It appears as if it is only the Unionist members who are privileged to have been imbued with the love for the uplift and betterment of the suffering humanity and none else. That is why perhaps my honourable friend Mr. Gurmani and men of his ilk have grown thin and lean in the service of their fellow brethren. (Laughter.) It simply surprises me to see my honourable friends over there talking in this vein. They borrow at the time of pressing need and spend lavishly. But when the time of repayment of debt comes they curse the *sahukar* and then put forward excuses to the effect that the latter could not realize the amounts under such and such a law enacted by the Unionist Government. Just observe, Sir, the honesty of purpose and the standard of decency of my honourable friends who indulge in tall talks that they are the custodians of the rights of the people and champions of the cause of the poor.

Then my honourable friends on the Unionist benches are fortunate enough to have Sodhi Sahib as a member of their party. He invariably brands the *sahukars* as *be-iman*. He says that the *sahukar* is so corrupt and dishonest in his dealings that he cannot be relied upon in any matter. He makes wrong entries. He advances 200 rupees but demands 2,000 at the time of realization. I wonder to what category my friend belongs. If he is a *sahukar* he is by his own confession dishonest. But if he belongs to the category of debtors, who know only to borrow and refuse to square accounts, then I can easily understand his position. (Laughter.) It is strange that in spite of their knowledge that the debtors themselves are so often dishonest, my honourable friends over there give the helpless *sahukar* names which he does not deserve. They lose sight of the ruinous effect which has been produced on his trade by the enactment of these black

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laws. As a matter of fact he has been totally deprived of his livelihood. His decrees, deeds and other documents have been rendered worthless. In fact they are not worth the paper on which they have been written. Yet my honourable friends characterize the sahukar as dishonest and unfair in his dealings. If I may say so, it has become a fashion with my honourable friends opposite to talk of sahukars in disparaging terms and describe them as guilty of malpractices, forgery, etc. Even if an Honourable Minister rises to make a reply to the debate, he, too, goes out of his way to paint the sahukars black. These gentlemen have no sense of proportion when they seek to prescribe such drastic penalties for offences which may be trivial. Punishment should always be graded and should be regulated by the gravity of the offence.

Why not proclaim that capital punishment would be awarded for every offence, be it under section 34 of the Police Act, or under the Motor Vehicles Act, or the Canal Act? Then nobody would have the courage to commit any offence. Similarly if the money-lenders were to know that suits filed by them would be dismissed lock, stock and barrel, they would certainly think twice before advancing any loans and would also refrain from dishonest dealings, but what my honourable friend Mr. Mukand Lal Puri wanted to emphasize was that the punishment should be inflicted in accordance with the nature of the offence. Honourable members are aware that in the Criminal Procedure Code different kinds of punishments have been laid down for different offences. That is, every punishment depends upon the nature of the offence from a small fine to death sentence and confiscation of property.

An honourable member : Is it relevant?

Dr. Sir Gokal Chand Narang : I am unmasking the mentality of my honourable friends opposite, who want to treat every offence of the sahukar with the greatest possible vindictiveness. I am replying to the allegation made by them against the honourable members on this side of the House. I may point out that majority of my honourable friends opposite do not even know what has been going on in the House. They do not even understand the implications of the Bill which is being enacted into law by the Government. I am not making this remark in light-hearted manner. I mean what I say. All that they know is that the sahukar is being given a short shrift (— اٹلے سے —) (Laughter). They also know that the Honourable Sir Chhotu Ram is their benefactor who is out to obliterate the sahukar and liberate the debtor from his clutches. It is a matter of common knowledge that outside this House the Honourable Minister for Development openly tells the people that Government is bent upon ousting the money-lender and here he is translating his words into actions in the form of the Bill under consideration. Now the amendment moved by my honourable friend is intended to remove what he considers a serious defect in the Bill. If I may put the sum and substance of the amending clause in one sentence it comes to this; that a decree may be passed against the decree-holder himself. I find my honourable friend Bodhi Sahib has nodded his head dissenting from my opinion. I ask him, if what I say is proved to be correct, will he then vote with me? But I

know full well that even if the sun were to rise in the west, or one might succeed in squeezing oil out of sand, these gentlemen would not side with us.

My submission is that it is stated in the clause under consideration that if any creditor has received twice the amount of what he originally advanced to the borrower in that case he shall receive nothing whatsoever. Moreover, if he has received more than double the amount of what he actually advanced he shall have to refund the excess over double the amount to the judgment-debtor. (Voices: No, no.) My honourable friends say that it is not so. I beg to invite their attention to sub-clause (4). It runs as follows:—

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).

It means that ordinarily nobody can claim a refund of any sum already paid except in one case only, i.e., as a result of adjustment under subsection (2). Sir, with your permission I would like to elucidate my point by citing an example. Suppose a creditor lends a sum of Rs. 1,000 to any borrower in the year 1920. The debtor goes on paying interest as well as a part of the principal from time to time, but does not pay the whole of it. In this way his debt continues for twenty years and after this period the creditor filed a suit against him and gets a decree for say Rs. 1,500 against the debtor. It happens that in the course of twenty years the creditor has received something like Rs. 1,000 by way of interest as well as repayments. In that case according to the subsection (2) he would not be allowed to realize Rs. 1,000 from the judgment-debtor. But when he would go to get the decree executed against him the court would say that as he has already received Rs. 1,000, therefore he cannot get Rs. 1,500 but only Rs. 1,000. Besides if it is proved to the satisfaction of the court that during the space of the twenty years he has already received Rs. 2,500 and has also obtained a further decree of Rs. 1,000 against the judgment-debtor in that case he would not be allowed to get that decree executed. But on the contrary as he has already received Rs. 2,500, i.e., more than double the sum which was actually advanced, a decree of Rs. 500 may be passed against him and this sum he shall have to refund to the judgment-debtor. (Voices: No, no.) If that is not correct let the Honourable Chaudhri Sir Chhotu Ram throw some light on the matter.

(English): In order that my meaning may be more clear and in order that my view should go in proper form on the record I should like to put this part of my argument in English. What I mean is this that it would be possible under this clause, unless it is amended, for a court to pass a decree against the creditor—against the decree-holder—and this is clear from the last sub-clause of this clause which reads as follows:—

(4) 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).

I am sure now Malik Barkat Ali would agree.

Malik Barkat Ali: I do not agree.

Dr. Sir Gokul Chand Narang: So, refund shall not be allowed except by adjustment under this sub-clause. What else can it mean if it does not mean that if, as a result of adjustment of amounts received by the borrower and amounts paid back together with interest, the court finds

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that the decree-holder has already received an amount more than double of what was originally advanced, the excess over double the amount will have to be refunded by the decree-holder to the judgment-debtor. If it does not mean this, then the sub-clause which is numbered (4) at present means absolutely nothing. It clearly says that no refund shall be claimable except by adjustment under subsection (2). It means that ordinarily a refund shall not be claimed, but it shall be claimed as a result of adjustment under sub-clause (1) which clearly means that it will be open to the court to call upon the decree-holder to refund what he has received in excess of double the amount originally advanced by him. (Voices: No, no.) My friends say, "No, no." Have they taken the trouble of reading what I have read out to them, have they taken the trouble of pondering over it? If they were capable of apprehending the implications of these provisions, they would have no hesitation in agreeing with me that my interpretation of the clause is perfectly correct. Is it not a fact that even their sense of fairness revolts against such absurdity, such an outrageous absurdity? It does because even they do not want that what was due under the law, as it stood before this Bill came up, should be set aside or should not be made available to the creditor. Even their sense of fairness, I find, revolts against this and there is no doubt that such a thing has been provided for and if it is not provided for, I have no quarrel so far as the question of refund is concerned. On that ground I would not object, but unless the Honourable Minister makes the position clear, I would stick to the interpretation which I have put upon this clause and I would request my lawyer friends here including Malik Barkat Ali to let the House know what their views about the significance of sub-clause (4) are and I expect that Diwan Chaman Lal would also throw light on this matter because it is an extremely important point. If the Government does not intend that a decree should be passed against a decree-holder who comes to court to execute his own decree, then they should make the position clear and they should remove these words from sub-clause (4), that is—

Except by adjustment under subsection (2).

They should remove these words. Then it would certainly mean that nothing in this section shall be deemed to entitle any person to claim a refund of any sum already paid. But leaving that aside, let us take the clause as it stands without any reference to the subsection that follows it as No. (4). What do they mean? Why should they insist upon the deduction of the amount which a decree-holder has already received? Why should that be deducted? Why should the amount of a decree be reduced by that deduction to an amount which should not exceed twice the amount originally advanced? I shall in a minute point out the absurdity of such a provision. The Honourable Minister knows and some honourable members of this House know that before the Usurious Loans Act came into force, that is, before 1918, there was no limit to the rate of interest. All my lawyer friends would know and all the borrowers would know and all the money-lenders would also know that there was no limit to the rate of interest in 1918, when the Usurious Loans Act was passed, and, although no particular rate was fixed, yet it was left to the courts to decide whether the rate of interest in their view was excessive and the courts were given the power

of relieving the debtor if they considered the rate of interest to be excessive. In 1934, the Relief of Indebtedness Act made the position more clear and definite. They prescribed a sort of test to determine whether the rate of interest was or was not excessive. What did they do? They said that on all secured debts the rate of interest, if it exceeds 12 per cent would be considered excessive and on unsecured debts—I am quoting from memory—the rate of interest would be considered excessive if it exceeds 18½ per cent. Now, people believing that Government have some sense of justice, some sense of fairness, some sense of consistency and some sense of constancy, advanced certain loans at that rate of interest which the Government itself declared to be fair and proper and not excessive. Now, that rate of interest continued for these 6 years from 1934 up to now and the debtors never raised any legal objection to that rate of interest and they could not raise any legal objection and the courts could not take any objection, because the words of the Act were perfectly definite and clear. Howsoever uneasy the borrowers might have felt in certain cases over that rate of interest, there was no legal flaw in the transaction so far as the statutory law was concerned. Now, by this amending Bill, it has been provided that 7½ per cent rate of interest would be the highest rate which would be permissible to a creditor and any rate of interest above 7½ per cent in the case of secured debts, would be excessive. There is a tremendous difference between this rate and the old rate which was declared to be proper by the existing Act. Now, why should a creditor—not a blood-sucking *bania*, he may be an honest creditor, who has probably advanced all the little money that he had to his friend, who is not a Jat, who is not a poor zamindar but who is a rich merchant and who has made thousands and thousands out of the money which was advanced to him—why should that creditor suffer simply because now the Government thinks that any rate of interest above 7½ per cent would be excessive and, therefore, he should not be allowed to take more than double of what he had advanced in the beginning? All that will now be judged by the rate of interest now provided in this Bill, which may become an Act. This is the crux of the whole position. I would like the Honourable Minister to satisfy the House, at least this part of the House—the other part is fully satisfied even before any argument is advanced by the Honourable Minister—but I would like him to satisfy this part of the House on this ground whether there is any justification for a decree-holder being deprived of what was justly his due under the existing Act. The other day the Honourable Minister referred to me as having been a member of the Government when the Relief of Indebtedness Act was passed, as if to prove either that the Act that was passed then must be a very good Act because I was a party to it—that may be one thing—or that even if it was bad, it did not matter because it was passed in 1934 either without any objection by me or in spite of any objection that I might have raised. But probably he would say that it was a very good Act and there is no reason why an objection should be taken now. Let us assume for the sake of argument that the Act of 1934 was a very good Act. Why not stick to it, why go beyond it and why introduce this unreasonable and revolutionary provision in it? If it was a good Act, let it remain. It has served its purpose for 6 years and it will serve its purpose for 60 years. Nothing has happened since 1934 up to now to necessitate a measure like this.

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One thing more—if I may use an argument of a similar kind—the Honourable Minister himself brought forward a Bill called the Debtors Protection Bill, which is now called the Debtors Protection Act. Even in that Bill, he did not introduce such provisions, although that Bill was brought forward by him immediately after the Relief of Indebtedness Bill. He had not probably thought of these things at the time. My submission, therefore, is that now there seems to be something else—it may be political, it may not be entirely of a legislative nature or of economic nature—there must be something political which is at the bottom of these amendments and the Bill seeks to take the House to these absurd lengths that a decree may be passed even against a decree-holder if he has received a sum in excess of twice the amount which was originally advanced. As a certain amount of difference of opinion has been expressed on the first part of my argument, namely, whether a decree can or cannot be passed against a decree-holder under the clause as it stands, I would feel really very grateful if my honourable friends, who are in a position to throw some light on the subject would explain it for the benefit of the House.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, I propose to deal with that part of the contention of my learned friend, Dr. Sir Gokal Chand Narang, where he seems to think that this subsection would actually enable the courts to pass a decree against a decree-holder himself. It appears to me that this view is based upon a serious misconception of these provisions. I shall try to explain these provisions as they strike me. In subsection (2) it is clearly provided that (i) a decree-holder can never get more than double of what he has actually advanced and (ii) if in the meantime he has received anything in the shape of interest or in the shape of principal, then whatever he has received in the meantime shall be deducted and the ultimate decree, which shall be passed, will be such that with the amounts received and with the amounts decreed the total is not more than double the amount of that which is actually advanced. If the amount received is more than double, then the court has absolutely no powers under this subsection to give a decree against the decree-holder in favour of the debtor. This is what I propose to make clear. My learned friend has referred to subsection (4). It appears to me that subsection (4) as it stands enacted is really in the interest of and is a measure of protection for the decree-holder.

If in subsection (4) the words "except by adjustment under subsection (2)" are deleted it would come to this that subsection (4) would stand in conflict with the principle which is embodied in subsection (2) because according to subsection (2) a sum received in the meantime by the creditor from the debtor will be taken into account at the time of adjustment and the only decree that will be passed in favour of the decree-holder will be for an amount equal to the difference between double the sum and the amount that has already been received by the creditor.

Dr. Sir Gokal Chand Narang: May I ask one question? If the amount to be deducted on account of previous receipts is more than double the amount actually advanced it means this. Let us say there is a decree for X and Y has been received and is in excess of double the original advance. X minus Y would leave a debit balance against the creditor.

Malik Barkat Ali : If my learned friend will read subsection (4) carefully he will find the answer to that contention, because subsection (4) says—

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).

These words 'except by adjustment under subsection (2)' deprive the debtor of the right to get a decree. He cannot independently bring a suit against the creditor and say that I have paid more than double the sum actually advanced and therefore am entitled to get back the excess. The subsection says "Nothing in this section shall be deemed to entitle any person to claim a refund of any sum already paid." If he has paid more than double he cannot bring a suit for excess for the Act clearly says:—"Except by adjustment under subsection (2)". The Act contemplates only a case by the decree-holder, a case by the creditor, only a decree in favour of the decree-holder but does not contemplate a decree in favour of the judgment-debtor against the judgment-creditor.

Dr. Sir Gokul Chand Narang : May I ask one more question? If the honourable member means that a court cannot pass a decree against a judgment-debtor I may agree, but what does he think of this that as a result of adjustment Rs. 500 is found as having been received by the decree-holder in excess of double the amount? Does Malik Sahib mean that the judgment-debtor may bring a separate suit for this?

Malik Barkat Ali : He can never bring a separate suit because section (4) says—

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).

Therefore it is clear that an independent suit is out of the picture completely. So far as the amount paid in excess of double is concerned I draw the attention of my learned friend to subsection (3) which says—

Where in any proceeding concluded on or after the 15th day of October, 1939, any decree has been passed against a debtor in respect of a debt as defined in section 7, which is not in conformity with subsection (2)—

Therefore it is clear that subsection (2) deals only with a decree against a debtor in favour of the decree-holder. Further on it says—

Such decree shall be avoidable at the option of the debtor on whose application, made within six months from the commencement of this Act,

These words are important—

the court may set aside the decree, reopen the transaction and pass such order as may bring the subsequent decree into conformity with the provisions of this section—

Therefore my respectful submission is that so far as this subsection goes this makes perfectly clear:—(i) that the debtor has no right to bring an independent suit and claim refund of the money or moneys paid beyond double the amount, (ii) where he has paid any moneys, an adjustment can only be in a suit brought by the decree-holder or in execution of a decree obtained by the decree-holder, and the result of this adjustment will be that no decree for an amount beyond double the amount actually advanced can ever be passed in favour of the decree-holder, and if the debtor fails to take any such objection a provision is made in subsection (3) later to claim adjustment and power is given to the court to bring that decree in favour of the decree-holder in conformity with the provision of this subsection.

(Malik Barkat Ali.)

Therefore I submit that there is no foundation whatever for the misconception in the mind of my honourable friend. I desire to make it clear that although I had no occasion to take part in the discussion on the various clauses of the Bill it does not follow that I am identifying myself with any of the provisions that form the subject matter of this legislation. It is regrettable that the powers of the civil courts are taken away completely but that is a matter which is not open to discussion. These boards are being converted into boards of adjudication. I can only regret because to my mind it appears that the taking away of the powers of the courts in regard to this matter is really too much. At the same time I desire to make it clear that I do not accept the principle that no creditor should be entitled to receive an amount which is double the amount of what was actually advanced. However, confining myself to the contention under discussion, I say that the objection raised by the Honourable Dr. Sir Gokul Chand is really an entire misconception in the mind of my learned friend which he cannot sustain.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural): Sir, the view put forward by Dr. Sir Gokul Chand is a possible view, but I think the better view is that no refund shall be allowed and what I see from the attitude of the members of the Government is that they do not intend that any such refund should be claimed. This clause is merely intended to ensure that such excess payments should be used merely as a shield and not as a sword. I think that if instead of the words 'except by adjustment' the words 'except for the purpose of adjustment', were substituted, the language would be clearer and more unmistakable. Of course the view expressed by Dr. Sir Gokul Chand Narang is a possible view, although not a correct view. If the words 'for the purpose of' were substituted for the word 'by' I think that intention of the legislature would be placed beyond possibility of doubt.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaaffargarh, North, Muhammadan, Rural) (*Urdu*): Sir, the speech made by my honourable friend Dr. Gokul Chand Narang on the amendment now before the House is wholly misleading. He has distorted facts and given a wrong construction to the provisions of this clause. It seems that either his legal knowledge has been obliterated on account of being out of practice for a long time or else he has deliberately tried to misrepresent things.

An honourable member: Whole of your party is devoid of even A, B, C of law.

Lala Duni Chand: You should join the Law College in order to understand it.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: If the legal knowledge which is being manifested by my honourable friend is the result of education at the Law College, then I may assure him that I would never join that institution. (*Laughter.*) Well, Sir, I categorically repudiate the suggestions made by my honourable friend in regard to the interpretation of the clause under consideration. He said that the principle underlying this clause was so vicious and inequitable that it had no parallel in the history of legislation. I characterize this statement as preposterous and fatuous.

As a matter of fact the object of subsection (4) is that if the debtor has paid to the creditor a sum which is in excess of the principal actually advanced and the interest due on such principal under clause (c) of subsection (2) of section 8 of the Usurious Loans Act, 1918, the debtor shall not be entitled to claim a refund of any sum already paid except by adjustment under subsection (2), which has now been re-numbered as subsection (1). It is incorrect to suggest that under the provisions of this clause a debtor can sue the creditor for the recovery of a sum paid in excess of the amount fixed under subsection (1).

At this stage the Assembly adjourned till 12 noon on Thursday, 11th April, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 11th April, 1949.

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

STARRED QUESTION AND ANSWER.

COMPLAINTS OF CORRUPTION AGAINST SUB-INSPECTOR OF KHANNA POLICE STATION.

***6468. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state whether the Superintendent of Police, Ludhiana, has received several written and oral complaints of corruption against the sub-inspector of Khanna police station; if so, the facilities afforded to the complainants to lead evidence and the action so far taken on those complaints?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
First part.—No.

Second part.—Does not arise.

Chaudhri Muhammad Hasan : May I know if it is a fact that on the 24th of March one Muhammad Hussain Khan of Khanna police station made written complaints to the Superintendent of Police, Ludhiana?

Parliamentary Secretary : I have no information on that point.

Chaudhri Muhammad Hasan : Has the Parliamentary Secretary prepared his answer on the information supplied to him by the Superintendent of Police, Ludhiana?

Parliamentary Secretary : That is quite correct.

Chaudhri Muhammad Hasan : Has the Superintendent of Police not supplied this information that a written complaint was received?

Parliamentary Secretary : He has supplied the information that no complaint has been received.

Chaudhri Muhammad Hasan : Is it a fact that the sub-inspector has gone on medical leave?

Parliamentary Secretary : I have no information on that point; if the honourable member gives notice, I will make enquiries.

Chaudhri Muhammad Hasan : Is the Parliamentary Secretary aware on what date he received information from the Superintendent of Police, Ludhiana?

Parliamentary Secretary : I do not carry the file with me, but if the honourable member is very anxious to have that information, he may give notice.

Pandit Shri Ram Sharma : May I know whether this reply relates to the sub-inspector of police now posted at Khanna or to some other sub-inspector?

Parliamentary Secretary : The question relates to the sub-inspector of police, Khanna, and I do not know whether it is the present sub-inspector or the previous sub-inspector.

Chaudhri Muhammad Hasan : Is the Parliamentary Secretary aware that at the time when this question was received by the Government, that sub-inspector was in charge of the Khanna police station and now he has gone on leave?

Parliamentary Secretary : I require notice.

Pandit Shri Ram Sharma : I want to know whether the reply given by the Parliamentary Secretary relates to the present sub-inspector at Khanna or to a previous sub-inspector?

Parliamentary Secretary : The honourable member should have given the name of the sub-inspector and as far as this question stands my answer is quite clear.

Chaudhri Muhammad Hasan : May I know whether there is any complaint against any sub-inspector who was posted at Khanna?

Parliamentary Secretary : I could not make anonymous enquiries. The honourable member wanted information in regard to the sub-inspector, police, Khanna and the reply is quite clear that no complaint whatsoever has been made against him.

Lala Duni Chand : Has the Parliamentary Secretary satisfied himself that no complaint against the sub-inspector was suppressed or withheld? A complaint might have actually been received.

Parliamentary Secretary : Government generally make enquiries from the local authorities and the information supplied by the local authorities—by the Superintendent of Police, Ludhiana—is that no complaint has been received against the sub-inspector.

Chaudhri Muhammad Hasan : Is the Government aware that the Superintendent of Police is interested in the sub-inspector in question?

Mr. Speaker : Disallowed.

ADJOURNMENT MOTION.

COMMUNAL RIOT AT SONEPAT AND THE POLICE.

Mr. Speaker : Did the honourable member give notice of a short notice question to get information on the matter referred to in his adjournment¹ motion?

Pandit Shri Ram Sharma : Yes, Sir.

Mr. Speaker : Has the Government got any information?

Minister of Public Works : None, Sir. We have not got any information on the subject and that is why the question of the honourable member has not been accepted as a short notice question.

Lala Duni Chand : Have they ever accepted a question as a short notice question?

¹PANDIT SHRI RAM SHARMA to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, failure of Sonapat Police to control in time the riot of a communal nature at Sonapat district Rohtak on the 7th April, 1940, resulting in injuries and loss of several persons.

Minister of Public Works : Sometimes the matter is neither urgent nor necessary and we have to refuse.

Pandit Shri Ram Sharma : But my short notice questions are invariably converted into long notice questions.

HOURS OF SITTING.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Yesterday I gave notice of a motion in which I proposed that we should sit during the remaining meetings in the month of April till 8 p. m. I have discussed the matter with the Leader of the Opposition and we have agreed that so far as this Bill is concerned, we will try to finish it to-day. If we finish it earlier, then it will not be necessary for us to sit till 8 p. m. I move—

That the proceedings on the item 'consideration of the Punjab Relief of Indebtedness (Amendment) Bill clause by clause' be exempted at this day's sitting from the provisions of the rule 'sitting of the Assembly'.

Sardar Sohan Singh Josh : It should be made clear that the next item on the agenda will not be taken up.

Premier : We normally sit still 4-80 ; if consideration of this Bill is not finished before that, then we will continue to sit till we do finish it.

Mr. Speaker : Motion moved—

That the proceedings on the item 'consideration of the Punjab Relief of Indebtedness (Amendment) Bill clause by clause' be exempted at this day's sitting from the provisions of the rule 'sitting of the Assembly'.

The motion was carried.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Clause 14.

Mr. Speaker : The Assembly will now resume consideration of the Punjab Relief of Indebtedness (Amendment) Bill.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) (*Urdu*) : Sir, yesterday I was pointing out that my honourable friend Dr. Sir Gokul Chand Narang was incorrect in suggesting that according to proposed subsection (4) a debtor can recover from the creditor any sum paid in excess of the amount due to him under proposed subsection (1). In fact, the position is just the reverse. Subsection (4) says that "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), now renumbered as subsection (1). This means that even if the debtor has paid to his creditor more than twice the amount of the sum actually borrowed and although he has paid interest in excess of the amount due under clause (e) of subsection (2) of section 3 of the Usurious Loans Act, 1918, he shall not be entitled to claim any refund of any sum already paid. Such sum can only be adjusted under subsection (1). The language of the subsection is quite clear and there is no room for doubt. I wonder how my friend Dr. Sir Gokul Chand can interpret it differently. He was also pleased to remark that the principle underlying this clause was vicious and inequitable and that it had no parallel in the history of legislation. He again conveniently forgot that clause (ii) (b) of subsection (1) of section 3 of the Usurious Loans Act, 1918, provides that

if the court has reason to believe that the interest is excessive, it shall, notwithstanding any agreement purporting to close previous dealings and to create new obligations, reopen any account already taken between the parties 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. According to this provision of the existing law which is incorporated in a central Act the debtor is entitled to claim a refund of any sum already paid to the creditor in excess of the amount due to him under clause (e) of subsection (2) of section 3 of the Usurious Loans Act, 1918. The proposed subsection (4) restricts the scope of the existing law inasmuch as it does not entitle a debtor to claim a refund of any sum already paid except by adjustment under subsection (1). I am surprised at the audacity of my honourable lawyer friend who suggests that a new and inequitable principle is being introduced in this clause, to the detriment of creditors, which has no parallel in the history of legislation. He alone can make such a preposterous statement.

Dr. Sir Gokul Chand Narang made a *dorangi* speech yesterday. He started his speech in Punjabi and observed that he was speaking in Punjabi in order to convince the members on this side of the House that the provisions of the clause under consideration were rotten and concluded in English to ensure correct reporting of his important points in the press. So the first portion of his speech was for export and the second for home consumption. No one doubts the capacity of my honourable friend to make even *nao-rangi* speeches. But alas, when he realized that his multicolour speech had failed to create any impression on these benches he faded away and bitterly complained that his pleadings and arguments had fallen on deaf ears. Let me assure my honourable friend that we are always amenable to reason and welcome constructive and sensible counsels. But my friends over there cannot throw dust into our eyes by distorting facts or by making misleading statements. These tactics have become too stale now to achieve any measure of success. Such misleading statements can only confirm our belief in the correctness of the well-known Punjabi adage which says—

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“Don't trust a crow, a *bania* (a person belonging to money-lending class) or a dog, even if he is asleep.” Now Sir, coming to the amendment moved by the honourable member representing labour interests, I mean Lala Sita Ram, I would submit that he wants to deprive the debtor even of such relief, which is provided under the existing law. His amendment proposes to delete the words and figures “less any amount..... 1918” appearing in the proposed subsection (2) now renumbered (1). The subsection as amended by the House reads as follows :—

In any suit brought after the commencement of this Act in respect of a debt as defined in section 7, advanced before the commencement of this Act no court shall pass or execute a decree or give effect to an award in respect of such debt 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.

The effect of the amendment will be to render the provisions of section 3 of the Usurious Loans Act inoperative in respect of such debts. That is to say, even if the debtor has paid ten times the amount of the sum actually borrowed and even if the creditor has received interest much in excess of the amount due to him under clause (e) of subsection (2) of section 3 of the Usurious Loans Act, he will still be entitled to recover from his debtor twice the amount of the sum actually advanced irrespective of the amount that he has already received. Even under the existing law a creditor cannot recover from his debtor more than the amount actually advanced and the interest due on such principle under the provisions of the Usurious Loans Act; and if he has recovered any excessive interest he is liable to repay to the debtor such sum as is in excess of the amount of interest due to him under the provisions of the aforesaid Act. But my friend who represents labour interest in this House has thought it fit to put forward a proposition which even Shylock himself would have hesitated to suggest. Sir, I oppose the amendment.

Mr. Speaker : The question is—

That in the proposed subsection (1), lines 6—11, the words and figures "less any amount.....1918" be deleted.

The motion was lost.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That in the proposed subsection (3), line 6, for the word "confirmity" the word "conformity" be substituted.

This is merely a verbal amendment to correct the mistake in spelling which is perhaps due to misprint.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That in the proposed subsection (3), line 6, for the word "subsection," the words "subsections (1) and " be substituted.

This is only a consequential amendment.

The motion was carried.

Khan Muhammad Yusuf Khan : I beg to move—

That in the proposed subsection (3), line 11, for the word "may", the word "shall" be substituted.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) : Sir, I beg to move—

That in the proposed subsection (3), lines 3-4, between the words "passed" and "against" the words "or an award has been given by an arbitrator" be inserted.

In some cases the court appoints an arbitrator to arbitrate between the parties while in others the parties themselves appoint an arbitrator outside the court and the court grants a decree in accordance with the terms of the award. The object of this amendment is to bring the award given by an arbitrator under the purview of this subsection.

Mr. Speaker : The question is—

That in the proposed subsection (3), lines 3-4, between the words "passed" and "against" the words "or an award has been given by an arbitrator" be inserted.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That in the proposed subsection (3), line 7, between the words "decree" and "shall" the words "or award" be inserted.

This is a consequential amendment and hardly needs an explanation.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That in the proposed subsection (3), lines 11-12, between the words "decree" and "reopen" the words "or award" be inserted.

This also is a consequential amendment.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That in the proposed subsection (3), line 13, for the words "bring the subsequent decree into" the words "be in" be substituted.

This is merely a verbal amendment which has been necessitated on account of other verbal changes that have been made in the subsection.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That in the proposed subsection (3) in the penultimate line, for the word "confirmity," the word "conformity" be substituted.

This is only a verbal amendment.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That at the end of the proposed subsection (4) for the figure "(2)," the figure "(1)" be substituted.

This is a consequential amendment.

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg leave of the House to move—

That at the end the following new sub-clause be added :—

"(b) For subsection (2) the following shall be substituted, namely :—

"(2) In any suit in respect of a debt as defined in section 7, advanced after the commencement of this Act, no court shall pass a decree or give effect to an award in respect of such debt 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."

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That the new sub-clause be taken into consideration.

Section 80 of the Relief of Indebtedness Act, 1934, is based on the doctrine of *damdupat*, but the principle of *damdupat* has been applied in a modified form in the section. The existing subsection (2) of section 80 of the Act provides that "In any suit brought against a debtor as defined in section 7, for the recovery of a loan borrowed after the commencement of this Act,

no court shall pass a decree for a larger sum than twice the amount of the sum taken as principal." This subsection applies to loans borrowed after the commencement of the Relief of Indebtedness Act and provides that no court shall pass a decree for a larger sum than twice the amount advanced as principal, but does not take into account the payments received by the creditor in respect thereof. Although a debtor may have paid more than twice the amount of the sum actually borrowed before the institution of the suit, yet the court can pass a decree against him up to twice the amount of the principal. According to the doctrine of *damdupat* no creditor can recover at any time from his debtor a larger sum than twice the sum actually advanced. The object of my amendment is to bring the provisions of subsection (2) in conformity with the doctrine of *damdupat*. The result of this amendment would be that no creditor shall be entitled to recover from his debtor a larger sum than twice the amount of the sum actually advanced, at any time. The provisions of this subsection will apply only to the debts advanced after the commencement of the Relief of Indebtedness Act, 1934.

Mr. Speaker : The question is—

That the new sub-clause be taken into consideration—

The motion was carried.

Sayed Amjad Ali Shah : I beg to move—

That in the proposed subsection (2), line 3, between the words "pass" and "a" the words "or execute" be inserted.

The motion was carried.

Mr. Speaker : Question is—

That the new sub-clause as amended be added to the clause.

The motion was carried.

Mr. Speaker : Question is —

That clause 14 as amended stand part of the Bill.

The motion was carried.

New Clause.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That leave be granted to move the following new clause:—

That after clause 14, the following new clause be added:—

"15. That for section 34 of the said Act, the following shall be substituted:—

"34. No debtor shall be arrested or imprisoned in execution of a decree for money, whether passed before or after the commencement of this Act."

The motion was carried.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I beg to move—

That the proposed new clause be taken into consideration.

Sir, before the enactment of the Punjab Relief of Indebtedness Act, 1934, the law conferred on the decree-holder the right to decide whether he will execute his decree for the payment of the money by the arrest of the judgment-debtor or by the attachment or sale of his property or by both. By the enforcement of the aforesaid Act the position was changed. Section

[K. R. Mian Mushtaq Ahmad Gurmani.]

84 of the Punjab Relief of Indebtedness Act provides that "no judgment-debtor shall be liable to arrest for default in the payment of any money due under a decree unless the court is satisfied that the judgment-debtor has without just cause contumaciously refused to pay the amount of the decree in whole or in part within his capacity to make payment." It further provides that "the court shall before issuing a warrant of arrest give an opportunity to the judgment-debtor to show cause against issue." In order to determine the capacity to pay, certain directions are laid down in the form of second proviso. It is laid down that the value of the temporary alienation of the land of a judgment-debtor is not to be taken into account and by the third proviso it is enjoined that only that property is to be taken into consideration which a civil court can sell under the law. This provision was enacted in order to check the misuse of the previous law which had become a common practice. The decree-holder invariably applied and secured the arrest of judgment-debtor with a view to put pressure on the judgment-debtor and his relations to pay the decretal amount. In most cases the well-to-do relations of the judgment-debtor had to pay for the judgment-debtor in order to save him from the disgrace of imprisonment. Under this threat the decree-holder compelled the judgment-debtor to part with those of his assets which were exempted from attachment or sale under the provisions of the Civil Procedure Code, in order to escape imprisonment. Thus the exemptions provided by the law were made ineffective. Although section 84 of the Relief of Indebtedness Act gives certain amount of protection to the judgment-debtors, yet the provisions of this section have proved inadequate to meet the situation. The decree-holders have found sufficient loop-holes to make the protection, which section 84 grants to the judgment-debtors, ineffective. When a notice is issued to the judgment-debtor to show cause against the issue of a warrant of arrest, the judgment-creditor secures a wrong report from the process-server to the effect that either the judgment-debtor refused to accept the summons or that he evaded the service and that the notice was pasted on the door of his house. The result is that decision is taken by the court without the knowledge of the judgment-debtor. In order to prove the capacity of the judgment-debtor to pay, the decree-holder puts in an affidavit to the effect that the judgment-debtor has sufficient means to pay the decretal amount, which fact the judgment-debtor cannot challenge on account of his absence. The courts accept such an affidavit as a sufficient proof regarding the capacity of a judgment debtor to pay and issue warrants of arrest against him. It is, therefore, necessary that section 84 should be amended. My amendment proposes to substitute section 84 by another provision according to which no debtor shall be liable to arrest or imprisonment in execution of a decree for money. In other civilized and more advanced countries civil imprisonment has been done away with. It is high time that we also abandoned this wicked and pernicious provision of law which is contrary to the principles of civil liberty and self-respect. A decree-holder should secure the satisfaction of his decree by the attachment and sale of such property of the judgment-debtor as is liable to attachment and sale under the law and not by the detention of the judgment-debtor in a civil prison. With these words, Sir, I commend my amendment to the House.

Mr. Speaker : The question is—

That the proposed new clause be taken into consideration.

The motion was carried.

Sayed Amjad Ali Shah : Sir, I beg to move—

That in the proposed section 34, line 1, between the words "debtor" and "shall" the words "as defined in section 7 of this Act" be inserted.

Mr. Speaker : New clause under consideration, amendment moved—

That in the proposed section 34, line 1, between the words "debtor" and "shall" the words "as defined in section 7 of this Act" be inserted.

Diwan Chaman Lall : As far as my honourable friend's amendment is concerned, I have not the slightest doubt that the House will agree that the medieval method of imprisoning a debtor or depriving him in any way of his liberty should be put an end to in the Punjab and that the Punjab should give a lead in this matter (*hear, hear*). But at the same time I would like to draw your attention to the fact that the amendment that has been moved by my honourable friend restricts this matter only to the purview of this measure. I hope that there are no other sections of any other law which require a man to be taken to prison because of non-payment of a debt or in execution of a decree. I hope my honourable friend will take the necessary steps to see that if there are, these also are put an end to.

Minister for Development : *Ghair hazir jaiton ki futeh.*

Lala Duni Chand : I want to point out the bad drafting of this provision. The word should be "judgment-debtor" and not "debtor."

Khan Bahadur Mian Mushtaq Ahmad Gurmani : But one difficulty would be that "debtor" has been defined in the Act while "judgment-debtor" is nowhere defined in the Act.

Diwan Chaman Lall : Is it not a fact that a debtor becomes a judgment-debtor only after the application of my honourable friend's amendment?

Lala Duni Chand : After a decree is passed, the word "debtor" ceases to exist. The word "judgment-debtor" takes its place.

Diwan Chaman Lall : Unfortunately I have not got my honourable friend's amendment before me.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : My amendment is—

No debtor, as defined in section 7 of this Act, shall be arrested or imprisoned in execution of a decree for money, whether passed before or after the commencement of this Act.

Diwan Chaman Lall : An execution of a decree can only take place if a debtor becomes a judgment-debtor. It cannot take place otherwise.

Lala Duni Chand : Bad drafting leaves too many loopholes for lawyers.

Khan Sahib Khawaja Ghulam Samad : I have some doubt about the interpretation of section 7. I want to know from you its real interpretation. The section runs as follows:—

7. (1) "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,.....

Sayed Amjad Ali Shah : My honourable friend is defining "debt" and not "debtor."

Khan Sahib Khawaja Ghulam Samad : It is given in the next clause. Some creditors supply bullocks to the agriculturists on loan without charging any interest and they realise the money advanced by instalments. So, I feel that cases regarding animals advanced on loan without any interest should not at all be decided by the conciliation boards. The creditors supply bullocks to the agriculturists for the purpose of agriculture at the time of their need.

Sayed Amjad Ali Shah : May I refer to section 7, sub-clause (2)? We are trying to define "debtor" and not "debt."

Mr. Speaker : He is irrelevant. (*Interruptions.*)

Khan Sahib Khawaja Ghulam Samad : Thank you very much. I raised this point earlier than it came up before the House for consideration. I told the Honourable Premier and Mir Maghool Mahmood that such and such cases are heard by conciliation boards which go beyond their scope and they were of the opinion that because such loans are advanced on account of trade, therefore, such cases should not be heard by the conciliation boards. Later on I wrote a demi-official to the Honourable Premier asking him to instruct the debt conciliation boards not to hear such cases. The Honourable Premier referred my demi-official to the Honourable Minister of Development. He was of the opinion that such loans are not advanced for the purpose of trade but they are merely loans. But I was not then satisfied with this interpretation. I, therefore, want to know whether debts which are advanced in the form of bullocks, etc., are such debts that disputes relating thereto should be heard by the conciliation boards?

Mr. Speaker : There is a limit to irrelevancy and that limit is passed. (*Laughter.*)

Khan Sahib Khawaja Ghulam Samad : Section 7 has been referred to by the Parliamentary Private Secretary. Therefore I am entitled to discuss this point also before the House and want your ruling on this point.

Mr. Speaker : Is that amendment now before the House?

Khan Sahib Khawaja Ghulam Samad : Yes, Sir. The Parliamentary Private Secretary has proposed an amendment in the definition of the word "debtor" and has added the words "as defined in section 7 of this Act." My point relates to this amendment which has been proposed by the Parliamentary Private Secretary.

Mr. Speaker : Question is—

That in the proposed section 34, line 1, between the words "debtor" and "shall" the words "as defined in section 7 of this Act" be inserted.

Khan Sahib Khawaja Ghulam Samad : On a point of order. I wanted to know the sense of the House as also your ruling and without giving any reply to my point of order, you are asking whether this amendment should be adopted or not. I must be given the reply first. (*Laughter.*)

Mr. Speaker : What is the point of order?

Khan Sahib Khawaja Ghulam Samad : The point of order is that a point raised by me was not replied to. I wanted to know the sense of the House as well as your ruling.

Mr. Speaker : On what point?

Khan Sahib Khawaja Ghulam Samad : My point was this, whether cases which relate to loans advanced for the purpose of agriculture in the form of bullocks, etc., should be heard by the debt conciliation boards or not.

Mr. Speaker : Does the honourable member want the decision of the House on that point? (*Interruption.*) Under which rule can he ask the question? (*Voices : Commonsense.*)

Khan Sahib Khawaja Ghulam Samad : The Parliamentary Private Secretary has submitted an amendment in which he says that the words "as defined in section 7" be inserted. The definition of section 7 is before the House. Is the House in a position to give an opinion on this point which I urged and are you in a position to give your ruling on this point? (*Laughter.*)

Premier : The honourable member wants your opinion.

Mr. Speaker : The amendment is that between the words "debtor" and "shall" the words "as defined in section 7 of this Act" be inserted. Section 7 of which Act is intended? (*Voices : The parent Act.*)

Will the honourable member please read section 7 of the parent Act and say where that definition is given?

Sayed Amjad Ali Shah : Kindly read section 7 (2) of the said Act where the word "debtor" is defined.

Mr. Speaker : Yes, the word "debtor" is defined in subsection (2) of section 7 of the Punjab Relief of Indebtedness Act, 1934. Is the honourable member now satisfied? What more does he want?

Khan Sahib Khawaja Ghulam Samad : I am not satisfied. But my honourable friend Mian Mushtaq Ahmad Gurmani is saying, "do not delay the passing of this Act. This point can be settled afterwards". On his request I do not propose to press this point; otherwise it is pressable.

Mr. Speaker : The question is—

That in the proposed section 34, line 1, between the words "debtor" and "shall," the words "as defined in section 7 of this Act" be inserted.

The motion was carried.

Mr. Speaker : The question is—

That the new clause as amended be added to the Bill.

The motion was carried.

New Clause.

Chaudhri Tikka Ram : Sir, I beg to ask for leave to introduce the following new clause :—

That at the end, the following new clause be added :—

"In section 25 of the said Act,—

- (i) between the words "section 9" and "no," the words "or section 23" be inserted;
- (ii) for the words "for the settlement of which application has been made to the Board" the words "covered by such application" be substituted."

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That the proposed new clause be taken into consideration.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That the proposed new clause be added to the Bill.

The motion was carried.

New clause.

Premier : Sir, I beg to move—

That leave be granted to move the following new clause :—

That after clause 17, the following new clause be added :—

- "18. (a) The period of limitation for an appeal under section 15-A shall run from the date of the order appealed against and shall be thirty days.
- (b) An appeal shall not lie from an order refusing to review or confirming on review a previous order."

This is a new clause which fills the lacuna which was unfortunately overlooked in the select committee and it relates to the period of limitation.

The motion was carried.

Premier : Sir, I beg to move—

That the proposed new clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new clause be added to the Bill.

The motion was carried.

Premier : I beg to move that the new clause¹ proposed by Pir Akbar Ali after clause 15 be not taken into consideration.

The motion was carried.

¹That after clause 15, the following new clause be added :—

15-A. That after section 35 of the said Act, the following section shall be added, namely :—

- "35-A. Notwithstanding anything contained in any law to the contrary where an objection to the attachment or sale or temporary alienation of any property movable or immovable is based on any statutory exemption, it shall be entertained, decided on merits, and, if established, given effect to, even though it is preferred after the sale or temporary alienation, as the case may be, has been confirmed :

Provided that such an objection shall not be competent if a similar objection has at any early stage of the case been already preferred by the same party and disposed of in accordance with law."

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.

Mr. Speaker : Under Rule 103 I appoint a committee of the following gentlemen (i) Honourable Minister in charge of the Department, who also happens to be the introducer of the Bill, (ii) Advocate-General and (iii) Deputy Speaker, to report by Monday, 15th April next what amendments of a formal or consequential character should be made in the Bill as a matter of drafting.

LEGISLATIVE ASSEMBLY (WAR SERVICE) BILL.

Premier : Sir, I beg to introduce the Punjab Legislative Assembly (War Service) Bill.

I also beg to move—

That the Punjab Legislative Assembly (War Service) Bill be taken into consideration at once.

Mr. Speaker : The motion moved is—

That the Punjab Legislative Assembly (War Service) Bill be taken into consideration at once.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*) : Sir, I beg to move—

That the Punjab Legislative Assembly (War Service) Bill be circulated for eliciting public opinion thereon by the 1st June, 1940.

Sir, the object of the Bill, which has just been introduced by the Government in this House, is to prevent membership of any of His Majesty's forces or the holding of any office under the Defence Department in connection with the present War, being a disqualification for membership of the Punjab Legislative Assembly. You will remember that previously on one occasion this legislature passed a Bill which was almost on all fours with the present one. The title of that Bill was the Punjab Legislative Assembly (Removal of Disqualifications) Bill 1937 which laid down that lambarbards, zaildars, etc., while holding office, under the Crown, were eligible for election to the Assembly. You will also recollect that this Bill was enacted into law in the teeth of opposition offered by the Congress Party in this legislature. Now, it has been provided in this Act of 1937 that membership of the Army in India Reserve of Officers or the Indian Territorial Force, shall not disqualify a person from being a member of the provincial legislature. But there are certain ambiguities in the provisions of that Act, which are intended to be removed by the present Bill. Again, the Bill under consideration is designed to provide that those honourable members who are taken into the Defence Forces during this War should not be disqualified or debarred from being elected to the Assembly. I would like to point out that so far as the principle underlying this measure is concerned,

1 p.m.

[Sardar Sohan Singh Josh.]

we of the Congress Party are deadly against it. I would advance reasons to show why this enactment should not be brought on the Statute Book.

Sir, you are aware of the fact that at present a world war is going on and the British Government without in any way consulting the people of India and the Provincial Governments have declared war with Germany and India has been made a party to it without her consent. What to speak of that ; Indian Regiments, money and material help is being sent from India to the British Government. Against this the Congress, which is a representative body of Indians, has stated its policy with regard to this war in its resolution passed at Ramgarh. This is not all. But Sir, you are aware of the fact that the Ministries of those provinces, where Congress was in power have already resigned office on this issue.

Mr. Speaker : The honourable member does not appear to be in order.

Sardar Sohan Singh Josh : I am pointing out the reasons why we are opposed to this Bill and why we want it to be circulated for eliciting public opinion thereon. This is a question of policy and principle. As a matter of fact every honourable member is aware of the fact as to what position has been taken up by the Congress. I have already pointed out that in pursuance of that policy the Congress Ministries of seven or eight provinces have already resigned office. Now the Congress is pondering over the question as to how India should be liberated from the yoke of the British Government. In this connection I may point out that the British Government have declared war on Germany with the object of, as has been given out by them, saving small nations, democracy and the independence of the world, from the aggression of Germany.

Mr. Speaker : I am afraid I cannot allow a wide discussion on the general policy of the war. The honourable member will please keep before his eyes clause (2) of the Bill. The clause lays down "During such time as this Act continues in force a person shall not be disqualified for being chosen as or for being a member of the Punjab Legislative Assembly....." The policy of the war does not rest with this province or this Assembly in its entirety and, therefore, should not be discussed except to the extent relating to the subject matter of the Bill.

Sardar Sohan Singh Josh : Sir, my submission is that the Bill now before the House removes the disqualifications of those persons from being elected as members of the Punjab Legislative Assembly who would be called upon to serve in His Majesty's forces or who hold office under the Defence Department during the present war. Now, our contention is that as the opinion of the country is divided on this issue, therefore, this Bill should be circulated for eliciting public opinion thereon. I may add that on the one hand there are the members and supporters of the Unionist Party who profess that it is highly necessary to lend our support to the British Government in their war against Germany. On the other hand there is a very large number of people under the influence and discipline of the Congress who say that as the British Government have declared war without consulting them, although they profess that they have undertaken this war with the avowed object of protecting weaker nations against the aggression

of Hitler, therefore, it would be but fair that such matters should be placed before the public and they should express their opinion whether the disqualifications of such persons who would accept office in His Majesty's forces or under the Defence Department should be removed or not from being elected as members of the Punjab Legislative Assembly. In the circumstances unless and until the view point of Congress, which represents the bulk of the population of India, is placed before the House we cannot but advance arguments in favour of circulating this Bill for eliciting public opinion thereon. It is, therefore, but relevant that the point of view of the Congress and the British policy in regard to this war be discussed. I was pointing out that before declaring war on Germany the British Government did not consult the people of India. But on the other hand they are now compelling them to participate in it against their will. I do not think this attitude of the British Government is in any way justified. As a matter of fact the attitude of the Congress is that they are not ready to help the British Government with men, money and war material. However, the Punjab Government have brought forward this Bill in order to make it possible for the honourable members to participate in the war. We the representatives of the Congress are entirely against the principle of giving any aid to the Britishers in their war against Germany because we think that it is not being fought with the object of protecting weak nations from the aggression of Hitler. Sir, you are also aware of the fact that on the 3rd September, 1939, when England declared war on Germany the Working Committee of the All-India Congress asked the British Government to categorically state as to what were their war aims particularly in regard to India. The reply which was given by Lord Zetland on behalf of the British Government is also known to all. In fact the British Government have tried to shelve this question two or three times. In the circumstances what the Congress decided was that as their position was not appreciated therefore the only course open to them for expressing their dissatisfaction at the attitude of the British Government was to ask the Ministers of the seven Congress governed provinces to resign forthwith. Consequently the Ministers of the seven provinces resigned. But this has not produced any effect on the British Government. It means that they have no respect for the sentiments of the people of India. In this connection I may point out that Lord Linlithgow interviewed Mahatma Gandhi and other leaders including Mr. Jinnah.

Mr. Speaker : The honourable member may not be irrelevant, but he should not stretch relevancy too far.

Sardar Sohan Singh Josh : Now, Sir, the only conclusion which we can draw is that at present the British Government are following the same old imperial policy which they used to follow before. As a matter of fact they do not want to conciliate the people of India and do not want to fulfil any of their demands. In the face of the refusal of the British Government to satisfy the country's national demands, the Punjab Government are promising rewards for war services and have actually gone the length of removing the disqualifications of those persons from being elected as members of this Assembly who would be called upon to serve in His Majesty's forces or under the Defence Department, while the people who are working for the independence of the country are being jailed under the Defence of India Act. There is no gainsaying the fact that as compared with other provinces

[S. Sohan Singh Josh.]

in the Punjab people have been arrested under this Act in large numbers. I do not like to go into individual cases because it would require some time to go into details which I do not wish to do at this stage. I would only submit that the honourable members are aware of the fact that Sardar Iqbal Singh was arrested again on his release. Nobody knows for what offence and for what period he has been cast into prison again. Similarly, there are hundreds of other persons who have been arrested under the Defence of India Act.

Our position in this matter is perfectly clear. While there are people in this country who favour the idea of unconditional support to British Imperialism, the Congress is of the opinion that this country shall have to wage war for its own freedom first. In such a state of affairs, Sir, when there is a universal desire to fight for our own freedom any one who is in favour of strengthening the forces of Imperialism is no less than a traitor to his country. I for one am not prepared to support this measure on this ground, but would on the other suggest that it may be circulated for eliciting public opinion thereon so that it may be known what the masses in the country think about this Bill.

In order to show how far the Congress has considered this matter, I would with your permission read out a portion of the resolution passed by the Congress at its Session recently held at Ramgarh, which is relevant to the Bill in question.

INDIA AND THE WAR-CRISIS.

The Congress considers the declaration by the British Government of India as a belligerent country, without any reference to the people of India, and the exploitation of India's resources in this war, as an affront to them, which no self-respecting and freedom-loving people can accept or tolerate. The recent pronouncements made on behalf of the British Government in regard to India demonstrate that Great Britain is carrying on the war fundamentally for imperialist ends and for the preservation and strengthening of her Empire, which is based on the exploitation of the people of India, as well as of other Asiatic and African countries. Under these circumstances, it is clear that the Congress cannot in any way, directly or indirectly, be party to the war, which means continuance and perpetuation of this exploitation. The Congress therefore strongly disapproves of Indian troops being made to fight for Great Britain and of the drain from India of men and material for the purposes of the war. Neither the recruiting nor the money raised in India can be considered to be voluntary contributions from India. Congressmen, and those under the Congress influence, cannot help in the prosecution of the war with men, money or material.

The Congress hereby declares again that nothing short of complete independence can be accepted by the people of India. Indian freedom cannot exist within the orbit of imperialism and dominion status, or any other status within the imperial structure is wholly inapplicable to India, is not in keeping with the dignity of a great nation, and would bind India in many ways to British policies and economic structure. The people of India alone can properly shape their own constitution and determine their relations to the other countries of the world, through a Constituent Assembly elected on the basis of adult suffrage.

This proves without the slightest shadow of doubt that the activities carried by non-congressites in connection with recruitment, and the collection of funds for the purposes of war, are contrary to the wishes of this country. The Congress-minded Indians are definitely opposed to any support to the Imperialism, may it be in the shape of men or money. Consequently the Congress resolution referred to above makes it incumbent on us to oppose this Bill. It has been asserted that this war is being waged for the freedom of speech, freedom of press, and freedom of association, but so far as this country is concerned, it can be said without any fear of contradiction, that civil liberties and freedom of thought are the very things that are being

crushed here, and the hold of Imperialism is being tightened more than ever. People have been sent to prison merely because they read out the Ramgarh Congress Resolution in public meetings.

At the moment like this when the whole of the country is seething with ideas of freedom, when the demand of a Constituent Assembly to decide the question of future form of Government, as well as the allied question of political and cultural rights of the minorities, is becoming more vigorous, is it fair to advocate unconditional support to the British Imperialism especially when the Congress—the largest political body in India—is opposed to the very idea of aid being given in any form? I would, therefore, submit that this Bill be circulated to elicit public opinion thereon. Sir, you are restricting me and trying to suppress me.

Mr. Speaker : How?

Sardar Sohan Singh Josh : Sir, at this stage when war is spreading, and when an attempt is being made to win the sympathy of the masses by false and hypocritical display of democratic principles; it will not be out of place if I talk of international affairs, but somehow I have a feeling that you would check me by saying that I am irrelevant. I am, therefore, avoiding wider issues as far as possible.

If the British are true to the principles of democracy, as they claim to be and if they have actually shed Imperialism, as Mr. Chamberlain has said on more than one occasion, let them prove it by leaving this country bag and baggage, as Mahatma Gandhi demands, and let us decide for ourselves whether we should continue our relations with them or not.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Legislative Assembly (War Service) Bill be circulated for eliciting public opinion thereon by the 1st June, 1940.

Subedar Major Raja Farman Ali Khan (Gujar Khan, Muhammadan, Rural) (*Urdu*): Sir, I feel inclined to say that by bringing forward this Bill the Government has taken a beneficial and valuable step forward. My honourable friend has been pleased to remark that we should in obedience to the dictates of the Congress High Command refrain from giving assistance to the British Government. I would, however, point out to my honourable friend that the whole country is not with the Congress. There are communities who do not feel inclined to carry out the commands of the Congress. They are not under the influence of the Congress and on the other hand are prepared to offer all possible assistance to the Government. It will not be out of place if I say that the Congress has the support of non-martial races only, whom I would not call 'Bania Classes' but they are obviously devoid of the fighting spirit. I would, therefore, think that the Congress or the Opposition party in the Assembly would not try to thrust these views on us. I was under the impression that this party would be stirred into action and if they had done so; I would have offered my whole-hearted co-operation and would have tried to be useful to them as a military-man. But as it is, despite the imminent danger, the Congress has not adopted a single method for the defence of the country nor has it morally, physically or financially put in any effort for the protection of the people.

India has not yet experienced a bombardment, the like of which has worked havoc in other countries but if the war is not kept away from our

[S. M. Raja Farman Ali Khan.]

shores, India is bound to be subjected to the same devastation. It is, therefore, very imperative in the interests of our own safety, that the fullest military assistance should be given to the Allies. But it is regrettable that the martial races in India are not being shown the respect that they deserve.

Dr. Sir Gokul Chand Narang : On the contrary we have the greatest respect for them.

Subedar Major Raja Farman Ali Khan : It is to be further regretted that the people who take steps to offer assistance are being hampered in their efforts. The Congress on the other hand is also cognizant of the fact that in the event of the British leaving this country they will not be able to defend their motherland because of lack of martial spirit, which is so essential for the maintenance of a Government. If they had such a spirit even the British would have left this country confident of the fact that the Indians will be able to hold their own against any eventuality. But the fact is that the Hindus, the Muslims and the Sikhs have all been turned into cowards. The Sikhs have also lost their valour by leading a life of ease and comfort. It is wrong to say that the Congress will not take any part in the war. They will, but in such a way that while martial-spirited people will be laying down their lives, these people would be enjoying themselves in the Supply and Store Departments.

Yesterday, I was glad to see the Honourable Doctor Sahib clad in Indian dress and I had hoped that now that he has discarded European clothes he would develop a love for his country. But his words have belied all my hopes.

Although I am an old man, yet I wish that I could serve my country. (*Cheers*). If I could enlist, I would have either laid down my life or would have finished the whole lot of them. The flower of India's youth will go to war but my honourable friends will be amassing wealth in India. Only the people belonging to martial races can be expected to fight and give proof of their courage and bravery, but the banias can only distinguish themselves in the art of manipulating the scales.

Sir, the first time that I visited Lahore was in my childhood, but when I saw it again at the age of 70, I was amazed to see that the old mud hovels had given place to magnificent buildings, which must have been built at an enormous cost. May I know from my honourable friends as to what they attribute all this wealth and splendour? It is because the country has been defended by the Army against any attacks from outside that you have been left in peace to amass fortunes. Still you do not realize the true worth of the martial races. In the end, I would request the honourable members present in this House to give a unanimous vote in favour of this Bill.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, an amendment similar to the one moved by my friend Sardar Sohan Singh Josh also stands against my name. If there is any difference between both these amendments it is only with regard to dates. What I mean to suggest is that the present measure should be circulated for eliciting public opinion thereon by the 31st May, 1940. Now, before I proceed with my speech I would like to say a few words with regard to the object underlying this piece of legislation. The Act of 1937 provides that the membership of the Army in India

Reserve of Officers or the Indian Territorial forces shall not disqualify a person from being a member of the Provincial Legislature, but it is doubtful whether the provisions of that Act cover the case of an officer of the Reserve who on being called to the colours is appointed to a post which is usually held by a regular officer, such as a post of Military Estate Officer, or Recruiting Officer or even the adjutancy of a regiment. Moreover, it is said that the existing Act makes no provision for a member who is granted emergency commission during the war. The present position is this that either a member should refuse to accept such a commission or resign from the membership of the House. In short the Government has introduced this measure with a view to prevent the membership of any of His Majesty's Forces from being a disqualification for membership of the House. Now we are told that since this Bill has been framed on the lines of the one enacted by Parliament last September with respect to the membership of the House of Commons we should refrain from taking any objection to its enactment. But my submission is this that it was not Mr. Chamberlain or even His Majesty who were competent to declare war against Germany. On the other hand a definite verdict of the whole Parliament was obtained before making such a declaration. But our position is quite contrary to that of England. Here nobody consulted the Punjab Assembly or the Central Assembly before declaring that India with her teeming millions was also at war with Germany. Nobody cared to take us into confidence before declaring India with her 350 millions of population a belligerent country. I can assert without fear of contradiction that the British Cabinet was not at all competent to drag us into this European war without taking our leaders into consultation. Under such circumstances we are by no means prepared to dance to the dictates of the British Government. I had given notice of the circulation motion simply to enable the Government to ascertain as to what the public at large feels about the war to which we are no party. The general public opinion is this that India should refrain from fighting other people's battle—a battle to which she has been made a party without her consent. To say the truth we refuse to give facilities to the members of the House to sacrifice their lives in the prosecution of a European war. Mr. Chamberlain has often remarked that Great Britain is fighting for democracy as well as for the freedom of smaller nations of the world. But when we refer the Englishmen to their own attitude towards a country of 350 millions of dumb driven population we are tried to be silenced by giving evasive replies. They are prepared to wage war for the maintenance of the independence of others but not willing to grant independence to those who have been grinding under the wheel of their own tyranny for the last 150 years. Just imagine as to how funny our members would look when they enter the world arena with a sword of liberty in their hands and yoke of slavery round their necks. How absurd is the position of these gallant friends of ours who despite being slaves are prepared to take arms for breaking the shackles of others? It is a pity that the British Government is not prepared to acquaint us with its war aims. If it is really fighting for liberty and democracy it should better make a clear declaration to this effect with particular references to India. In fact what is being practised in India is contrary to the war aims professed by the Government. Now we have reasons to believe that the British Government is not true to its professions.

[Mr. Des Raj Sethi.]

Leaders like Mahatma Gandhi, Pandit Jawahar Lal Nehru and Maulana Abul Kalam Azad have been repeatedly asking the British Government for the last 7 months to give a clear and practical proof of its honesty and sincerity in the matter but no such declaration is forthcoming. And now the things, as they stand, are that even Mr. Jinnah and the All-India Muslim League have taken no decision on the subject. Mr. Jinnah has made it clear that unless his terms are accepted *in toto* by the Viceroy and the Secretary of State for India he is not going to extend his helping hand towards the British Government. In view of the diehard attitude of the latter almost all the political organizations worth the name have refused to co-operate with it at this critical juncture. Now it has been admitted on all hands that the present war is a war for Imperialism waged with a view to extend the empire and strengthen the imperialist interests. In fact they are fighting for bringing other independent States under the British domination. How strange it is that they are expecting help from us who are anxiously waiting for the very fall of the Imperialist edifice. The day is not far off when we will raise a huge mausoleum on the wreckage of this very Imperialism and inscribe the following epitaph thereon :—

Here lies British Imperialism buried hundred fathoms deep and it shall exploit the backward races no more.

Let me point out to my honourable friends that if we are the enemies of British Imperialism it does not necessarily mean that we regard Hitlerism as a blessing. We equally condemn both of them. Hitler's flagrant acts of direct aggression clearly show that he too stands for the law of the jungle. If we are against British Imperialism it does not mean at all that we want Nazi rule in India. If one is exploitation the other is a brute force pure and simple and so both of them stand self-condemned. Anyway, we are not prepared to allow our members to participate in the war waged for the materialization of the Imperialist designs.

My honourable friend Raja Farman Ali Khan was pleased to remark that the enactment of the Bill is highly essential for infusing martial spirit in the country. Despite being pledged to the creed of non-violence I like this spirit very much, but the trouble is that it has always led our friends astray. My honourable friend opposite has told us that he had fought in Burma and Mesopotamia but may I ask him as to whether he has ever used his sword for liberating any slave country? Has he ever attempted to break the shackles of any small nation? I strongly condemn that martial spirit which urges us to fight for the enslavement of free nations. It is better to be without such a spirit than to fight as a hireling and mercenary of the British Imperialism. Different kinds of inducements are being given to youngmen for offering services in the present war. After the successful prosecution of the last Great War jagirs and squares of land were granted to those who had given recruits for active service. Now this time again it has been promised that 15,000 acres of land out of the area irrigated by the Haveli Project will be given away in reward to those who will render services during the present European War. Yesterday in reply to a question of mine I was told that these squares of land would be granted to those who would help the Government in offering recruits and raising war subscriptions. In short various kinds of tactics are being employed for inducing people to

help and support the Government in its war for territorial expansion. The Congress Resolution has really unveiled the truth regarding the war aims of the British Government. It says that the present war professed to be fought in the name of humanity and equality is nothing but a display of blood sucking propensities of brute forces. Thus instead of offering any moral, material or monetary help to the Government we would be only too glad to court imprisonment. To say the truth we are looking forward to the day when Mahatma Gandhi launches his civil disobedience campaign and calls upon us to fight for the independence of our own country.

In short, Mr. Speaker, we want that the Bill should be circulated to elicit public opinion thereon so that the class of people whom it is going to affect may be in a position to express their own point of view. We must ask the people if they really want to provide these facilities to those who would get emergency commissions in the army. If the Government is true in holding that the country is with it, the public opinion thus obtained will give additional backing and support to it. So, I hope the Government will accept our proposal and circulate the Bill for eliciting public opinion thereon.

Shrimati Raghubir Kaur (Amritsar, Sikh Women) (*Punjabi*): I have risen to oppose the Bill under consideration, because India has nothing to do with the European war. Indians have not been consulted as to whether they are willing to participate in it or not. In fact the present war is not being waged for the welfare of India. The cry of "Democracy in danger" is a mere hoax. Had this war been started for the liberation of India, we would have certainly supported it. Even if some one were to assure us to-day that this war is necessary for cutting asunder the bonds of slavery and for laying aside the yoke of foreign rule, we would most willingly join the army. But the fact of the matter is that the British is fighting this war in order to enslave others and to find out new markets for the commerce of England. The poor subjects of His Majesty have nothing to do with it in India. We sent in 1914—19 our youngmen who had been brought up on milk and butter to offer their blood on the soil of Germany. But we should not think it advisable now to send our children who have been brought up on poor food like the sauce of mangoes, to be killed on the soil of Germany again. The question of freedom and democracy is only a stunt. As a result of this war several women would become widows and destitute and a large number of children would become orphans. The poor will die and the rich will live a luxurious life at their cost. The Honourable Sardar Sir Sundar Singh Majithia and other Ministers—I would not mention names—are forcing the poor into the fire of the war and would themselves remain here to obtain squares of land.

The time is ripe for India to attain full freedom. We should with patience and strength get rid of the British. Some of my brothers say that they have the martial spirit in them and that they are out to join the war in order to save others from slavery. May I respectfully ask from them that when they are themselves slaves and cannot liberate their own country, how will they be able to set others free? On the other hand, they would make other countries bow before the British and thereby win a bad name

[Sh. Raghbir Kaur.]

for the Punjab. Let them first of all remove this blot from their own foreheads and then proceed to liberate others. At present they would go out with sword in one hand and shackles of slavery in the other. How can they win freedom for others when they are themselves held in bondage by the British? Little can the Indians—the birds of the cage—help other people. If they are desirous of freedom, they should follow Mahatma Gandhi. They can never attain freedom by making a request with folded hands to the British. The present Bill should be circulated for eliciting the opinion of those whose sons have to go to the battlefield. In fact those persons who had struggled for the freedom of India, are rotting in jails. Even to-day you will find several of these patriots and lovers of freedom interned in the Lahore Fort. Sardar Bhagat Singh and several others gave their lives, while Arjan Singh Gargaj and other patriots are confined to solitary cells. The Government is loud enough to make a false propaganda in favour of the so-called democracy, but imprisons those who make an effort to set India free. I wonder if the big persons with titles of “Sir”, “Rai Bahadurs” and “Sardar Bahadurs” can render any effective help in the war when they cannot remove mosquito from their faces at night although it may go on biting them all the night. (*Laughter.*) The world has seen one hero and that was Lenin. No one can now enslave Russia. (*Ironical cheers from the Treasury benches.*)

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

Shrimati Raghbir Kaur : I was mentioning the brave persons. They are not brave who fight for winning titles. But those persons are brave who fight for the honour and freedom of their country.

My special submission is that this Bill should be circulated for eliciting the opinion of those whose sons will be sent to the battlefield. It is no part of our business to fight for the British or any other pretender. We will fight for cutting asunder the chains of slavery of India. When the European nations are fighting for obtaining new markets, why should we join them in this struggle? It is not proper to send the starving people of India to the theatre of war because this war is not being fought for the freedom of India. I would like to mention this fact that the public in India is now wide awake and will not be taken in by the jugglery of words. Those who claim that this war is being fought for the defence or the freedom of India are traitors to the country. We should not become the camp followers of Sir Sikander's Hitlerism.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :
Mr. Speaker, I rise to oppose the motion moved by the honourable member opposite that the Punjab Legislative Assembly (War Service) Bill be taken into consideration at once and
 2 p.m.
 I support the circulation motion that has been moved by my friend, Sardar Sohan Singh Josh. This piece of legislation raises the question whether we should help the British Government in this war, whether we should withhold our co-operation under the present political circumstances in which we find ourselves and that question, no doubt, has already been voted upon

on the floor of this House by means of a debate on a certain Resolution in which I could not participate because then I was behind the bars. This Bill is intended to enable those persons who might intend to serve in the Defence Department or become Recruiting Officers or may intend to serve in any other capacity in connection with this War and hold offices of profit under the Crown, not to be disqualified from being elected to this House or from continuing as members of this House. Everybody in India and everybody in this House will agree that Hitlerism is a great menace to world peace and security. My honourable friends opposite will say, 'hear, hear'. There are some who do not agree. That is because I maintain that Hitlerism is a bye-product of British Imperialism and Hitler is a copy of British Churchills and Chamberlains. He is a pupil in the school of Imperialism. Therefore, when we curse Hitler, we should also curse men like Churchill and Chamberlain or others who hold the reins of the Government in Great Britain at the present moment or their predecessors who boastfully say that the sun never sets on the British Empire. Who taught Hitler to invade countries like Poland, Czechoslovakia, Austria, Denmark and Norway? It is the British Empire which did so. When they read the stories of British conquests, British exploitation and possession of other countries, they cannot blame Hitler or anybody else because Hitler has been a student in the school of Imperialism. While admitting the fact, though some may disagree with this view, that Hitlerism which is a bye-product of British Imperialism, is a great danger to the peace of Europe and to the peace of the world, to the independence and freedom of small nations, whether they be in Europe or elsewhere, I do maintain that the policy of the Punjab Government, as evidenced by this piece of legislation, is totally at variance with truly patriotic policy that we should adopt at the present moment as we are circumstanced. When the British Government declared war against Hitler, they said that they were doing so for the sake of freedom and independence of Poland and other countries that may be menaced by Hitler. When the British Government declared war against Germany, it meant that the British nation was at war. Immediately after the declaration of war by Great Britain, as a nation, the Indian Government—I mean the Viceroy—declared that because Britain was at war with Germany, India was also at war with Germany and that was a most nonsensical and absurd statement because the Indian Government does not represent the Indian nation. There is nothing in common between the Indian Government and Indian nation at the present moment. As a matter of fact it is the Congress Governments, who have resigned on this issue of war, that represented the Indian national mind truly.

Premier : This political argument has been repeated by three previous speakers. My honourable friend is the 4th.

Dr. Sir Gokul Chand Narang : Only three ?

Premier : Only three have spoken. (*Interruption.*)

Sardar Hari Singh : There remain only two important Provincial Governments, that is to say, the Punjab Government and the Bengal Government. They did not resign but on the other hand declared even against the

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declared policy of their own Muslim League that the Indians must sell their heads to British Imperialism unconditionally and my honourable friend the Premier was, I think, criticized and hackled in a meeting of the Muslim League held at Delhi and he escaped censure by his cleverness. There is no gainsaying the fact that in our opinion our country is a dependency of Great Britain. Before we can fight for the freedom and independence of other small nations, that is, Poland, Finland, Denmark and Norway, we ourselves ask through the Working Committee of the Congress, through Mahatma Gandhi, that we should be declared independent, that independence should be pledged to India on the termination of this war. That question has not been satisfactorily settled so far and, therefore, constitutional deadlock continues in so many provinces of India and here are our Ministers sitting in easy chairs running the administration through British I.C.S. men and spending money on war through war propaganda parties of students and they are bringing forth such absurd legislation before the House which is pledging this province to the support of British Government unconditionally. The man-power of this province, the flower and youth of this province, are being sacrificed through this legislation. In the Statement of Objects and Reasons it is stated—

The present measure, which is on the lines of that enacted by Parliament last September with respect to membership of the House of Commons, is designed to provide for such cases.

I have gone through the Debates of the House of Commons for last September but I have not been able to find out this reference to such a legislation being passed by the House of Commons. It may have been passed earlier or later.

Premier : It was passed on 3rd September, 1939.

Sardar Hari Singh : I have not been able to find it in those debates.

Premier : We have probably not received those debates.

Sardar Hari Singh : We have debates for September and October in our Library.

Premier : There, whenever an emergency arises, the Opposition and the Government put their heads together and pass such measures in a few seconds.

Sardar Hari Singh : In a few minutes they do it.

Premier : No debates are allowed.

Sardar Hari Singh : When the nation is at war, the Government and the Opposition combine for the sake of meeting an emergency to pass such legislation in a great hurry. But it is not to be found in Parliamentary debates to enable us to compare that Bill with this Bill and see where they differ and where they are identical. So this reference is quite wrong. I

asked my honourable friend, Mir Maqbool Mahmood, to look through those pages and let us know if this reference was correct and he promised to do so. But I think he himself could not find out this reference in Parliamentary debates for September last.

Premier : There are no debates.

Sardar Hari Singh : As my honourable friend will say that I am repeating the same arguments that were already advanced by my honourable friends on this side, I will say only a few words more to make one observation and that is this that the Congress has put forth a natural demand at this critical hour so as to test the accuracy and sincerity of British statesmen, when they are fighting with Germany for the sake of freedom and democracy of all nations. We want to test that on the issue of India's independence. That is the position of the Congress. The Congress has gone into wilderness, has made sacrifices and suffered a lot in order to test the accuracy, sincerity and correctness of the statements made by British statesmen and to show to the world that those statesmen, who made those statements, are hypocrites and that the statements are false and that they are not sincere and true lovers of democracy for the weaker and for the nations like India which they hold in bondage. Therefore, if my honourable friend opposite and his compatriot of Bengal, Mr. Fazl-ul-Haq, join the Congress on the issue of India's independence—and they could compel Mr. Jinnah to join with them—then in a couple of days, I daresay, the British statesmen would have come down to terms with the Congress. Had my honourable friends combined with the Congress, India's independence would have been achieved by now. But there is a general impression that my honourable friend opposite and men of his political philosophy do not sincerely believe in the democracy of the type that the Congress demands. (*Voices : Yes.*) Therefore, we disagree with those politicians and with those people who are dancing to the tune of John Bull. (*Interruptions.*) My honourable friend like a *madari* shakes his hand. He has recently declared that he would resist the plan of the Muslim League, which was adumbrated in its Lahore session tooth and nail and that the Premier would not remain in the Government. That may be if the Pakistan scheme materialises at all. We are waiting every day for Sir Sikander to get up on his legs on the floor of the House and to make a declaration as to whether he is in favour of the scheme adumbrated by the Muslim League.

Chaudhri Tikka Ram : On a point of order. How is my honourable friend in order in discussing this matter ?

Mr. Speaker : Will the honourable member please speak to the point ?

Sardar Hari Singh : I know my questions are very inconvenient to my honourable friends opposite. (*Interruptions.*) With these words I oppose this piece of legislation at this stage most vehemently because I think it is designed to further exploitation of man-power of India for the purpose of the prosecution of war, which is not of our making and which

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is not being fought for democracy but for the furtherance of the ends of British Imperialism.

(Voices : Question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

The Assembly divided : Ayes 58, Noes 16.

AYES.

Abdul Haye, The Honourable Mian.	Muhammad Hassan, Khan Bahadur Makhdum Sayed.
Abdul Rahim, Chaudhri (Gurdaspur).	Muhammad Hayat Khan Noon, Nawab Malik Sir.
Ahmad Yar Khan, Chaudhri.	Muhammad Hussain, Chaudhri.
Akbar Ali, Pir.	Muhammad Sarfraz Khan, Chaudhri.
Ali Akbar, Chaudhri.	Muhammad Yasin Khan, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.	Muhammad Yusuf Khan, Khan.
Amjad Ali Shah, Sayed.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Bhagwant Singh, Rai.	Nasrullah Khan, Rana.
Chhotu Ram, The Honourable Chaudhri Sir.	Pir Muhammad, Khan Sahib Chaudhri.
Dasaundha Singh, Sardar.	Pohop Singh, Rao.
Faiz Muhammad, Shaikh.	Prem Singh, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.	Pritam Singh Siddhu, Sardar.
Fateh Muhammad, Mian.	Ram Sarup, Chaudhri.
Ghazanfar Ali Khan, Raja.	Ranpat Singh, Chaudhri.
Ghulam Rasul, Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Ghulam Samad, Khan Sahib Khawaja.	Sahib Dad Khan, Khan Sahib Chaudhri.
Gopal Singh (American), Sardar.	Shahadat Khan, Khan Sahib Rai.
Gurbachan Singh, Sardar Bahadur Sardar.	Shah Nawaz, Mrs. J. A.
Hans Raj, Bhagat.	Shah Nawaz Khan, Nawab Sir.
Het Ram, Rai Sahib Chaudhri.	Sikander Hyat-Khan, The Honourable Major Sir.
Jagjit Singh Man, Sardar.	Sultan Mahmood Hotiana, Mian.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.	Sumer Singh, Chaudhri.
Kishen Das, Seth.	Sundar Singh Majithia, The Honourable Dr. Sir.
Manohar Lal, The Honourable Mr.	Suraj Mal, Chaudhri.
Muhammad Amin, Khan Sahib Shaikh.	Tara Singh, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Ajit Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Binim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Hari Lal, Munshi.

Hari Singh, Sardar.
 Kartar Singh, Chaudhri.
 Mula Singh, Sardar.
 Partab Singh, Sardar.
 Raghbir Kaur, Shrimati.
 Shanno Devi, Shrimati.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

Premier (The Honourable Major Sir Sikander-Hyat Khan) (*Urdu*) : I certainly expected that the Bill now before the House would afford an opportunity to my honourable friends over there to let off steam, to say most irrelevant things and to make much ado about nothing. It is a simple measure and calls for no lengthy speeches. The Punjab Legislative Assembly (Removal of Disqualifications) Act provides that membership of the Army in India Reserve of Officers or other similar organizations shall not disqualify a person from being a member of the provincial legislature. But it is open to doubt whether the provisions of this Act cover the case of an Officer of the Reserve who on being called to the colours is appointed to a post which is usually held by a regular officer. And this Bill is intended to remove this doubt. I might point out, however, that this Bill is in no way a departure from the previous measure so far as the main object is concerned. I am considerably surprised to hear from my honourable friend opposite that he is not aware of the existence of such an Act. Is it not strange that this Act should have escaped the notice of a person who spends most of his time poring over books in the library, while I have been able to discover it without any trouble? I would draw the attention of my honourable friends to the House of Commons Debates. On page 278-79, it is laid down—(*A voice* : What is the date ?) 2nd September, 1939—

“To prevent membership of His Majesty's Forces being a disqualification for membership of the House of Parliament.” “The Bill was read for the first time, the Bill was read for the 2nd time, the House resolved itself into a Committee, the Bill was considered and was read the 3rd time, and passed.”

See what happens here ! But my friends have wasted two hours and a half considering a simple matter like this, when the nation is at war. (*Voices* : India is not at war.) That is perhaps true, because India in which my friend opposite lives is not at war. It is no use shaking your head in disapproval, or calling me or Government all sorts of names. What is needed is a careful and honest consideration of the matter under consideration.

As a matter of fact, the one great difficulty we are faced with here is that sometimes objectionable distortion of facts, untruths and even perjury are resorted to, simply for the sake of making political capital. My friends should remember that it is not the question of the liberty of an individual, but it is the question of the liberty of our country, which demands our immediate attention. Things should not be looked at from a narrow party viewpoint. Nor is there any use indulging in imaginative idealism. I have as you are well aware, availed of every possible opportunity inside and outside

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the House to impress upon my honourable friends that for the mistakes that Englishmen might have committed in the past, or the present, none of us is to be blamed. The question, which confronts us to-day is, whether we should shut our eyes to the dangers that loom large on the horizon and not strive for our safety and political integrity, merely because we may thereby strengthen the cause of the English. My honourable friends seem to hold the view that foreign domination must at all costs be got rid of even though we may have to run the risk of becoming a victim to further foreign aggression.

My honourable sister sitting opposite has accused us of treachery to our motherland, because she says we are sending our fine strapping young men who have been fed on butter and spiced bread to lay down their lives in fighting the battles of others and, she further argues, to strengthen the claims of slavery and bondage. Let me assure her, that these chains are about to break. It is due to the efforts that both the Congress and we on this side of the House have been and are making that the chains are breaking. (*Interruption.*) My honourable friend, Dr. Sir Gokul Chand Narang, says that we have not made any efforts for our country's salvation. He can see a mote in his opponent's eye but refuses to see a beam in his own. Simply because the Opposition has been committing blunders and taking leaps in the dark, they want all others to follow suit, although it may mean a wrong step and the strengthening of those chains.

I have always declared that the Punjab should assist in the prosecution of this war unconditionally, not because we want to strengthen imperialism or because the question of 'bread' looms large on our horizon, but because I sincerely believe that the danger is approaching very near. (*Voices: What danger?*) My honourable friends may not see that danger, but when the war comes nearer home it will be my honourable friends who will head eastwards and flee for safety; as an honourable member has pertinently remarked, they will give us the slip and will have nothing to do with it.

Let me make it clear once again that I do not want the Punjab to join the war for the sake of the British or the French alone; I have not advised the Punjabis to participate in this war in order to perpetuate the bonds of slavery, but because I cannot, like my honourable friends opposite, overlook the danger which threatens us with the rest of the civilized world. Keeping that in view I fear that we might be further removed from the ideal for which we and our leaders have striven during the last sixty years; and we might even lose those rights which were granted to us in recognition of the supreme sacrifice which was made by thousands of our youngmen in the last war. (*Noise and uproar.*) My honourable friends opposite seem to be losing patience and are as usual indulging in senseless slogans. The trouble is that they think only of offices and power and try to exploit anything and everything to oust the present Government by fair means or foul. They would not hesitate even to sell the freedom and safety of the country.

I would request my friends to be honest to themselves and the province and to ponder if the calamity which we foresee befalls us what would happen

to our country. If, God forbid, that moment comes, neither Diwan Chaman Lall nor Chaudhri Kartar Singh nor even Sardar Sohan Singh Josh and his friends, who always have their eyes set on the North-Western gateway of India, will be able to save the province. The task of shouldering the responsibility of protecting the Punjab and the honour of our womenfolk and the lives of our children will fall on those very youngmen who are brought up on milk and spiced bread. They will have to defend our honour and our very existence at the cost of their lives and at that time their political leaders who talk the loudest will not be found anywhere. (*An honourable member*: Even you will not be there.) Quite; I will certainly not be here but fighting shoulder to shoulder with my countrymen.

It will be suicidal to decline to take part in the present war and allow India to be overrun by the enemies of liberty and civilisation on the flimsy pretext that the British have not accepted the demand of a Constituent Assembly or have not agreed to the formation of Pakistan. No sincere patriot can countenance or favour such a policy or attitude. We cannot afford to non-co-operate with the British in this matter merely because the demands of Mahatma Gandhi, or the Muslim League or the Hindu Mahasabha have not been accepted by them; we should be prepared to render every possible help in view of the imminent danger which threatens them and us. I am sure that every one of those leaders does feel and realise, when he ponders over this matter dispassionately, that the danger is very real and not so remote and that efforts must be made to keep it away from our borders.

It is quite another matter that the leaders have seized this opportunity for political manoeuvres just because there are certain sections which believe that if we withdraw support and not join the war on the side of the British, they might force England to accept those demands. Even Mahatma Gandhi and other leaders have admitted in their statements that the cause for which the Allies have taken up arms is a righteous cause, but they say that because they have not been consulted they will not help them. This attitude may be correct from their point of view but in this province we are not capable of such political bargaining. In the face of apparent danger we cannot afford to remain idle. When the time comes, those who are fond of making lengthy speeches and expounding nationalism will run for their lives to the United Provinces or even Madras, and the duty of defending the country and its honour will devolve upon the brave youths of this province. It is suicidal to refuse to take up arms at a time when our country is at the threshold of independence and when it is necessary to do so to save our own hearths and homes.

To those of my honourable friends who say that they have not been consulted, I would only say that we have not been consulted many a time, but is that any reason why we should refuse to do a thing which we are aware is going to benefit none but ourselves? Is it wise to adopt such an attitude? It may sound a good debating point, but it will not help in the face of a ruthless enemy.

It seems that John Bull has become a nightmare to my honourable friend Sardar Hari Singh. I would like to tell him that John Bull is not

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the same John Bull of twenty years ago. He has changed considerably since then and is out to give us our freedom. We should not, therefore, let him get on his nerves.

Sardar Hari Singh : He has probably assumed your form now.

Premier : If I had taken his form, the country would have been free long ago.

Sardar Hari Singh : Pakistani.

Premier : If Sikander Hyat-Khan offers to win your freedom for you, he becomes a Pakistani, and such independence is not acceptable to you. This is the mentality of my honourable friends opposite, and yet they talk of nationalism and independence. I fail to understand the mentality of my honourable friends opposite. They still persist in refusing to act in accordance with the mandate of this House—which has been endorsed by the whole province—to participate in the war on the side of the Allies. On the one hand they pose as champions of the rights and privileges of the House whose fiat they have the temerity to trample under foot and on the other they feel reluctant even to concede the ordinary privilege contemplated in the Bill to those patriotic members who in obedience to the decision of this House have expressed their willingness to risk their lives for the sake of their country. Is it just and proper on the part of my honourable friends opposite to demand that those gallant members who have been or may hereafter be called to the colours should be disqualified from being members of this Assembly? Is it a crime to offer one's services for the defence of his country? In fact I do not find any logic whatsoever in the argument that any preparation on our part to defend our own hearths and homes would be tantamount to perpetuating our dependence. Let me repeat that participation in the present war will bring us nearer to our political goal. In helping Great Britain we will be helping ourselves as also civilization, justice and righteousness. In conclusion, I would like to sound a note of warning to my friends opposite. The time may not be far off when in the Punjab we will be fighting for our very existence, and for the safety and honour of our sisters and daughters. *(Loud cheers).*

Mr. Speaker : Question is—

That the Punjab Legislative Assembly (War Service) Bill be circulated for eliciting public opinion thereon by the 1st June, 1940.

The Assembly divided : Ayes 19, Noes 64.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.

Chanan Singh, Sardar.
Duni Chand, Lala.
Duni Chand, Mrs.
Hari Lal, Munshi.
Hari Singh, Sardar.

Kartar Singh, Chaudhri.
 Mazhar Ali Azhar, Maulvi.
 Mula Singh, Sardar.
 Partab Singh, Sardar.
 Raghbir Kaur, Shrimati.

Rur Singh, Sardar.
 Shanno Devi, Shrimati.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

NOES.

Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Muhammad, Mian.
 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.
 Het Ram, Rai Sahib Chaudhri.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan Bahadur Raja.

Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan, Khan Bahadur Makhdum Sayed.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nasrullah Khan, Rana.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sultan Mahmood Hotiana, Mian.

Sumer Singh, Chaudhri.	The	Tara Singh, Sardar.
Sundar Singh Majithia,		Tikka Ram, Chaudhri.
Honourable Dr. Sir.		Ujjal Singh, Sardar Bahadur Sar-
Suraj Mal, Chaudhri.		dar.

Mr. Speaker : The question is—

That the Punjab Legislative Assembly (War Service) Bill be taken into consideration.

The motion was carried.

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

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : Question is—

That clause 2 stand part 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.

Premier : I move—

That the Punjab Legislative Assembly (War Service) Bill be passed.

Mr. Speaker : Motion moved—

That the Punjab Legislative Assembly (War Service) Bill be passed.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*) : Mr. Speaker, I do not doubt the sincerity of either Mahatma Gandhi or Sir Sikander. But we would not at the same time shut our eyes to the fact that whereas Mahatma as well as the working committee of the Congress have refused to help the British in the present war and Mr. Jinnah too has declined to accept the invitation of the Brigadier-General to attend the meeting of the various leaders of the Central Legislative Assembly, Sir Sikander is ploughing his lonely furrow by continuing to help the British. Moreover he tells us that a measure similar to that which we are considering to-day has already been passed by the British Parliament. But, may I ask as to why the British, at the time of declaring war against Germany, included India without consulting her among the belligerent countries? We read it in the literature published on behalf of Sir Sikander that the war is being waged in support of Poland and that our Premier is helping the British for the sake of democracy and in the defence of Indians. How can we believe Sir Sikander when he is a Punjabi in the morning, a zamindar in the afternoon and a Muslim Leaguer in the evening? (*Laughter.*) As a matter of fact, he is neither a Punjabi nor a zamindar nor a Muslim Leaguer. He is in reality a slave of the British. (*Cheers from the Opposition.*) His

mentality is pro-British. It is a false charge against the Opposition members that they hurl abuses on the Premier. In fact we respect Sir Sikander as an elder. We have, however, fundamental differences with him so far as politics is concerned. In view of his political conduct, I am afraid, his descendants will have to hang their heads in shame whenever the name of Sir Sikander Hyat-Khan is mentioned in the future history of this country, because he is strengthening in India the bonds of her slavery.

Mr. Speaker : The honourable member is becoming personal.

Chaudhri Kartar Singh : Mr. Speaker, I am replying to his speech, I am not attempting any personal attack. The Honourable Premier has remarked that the Congress members receive their daily allowances of Rs. 22-8-0. But I may point out to him that if Mahatma Gandhi starts Civil Disobedience, we will forthwith sacrifice everything and join the struggle for the liberty of the country. Has the Premier the courage to come forward like a true patriot? His point of view is opposed to all patriots. He neither follows Mahatma Gandhi nor agrees with Mr. Jinnah. His views are identical with those of the British, because it is the British who have raised him to this eminent position, otherwise he did not count at all. He is now out to strengthen the British rule for hundreds of years to come so that his cement factories may continue to flourish and his capitalistic interest may remain safe.

He is creating unnecessary fears in our minds to the effect that the poor Muslims are in danger or our hearths and homes and honour are unsafe. The Punjab is no doubt strong enough to defend India and if India is invaded, we will not flee towards Madras, but the Premier will find us fighting shoulder to shoulder with him. (*Cheers.*) But the additional police will be guarding the bungalows of my honourable friend. He will never dare to go to any battlefield. You have no stomach even for the jail. How can you fight in a battlefield? You may, however, join the army if you are appointed a general and have nothing to do except issue instructions. As a matter of fact those people who are anxious to help the British in the war should not spare even their lives but they are anxious to retain their membership. The present Bill has nothing to do with the freedom of the Punjab. Some friends of Sir Sikander Hyat-Khan are desirous of obtaining money from the military and also to keep their membership intact. He is only concerned with his Premiership and has no other concern at all. I wish it were possible for Sir Sikander Hyat-Khan to realize that if he slightly changes his mentality, the fate of the whole of India can be changed for the better. If he joins hands with Mahatma Gandhi to-day, everything that India desires, can be had at once. Only a few observations and I have done. I would like to make it clear that the country is no longer prepared to tolerate this state of affairs any further. I repeat it on the floor of the House that we are not going to be cowed down by the Government, howsoever repressive measures it may adopt to intimidate us. I may also add that if the British Government is not prepared to consider our demands or grant us independence or respect our sentiments, we would never submit to its fiat. We would not rue the day if Russia takes over the reins of government in India or the Muslim come to power. We would prefer to be slaves of the latter as we will have at least this satisfaction that we are slaves of our own kith and kin.

[Ch. Kartar Singh.]

I would request the Honourable Sir Sikander that if he is imbued with honesty and sympathy for his countrymen, he should get the legitimate demands of his country accepted by the British Government. He should sound a note of warning to the Britishers that if they did not accept the proposals put forward by Mahatma Gandhi and Mr. Jinnah he would withdraw his support. But in the present circumstances I fail to understand why the Honourable Premier is bent upon sacrificing the invaluable materials and sinews of the Punjab for the sake of the British. I can say with the fullest confidence that no amount of money and man power spent by him against the wishes of the country would be of any avail to save the Britishers from annihilation. I may also add that kaleidoscopic changes are taking place in the international situation. Does the Government know what became of Poland? It was subjugated in a few days. As regards Denmark it was conquered in no time. I am of the opinion that it behoves the Honourable Premier that he should join hands with Gandhiji in bringing about a change in the destiny of India. Again he should get rid of this idea that we hate him because of his being a Muslim or because we do not approve of his coming into power. I may make it clear that we neither envy his Premiership nor aspire for this office. We are not against Sir Sikander as the Premier of this province. What we are opposed to, is, his policy of unconditional support to the British. If to-day he renounces that policy we would certainly hail this action of his as most patriotic. (*Hear, hear.*) But I regret that he lacks the requisite courage. If he had been bold enough he would have on the 26th ultimo stated this fact on the floor of the House that the action taken by him on that day was taken with the sole purpose of maintaining law and order in the province. But there is a glaring difference in his own statements. His statement given at his residence differs from what he told us here or said to Alama Mashraqi or Mr. Jinnah. I may tell him that he can no longer dupe the people. They are fully aware of his tactics. They cannot be fooled now.

Besides, I may submit that we bear no ill-will against those of our brethren who would participate in the war as Lieutenants and Majors of the Army. Our sole objection is, when the British are not prepared to accept our demands, why should we become their comrades in arms? But if the British Government holds out an assurance that independence would be conferred on India at the termination of the present conflict, it will have our full support. In this connection I am reminded of an interesting fact which I would like to relate to the House. Before the hostilities broke out an English girl had an interview with Herr Hitler. She asked him why he was bent upon shedding the blood of the flower of his country. He replied that the betterment of Germany lay in this line of action. He further said that if they won the war, they would get colonies to improve their economic condition and if they were beaten, their population would decrease by a crore or so. Consequently the pressure on the country would be mitigated and the people would have some space to breathe in fresh air. In the circumstances when the enemy is out to fight, it is politic on the part of the British Government to accept our demands. Then I and Sardar Sohan Singh Josh, with rifles on our shoulders, would fight for the British. (*Loud applause.*) But if they are not prepared to comply with our request

let them go to hell. Why should we make ourselves a scapegoat for their sake. I would again ask the Honourable Premier that if he cannot change the destiny of India, he should at least part company with the British in order to free the country from the bondage of the latter. With these words I close my speech. (*Applause.*)

Sardar Sohan Singh Josh : I may point out that the honourable member who has just spoken has done so on his own behalf and not on my behalf also.

Shrimati Shanno Devi (West Multan Division, General, Rural) (*Urdu*):

3 p. m. Sir, the subject which has been under discussion of the House for a sufficiently long time relates to the matter as to whether or not we should join the army. (*Voices : No, no. This matter is not before the House.*) The honourable members need not get impatient. I am coming to the point. They should bear with me and give a patient hearing. The question before the House is whether members of this Assembly can also become members of His Majesty's Forces or hold any office under the Defence Department. I am of the opinion that any member of this House who wants to serve the army in connection with the present war should first resign his seat in the legislature. But, may I know who has a liking for a war? I am sure no Indian would like to participate in a war which would bring red ruin and destruction to our country. My honourable friend Chaudhri Kartar Singh in the course of his speech put a pertinent question to the Government as to why India should participate in this bloody war. India was not a free country. Why should the sons of India lay down their lives unnecessarily and for no useful purpose or gain? I wholly endorse his view-point. Besides, I may point out that the hearts of Gandhiji and other accredited leaders of India are surging with patriotism and love for their country. Their uppermost desire is to see every son and daughter of India imbued with the same zeal and ardour for the emancipation of their motherland. (*Hear, hear.*) I may also add that now the youth of India is wide awake. He would not go to the help of the Britishers who have committed untold atrocities on the Indians and have rendered them penniless. Again the Unionists want to keep the hold of the Britishers on India tightened by extending a helping hand to them.

Mr. Speaker : The honourable lady member is not quite relevant. The question before the House is whether a member of this House, who accepts military service, is disqualified to remain a member.

Shrimati Shanno Devi : My submission is that every honourable member who occupies a seat in this august House is a representative of the people. It is incumbent upon him that in the circumstances he should first sound his electorate whether they are prepared to allow him to participate in this imperialist war. It is only then that the members of the Assembly can accept military service. With these words I close my remarks.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din (Sheikhupura, Muhammadan, Rural), (*Urdu*): Sir, as you have already observed the question now before the House is whether or not the honourable members who accept office in connection with the prosecution of the present war should be disqualified from being members of the Punjab Legislative Assembly. My honourable friend Chaudhri Kartar Singh has simply wasted his breath.

[K. B. Maulvi Ghulam Mohy ud-Din.]

While in the course of his speech he sermonized to us, I think it would have been better that instead of delivering this sermon here he had directed it to the side of Wardha. Let me point out that to-day what is required is that we should unite together on one point, not with the object of enslaving others but with the object of securing India's independence. I do not think that there is any unfortunate individual who possesses a living heart and still he does not desire to make his country independent. But I may point out that we do not want that the present bondage be replaced by another. My submission is that we are not concerned with war that is going on between Germany and Britain but what we are concerned to-day is that we should be prepared for that time which may, if not to-day, overwhelm India to-morrow.

Lala Duni Chand : Why cannot you offer yourself as a military adviser at the Western Front? (*Laughter.*)

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : My honourable friend while sitting on these benches is dreaming about the Western Front, I think the following adage aptly applies to him : ہر کسے ہاں کڑے کا تختہ I may tell my honourable friends opposite that it is one thing to raise points of orders and quite another to experience the hardships of the Western Front. (*Hear, hear.*) It may be a consolation for them but I may tell them that when the trumpet of war will be sounded that would be a congratulation for us. (*A voice : Look at the soldier.*) (*Laughter.*) My honourable friend does not know that stature does not matter but it is the martial blood that counts. (*Hear, hear.*) At a time when the world events are progressing so very rapidly it would be unwise on our part to allow the people of India to continue to sleep in their old slumber. Do my honourable friends mean that India should not be allowed to stand on its own feet? I may tell them that if they think so they are mistaken. To-day every individual of the Punjab desires that he should come forward and protect India from the aggression of an aggressor. (*Hear, hear.*) I may tell them that whenever the question of the defence of India will arise it will be the Punjab which would be called upon to shoulder this burden because geographically it occupies such a position that its inhabitants are physically stronger and they can discharge this duty properly. Moreover they have great martial traditions to their credit. I can say that God created the Punjabis in order to protect the whole of India. (*Hear, hear.*) The attitude of my honourable friends opposite reminds me of a talk which took place between me and an Englishman. The Englishman pointed out to me that sedition was spreading in India. I told him not to look at it from this point of view. At that he remarked that I was only afraid of other nations and that that was why I had not the courage to speak out the truth. I told him that I was not afraid of anybody. (*Hear, hear.*) He replied that an eminent person told him that we were afraid of others. I retorted that he did not know that martial blood ran through our veins and it amply showed that we were afraid of none. Then he inquired whether we were in a majority or minority in India. I told him that majorities and minorities did not count. He asked me as to what was our number in India. At this I asked him as to what was his number in India. Similarly, I may point out that the Punjab would not shrink into the background merely

because its population is very small. On the contrary, its inhabitants are prepared to protect the whole of India. I think that not only those who are already engaged in the prosecution of this war but every one of us should prepare himself to do this duty when he is called upon to do so. In fact I am waiting for that time when every individual of the Punjab between the ages of 16 and 65 would be compelled to join the army (*Hear, hear*). My submission is that for centuries India has forgotten military training and military tactics. Now when the opportunity has come at our door we should not let it go. There is no reason why every Punjabi should not get the military training for which he has been yearning so long. My honourable friends opposite are averse to such military training being provided to the Punjabis. I do not mind their objection but what I object to is why every Punjabi is not being compelled to join the army, and thereby again get that military training for which he is so eminently fitted.

There is absolutely no reason why a Punjabi should not develop that discipline. My honourable sister says she cannot agree to it. But what I want to object to is, why should a Punjabi be restrained from developing that spirit of discipline? We are not born merely to listen to radio news-bulletins. We cannot be satisfied with a mere account of what is happening in other parts of the world. We have got to dispel the wrong notion that this is an Anglo-German War. This is a World War, by which no nation of the world can remain unaffected. Can it be presumed that they will be stirred to action only if this country also becomes a theatre of War? Do they propose to pass the Bill at that time and forward its copy to the enemy that he should not move further?

The need of the time on the other hand is, that young and old should, on the call to arms, come forward and be prepared to sacrifice even their lives for the liberty of the people, who live in this country.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Urdu*): Mr. Speaker, I rise to oppose the Bill now before the House on obvious grounds. The Honourable Sir Sikander Hyat-Khan while moving this Bill appealed to the House to allow the members of this Assembly to participate in the present war. The position of the Congress in this matter is as clear as daylight. Their policy is consistent and not liable to frequent changes as is the case with the present Government. Those among us who are in favour of rendering unconditional support to British Imperialism may well please themselves and with that object in view it is better for them to forego their daily allowance of Rs. 22-8-0. If that is done, there would be no need for this measure.

The Honourable Premier has during his speech pointed out that he has brought forward this Bill not because the freedom of India is jeopardized and democracy is at stake, but because Punjab is seriously in danger. This I would say without any fear of contradiction is nothing but a bogey. Neither Punjab nor India is in danger. (*Raja Ghazanfar Ali Khan: Question.*) My friend Raja Ghazanfar Ali Khan questions my statement. If that is so, I ask, why have you sent 18,000 troops to Singapore and Iraq? There is absolutely no truth in the statement that the Punjab is in danger. I would ask my friends to leave aside everything else for the time being and tell me whether this discussion is worthy of a people who call themselves brave. As a matter of fact, slavery has entered into the very vitals

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of the people of the Punjab. This cannot and should never have been a matter of pride, but what I find is that my friends opposite are trying to take it in a jovial and light-hearted spirit. It is difficult to understand why love for freedom has died out so soon in the Punjab which accepted bondage many years after the other parts of India had been brought under subjugation. If some one from a free country were to visit our land, and listen to our boastful professions of loyalty—which is a misnomer for slave mentality—what will they think of us? If these members are really desirous of participating in the war, they should better not bother about their daily allowance of Rs. 22-8-0, but there is one thing which is highly necessary and that is that this matter should not come on record. Otherwise, what will our coming generations think of us? Will they not feel ashamed of claiming us as their ancestors? As a matter of fact, we boast of being descendants of brave forefathers, and do not care to realize how ugly we look when we talk of loyalty. If one of us were to visit some of the free countries, he will know what freedom loving people think of us. It will be no exaggeration to say that outside the Punjab, people consider Punjabis as “bhutanas” (*Laughter*). Do you know what happened when the Khilafat deputation went to England or when Sikh deputation went there in connection with the Montague-Chelmsford Reforms?

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

We hang our heads in shame to think that the members of this deputation were actually disgraced. The Khilafat deputation was actually turned out of Turkey.

Mr. Deputy Speaker : Please speak to the motion.

Sardar Partab Singh : At Port Said in Egypt when the deputationists went to take their meals in a restaurant, they were disgraced by the waiters.

Mr. Deputy Speaker : Order, order. Please speak to the motion now before the House.

Sardar Partab Singh : I have no doubt that you will without any difficulty be able to get this Bill passed by the House. But what I want to know is whether you have sincerely given a little thought to the question, if these speeches are fit to be called speeches of freedom-loving people. If Englishmen were slaves of another foreign nation, would they make such speeches? However, if you are expressing what you sincerely feel, I can only pity you, but if you are saying what you do not feel, I have nothing, but contempt for you. It has become a fashion with us to curse and villify Germany and Hitler. But may I ask from the supporters of the British cause whether Great Britain would not have tried to break the restrictions and throw away the indignities heaped upon her in the same way as Germany is doing, if the British had lost the Great War? Now if Germany has done, what every self-respecting nation would do, why should we blame her for that? (*Interruptions*.) The vehement anger and right indignation caused by the treatment which the Allies meted out to Germany after her defeat is the essence of Hitlerism. Hitler is a great man. Hitler is on top in

Germany because he tried to retrieve the ground that Germany had lost in the matter of her prestige and wanted to put her back on the map of Europe. Why should we condemn his efforts? He is the saviour of Germany. If any one like him were to rise among us and were to lift us to the level of the British, Japanese and Germans, would we condemn him? Do my honourable friends know how their countrymen are treated in foreign lands? I have lived abroad and I know how we are accosted in the streets and asked as to what is the population of India and how many are Britishers. When we give the reply the foreigners pay their compliments to us by saying "Damn you Indians." May I know from the honourable Sir Sikander Hyat-Khan who has been to England and who has breathed the air of a free country and heard the voice of free people, how they value their liberty? Even if the caged polly is given all the nice things in the world to eat it does not mean that he likes to be in a cage. All freedom-loving people prefer death to a life of bondage and slavery. I consider life as a risk. In India we are kept in bondage and our economics and politics have been crushed under foreign domination.

I live to see the day when our country will shake off this foreign yoke of bondage and we will be a free people.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (*Urdu*): Sir, I have had the opportunity to listen to the speeches made by two valiant members from the Opposition. If the weapons suggested by them for the liberation of our country were as efficacious as they would have us believe we would have long since won our independence; but the fact is that non-violence and "khadi," the two weapons advocated by the Congress and Mahatma Gandhi are nothing more than mere ideology.

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

Pir Akbar Ali : I refer to this simply by way of a reply to the harangue made by my honourable friend Chaudhri Kartar Singh. He is probably trying to fight India's enemies by lashing them with his tongue. He has used language—I will not call it filthy—which does not become him. I do not know whether a belief in non-violence or being a follower of Mahatma Gandhi necessitates eschewing sweet decent words from one's utterances. We feel every respect for their leaders and have never alluded disrespectfully to them but each and every honourable member who has stood up to speak from the opposite benches has given expression to most exceptionable and insulting references regarding such eminent leaders as Sir Sikander Hyat-Khan whom the whole of the Punjab respects and Mr. Muhammad Ali Jinnah who is venerated by Mussalmans all over India. Is this how they are following Mahatma's behests? Let me make it clear to my honourable friends that we cannot hope to liberate our motherland by utterances such as these. If, however, independence of a country or the liberty of a nation is won by insulting and villifying leaders, then the two valiant gentlemen opposite are more than enough for snapping the chains of bondage. My honourable friend, Chaudhri Kartar Singh, is labouring under a misapprehension if he thinks that abuses and the use of language befitting only the Sansi and Bawaria women can be instrumental in attaining a country's freedom.

Begum Rashida Latif Baji : May I ask the honourable member who is in possession of the House as to whether or not his references to *Sansianis* and *Bawarianis* constitute a flagrant disrespect to the whole women community? Let me point out to him that the womenfolk have never lagged behind men in fighting for the freedom of the country.

Pir Akbar Ali : Not all of them but only those who are as intelligent and wide awake as my honourable sister is.

Sir, the chief grouse of my honourable friends opposite is this that the present measure according to them is likely to afford ample opportunities to the Englishmen to offer justification for the prolongation of our enslavement; and it would further strengthen the chains of our bondage. But may I ask my friends as to who exhorts them not to get free? Let them take courage in both hands and break the shackles of slavery and declare themselves a free nation to-day. They are quite welcome to do so. But let them make it a point that there is not a single nation on the face of this earth which has achieved freedom by merely speechifying. Do they think that by making relevant or irrelevant speeches in the House they would be able to weaken the imperialistic hold in India? Does my friend, Chaudhri Kartar Singh, think that by hurling abuses at the Honourable Sir Sikander Hyat-Khan the country would be in a position to shake off its bondage? May I know as to what effective step the Congress has taken so far in order to bring its goal of independence nearer? I can assert without fear of contradiction that this political organization has miserably failed to do any constructive work for making the freedom of our country a reality. On the other hand it is not prepared to throw away the yoke of British domination. Now it has been proved beyond a shadow of doubt that the Congress wants to rule over the country with the help of the British bayonet. But still they have the temerity to accuse us of keeping India under a foreign domination. May I ask my friends as to who offered temptations to the Englishmen to come to India? Was it Sir Sikander, Sir Sunder Singh or myself who brought them here?

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

Pir Akbar Ali : To say the truth the rule of relevancy has been entirely suspended to-day and every member has been allowed to say irrelevant things. (*Laughter.*) But despite all this I am exercising a great restraint on my real feelings and do not propose to give vent to them.

Sir, I was asking my friends as to who brought the Englishmen here in India.

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

Lala Duni Chand : On a point of order. Quite a number of times the honourable member has called upon us to say who brought the Englishmen here.

Mr. Deputy Speaker : No point of order. The honourable member may resume his seat.

Pir Akbar Ali : Sir, the object of the present Bill is this that the membership of any of His Majesty's Forces or the holding of an office under

the Defence Department in connection with the present war should not be considered a disqualification for being a member of the Punjab Legislative Assembly. Now it is interesting to note that when the Bill was undergoing the stage of second reading none of my friends opposite thought it fit to raise an objection to any of its clauses but when the motion regarding passage of the Bill was moved all of them began to clamour for its withdrawal. This clearly shows that so far as the principle underlying the Bill is concerned they are perfectly at one with the Government benches and it is only the enactment which they object to. But may I ask as to whether the attitude adopted by them is becoming of those who sincerely love the freedom of their country? If they think they are true to their professions they will have to behave like those who do not hesitate to sacrifice their lives for the freedom and liberty of their countries. In the end, Sir, let me again tell my friend, Chaudhri Kartar Singh, that he cannot liberate his country by showering abuses on the Honourable Sir Sikander Hyat-Khan. With these words I support the motion before the House.

Chaudhri Kartar Singh : On a point of personal explanation. (Voices : No, no.) You are not the Speaker. I am addressing the Chair.

Mr. Deputy Speaker : I would request the honourable member to resume his seat.

Chaudhri Kartar Singh : Sir, the honourable Pir Akbar Ali has remarked that I in the course of my speech had showered abuses on the Honourable Premier. I most emphatically repudiate that charge. I accept the arbitration of the Honourable Sir Sikander Hyat-Khan in the matter and assure him that his pronouncement will be binding for me. If he holds that I had used any indecent word against him I would be only too glad to withdraw it, and if he says that I have not uttered any such objectionable word then the honourable Pir Sahib should be called upon to withdraw the charge he has laid against me.

Mr. Deputy Speaker : I would request the honourable member to resume his seat.

Chaudhri Kartar Singh : Unless the Chair calls upon the honourable member opposite to withdraw those definite charges which he laid against me I would not allow the House to proceed with its business.

Premier : You are free to say anything against me. I do not worry about what you say.

Chaudhri Kartar Singh : But did you hear me using any indecent word against you?

Premier : But why should I disbelieve you when you say that you did not hurl any abuses at me?

Chaudhri Kartar Singh : Then ask the Pir Sahib to withdraw the remarks he made against me.

Mr. Deputy Speaker : Order, order.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : I had no intention of speaking on this Bill but the speeches that have been made to-day on the floor of the House have forced me to stand up and say a few words either in elucidation of what has been said or in contradiction or in condemnation of certain things that have been uttered in support of this

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measure. Strictly speaking the debate has been conducted in a sense of good humour throughout. I do not remember an occasion when the House has rocked so much with light laughter as it has over this particular debate, and that is the reason why I regret so much that there have been uttered such arguments of pure and unforgivable irrelevancy in regard to this measure. What are we discussing? We are discussing a very limited thing. We are discussing not the conduct of my honourable friend over there: we are discussing not the conduct of the war: we are discussing not the conduct of the British Government, and we are certainly not discussing any remarks that my honourable friend in his utter ignorance may make or in his misguided enthusiasm might make against the Congress or Mahatma Gandhi. I can assure my honourable friend that the Congress and Mahatma Gandhi are quite well capable of taking care of themselves. He may ignorantly consider that the Congress is wanting a foreign domination over India: the world will not agree, and I leave this matter at that. Therefore I regret very much that this debate should have taken a turn which neither the measure before us nor the amendment before the House, which has already been disposed of, warranted. The measure in short is for the purpose of deciding whether members—prospective members or existing members—of this House should or should not have the disqualification removed from them if they happen to join His Majesty's forces or if they happen to take a job under the Defence Department of the Government of India. That in short is the subject to be discussed, and there is no other subject to be discussed, and that is why I said that I have probably never in my experience listened to such utter irrelevancy as has been uttered on the floor of the House to-day.

The reason why we on this side oppose this measure is because it is an important thing for this House to consider—the liberty and independence of this House are matters of very grave concern both to this province and to this House itself. If we are going to permit a large body or a large number of members, who are servants, not merely servants of the Crown, but equally holders of office of profit under the Crown, and once this issue arises that must be considered carefully by the House and by every member of the House and by this province. Under section 307 of the Government of India Act special exemption was given for the purposes of the first elections in respect of certain classes. The exemption given was in respect of Ministers and holders of office of profit such as a non-official member of the Executive Council of the Governor-General or of a Governor or as a Minister in a province, and also in respect of holders of an office which is not a whole-time office remunerated either by salary or by fees.

These alone are the exemptions provided in section 307 of the Government of India Act. Then under section 69 (1) the legislature is left to decide one way or the other whether certain exemptions should be given to people who are holders of offices of profit under the Crown. You will remember, Mr. Deputy Speaker, that in the very first session of this House, within probably a week of the birth of this legislature, my honourable friend brought in a measure called the Removal of Disqualifications Bill for the purpose of removing any disqualification that may attach to certain classes of people like lambardars, zaildars, sufedposhes, territorial officers and officers in the

Reserve and now what he seeks to do is to widen the scope of that particular measure by virtue of this Bill that he has brought before this House to-day. By this Bill the holder of a commission in the Indian forces would not be debarred from seeking election to this legislature or if an honourable member here joins any of the active forces, or is transferred from the reserve to the active forces and holds a substantive post, he would not be debarred from continuing as a member of this House. He has gone a little further than that and has suggested in this measure that even those who may be called upon to hold any sort of office of profit under the Defence Department of the Government of India should not be disqualified from being members of this House. A matter of policy arises and it is this: We do not know why my honourable friend is in such a great hurry to pass this measure within a few hours. My honourable friend read out the provisions of a measure which was passed at one sitting of the House of Commons. Perfectly true. He forgets the fact that as far as the House of Commons is concerned, as far as Great Britain is concerned, conscription had been brought in under which many men of a particular age or up to a particular age automatically become holders of offices of profit under the Crown by virtue of the fact that they were brought in by force into the army and turned into soldiers. Where is this conscription in India, I ask. Conscription has not been brought into force as far as we are concerned, as far as Indians are concerned, as far as our province is concerned. I do not think any other Government has thought fit to bring forward a measure of this nature by virtue of the powers vested in the Governors of the provinces. I stand subject to correction, but I do not think that this has happened in any other province. But our province naturally leads in such matters and my honourable friend has taken this opportunity of bringing this measure before this House. If there is no conscription here, if there is no danger of any sort to a particular class of individuals being debarred from holding their seats in this Chamber, why this great hurry in bringing in a measure of this nature? Why does the Honourable Premier want to rush through this measure? Again I ask my honourable friend to remember that there is not a single by-election pending. I do not know—possibly I am ignorant of what goes on on those benches—that any honourable member sitting on those benches, although most enthusiastic about war, possibly because of the martial sense, has offered his services in the fighting line. If there is any, I pause to see who he is and give him an opportunity to get up and say that he is one of those whose seat is in danger because he has been patriotic enough to offer his services.

Honourable members (from the Treasury Benches): Every one of us.

Diwan Chaman Lal: When that opportunity arises and when these honourable members will go to join the military forces of the Crown that will be the occasion for my honourable friend to take steps in this direction.

I have already stated two points. My third point is whether it is not a fact that apart from there being no necessity for this haste in bringing this measure forward, there is a very grave danger that the independence of this House may be under-mined. If a time comes when a large number of members, who are servants of the Crown and who are holding offices of profit under the Crown, are taking their seats on those benches, will it not give cause to doubt

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the spirit of independence which honourable members should be displaying in regard to the Government and the administration of this province? If that happens it should be a serious matter for us to consider and therefore it is necessary for us and for my honourable friend to have consulted public opinion in regard to this measure rather than bring it in suddenly, unknown to most of us, and ask us to rush through all the stages and pass it into an Act. I do not wish—as it would be irrelevant—to go into the details, which could be discussed on another occasion, on a more suitable occasion, of the war demands and of the war aims of the British Government. Nor do I wish to bring in the subject in reference to the demands made by us and on behalf of the Congress made by Mahatma Gandhi or in reference to the demands made by Mr. Jinnah or by my honourable friend Sir Sikandar Hyat-Khan or in reference to what he may like or those gentlemen may like the future of India to be. This is not the occasion to discuss a matter of this nature. But since the matter has been mentioned I do not think that I would be irrelevant in stating categorically that there is not one among us who does not feel that it is time now that the British Government were to declare unequivocally their policy in regard to India (*hear, hear*). There is not one amongst us and I am very glad that even the Honourable the Premier agrees with me that not one minute should be lost in getting close to the mind, the agitated mind of every sensible person no matter to what party he belongs in this country. It is time that British administrators, British statesmen should look at this problem from the realistic point of view and realize that the sands of time are running fast as far as this matter is concerned, and that delay is fatal not only to those professed aims of the British Government but equally fatal to any peaceful solution of this vast problem that affects our country.

Therefore instead of sitting on those benches and sitting on these benches and carrying on a wordy warfare, sometimes humorous and sometimes not humorous and sometimes most foolish, it would have been contrary to the dignity of this Chamber if we had not joined in demanding that the British Government should now come to a realistic stage of negotiations with the leaders of this country and come to a definite settlement with them with the object of not dividing this country but with the object of uniting this country in a common cause for the sake of humanity. That would have been a very noble way of putting it. That would have been a correct way, that would have been a desirable way of putting it. And I submit, Mr. Speaker, that I for one speaking for myself am greatly moved personally by the tragedy of the nations of the world and I do not think that any sensible man can feel otherwise than in the manner that I have suggested that I feel over this matter.

Mr. Deputy Speaker : The honourable member is now going beyond the scope of the motion.

Diwan Chaman Lal : I am deliberately going beyond the scope, because that is a matter that has been mentioned on the floor of this House and until I spoke the whole debate has been a debate on matters entirely divorced from this measure.

Mr. Deputy Speaker : Simply because certain members have been irrelevant, the honourable member has no right to be irrelevant.

Diwan Chaman Lall : But you will realize that if you want me to make it relevant, I will do so in one sentence. You realize that this measure is meant for the protection of those individuals who take upon themselves the task of defending this country in this war that is being waged, it is stated for certain aims and when I refer to this matter I am perfectly relevant. If you insist upon my giving you the reasons for relevancy, I submit that we are being asked to make it possible for certain individuals to continue to sit in this House, while they become also members of the armed forces of the Crown. It is necessary to find out as to why they want to become members of the armed forces of the Crown in order to judge whether to give support to this measure or to oppose it. In joining the armed forces of the Crown to fight in this war these are the objectives to which we should have directed our attention and it is because we are to direct our attention to these objectives that all these speeches that you have heard so far have been made. I submit that we too should have joined hands in not condemning one another in trying to divide this House on an issue on which this House should not be divided but to have come to an agreement, an agreement about what?—an agreement about schemes relating to Pakistan or different zones or division of India into various groups or—

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

Dr. Sir Gokul Chand Narang : Without saying a word about the merits or demerits of the motion before you, I would say that the honourable member was perfectly relevant. The question is whether some members of this House should be given an additional privilege, namely, that they should be allowed to join the army and yet enjoy the privileges of being members of this House and draw allowances. It is perfectly within the rights of the honourable member speaking just now to point out whether those members deserve this privilege, and in pointing out whether they deserve it or not, he is at liberty to—

Mr. Deputy Speaker : The honourable member was not at all relevant.

Diwan Chaman Lall : With very great and due respect to you in regard to this matter may I make one humble submission. This is a matter of very great importance. The privileges, the liberty and the interest of this House and I think every aspect connected with the privileges, those rights and those liberties of this House is relevant if we wish to discuss it, because unless we do so there can be no intelligent debate on the floor of this House. You may rest assured that I will not transgress the limits I have laid down for myself and I will attempt to bring the argument that I was advancing before the House within the four corners of the measure before us, within the scope of the measure that is now being discussed in this House. I submit if my honourable friend is seeking to grant a particular privilege to an honourable member of this House, who takes it upon himself for some reason or another which he may justify to himself to become a member of the armed forces of the Crown, then it is obvious that it is a matter which affects the liberties and rights and privileges of this House. If, on the other hand, my honourable friend—as he did advance that argument—says that it is a right that I should give him this particular privilege, because unless he gets this privilege he will not be able to do his duty properly by his country and the armed forces of the

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Crown that he has joined, and the aims that those armed forces have are just and honourable and therefore it is right that this honourable member should be given those privileges which are asked for under this Bill, how can you, Mr. Deputy Speaker, prevent a discussion of those aims for the purpose for which this particular privilege is being granted to an honourable member of this House? Relevancy in regard to this matter arises because of what I have just stated.

Mr. Deputy Speaker : It is the immediate relevancy that is necessary and not relevancy in that far off sense.

Diwan Chaman Lall : Mr. Deputy Speaker, this is a very serious occasion and I would request my honourable friends who have been fairly facetious for quite a long time since this measure was being discussed to look at it with the seriousness with which I look at it. I do suggest that we should have, as I was saying, agreed upon a joint demand being made and even now I make a suggestion to my honourable friend the Premier, that even now it is not too late. He will probably recall that I have on another occasion too made a similar appeal to him and I may say he did take certain steps, but if he wants to take certain steps now in this connection it is not too late even now for my honourable friend sitting over there and his colleagues and we sitting on these benches to make a joint effort to assist in the solution of the difficulties that are facing our country at the present moment. (*Hear, hear.*) We cannot divorce ourselves from the great responsibility that rests upon every thinking man in this country. I submit, Mr. Deputy Speaker, that the time has come for us to take a constructive step. Let us take a constructive step. Suppose the constructive step results in a solution of this problem satisfactory to the great organization led by Mahatma Gandhi, satisfactory, I submit, equally to Mr. Jinnah—a very old and a very dear and a very respected friend of mine—and if that solution can be arrived at who would not be happy? Who would then be sitting on those benches and sitting on these benches and dividing each other over issues of this nature? Nobody. I submit therefore that it should be the duty of every honourable member, instead of creating divisions over an issue of life and death for this country, to come to terms, to come to an agreement, to put out a constructive proposal, to come to a decision which can be communicated to the authorities that be for the purpose of arriving at an honourable and decent settlement.

I submit that the time is not very distant when the fate of every country in the world, as the world is involved to-day, will have to be decided mainly by the people of each country. For a temporary period it is possible for a dictatorship to have its hold over a nation, an alien nation. But it is not possible now in the changing world of to-day, with the pace at which we are going to-day, to contemplate a time of any permanency when any domination of a foreign nature can control the destinies of an alien people. I submit, therefore, that even from that realistic point of view, it is necessary for statesmen here and statesmen abroad to come to an understanding in regard to the issue of great vital interest to both countries. (*Hear, hear.*) I submit, therefore, that you will be pleased to allow my honourable friend, not as you tried to attempt to stop me on grounds of relevancy, but to allow my honourable friend to have his full say, no matter what relevancy rules.

may be involved or not, because on a matter of national interest it is necessary that those interests may not be jeopardized merely because of static and wooden rules regarding relevancy, and I do hope that my honourable friend will take the cue that I have given him. Some portions of his speech were excellent. Other portions, I deplored myself; but I do hope that my honourable friend will forget that he is a controversialist—there are occasions when one should forget—and I do hope that he will forget that he is a controversialist just as I am forgetting that I am controversialist, having been one all my life, and I hope that he will give this House and through this House this province and through this province, this country, a constructive proposal of the type that I have laid before this House and then will be time for us not to divide but to sit and take counsel together in order to shape the destiny of our country. (*Hear, hear and applause.*)

Honourable members : Question be now put.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Premier (The Honourable Major Sir Sikandar Hyat-Khan): Sir, I must congratulate my honourable friend, Diwan Chaman Lall, for raising the debate to a higher level. (*Hear, hear.*) I am very grateful to him for the first portion of his speech where he was not only relevant but also kept himself within the scope of the Bill. I am also grateful to him for the second part of his speech which might not have been quite relevant but which was, I think, quite germane to the subject which we are discussing at the present moment.

Now let me deal very briefly with the points which he raised with regard to the Bill itself, on merits. He said that in England it was a different matter because conscription had been enforced, and therefore it was incumbent on Parliament to pass a Bill so that the law of conscription should not be in conflict with the duties of the members of Parliament as citizens of that nation. I may remind my honourable friend that such was not the case, because the law which brought in conscription in England contains several categories of people to be conscripted, and it is possible that the few members of Parliament came within the categories which had already been called to the colours. But this particular Bill to which I refer was not passed for that reason. This Bill was brought before the Parliament on the 3rd of September, the day on which war was declared, and it was passed through the same day for the simple reason that it was an emergency measure and it was the duty of every citizen to be ready and prepared, so that when the time comes and he is called to colours, he can do his duty by the country and not be hampered in any way by any technical difficulties. Now my honourable friend will also concede that here too if somebody, out of patriotic reasons, is prepared to serve his country, he should not be hampered or obstructed or placed under a disability merely because he happens to be a member of this House. He should not be deprived of the privileges of a member of this House to which he is elected by the people of a particular constituency merely because he happens to be more patriotic than somebody else and offers his services for the sake of his own country. That was the reason why they passed the Bill in England. Here my honourable friend will say that we are still a slave

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nation. I do not say we are now independent in the sense that other countries are independent. But at the same time, as I have said—I may be quite wrong, after all I am a human being—I may tell my honourable friend that I feel that in this present war if the Punjab or India has to take a part, it will not be for the sake of the British alone. We will be fighting for the sake of democracy and justice as also for the sake of our own hearths and homes and, for the sake of realising our independence which we all cherish by proving to Great Britain as friends that we deserve it. That is my real object. But for that I would not have brought forward this Bill and would not have asked the Punjabis to participate in this war. I may also tell my honourable friends that the British forces are now fighting on several fronts. The Indian Army is not fighting on all those fronts. It is assembled in Malaya or in Egypt and I am afraid, as things are now developing (and my honourable friend over there himself has pointed out they are developing rapidly), we do not know when we may be involved. A country may find itself enveloped overnight. Norway, for instance, did not know when it went to sleep one night that the next morning it would be trampled by an alien. But next morning what did it find? It found bombardment going on, and its cities occupied by an alien nation. So, we ought to be prepared for all emergencies, not for the sake of the British alone. Please do try to consider calmly and dispassionately what would happen supposing the British are beaten. I have repeated this warning on several occasions and I think it would bear repetition again to bring home to you the dangers which we may have to face. Suppose the British are beaten in their country, what will happen? (Dr. Sir Gokul Chand Narang: Why not have conscription?) My honourable friend talks of conscription when his immediate neighbour is opposed even to voluntary effort. Supposing the British are beaten, what will happen? There might be civil war. We already see signs of it to-day. Does my honourable friend want to encourage civil war, so that we should be an easy prey to any third class power that might enter the borders of India? I am sure he does not want that. It is for this reason that I want every patriotic Punjabi to be prepared and equipped so that if the danger which we foresee materialises—and the Punjab will be the first to suffer if it does—we should be prepared to meet the enemy and fight like one man to save the province and the country from jeopardy and from being overrun by a foreign power whether that power be oriental or occidental. (Hear, hear.)

Now so far as this particular Bill is concerned, there are several members in this House who are already members of the Indian Army Reserve. They were members of the Reserve Force even before the war started and it is only fair that any doubt which might exist with regard to their position in this Assembly should be removed. I do not say that their position is likely to be challenged, but in fairness to them and their constituencies we must put it beyond a shadow of doubt that their position will be quite secure as members of this House even when they are employed as whole-time officers in the army.

This briefly is the main consideration which has prompted Government to introduce this Bill. My honourable friend, Diwan Charnan Lall, has remarked, why rush through this Bill? I am not rushing it through. It was published several weeks ago. I am anxious that it should be passed during the present session of the Assembly for the simple reason that we do not know when an emergency may arise; and when it does arise, the House may not be in session. That is why I want this Bill to be passed now and put on the Statute Book. My honourable friend also said that this measure might undermine the spirit of independence of the House. I am sure after what I have said, he will agree that there is no such danger or risk. If the independence of the House of Commons, the oldest and the greatest democratic institution, has not been shaken or undermined by a similar measure, we can rest assured that the spirit of independence of this House will not in any way be affected by this legislation. The House of Commons, my honourable friend will agree, are much more jealous of their independence and privileges than we are at present.

Now, I will refer to that part of my honourable friend's speech which is not strictly relevant to the Bill under discussion, but which nevertheless is of interest. He says that it is high time that the British Government made a declaration, an unequivocal declaration, with regard to the future of this country. I am whole-heartedly at one with my honourable friend in this, but the question is whether the declaration already made is not sufficient. It may not be acceptable to him and it may not be acceptable to others of his way of thinking, but there are others who like me consider that Dominion Status of the Westminster variety, if the genuine article is given to us, would secure to us sixteen annas independence just as the Irish Free State enjoys complete independence to-day under that very statute.

Lala Duni Chand : That declaration should be much more definite.

Premier : Certainly, if the declarations already made here and in England need further clarification. I repeat that Dominion Status of the Westminster variety would give us the fullest possible freedom which we want or need have at this time. (*Hear, hear.*)

Dr. Sir Gokul Chand Narang : Let them fix any time.

Premier : A declaration has already been made. If I may remind my honourable friend, I made a request (I would not be so presumptuous as to say that I demanded a declaration) I made a suggestion as a citizen of this country in July last year in the brochure in which I outlined my regional scheme, the scheme which he pooch-pooched, and which he puts on a par with some other separatist schemes. In the preamble of that brochure I suggested that it was time that a clear declaration was made by Great Britain. I said in clear language that if that declaration was made without undue delay, all reasonable people in India would rally round England and stand by her at the time of need. But unfortunately that declaration did not come before the war. Nobody knew at the time that the war would come in September. This declaration was made in October and my request was made in July. But the opportune moment had passed. Nobody will now believe—the world unfortunately is not so charitable—that the declaration was not wrenched from an unwilling British Government under the threat of agitation. If that declaration had come a month earlier, probably the

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atmosphere in the country would have been quite different, because then nobody could have possibly challenged the *bona fides* of the British Government.

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

However I am still confident that if any further elucidation is necessary it will be forthcoming, and I hope it will be forthcoming soon; but the real question is whether we ourselves can join hands and come together. The British may be prepared to make a further declaration, but we ourselves do not want them to make one. And how can we expect them to make a declaration which would be acceptable to both the major communities when our demands are diametrically opposed. I, therefore, do not think that it is fair to blame the British when we ourselves are at loggerheads about the contents of that declaration. We should try to bring the two extremes together; and if this be the object of my honourable friend, I can assure him that I will leave no stone unturned and will even be prepared to sacrifice several years of my life to bring about that consummation for which I have been striving for the last two decades. (*Hear, hear.*) I believe that even now it is not too late if both sides would be reasonable and come to some sort of agreement which would not only save us from the fratricidal war which I foresee, but also protect us against any threat to our safety and freedom which might come from outside or within.

Dr. Sir Gokul Chand Narang : A great deal depends on you.

Premier : If my honourable friend thinks that a great deal depends on me, and if he and my friends opposite give me an undertaking that if and when the time comes they will not hesitate to support me, I can assure them that they will not find me wanting. I am always prepared to fight shoulder to shoulder with them as a soldier (*Prolonged applause*).

Mr. Speaker : The question is—

That the Punjab Legislative Assembly (War Service) Bill be passed.

The Assembly divided : Ayes 66 ; Noes 18.

AYES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-din Qadri, Khan Sahib Sayed.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.

Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Ghulam Samad, Khan Sahib Khawaja.
Gurbachan Singh, Sardar Bahadur Sardar.

Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 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.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qazilbash,
 Sardar.

Muzaffar Khan, Khan Bahadar
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Rashida Latif Baji, Begum.
 Ripudaman Singh, Rai Sahib Tha-
 kur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikandar Hyat-Khan, The Honour-
 able Major Sir.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.

NOES.

Ajit Singh, Sardar.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.

Muhammad Hassan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Mula Singh, Sardar.
 Partab Singh, Sardar.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Shanno Devi, Shrimati.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

The assembly then adjourned till 12 noon on Monday, 15th April, 1940.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 15th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

DAMAGE DONE TO CERTAIN VILLAGES BY HAILSTORM IN AMRITSAR DISTRICT.

***6469. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether he is aware of the fact that the crops of the villages Madh Bheelowali, Chak Misri Khan, Veerokay, Kotli Sakka, Othian, Bugga, and Majitha in the Amritsar district have been severely damaged by hailstorm ; if so, whether Government have got the Girdawari of these villages done again ; if not, the reasons therefor ;

(b) the amount of remission granted in the *abiana*, and land revenue, village-wise, in this connection ;

(c) whether he would be pleased to lay a statement of the affected area on the table of the House ?

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

A special Girdawari is being conducted.

(b) The question of granting relief will be considered in due course according to rules after the results of the special Girdawari are known.

(c) This information at present is not available. We expect this only after the special Girdawari is completed.

MUTATIONS DECIDED BY REVENUE OFFICERS OF EACH TAHSIL IN LUDHIANA DISTRICT.

***6486. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Revenue be pleased to state—

(a) the number of mutations decided by the Revenue officers of each tahsil in the Ludhiana district giving dates of the presence of the parties in each case, during the year 1939 ;

(b) the number of appeals decided by the Collector in mutation cases in the same year ;

(c) the number of disputed or complicated mutations decided by the Revenue Assistant during the said period ?

The Honourable Dr. Sir Sundar Singh Majithia : The figures reported approximately are:—

(a) Ludhiana	..	..	..	18,876
Jagraon	..	..	..	9,995
Samrala	..	..	..	5,248
Total				38,614

The dates of the presence of the parties in each case are not readily available.

(b) 148.

(c) 4.

Chaudhri Muhammad Hasan : Is it a fact that several complaints were submitted to the Collector that the revenue officers in this district do not reach at the appointed time and the parties have to return thus incurring great expenditure?

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

Chaudhri Muhammad Hasan : From part (a). Now I ask, is it a fact that complaints have been received by the Collector of Ludhiana complaining that the revenue officers do not reach at the appointed time and the parties have to return incurring great expenditure?

Minister of Revenue : I have not received any such complaints.

**TACCAVI GRANTS GIVEN IN EACH TAHSIL OF LUDHIANA DISTRICT
FOR SINKING WELLS.**

***6487. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total amount of *taccavi* grants in each tahsil of the Ludhiana district for sinking wells to the zamindars in the year 1939 ;
- (b) the date of application for *taccavi* loans and the actual date of giving such loan to the applicant in each case ;
- (c) the sum that was given as fodder *taccavi* to the zamindars in each tahsil of the said district ;
- (d) the number of defaulters in paying the *taccavi* instalments in each tahsil of the district ;
- (e) whether it is a fact that while giving fodder *taccavi* land revenue in most cases was deducted from the fodder *taccavi* grants ; if so, in how many cases in each tahsil of the said district the land revenue was deducted from the *taccavi* loans ;
- (f) the maximum amounts given in individual cases as fodder *taccavi* in the aforesaid district ?

The Honourable Dr. Sir Sundar Singh Majithia :

	Rs.
(a) Tahsil Ludhiana	4,000
Tahsil Jagraon	2,800
Tahsil Samrala	1,450

(b)	Tahsil.		Date of ap- plication.	Date of disbursement of loan.
Ludhiana	28-1-39	16-5-39
			10-1-39	14-6-39
			19-5-39	15-6-39
			26-1-39	22-6-39
			25-10-38	2-9-39
			16-2-39	31-10-39
				25-1-40
			11-1-39	1-12-39
			16-1-39	1-12-39
			27-2-39	1-12-39
			9-1-39	1-12-39
			28-7-39	1-12-39
				20-12-39
			18-1-39	1-12-39
				5-3-40
			16-11-39	5-12-39
			9-12-39	4-2-40
				12-12-39
Jagraon	28-12-38	10-3-39
			3-12-38	22-3-39
			15-2-39	28-3-39
			23-1-39	19-7-39
			23-1-39	19-7-39
			19-6-39	27-10-39
			9-6-39	9-11-39
Samrala	15-6-39	31-7-39
			15-6-39	31-7-39
			2-10-39	16-2-40
			18-1-39	20-2-40
			22-2-40	15-3-40

Rs.

(c) Tahsil Ludhiana ..	..	..	29,500
Tahsil Jagraon ..	..	..	20,000
Tahsil Samrala ..	..	..	Nil.
(d) Tahsil Ludhiana ..	..	..	1,854
Tahsil Jagraon ..	..	..	1,844
Tahsil Samrala ..	..	..	Nil.

(e) No.

(f) Rs. 20.

Chaudhri Muhammad Hasan : Has the Government been able to ascertain the reasons for default in the matter of payment of instalments of the *taccavi* loans ?

Minister : We have not yet ascertained any reasons.

Chaudhri Muhammad Hasan : Is it a fact that the financial condition of these two tahsils is poorer than that of other tahsils ?

Minister : I am afraid I cannot accept that statement.

Chaudhri Muhammad Hasan : Has the Government ever considered the question of delay in payment of *taccavi* loans during the past three years ?

Minister : Enquiries are being made and action in certain respects taken according to rules.

Chaudhri Muhammad Hasan : When was this particular question under the consideration of the Government ?

Minister : I am afraid I cannot carry the information on my finger tips.

Chaudhri Muhammad Hasan : I did not ask the date or day of the month but I asked the year.

Minister : You asked the dates and I have given the statement.

Mr. Dev Raj Sethi : What steps have been taken against the defaulters ?

Minister : The usual steps as provided in the rules.

Chaudhri Muhammad Hasan : Is it a fact that the Collector and the Revenue Assistant recommended that the zamindars were not able to pay the loans and therefore these should be remitted ?

Minister : I have no information on that subject.

Mr. Speaker : Strictly speaking these questions are not supplementary and should be asked on notice.

EXTRA ASSISTANT COMMISSIONERS, TAHSILDARS AND NAIB-TAHSILDARS ENLISTED IN YEAR 1939 FROM LUDHIANA DISTRICT.

*6488. **Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state—

(a) the number of Extra Assistant Commissioners, tahsildars and naib-tahsildars enlisted in the year 1939 from the Ludhiana district as well as from January, 1940, to 31st March, 1940, together with a detailed statement showing the educational qualifications, parentage and home addresses of each of the candidates so enlisted ;

(b) the number of the candidates who were permitted to appear in the examinations for the posts of Extra Assistant Commissioners and tahsildars together with the home addresses and parentage of the candidates of the Ludhiana district during this period ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Two Extra Assistant Commissioners, one a B.A., LLB., and another an M.Sc.

One tahsildar, a B.A., LL.B., and no naib-tahsildar. It is not in the public interest to give names.

(b) No examination is held for the post of tahsildar. As regards candidates who were permitted to appear in the competitive examination held for the post of Extra Assistant Commissioner in October, 1939, the honourable member is referred to the results published in Part III of the *Punjab Government Gazette*, dated the 19th January, 1940, a copy of which is available in the Library of the House.

Chaudhri Muhammad Hasan : Is it a fact that the candidates for the posts of Extra Assistant Commissioners, naib-tahsildars and tahsildars included such persons whose activities were anti-recruitment? Is that a fact?

Parliamentary Private Secretary : I am not aware of it.

Chaudhri Muhammad Hasan : Has the Government taken into account the merits and demerits of different candidates keeping in view that particular point which I have suggested?

Parliamentary Private Secretary : Yes. Government took into account the merits and demerits of the candidates.

Chaudhri Muhammad Hasan : Has the Parliamentary Private Secretary read the recommendations of the local authorities on this point?

Chaudhri Muhammad Hasan : When were the recommendations from the Deputy Commissioner about different candidates, received by the Government?

Mr. Speaker : From which answer does it arise?

Chaudhri Muhammad Hasan : From (a).

Parliamentary Private Secretary : Where does the Deputy Commissioner come in?

Chaudhri Muhammad Hasan : There is no question of a Deputy Commissioner coming in. I ask, were those recommendations received by the Government and has the Parliamentary Private Secretary read those recommendations?

Mr. Speaker : The question is—

- (a) the number of Extra Assistant Commissioners, tahsildars and naib-tahsildars enlisted in the year 1939 from the Ludhiana district as well as from January, 1940, to 31st March, 1940, together with a detailed statement showing the educational qualifications, parentage and home addresses of each of the candidates so enlisted;

Chaudhri Muhammad Hasan : The Parliamentary Private Secretary has not cared to disclose the parentage of those candidates. The reason why he does not disclose parentage of those candidates is simply because the Collector or the Deputy Commissioner recommended against them and recommended some other candidates.

Mr. Speaker : But the honourable member never asked for names. He may read his question. He asked only for the number.

Chaudhri Muhammad Hasan : I asked parentage. He does not give the names. He says that it is not in public interest.

Premier : It is not usually the practice to give names and if my honourable friend uses a little labour, he will be able to find out the names in the Civil List.

Chaudhri Muhammad Hasan : My question is different. It may not be the practice of this Government and should not be the practice at this particular juncture, but is it a fact that the names of parents of the candidates were not disclosed because the Deputy Commissioner said that their activities were anti-recruitment ?

Mr. Speaker : When a Parliamentary Secretary or a Minister refuses to disclose a certain fact on the ground that it is not in the public interest, no further questions on that matter can be asked.

Lala Duni Chand : Did any Extra Assistant Commissioners or tahsildars appointed from the Ludhiana district appear in the competitive examination, and if so, whether they were taken according to the order of merit held by them in the examination ?

Premier : There is no competitive examination for tahsildars and so far as Extra Assistant Commissioners are concerned they are taken in order of merit.

Lala Duni Chand : May I know if the Honourable Premier has ascertained that fact ?

Premier : I know it for a fact. They are taken in order of merit.

Lala Duni Chand : May I know if the Honourable Premier knows that tahsildars are also taken from amongst those who appear in the competitive examination for Extra Assistant Commissioners ?

Premier : There is no competitive examination for tahsildars so far as I am aware.

Lala Duni Chand : My point is whether the tahsildars are not selected from among those candidates who appear in the competitive examination for Extra Assistant Commissioners and whether any tahsildars were selected from amongst such candidates ?

Premier : They are eligible and if they apply and give their names to the Public Services Commission, they are considered.

COMMUNAL REPRESENTATION ON NOTIFIED AREA COMMITTEES IN SIALKOT DISTRICT.

***6490. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of members, community-wise, nominated to each of the notified area committees in the Sialkot district ;
- (b) the population of the communities from which these nominations have been made ;
- (c) the action that Government propose to take in cases where any community has been under-represented or where any community has been over-represented ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a)—(b) A statement giving the required information is laid on the table.

- (c) Government consider that all communities are properly represented.

Statement.

Name of Notified Area Committee.	MUSLIMS.		HINDUS.		SIKHS.		CHRISTIANS.	
	Names of members.	Population.	Names of members.	Population.	Names of members.	Population.	Names of members.	Population.
1. Daska ..	1. Khan Bahadur Chaudhri Qasim Ali. 2. Dr. Nazir Ahmad.	4,706	1. Lala Amar Nath.	1,874	1. Sardar Shiv Dev Singh.	1,544	Reverend Dr. August Nich- olson.	512 (others).
2. Begowala ..	1. Chaudhri Khan Bahadur. 2. Hakim Moham- mad Ahsan. 3. Chaudhri Said Mohammad.	3,281	1. Lala Hardaya Chhabra.	316	Nil	173	Nil	268 (others)
3. Zafarwal ..	1. Chaudhri Mohammad Abdul- lah. 2. Shaikh Atta Mohammad. 3. Mohammad Ibrahim (Naib-Tah- sildar, Narowal).	2,312	1. Lala Ratan Chand. 2. Lala Jaswant Rai.	1,595	Nil	70	Nil	125 (others).

CANAL ZILLADARS AND RENT FOR THEIR OFFICE ACCOMMODATION.

***6491. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Canal Zilladars have orders from the Irrigation Department compelling them to use a room as their office even in the residential quarters which they have taken on rent privately; if so, why and whether such Zilladars are paid any rent for the office accommodation in their residential quarters;
- (b) if the answer to part (a) be in the negative, the reasons therefor and the action the Government proposes to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : No. The question, however, is under consideration.

UNIFORM OF UPPER SUBORDINATES OF POLICE DEPARTMENT.

***6492. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that a proposal is under the consideration of the Government to change the design of the present uniform of the upper subordinates of the police department; if so, the reasons therefor?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : I understand that the Inspector-General of Police has constituted a small committee of police officers to consider the possibility of improving police uniforms, but no proposals have yet been made to Government.

CASES HANDLED BY SPECIAL STAFF POLICE, AMRITSAR.

***6493. Sardar Sohan Singh Josh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the present strength of the special staff police maintained in the Amritsar district;
- (b) the places in the district where the members of this special police are posted;
- (c) the number of cases handled by them tahsil-wise from 1st January, 1939, to 31st December, 1939;
- (d) the number of cases that led to conviction during that period?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) 2 Inspectors, 2 Sub-Inspectors, 7 Assistant Sub-Inspectors, 9 Head Constables and 59 Foot Constables, working under the supervision of 2 Deputy Superintendents of Police.

(b) Sirhali, Tarn Taran, Jandiala, Ajnala, Lopoke and Gharinda.

(c) Amritsar Tahsil	..	..	..	460
Tarn Taran Tahsil	..	..	..	372
Ajnala Tahsil	..	..	..	284

(d) 452 cases under section 457, Indian Penal Code, and 154 under section 879, Indian Penal Code, were sent up by the special staff. Out of these 236 cases of burglary and 96 theft cases resulted in conviction.

MODIFICATION OF THE ORDERS BANNING *KHAKSAR* MOVEMENT.

***6494. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

(a) whether Government or the District Magistrate of Lahore has received any communication from Allama Mashraqi asking them to modify orders banning military parades of *Khaksars* and threatening disobedience if the same were not modified ;

(b) if so, will Government place the same and the reply thereto on the table of the House ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) The District Magistrate, Lahore, received an application, not from Allama Mashraqi but from two prominent *Khaksars*. It asked for exemption from the orders banning drilling, which I may remind the honourable member, apply to all organisations and not to the *Khaksars* only. It contained no threat of disobedience.

(b) No. The honourable member can obtain copies from the District Magistrate in the ordinary way on payment.

Mr. Dev Raj Sethi : May I know the names of those gentlemen from whom the representation was received ?

Premier : My honourable friend will have to give fresh notice.

Pandit Shri Ram Sharma : May I know the date when this communication was received by the Government.

Parliamentary Private Secretary : I cannot give the date.

**FILLING OF VACANCY TO BE CREATED ON THE RETIREMENT OF RAI BAHADUR
JIWAN LAL, PROFESSOR, KING EDWARD MEDICAL
COLLEGE.**

***6495. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

(a) whether Rai Bahadur Lala Jiwan Lal, Professor, King Edward Medical College, Lahore, is about to retire ;

(b) whether any applications for this post have so far been invited or are proposed to be invited, and, if applications have already been invited, the qualifications of the candidates who have applied for this post ;

(c) whether any decision has been taken by now as to which of the candidates is to be appointed to fill the vacancy ?

The Honourable Mian Abdul Haye : (a) Yes.

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

Lala Duni Chand : May I know whether the Government has decided that an outsider either from other province or from some foreign country should be imported to take his place ?

Mr. Speaker : When the answer is that the matter is under consideration, how can this question arise ?

Lala Duni Chand : May I know whether this matter is also under consideration that an outsider may take his place ?

Minister : The entire matter is under consideration.

Lala Duni Chand : May I know if according to the general practice the next man should be appointed in his place ? May I know if this is the practice or not ?

Minister : That is not the general practice.

Lala Duni Chand : May I know if the man next to him is not competent to take his place ?

Minister : I must decline to discuss the matter on the floor of the House as the whole matter is under consideration and a suitable decision will be taken by the Government.

Lala Duni Chand : May I know if there is an idea of employing a European to take his place ?

Premier : God save us from our friends.

SCHEME FOR DRINKING WATER FOR ILAQA BEIT.

***6496. Sardar Harjab Singh :** Will the Honourable Minister of Education be pleased to state—

(a) whether estimates for the scheme of supplying drinking water to Ilaqa Beit of district Hoshiarpur have been completed ;

(b) details of the scheme ;

(c) time by which the scheme is likely to be completed ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The scheme provides for pumping water from wells in the Sohan Valley into a service reservoir at Dolehar and for distribution therefrom by gravity through pipe lines.

(c) It is expected that the works will be completed in or before the year 1945.

Mr. Dev Raj Sethi : What is the estimated cost of the scheme ?

Minister : The original estimated cost was in the neighbourhood of Rs. 6 lakhs, but on account of the outbreak of war and rise in prices, the revised estimate amounts to Rs. 7½ lakhs.

HAILSTORM IN KOT ADU, DISTRICT MUZAFFARGARH.

***6497. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether or not the Government is aware of heavy hailstorm in Kot Adu tahsil of the Muzaffargarh district on the night between 14th and 15th March, 1940, and whether it is a fact that the standing crop in

the area has been destroyed ; if so, what action has been taken or is intended to be taken in order to relieve the distress thus caused to the zamindars and cultivators ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes, the standing crops were damaged over an area of 8,781 acres.

The assessment is fluctuating and relief where due will be granted in the shape of *kharaba*.

STATE OF HEALTH OF CHAUDHRI AFZAL HAQ.

***6498. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state the state of health at present of Chaudhri Afzal Haq, a political prisoner in Rawalpindi Jail ?

The Honourable Mr. Mohar Lal : The attention of the honourable member is invited to part (b) of the answer to question No. 60491 (starred) asked during the current session of the Assembly. His general health is satisfactory.

Lala Duni Chand : Is it within the knowledge of the Honourable Finance Minister that before that gentleman was imprisoned, he was keeping very bad health ?

Minister : His health was certainly indifferent when he came to the jail, but he is much better now.

Pandit Shri Ram Sharma : When was this information received by the Honourable Finance Minister ?

Minister : On the 2nd March, I saw the prisoner myself in the Rawalpindi Jail and my present information is dated the 8th April, 1940, that is, last week, and it is—

Chaudhri Afzal Haq is subject to attacks of asthma. His health on admission in the Rawalpindi District Jail was very poor as he was getting attacks of asthma off and on and had a very troublesome cough at night. He has improved much during this period and his weight has increased from 101 to 104 lbs.

He has had no attack of asthma or cough since 15th January, 1940 (when a report on his health was submitted to Government under this office No. 762-G. I., dated 18th January, 1940) except a short attack of asthma on 20th March, 1940. He was relieved of it the same day. His general health is satisfactory. Every possible medical aid is being rendered to him.

This report is dated 8th April, 1940.

Lala Duni Chand : Is it within the knowledge of the Honourable Finance Minister that he has been suffering off and on from attacks of paralysis ?

Minister : No, it is not within my knowledge.

Sardar Sohan Singh Josh : May I know what treatment is being given to this prisoner for asthma ?

Minister : I do not know whether there is any specific remedy in order to cure asthma. When I saw the gentleman on the 2nd March, he told me, not once but several times that he has had considerable relief and that asthma was not giving him any further trouble.

Lala Duni Chand : May I know whether it is within the knowledge of the Government that the health of this gentleman is reported as very precious by a large number of people of this province and if so, whether the Government is taking precious good care of him?

Mr. Speaker : Disallowed. Questions are put to Ministers and not to Government.

Lala Duni Chand : By Government I mean the Honourable Finance Minister. I used another word for the Honourable Finance Minister.

Mr. Speaker : The honourable member is referred to rules. Questions should be put to a Minister within whose special cognizance the matter falls.

Lala Duni Chand : Is the Minister aware of the fact that his health is regarded as very precious by a large number of people of this province?

Mr. Speaker : Disallowed : every gentleman's health is precious.

Minister for Education : Even that of Lala Duni Chand.

ARRESTS OF *KHAKSARS*.

***6499. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) the number of *Khaksars* arrested throughout the province till 27th March, 1940, since their organisation was declared unlawful ;
- (b) the number of *Khaksars* arrested in Lahore till 27th March ;
- (c) the number of *Khaksars* against whom cases are pending in courts at different places in the province ;
- (d) the number of clashes that took place between the *Khaksars* and the police throughout the province due to the resistance offered by the *Khaksars* at the time of their arrest since the *Khaksar* organisation was declared unlawful ;
- (e) the number of cases in which police had to use tear gas in order to arrest *Khaksars* ?

The Honourable Major Sir Sikander Hyat-Khan : (a) 560 includes 268 of Lahore shown under (b) ;

- (b) 268 ;
- (c) 383 ;
- (d) 4 up to and including March 27th, 1940 ;
- (e) 2 up to and including March 27th, 1940.

INFLAMMATORY SPEECHES BY NAWAB BAHADUR YAR JANG, A *KHAKSAR* LEADER.

***6500. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether Government is aware of the fact that Nawab Bahadur Yar Jang is the leader of the *Khaksar* organisation, which has been declared unlawful by Government ; if so, the reasons why no action has been taken against him so far ;

- (b) whether it is a fact that during the last few days Government has been parleying with him ;
- (c) whether his attention has been drawn to the highly inflammatory speeches delivered by him during the Muslim League session days in Lahore ; if so, what action have Government taken or propose to take against him ;
- (d) whether arrangements were made by Government for getting full reports of his speeches ; if so, whether he will be pleased to lay a copy of his speeches as reported to Government ?

The Honourable Mijor Sir Sikander Hyat-Khan : (a) Government are aware that Nawab Bahadur Yar Jang held a prominent position in the *Khaksar* organisation outside the province. They have not seen fit to take action against him, since he did not associate himself with any illegal activities of the *Khaksars* in this province, and merely came to Lahore to attend the session of the Muslim League as a member of that League ;

(b) I have had an opportunity of meeting him on two or three occasions during his visit.

(c) Government does not consider that the speeches delivered by Nawab Bahadur Yar Jang during the Muslim League session in Lahore call for any action.

(d) No.

Pandit Shri Ram Sharma : May I know whether the Honourable Premier has seen the reports of the speeches submitted to Government by the Criminal Investigation Department ?

Diwan Chaman Lall : Has the Honourable Premier seen the reports of the speeches made by this gentleman ?

Premier : Yes.

Sardar Sohan Singh Josh : May I know the number and time of these speeches ?

Premier : I am not prepared to answer this question.

Pandit Shri Ram Sharma : May I know whether the Honourable Premier has seen the reports of those speeches ?

Premier : I have nothing to add to what I have already stated in answer to the original question.

Diwan Chaman Lall : Do I take it that my honourable friend is not prepared to lay a copy of the speeches as reported to him on the table of the House ?

Premier : No.

Dewan Chaman Lall : For what reason ?

Premier : I do not think it necessary to do so because that is a precedent which I do not want to create.

Pandit Shri Ram Sharma : May I know whether the Honourable Premier has himself heard the speeches in the session of the Muslim League ?

Premier : Not the one to which my honourable friend is referring.

Mr. Dev Raj Sethi : May I know as to what is the result of the negotiations that were going on between the Government on the one hand and the *Khaksars* on the other ?

Premier : So far we have not arrived at any conclusion. My honourable friend daily reads the newspapers ; and he must be aware of the various reports.

Lala Duni Chand : May I know if in the matter of the maintenance of law and order the policy of the Government is to catch all the tall poppies, and if so, why have you not caught the tall poppy ?

Mr. Speaker : Disallowed.

Diwan Chaman Lall : Do I take it that he is an important member of the *Khaksar* movement—a movement which has been declared unlawful ?

Premier : I have already answered that part of the question.

Diwan Chaman Lall : I am afraid an honourable member is standing in between and it is not possible for me to catch the reply.

Premier : My honourable friend did not listen to the answer given to the first part of the question. The answer given was—

“ Government are aware that Nawab Bahadur Yar Jang held a prominent position in the *Khaksar* organisation outside the province. They have not seen fit to take action against him since he did not associate himself with any illegal activities of the *Khaksars* in this province, and merely came to Lahore to attend the session of the Muslim League as a member of that League.

Diwan Chaman Lall : May I know whether the ban against the *Khaksar* movement is only against the political activities or the movement as such ?

Premier : The movement. If a *Khaksar* comes with a uniform and a *belcha* he will be arrested at once.

Diwan Chaman Lall : Is it a fact that this gentleman is a very prominent member of the *Khaksar* movement which has been declared unlawful.

Premier : Yes.

Diwan Chaman Lall : Is it a fact that a large number of members of the *Khaksar* movement, who although they did not wear the uniform, have been called by the police and asked to declare whether they still belonged to the organisation or not or to apologise and withdraw from the organisation ?

Premier : Only those who declared themselves as *Khaksars*.

Diwan Chaman Lall : Has this gentleman been asked whether he was a *Khaksar* ?

Premier : I have already replied that he came here not as a *Khaksar* but as a member of the Muslim League.

Diwan Chaman Lall : May I ask whether he had been asked whether he was a *Khaksar* ?

Premier : I have already replied that he may be a prominent member from outside as there are *Khaksar* organisations outside the province.

Diwan Chaman Lall : May I take it that he is a member of the organisation which has been declared unlawful but as he happens to hold an important office, he is not touched ?

Premier : No, my honourable friend is trying to distort what I have said. I have said that he is a prominent member outside the Punjab.

Diwan Chaman Lall : Do I take it that if a prominent or a non-prominent member of the *Khaksar* movement from outside the province comes to this province he is not liable to be touched by my honourable friend ?

Premier : No. Unless he comes here as a *Khaksar*, declares himself as such and is going to defy the law.

Diwan Chaman Lall : Has he declared that he is not a *Khaksar* ?

Premier : I have already said that he came here as a member of the Muslim League and not as a *Khaksar*.

Diwan Chaman Lall : Do I take it that merely because any prominent Muslim Leaguer, who does not disown allegiance to the *Khaksar* movement, says that he is a Muslim Leaguer therefore the ban does not apply to him ?

Premier : My honourable friend is trying to labour the point.

Diwan Chaman Lall : We are both members of the House and we (on this side) have got a right to get reply to certain questions.

Premier : I may inform my honourable friend that as a matter of fact it is not necessary that Government should arrest every *Khaksar*. If somebody comes from outside to negotiate I will not arrest him, simply because he is a *Khaksar*. I do not know the object of these questions.

Diwan Chaman Lall : The object of these questions is this that my honourable friend still continues to negotiate with prominent members of the movement which he himself declared unlawful and thereby is bringing law and order into hatred and contempt.

Premier : Does he mean that if a prominent member of his party, if declared unlawful to-morrow, comes from outside, Government should not negotiate with him ?

Diwan Chaman Lall : What has been done in the past is that everybody who belonged to the Congress organisation was imprisoned and put in jail.

Premier : No.

Diwan Chaman Lall : That was done by the Government of which my honourable friend was a member, that every prominent member of the organisation was put in jail.

Premier : What I say is that if some prominent member of the *Khaksar* organisation comes from outside to negotiate who, I think, can deliver the goods, I would certainly negotiate with him and not arrest him.

Diwan Chaman Lall : What was the result of the negotiation ?

Premier : I have already answered that question and said that if my honourable friend is following the reports in the press he must know. If he is not impatient he will find more definite information in the papers to-morrow.

Diwan Chaman Lall : In view of the important statement made by my honourable friend may I ask whether this House is not entitled to have the information which we might get to-morrow through the press ?

Premier : I would not like to anticipate the communique which I propose to issue.

Diwan Chaman Lall : Since he has stated that he is issuing the communique may I know what is that communique about ?

Premier : I do not wish to anticipate that communique.

Sardar Hari Singh : May I know how many members of the ministerial benches are Khaksars and how many have recanted—

Premier : Is my honourable friend trying to be humorous ?

Sardar Hari Singh : No. I am very serious about it. May I know how many members of the ministerial benches are Khaksars, how many have recanted their faith in Khaksarism since the ban was imposed on the Khaksar movement ? How many of them are *salars* and how many have been arrested ?

Mr. Speaker : Which part of the question this supplementary question relates to ?

Pandit Shri Ram Sharma : The Honourable Premier has said that Nawab Sahib holds a position outside the Punjab. May I know whether he holds that position as a Khaksar ?

Premier : He is a member of the Muslim League and he came to see me in that capacity.

Pandit Shri Ram Sharma : If a Khaksar comes from outside the Punjab to see the Honourable Premier, will he take any action against him ?

Premier : If he is a Khaksar of my honourable friend's type then certainly I will.

Khan Sahib Khawaja Ghulam Samad : Will the Honourable Premier please state whether negotiations with the Nawab Sahib have proved useful ?

Mr. Speaker : A supplementary question can only be asked to explain or elucidate the answer given to the original question. An answer to a supplementary question cannot form the subject matter of further supplementary questions, unless, of course, it is covered by the answer to the original question.

Khan Sahib Khawaja Ghulam Samad : The original question was about the Nawab Sahib and supplementary questions were put about the negotiations made by the Government. I want to know whether these negotiations which were made by the Government with the Nawab Sahib have proved useful or not ?

Mr. Speaker : If the honourable member's question is asked to elucidate the answer given, he is welcome to put it, but if it is based on the answer given to one of the supplementary questions, he can not ask it.

Khan Sahib Khawaja Ghulam Samad : So far negotiations with Nawab Sahib have proved useful since the Khaksars have been dissuaded from taking the law into their own hands.

Munshi Hari Lal : May I know whether in view of the challenge given by the Khaksars, it has been decided to withdraw the ban ?

Mr. Speaker : That question does not arise out of the answer to the original question.

Munshi Hari Lal : Sir, if you will refer to part (b) of the original question, it has been asked whether Government has been parleying with the Khaksar leader and I want to know whether as a result of that parleying it has been decided to remove the ban.

Diwan Chaman Lall : A communique is being issued by my honourable friend and it is in reference to that communique that this question is being put.

Mr. Speaker : Premier undertakes to issue a statement and if I understand the honourable member aright, he wants to know what that statement is.

Munshi Hari Lal : Yes, Sir.

Premier : I have already stated that it is only a question of time. My honourable friends will know all about it when it is issued.

Lala Duni Chand : May I know if the life of any of the Ministers has been threatened by the Khaksars and the steps they have taken to protect themselves ?

Mr. Speaker : That question does not arise.

Premier : So long as my honourable friend himself is safe, why should he worry about others ?

ADMISSION OF NON-MUSLIM WOMEN STUDENTS INTO THE KING EDWARD MEDICAL COLLEGE.

***6504. Khan Haibat Khan Dahi :** Will the Honourable Minister for Education be pleased to state, with reference to his reply to question No. 6311 (b)¹, what definite increase has been or is proposed to be made in the number of non-Muslim women students to be admitted into the King Edward Medical College, Lahore, for the year 1940 ?

The Honourable Mian Abdul Haye : As already stated by me, the existing facilities are not inadequate. The question of increasing them does not, therefore, arise.

COLLECTION ON ACCOUNT OF ABJANA AND LAND REVENUE FROM THE LYALLPUR DISTRICT.

***6505. Mian Muhammad Nurullah :** Will the Honourable Minister for Revenue be pleased to state the total receipts from land revenue and *abjana* separately during the last ten years and the share contributed by the district of Lyallpur in both of these two items separately during this period ?

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

Statement showing collections on account of land revenue and abiana in the province and the share contributed by the district of Lyallpur for the last ten years 1929-30 to 1938-39.

Year.	LAND REVENUE RECEIPTS		ABIANA RECEIPTS	
	for the province.	for the Lyallpur district.	for the province.	for the Lyallpur district.
	Rs.	Rs.	Rs.	Rs.
1929-30	4,43,89,235	79,41,621	4,05,69,570	78,61,842
1930-31	4,48,89,360	58,18,333	3,71,50,379	65,34,154
1931-32	3,54,01,758	58,85,835	3,50,95,966	63,13,592
1932-33	4,16,36,007	56,59,326	3,39,32,229	61,56,867
1933-34	4,12,89,070	64,02,034	3,75,53,712	67,03,529
1934-35	4,43,05,599	60,41,372	3,45,53,036	63,93,067
1935-36	4,38,05,173	62,48,254	3,96,01,189	67,65,047
1936-37	4,48,56,439	52,81,239	4,09,83,842	65,71,984
1937-38	4,41,39,091	57,48,243	4,07,66,792	64,25,777
1938-39	4,12,99,437	44,85,174	3,99,36,734	63,61,709

NOTE.—The figures for the year 1939-40 are not yet complete.

DAMAGE TO CROPS BY HAILSTORM.

***6506. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to lay on the table of the House a statement showing the localities in the province affected and the extent to which crops have been damaged by the recent hailstorms and also state what and when relief is proposed to be given to the sufferers ?

The Honourable Dr. Sir Sundar Singh Majithia : A statement showing the number of villages in the various districts of the Punjab where according to information so far received, crops have been damaged by hailstorms is laid on the table. Exact information regarding the extent of damage in each is not available at present.

The question of granting relief is having necessary attention.

Damage to crops by hailstorms.

District.					Number of villages in which crops have been damaged.
Gurgaon	..	..	..	..	4
*Amritsar	..	..	..	..	(In Tarn Taran tahsil 6 villages) in Ajnala (No. of villages unspecified).
Gurdaaspur	..	..	..	..	23
Sialkot	..	..	..	..	21
Gujranwala	..	..	..	..	6
Sheikhupura	..	..	..	..	About 30.
Gujrat	..	..	..	..	73
Shahpur	..	..	..	..	33
Jhelum	..	..	..	..	10
Attock	..	..	..	..	57
Mianwali	..	..	..	..	9
Lyallpur	..	..	..	..	3
Jhang	..	..	..	..	7
Muzaffargarh	..	..	..	..	16
Dera Ghazi Khan	..	..	..	..	4

*Damage was also done in a number of villages in the Ajnala tahsil but information on the point has not been reported.

ARREST AND DETENTION OF COMRADE TIKA RAM SUKHAN.

***6507. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- under what law has Mr. Tika Ram Sukhan been recently arrested and detained ;
- the period for which it is intended to detain him ;
- whether it is intended to give him allowance; and if so, how much; and if not, why not ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Under Rule 129 of the Defence of India Rules, 1939.

(b) This matter is under consideration.

(c) No, the provisions of law under which he is detained do not enjoin payment of any allowances.

SHORT NOTICE QUESTION AND ANSWER.

RESOURCES AND RETRENCHMENT COMMITTEE'S REPORT.

Sardar Hari Singh : Will the Honourable Premier be pleased to state whether discussion of the Resources and Retrenchment Committee's Report will take place during this session ; if so, on what date ?

The Honourable Major Sir Sikander Hyat-Khan : The report of the Resources and Retrenchment Committee is under examination and this examination is not likely to be completed before the end of the present session. It is therefore not now possible to allot a day for discussion in the House during the present session.

Sardar Hari Singh : How long has this report been under examination by the Government ?

Premier : I have not examined it myself. I have not yet had time to do so.

Sardar Hari Singh : How long has it been under examination by the Government, not by the Premier personally ?

Premier : I said 'under examination'. The various departments have to examine it and Government as a whole has to examine it. I have not yet had time to read the report, much less to examine it.

Sardar Hari Singh : Since how long have the various departments been examining it ?

Premier : Since November last.

Sardar Hari Singh : May I know whether the Government as a whole has been examining it ?

Premier : Government has not yet had time. As I said, I have not had time to read it, much less to examine it.

Sardar Hari Singh : Do I take it that the Government as a whole has not yet begun to examine it ?

Premier : No, certainly not.

Mr. Dev Raj Sethi : May I know when the Unemployment Committee Report will be taken up ?

Premier : What has that to do with this report ?

ADJOURNMENT.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I move :

That the Assembly on its rising today shall stand adjourned till 12 noon on Wednesday, the 17th instant.

The motion was carried.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Premier : I beg to present the Report of the drafting committee on the Punjab Relief of Indebtedness (Amendment) Bill.

Mr. Speaker : The question is—

That the amendments recommended¹ by the drafting committee on the Punjab Relief of Indebtedness (Amendment) Bill, be adopted.

The motion was carried.

Mr. Speaker : The Honourable Premier has since given notice of three amendments. He may move them now.

Premier : I beg to move—

That in clause 4, sub-clause (a), after the words "in force", the words "in British India" be inserted.

The motion was carried.

Premier : I beg to move—

That in clause 15, now re-numbered as 16, sub-clause (b), subsections (3), (4) and (5) be re-numbered as (4), (5) and (6).

The motion was carried.

Premier : I beg to move—

That in sub-clause (b) of clause 14 of the Bill between the words "following" and "shall" the word "subsections" be inserted.

Sardar Sahib Sardar Santokh Singh : On a point of order. The second reading of the Bill is over and the amendments sent in by the drafting committee have been passed. Is it now open to the Premier to propose any amendments other than those sent in by the drafting committee?

Mr. Speaker : These are only verbal amendments. They can be moved when the motion that the Bill be passed is taken into consideration.

Sardar Sahib Sardar Santokh Singh : My point of order is whether they can be moved at this stage.

Mr. Speaker : Had they been amendments of the drafting committee, they could have been moved as of right. But they can be moved even at this stage.

Minister for Finance : But two of them have already been passed and the objection is a belated one.

Mr. Speaker : Yes.

Sardar Sahib Sardar Santokh Singh : Those that have been passed were the amendments made by the drafting committee. I do not raise any objection against them.

Mr. Speaker : All these amendments are by the Honourable Premier and not by the drafting committee. Question is—

That in sub-clause (b) of clause 14 of the Bill between the words "following" and "shall" the word "subsections" be inserted.

The motion was carried.

¹Vide page 535 *infra*.

Premier : I beg to move—

That the Punjab Relief of Indebtedness (Amendment) Bill be passed.

Mr. Speaker : Motion moved is—

That the Punjab Relief of Indebtedness (Amendment) Bill be passed.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*) : Sir, I want to give expression to my views with regard to the Relief of Indebtedness (Amendment) Bill, the third reading of which is going to be finished and which then will be passed into law. As the question of debts is very important the Government have been making attempts of late to find out devices to scale down the debts. The previous Government too brought forward measures to that effect and it was due to their efforts that the Relief of Indebtedness Bill was passed. They did something in the matter but the question of scaling down debts remained unsolved. The present Government, therefore, have amended the Bill and hope that it will be a great success so far as the question of scaling down the debts is concerned. I am at one with the Government in saying that the question of debts is one of life and death for the present generation and it is a most important question for the poor zamindars as well who are heavily under debt. We should attach due importance to this question of debt for the simple reason that the burden of debt has increased so much that it has disturbed the economic equilibrium of present society. It is said that feelings of resentment are created amongst people against the money-lenders, agriculturists or non-agriculturists. But the truth is this. The situation has become acute resulting in the disturbance of economic equilibrium due to the various irregularities and excesses on the part of those creditors who charge interest at a very high rate. The Government should foresee the consequences, otherwise a revolution may come and put the equilibrium right by destroying the present order of things and ushering in a new era of economic deliverance. I admit that the Relief of Indebtedness (Amendment) Bill is an improvement on the previous Bill and that the present Government have taken steps to solve to some extent the problem of debts. But I beg to differ from my learned friends opposite who are of the opinion that this Bill will fulfil the needs of a poor debtor. I am sure, even this Bill will not be able to solve the problem of debts as the sponsors of the Bill are well aware of the fact that nothing good and useful was done by the measures adopted by their predecessors in this respect. The problem remained unsolved and the debts, instead of decreasing, increased. But it has been said that the Government have brought forward this Bill on the recommendations of the debt conciliation boards and that they are sure to achieve their object as the lines on which this Bill is framed are quite reasonable and the measure will solve the question of debts. In this connection, Chaudhri Sir Chhotu Ram was pleased to refer to the lines on which this enactment is based. He said that the Relief of Indebtedness (Amendment) Bill will give powers to debt conciliation boards to act as judicial courts and accordingly they will adjudicate cases to the value of 10 thousand rupees. It was said by the Government benches that the heavy expenditure in connection with litigation would be avoided and in this way much of their difficulties would be removed and they would enjoy speedy and cheap justice.

In short the debt conciliation boards have been converted into judicial boards and will be able to decide cases straight away.

1 p.m.

But whereas I have mentioned good points in the Bill and the Treasury benches have appreciated them, I would be failing in my duty if I do not give certain suggestions as well. Obviously there are some provisions which require improvement. For instance, the two suggestions of the Independent members should have been accepted. Their adoption would have improved the Bill, and made it more useful than it is now. The Independent members of this House ought to have been accommodated. The first point made by the honourable member Sardar Santokh Singh was that the Bill should be allowed to benefit those zamindars only who paid Rs. 50 or less as....

Mr. Speaker : Reference to speeches and debates of the current session should be avoided so far as may be possible.

Sardar Sohan Singh Josh : This is the third reading stage.

Mr. Speaker : This is another stage of the Bill. The debate at this stage is more restricted than on the previous stage. It is specially restricted to matters contained in the Bill. The honourable member is referred to May's Parliamentary Practice, page 421.

Sardar Hari Singh : This is a very old book.

Mr. Speaker : The honourable member may cite more recent rulings if he has got any. Please discuss what is contained in the Bill.

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

Sardar Sohan Singh Josh : Their point was that concessions might be given to those who paid up to Rs. 50 as land revenue. But bigger zamindars should not be granted such concessions. To this Chaudhri Sir Chhotu Ram replied that he was opposed to any distinction being made between a zamindar and a zamindar. He recognised no such difference between a kisan and a big landlord. In fact he refused to listen to any remark based on the distinction of a tenant and a zamindar. He said that he would not fall into this trap. But may I respectfully ask, when a question can be raised with regard to a debtor and a creditor, and a zamindar and a non-zamindar, why then can we not raise the question of big landlords and poor kisans? And pressed further, the Honourable Minister said: "Why bother about landlords? They are only 13 in the whole province." But the real issue was evaded by the Honourable Minister.

Mr. Deputy Speaker : Reference to the speeches of the same session should be avoided so far as possible.

Sardar Sohan Singh Josh : Sir, it is claimed by the Government that the Bill is calculated to benefit the poor zamindars. But I want to explain how it will benefit big landlords rather than poor zamindars. The Honourable Minister of Development says that there are only 13 big zamindars in the province. But so far as I know the total number of land revenue payers in the province is 3,470,218. Now the statement of the Honourable Minister that there are only 13 big landlords in the Punjab is wrong. It is absolutely wrong. That is made to side-track the real issue. Let him face the issue. I can quote from the official reports that the number of those

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paying less than Rs. 5 as land revenue is 1,709,260, those who pay less than Rs. 10 number 659,739, those paying less than Rs. 20 number 49,104 and those who pay less than Rs. 50 as land revenue number 342,198. All these give a total of 3,252,201. Now if you like to grant concession even to those who pay less than Rs. 100 as land revenue, their total number is 3,850,545. Let us now deduct this number from the total number of land revenue payers in the province. It will give us 119,703. According to this calculation there are 119,703 big zamindars in the province who pay more than Rs. 100 as land revenue to the Government. In the face of it when the Honourable Minister says that there are only 13 big landlords in the Punjab, we begin to suspect that there must be something wrong in the matter. The Bill is not calculated to benefit the poor agriculturists. It is intended to benefit the big landlords. I go a step further and concede that if the Government wants to help even those who pay up to Rs. 250 as land revenue, I will regard it reasonable. Do help them. I will not object to it.

You will observe, Sir, that the number of zamindars paying Rs. 250 as land revenue comes to 44,118. Now if we add the number of all the zamindars whose land revenue ranges from one rupee to 250 rupees and subtract this from the total strength of land revenue payers, the number of such zamindars who pay more than Rs. 250 as land revenue comes to 78,595. In other words, such a large number of zamindars who pay fairly good amount of land revenue are going to be protected under this amending Bill. But I go one step further. I would not mind protection being granted to those zamindars also who pay land revenue to the tune of 3 to 4 hundred rupees. But I am in no case prepared to reconcile myself to the proposal of relief being afforded to those zamindars who pay Rs. 500 or more as land revenue. I have absolutely no sympathy for them. They are no longer needy or impecunious people. I may also add that the zamindars under the category of payers of Rs. 500 or more as land revenue number about fifty thousand. Now to give protection and provide relief to such a large number of affluent and well-to-do persons is not a small matter. It is crystal clear that the Government is out to benefit the big zamindars. But what do we find on the other end? The Honourable Minister for Development gets up and says that the number of big zamindars who would by chance or by coincidence derive benefit is negligibly small, i.e., 13 or 23, and we the socialists were accused of creating class hatred or class struggle. We are glad to find the Honourable Minister in the same boat with us. He is at his best when it is a question between the jats and the banias, but when the question of tenants and big landlords arises, he shirks it. Why should he fight shy of it, I do not understand. May I know what perturbs him or makes him shaky when the question of big zamindars and kisans is placed before the House in its true perspective? My honourable friend need not feel uneasy. He should come to grips with realities. It is an important question and it would remain so even if Congress were to come into power here. Congress, too, will have to tackle this question carefully and impartially.

Then I pass on to another very important point. My honourable friend Dr. Sir Gokul Chand Narang really made a very sound proposal. He said that the *sahukars* would be prepared to accept payment of four annas in a rupee and forego the remaining debts. In other words, they would be

satisfied with 25 per cent payment of their debts provided the Government took upon itself the responsibility of paying it from the coffers of the province. But just observe, Sir, the flimsy argument advanced by the Honourable Minister for Development. He said he could not countenance this proposal, because a creditor who had to realise Rs. 100 only, would try to show that the debtor owed to him Rs. 1,000 and so on. Then he tried to paint a horrible picture of the state of affairs if the Government accepted the proposal. He was pleased to remark that as a result of this proposal, the Government would be compelled to put a stop to beneficent activities. For instance, schools and hospitals would have to be closed down owing to paucity of funds. The programme of constructing pucca or metalled roads would also be curtailed. This line of argument has not convinced me at all. This shows that the ultimate aim of the Government is to benefit the big zamindars under the cloak of affording relief to the poor ones. I may point out that I have made this fact clear that Government has not done well to reject this reasonable proposal.

Mr. Deputy Speaker : The honourable member is not confining his speech to the matter contained in the Bill.

Sardar Sohan Singh Josh : I am discussing exactly the same matter which is contained in the Bill.

Mr. Deputy Speaker : That is something which is not contained in the Bill.

Sardar Sohan Singh Josh : I am simply amplifying my arguments with a view to explain the provisions of the Bill.

Mr. Deputy Speaker : The discussion should be limited to what is actually there in the Bill.

Sardar Sohan Singh Josh : Sir, I was submitting that Government would be well-advised to consider this proposal. It would have a very salutary effect on the people. In this connection I may add that we devise ways and means to relieve these poor people of their heavy debts. So far as we the socialists are concerned, we are in favour of reducing the debts to an extent larger than the Government has done. As a matter of fact we would welcome if the debts are wholly wiped out, but achievement of this object appears to be well-nigh impossible in the present order of society. It can only be possible if a revolution takes place here. As this does not happen to order, I think under the circumstances we can have no objection to reducing the debts by legislation. It would not be out of place to mention here that the Congress had declared in its manifesto that moratorium would be granted to the debtors for a certain number of years. This, too, is an excellent method of affording relief to the poor zamindars. That is, the debts are suspended for some years during which not a pie is added to the debts by way of interest. But as I have already stated that as in the present circumstances taking a revolutionary step which may have a far reaching effect is out of the question, Government should consider the proposal put forward by Dr. Narang. It is preposterous to say that the money-lenders would manipulate the amounts if Government accepted the proposal. We can very well understand if it is argued that zamindars would not be able to pay more than 10, 15 or 20 per cent. of the debts. But the fact that the Government is not prepared even to consider that proposal creates suspicion

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in our minds that it is out to benefit the bigger fry through this Bill. I might also mention that during the enactment of agrarian laws the Honourable Minister for Development had emphasised the necessity of that legislation in view of the alarming enormity of zamindars' debts which stood at 300 crores. The agrarian laws might have reduced the debts of the peasantry to an appreciable extent. At present the total amount of debt of zamindars perhaps stands at 20 to 30 crores of rupees. In other words, if Government undertakes to accept the proposal of Dr. Narang this debt can easily be liquidated. The Government can make the payment by borrowing and then realise the amount from the zamindars in easy instalments within a period of 10 to 20 years. I do not think that acceptance of this laudable proposal would bring the Government to grief. But what is clear is that in this way the poor zamindars would be freed from the clutches of the so-called rapacious money-lenders. It is a thousand pities that Government is not prepared to move in the matter of relieving the zamindars who really constitute the backbone of the country, of the perpetual misery of debts.

I think the Government can do everything but the fact is that they do not want to do anything. If the scheme referred to above by me is adopted it would give great relief to the poor zamindars. Let me point out that the Bill as it stands will not benefit them to the extent to which we want them to do. My honourable friend Chaudhri Sir Chhotu Ram makes much of this Bill, and says that under its provisions lawyers will not be allowed to appear before the conciliation boards and thus the money of the zamindars will not go into their pockets. This is well and good. But I may point out to him that one evil will surely crop up. Past experience amply proves that the evil of corruption is bound to rise in the conciliation boards as well. The experience of setting up conciliation boards at various places shows that the members of the boards are also approachable and they can be bribed as well. Does my honourable friend opposite think that the members of these boards are above board? Are they not prone to accept illegal gratification from the *sahukars* and thus give awards in their favour? The Honourable Minister has not made any provision in the Bill to guard against such evils which are likely to crop up in the boards in the near future. I think if the present state of affairs continued, in that case after five or ten years, when the Minister for Development will not be here, we will have to amend this Bill in order to guard against such evils and thus make it more beneficial to the zamindars. I do not say that this Bill will not benefit them. On the contrary it will, but only to some extent. But I think the Bill as it stands will not be able to benefit the zamindars unless and until we make the machinery that we are providing for scaling down their debts fool proof, and above reproach. So long as this is not done, we cannot benefit the zamindars to the extent we want them to.

In the end I may point out that the Bill is not wholly devoid of good things. On the contrary there are many wholesome provisions in it which will go some way to relieve the bad condition of the poor zamindars. For instance, it is provided in it that milch animals belonging to an agriculturist shall not be attached in the execution of decrees. The agriculturists had demanded many times this relief but their demand was not met. But now this demand of theirs has been accepted by the Government in the Bill.

now before the House. I think it will surely benefit them because the *sahukars* upto now often take away their milch animals in execution of their decrees. Although under section 60 of the Civil Procedure Code many articles of the agriculturists were exempt from attachment in the execution of decrees, milch animals were not included in that list. That section has been amended by means of the Bill now before the House and after its enactment into law the milch animals of the zamindars shall not be attached in the execution of decrees. Moreover another provision has been made in the Bill which would provide relief to the poor non-agriculturist judgment-debtors. Although a limit of five thousand rupees has been provided in it, which in my opinion is excessive, still I think it would give good relief to many. Now I do not propose to take any more time of the House, but I would only submit that although this Bill is not very satisfactory still it is an improvement on the parent Act. If the suggestions which I have made above had been incorporated in it, it would have become more useful for the zamindars. However, although it does not come up to our standard, still according to the old Punjabi adage چاندے چور دی نراگی اہی ہے it is something.

With these words I resume my seat.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (Urdu) : Sir, with your permission I want to say a few words with regard to the Bill now before the House. To begin with I may point out that my honourable friends have laid great stress on the point that we are creating a distinction between the big and the small landholders, and that virtually we are only benefiting the big zamindars. But I ask my honourable friends whether they can lay their hands on their heart and say that up till now the milch animals of any of the big landholders have ever been attached in the execution of a decree. Let them give me any instance where such a thing has happened. My submission is that there are either the honourable members of this Assembly or twelve or thirteen Nawabs who are considered to be big landholders. I ask my honourable friends opposite whether they can cite any instance in which the milch animals of any one of these big landholders have been attached or sold in execution of a decree? If not, then why do they go on harping on the old tune that this Bill will only benefit the big zamindars and not small? On the contrary, it is a fact that the small landholders would get great benefit by virtue of this measure. In fact now their many belongings have been exempted from attachment in the execution of decrees. In this connection I may point out that to-day I happened to read a pamphlet on the management of a vegetable ghee manufacturing factory. It is stated therein that there is a great dearth of pure ghee in India and that is the reason why they have started their factory in order to supply vegetable ghee to those people who either cannot get pure ghee or who have not the means to buy it. The managers have also objected strongly to colouring the ghee. Anyway I fail to understand why my honourable friends do not stress the point that if the milch cattle of the poor zamindars are exempted from attachment in the execution of decrees the result would be that such people would be encouraged to keep more milch animals and it would in its turn lead to an increase in the supply of pure ghee and thus the complaint of the people that pure ghee is not procurable will be removed. This is not anything which should be laughed at. I may point out to my

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honourable friends that this measure would go a long way in removing unemployment as well. Who does not know that even in villages some people remain out of work? Such people have no land of their own, nor can any land be given to them because Government have not so much spare land to allot to them. Generally in every village the number of such people varies from 10 to 20. Now if each of these men begins to keep two or three buffaloes because now there would be no danger of milch cattle being attached in the execution of decrees then his financial position would improve a great deal. Previously such people were unable to keep milch animals on account of the fear of *sahukars* because most of them had borrowed some money from them. At that time if they had purchased any milch animal by borrowing money from some of their relatives, there was the danger of its being attached in the execution of a decree. As a matter of fact *sahukars* did attach the animals of such poor people who had borrowed something like Rs. 50 or Rs. 100 from them. But according to the Bill now before the House the milch cattle belonging to these people is being exempted from attachment in the execution of decrees. The result would be that poor zamindars who have no land and no other means of income would be at liberty to keep any number of milch animals. Consequently pure ghee would also become available in large quantities and thus the country would be saved from the danger of consuming artificial ghee. I tell you the truth that this Bill will surely benefit the poor zamindars.

Besides, one of my honourable friends observed that those who pay Rs. 100 by way of land revenue to the Government, should not be given this relief. Instead of moving such amendments, I ask, why does he not poison the big zamindars or request the Government not to provide relief to the honourable members of this Assembly—because that is his ostensible object. In the circumstances, I request the Government not to delay this Bill any further. On the contrary they should enact it and enforce it as soon as possible. I may add that when the Honourable Chaudhri Sir Chhotu Ram toured my district, he announced that such a Bill was about to be enacted. Now people ask us whether this Bill has been passed or not. It is a matter of great regret that my honourable friends opposite have made it a point to oppose every measure that is brought forward by this Government. Their intention in so doing is that the people should get disappointed in this Government.

I sincerely think that this Bill is beneficial to the poor. Therefore if you are really desirous of doing good to the country and its people, you should not place obstacles in the way of such beneficial legislation. As a matter of fact, my friends only represent the rich and the moneyed classes, and naturally they cannot see eye to eye with us who are here to remove unemployment and poverty. Why should you be upset if we are out to provide a little relief to the poor? Do you want that the lot of the poor should not improve? It has been stated that no property belonging to the rich has ever been attached in execution of a decree. If that is so, I would like my friends to quote figures. I can say without fear of contradiction that the rich do not stand to gain by this Bill. As a matter of fact my friends are so confused that they say things which they do not mean.

I strongly support the Bill, and request that it may be passed into law as early as possible.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, while rising to oppose this Bill at its third and last reading, I do so with mixed feelings of regret and pleasure. My regret is due to the fact that almost all the amendments moved either by me or by the other Independent and Congress members, no matter how reasonable they were, have been turned down. Now that the Bill has reached its final stage, it will not be out of place to remind you how it stood originally, in what form it emerged from the select committee and what radical changes were introduced in it within a night while it was under consideration of the said committee. We did not and could not fare well even in the select committee, where the amendments moved by us were rejected and those moved on behalf of the Government were all accepted. The very fact that so many amendments were moved by members belonging to all sections of this House even after it had emerged out of the select committee shows that this Bill is not well-conceived and when passed into law, it will have its vicious effects.

I shall be doing no sin when I give an inkling into the real intentions of the Government in bringing forward this Bill. In my opinion, this Bill is to serve a set class of persons and it is no secret that the amendments moved and accepted by Government at various stages were intended to serve the interests of the movers of those amendments, or their friends.

At the same time I am glad that such a Bill has shown my Unionist friends in their true colours. It has stripped them of all guise. I am further pleased to find that the Congress members have also, now, realized how the Unionists have hood-winked them and they can gauge the real feelings and intentions of the Unionists who proclaimed themselves the best helpers of the poor and the agriculturists.

Now, so far as the various clauses of this Bill are concerned, I would like to make a few observations. The Government, as my honourable friend Sardar Sohan Singh Josh has rightly remarked, claims that it wants to remove the evil of indebtedness and thereby benefit the poor, and promote the interests of the province as a whole. If this were the real object of this Bill, I can, without any fear of contradiction, say that not only myself, but also the other independent members would have supported this Bill wholeheartedly. But I regret to say that all this is not being done in the interests of the poor. This is a mere farce. We know that all that glitters is not gold. The real object is to benefit only the big landlords of the province.

My friend, Sardar Sohan Singh Josh, is not only a renowned leader but an admitted friend of the poor. He is also compelled to feel that the object underlying this Bill is not what we are being given to understand. But so far as the general aspect of money-lending as a profession is concerned, I want to remove a misunderstanding which still exists in the minds of the Government as well as the Congressmen. Unfortunately they still look at the profession of money-lending from the same angle from which it was looked at a century ago. They do not know that those days of usury are no more. Money-lending has no great margin and has many risks. It is a

[Lala Sita Ram.]

great pity that Honourable Minister for Finance who is a great authority on economics is silent on this important question. I would ask him whether in his opinion no change has taken place in this business.

Borrowing and lending of money for purposes of luxury and spendthriftness is really condemnable, as it results in the ruination of individuals and tempts them to live beyond their means and income. It is this aspect of money-lending which is an evil of the greatest magnitude and is, therefore, forbidden by Islam. And perhaps having the same thing in his mind, Manu had established the principle of *Damadputra*. But I would like to know from the Honourable Minister of Finance whether this aspect of money-lending continues to exist even now or whether the situation has changed with the times. Has the spread of civilization and education and the examples of other countries as also the experience of traders and businessmen in this connection exerted any influence on the beliefs of the people regarding the use to which money can be put? Has business and trade, with their vast fields of profits not dispelled the conviction that to charge interest is not a sin and it does no injustice to either the debtor or the creditor?

I do not deny that even to-day there may be some money-lenders who are harsh in dealing with their debtors, but they are the exceptions rather than the rule. More often than not, the loans advanced by them are a boon to their debtors. I have said this so many times in this House, that there are hundreds of persons who have the brains but are handicapped on account of lack of funds. It is with such people that the need for taking loans arises and with the money advanced by the money-lender they are able to make a decent living for themselves and their children, opening, at the same time, the gates of employment for others. They make a far greater profit than the interest that they have to pay to the money-lender. Is it also a sin in the eyes of the Government to charge interest from such persons? Do you want to include such persons—however reasonable the rate of interest may be which they have to pay—in the category of those whom you want to benefit by this measure?

I beg to submit, Sir, that the Government should give us some method or some measure which may enable us to make a distinction between the just and unjust forms of money-lending. When I pointed out a similar fact to the Honourable Premier at the time of the consideration of agrarian legislation, I was assured by him that the measure only intended to put an end to dishonest money-lenders. But is not the limit trespassed now? In addition to preventing dishonest money-lenders from doing their business, the law has ruined the trade and crippled even the honest money-lending. It is in view of facts such as these that I ask the Government not to enforce the present measure.

Now to the Bill clause by clause. But before I advance any arguments in favour of my contentions or ask any questions I would like to make a necessary submission. The Government generally try to meet my argument by asking me how, being a representative of labour, I support the cause of the capitalists. I would request them to ignore this fact for a while and to meet my arguments with arguments, and come forward to prove that the Bill is really going to benefit

the poor people as intended by the Government ; or that it is going to give an impetus to trade and industry in this province. As regards the question of a labour representative supporting the cause of the capitalist, I beg to submit that my being a representative of labour does not prevent me from being fair to the capitalists. Moreover, I do not consider the two as foes of each other. Both of them are the useful units of a progressing society and their interests do not clash. But it is a moot point yet, whether your laws are for the good of the poor and the labouring classes. My allegation is that this Bill will in no way prove beneficial to the poor and it is to help only the big landlords. I can very well see through the game and that is why I protest against the passage of this Bill. You intend to help the big landlords under the pretext of helping the poor, and that is what we on this side of the House vigorously oppose. Another thing that I would like to know from the Government is the definition of "poor" and "capitalist". Who is a "capitalist" according to them?

Captain Sodhi Harnam Singh : Men like yourself.

Lala Sita Ram : And not men like you whose income from land is many times more?

Well, I am not anxious to get the answer but what I am anxious is that the Government should give us a tape to measure whether a person is a capitalist or not. What amount of income would give the man the name of a capitalist?

Premier : What is your opinion?

Lala Sita Ram : I am nobody to give my opinion. The definition depends on those who are in power and who can invent one to suit their end. You are the head of the Government and you should fix a criterion which would equally apply to all and sundry, that a person with so much of income, come from any source it may, shall be deemed to be a capitalist.

Mr. Deputy Speaker : That discussion has no relevancy.

Premier : A capitalist is he who has capital.

Lala Sita Ram : But what about those who are making money at this time in the shape of their heavy salaries which are many times more than the monthly income of one who has capital? Would you not include them in the Golden (or Black) list? My contention is that a capital is all income coming from all sources and the property itself.

Sardar Hari Singh : It includes land as well.

Premier : But is it capital?

Lala Sita Ram : Why not, if it yields a fixed amount of income? Sir, I was submitting that the Government should fix a standard, a criterion by which to judge whether a person is a capitalist or not. I do not think that this point as to what should be the definition of a capitalist, is irrelevant.

Mr. Deputy Speaker : This is in no way relevant.

Lala Sita Ram : What I want to submit is that unless we are given the definition of "rich" and "poor" by the Government, how can we say that this Bill is going to benefit the rich or the poor? If the Government were to define "capitalist" the problem will already stand solved.

With these words I would now draw your attention to the various clauses of this Bill. Sir, my first objection is that the Government is reducing the rates of interest to such a low level as may put a stop to borrowing and lending. Only five years back in 1934, according to the Relief of Indebtedness Bill, 12 per cent rate of interest was fixed against secured loan and 18 per cent against unsecured loan. Now the present Government have made alterations in this Bill and reduced the rate of interest to the extent of $7\frac{1}{2}$ per cent and 12 per cent respectively. My submission is that this alteration in rates is too sudden and wholly uncalled for. If we, for argument's sake, agree with the Government in saying that the Government is justified in reducing the rates and that instead of objecting to it the money-lenders should exercise their own sweet will in lending or not lending money at these rates of interest, the position would have been different and not so unreasonable. But it is absurd to amend retrospectively those rates of interest which the then Government thought were not excessive and at which the people had made contracts and business transaction had been done 4 or 5 years ago. Secondly, I do not like the discrimination made by the Government between a bank and a bank. I may in this connection remind the Honourable Premier of what I said when the agrarian Bills were under consideration. I expressed my fears—and they were not unfounded—that even the honest money-lenders would give up their profession in consequence of the black Bills. Now, when in deference to the wishes of the Government the honest money-lenders have started banks who keep their accounts in the recognised ways according to the Indian Companies Act, I would like to ask why this distinction? Why should those banks which were established after April, 1937, be penalized and not allowed to charge the same rate of interest as is done by other banks? I am at a loss to understand this discrimination. When the Indian Companies Act applied to every bank whether started before or after April, 1937, and business is running quite smoothly, then what is the use of making a provision in the present Bill to the effect that it will not apply to certain banks? I am afraid if I go into the details of this matter I would be accused of irrelevancy. But I cannot help saying that the provisions of the Indian Companies Act are already sufficiently restrictive and in their presence, certain banks should not be allowed to enjoy more privileges while the others go without them. In this connection, it will perhaps be not out of place to refer to the draft of India Bank Act on which opinions are invited. This draft is imposing more restrictions on the banking business as a whole and especially for the newly-started and smaller banks. Though we beg to differ from many of their proposed amendments, yet if this Bill becomes law, all banks have to go by it. And if so, there is neither occasion nor reason to make such a distinction by this provincial legislation. I am sorry to learn of the opinion of Government that there are certain money-lenders who do not keep their accounts regularly and up to date and have now started their business in a shape and under the shelter of

a bank. I think they are not justified in accusing the money-lenders of this irregularity. At the time of the black Bills the Government advised the money-lenders to give up their old-fashioned money-lending and start regular banks. Now when they have done and are doing it, you are not going to recognise their banks but are putting obstacles in their way. On the other hand, we should now appreciate these men as they have given up the old system and have started their business afresh at the instance of Government.

My third point is, why should the Co-operative Societies be exempted from this Bill? The Minister in charge has stated in reply to the objection raised by this side of the House that as the benefit will have to go to the shareholders, there is no harm in the exemption of the co-operative societies. If this is the case, I am afraid four brothers can gamble among themselves because money lost by one goes to another brother and remains within the family. My submission is that if drinking or gambling is considered to be a sin, it is so for every person. I, therefore, submit that if a certain rate of interest is considered to be excessive for one bank it should be considered the same for another as well. When it is an unpardonable sin for a money-lender to realise a certain rate of interest, how is it that a certain class of banks are entitled to realise the same? This distinction, therefore, between a bank and a bank is unjustifiable.

Then I come to clauses 3, 4 and 5. As some of my honourable friends have already stated, the powers of debt conciliation boards have been far increased by the provisions of this Bill. So far as the very name of debt conciliation boards suggests, their function was and should be to bring about an amicable settlement by conciliation between the zamindar debtors and their creditors. But now their powers have been much increased under this Bill. The debt conciliation boards will now be empowered to adjudicate as to what amount is due to a certain person and who is to pay it. We have repeatedly protested against this unwholesome provision, but all our attempts have been in vain. The very name of these conciliation boards will become a misnomer now. Why not call them the debt adjudicating boards? Then there is going to be no provision for pleaders and lawyers to appear before such a court without getting its permission first to clear the issues of the case and help the parties as well as the court to study the *pros* and *cons* of a particular case. Our amendments to make provisions for lawyers were all rejected. The greatest drawback, which makes it a lawless law in the Bill is that there shall be no appeals against the orders of these debt conciliation boards except to a collector. This provision has set aside all civil courts, and these boards have usurped the powers which were enjoyed only by the higher courts of law. Every body knows that if a certain person, whether he is a creditor or a debtor, is dissatisfied with an order of a civil court, he can appeal against that order in another higher court. He could even send his case up to the High Court.

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

Mr. Speaker, I was placing before the House my observations about the conciliation boards and their powers. They have, in fact, been turned into judicial boards. They can even consider whether a debt is due at all

[Lala Sita Ram.]

or not, and my fear is that where a debt of two or three thousand or ten thousand is due, they may declare that not a single pie is due. I do not dispute the fact that such a board may not be given any powers. But justice and fair-mindedness should be kept in view in granting such powers. And justice and equity demand that when certain powers are given to a certain person, his orders should be appealable so that if any one is aggrieved or dissatisfied, he may seek relief in some higher court. I do not mean that only money-lenders should be given a chance of appeal. But let it be given to the debtor also who may be aggrieved by the orders of such a board. Let him seek redress. But to make no provision for free appearance of lawyers and again no provision for appeal, is highly objectionable from every point of view. Who knows this double-edged sword may harm the very debtors whom the Government want to protect. I am afraid the amending Bill has gone far beyond the object and scope of the original Bill and coming out of the select committee as it stands now, it has become an entirely new measure.

Now I proceed to discuss another important point. My strong contention is that the Bill is not calculated to benefit the poor agriculturists. It is reassuring that Sardar Sohan Singh Josh has also supported this contention of mine as he is known to be the best friend of the poor. The definition of an agriculturist has been made too wide. Even the big landlords are allowed the benefit of this measure. And above all, even non-agriculturists who may possess assets valuing up to Rs. 5,000 will be exempt. Even their residential houses will be immune from attachment. This is not all. It is also provided in the Bill, by a recent amendment, that if a zamindar has even five houses and has lent them to his relatives, those houses will not be attachable in the execution of money decrees. Now, may I ask if a person owning so many houses can be called a poor man by any stretch of imagination? Obviously the Bill is calculated to do the greatest harm to the money-lending class. You know, Sir, how many difficulties already exist in the way of realization of debts. Even if a debt was taken for productive purposes, the sons of the zamindars come forward and say without hesitation that their father was a man of extravagant habits and had lived a luxurious life. On this plea the responsibility to pay even the genuine debts is often shirked by debtors. Is it fair to avoid payment of such debts as were taken for the necessities of life, for the education of children and for the carrying on of certain industries? The debtors should not be allowed to take shelter behind legal quibbles at the time of payment. After all there must be a limit to everything. The Unionist Government has exceeded all limits of justice and equity in affording protection even to the rich landlords under this Bill. Now a person who is a millionaire, can turn this provision to his advantage. We have contended, for instance, that if a person borrows money for starting an industry and earns lakhs of rupees, he may still seek the protection of this Bill. His house will not be attachable. Even other property can be saved by the sons of debtors who would go to the shameful length of making allegations of drinking against their fathers. Woeful, indeed, is the tale of the creditors.

Another thing with regard to which a great deal of misunderstanding exists and about which Raja Sahib from Rawalpindi has raised objection,

is that interest on money is unlawful. He seems to think that it is really a crime to charge any interest. Unfortunately he has not read economics, and seems to live in the past. It is really difficult to argue on this matter with such an ignorant person. But may I respectfully point out that interest is a service of capital. I will further explain my point by saying that nothing can be produced without a four-fold process. First and foremost, we need land. The second thing that we need is capital. (*A voice: We cannot understand it.*) That is the real difficulty. It is like playing music before buffaloes, as they say.

The third factor, Sir, is labour and the last but not the least is enterprise, which, perhaps my honourable friend over there does not understand. May I explain the term 'enterprise' to my honourable friend?

Mr. Speaker: Which matter is the honourable member referring to?

Lala Sita Ram: Sir, by referring to the important principles of economics I wanted to emphasise that the interest which a capitalist charges comes out of the profit earned by the industrialist who invests that borrowed capital. It is, therefore, not a crime to charge interest as my honourable friends contend.

Mr. Speaker: Which provision or part of the provision is the honourable member referring to?

Lala Sita Ram: Sir, by advancing this argument I want to prove that the principle of *damdupat*, as laid down in the provisions of the Bill, is simply untenable in this case. The Government is in no way justified in retaining this provision. To be concrete, suppose a capitalist advances a sum of Rs. 10,000 to an industrialist who by investing it makes out an income of Rs. 300 a month. Now after paying all the expenses in regard to labour, interest on capital, rent, etc., something like a net saving of Rs. 100 will be left with him, which may be considered as a remuneration for his enterprise. Then if the capitalist continues to receive the normal amount of interest regularly he may not feel the necessity of withdrawing capital from this particular debtor for 15 or 16 years. He would naturally consider it foolhardiness to realise the amount, and bring about the ruin of the industry started by the entrepreneur and lend it on to some one else who may prove a bad debtor. Again, it is possible that during this period of 15 or 16 years the creditor might have received so much interest, the total amount of which may exceed twice the original amount. This fact is also obvious that the entrepreneur, too, had been deriving the fullest advantage of the borrowed capital. But when the measure now before the House is enacted into law, the latter would certainly take advantage of it and refuse to square accounts with the creditor, who under the law would be debarred from realising the whole or even a part of the principal amount from latter's property. I ask the Honourable Minister for Development if it is justifiable that the principal amount, the utilisation of which was instrumental in the profits and prosperity of the debtor, should not be returned to the creditor. Will he not be guilty of throwing over-board all canons of jurisprudence, equity and fairplay by perpetrating this monstrous injustice on the creditors? I may sound a note of warning that in the circumstances the money-lenders would be compelled to think twice before advancing any loans to anybody and the results are horrible to imagine. Credit would adversely be affected.

[Lala Sita Ram.]

It would rather be crippled. There will be no trade, no industries and the poor labouring classes would be thrown out of employment. I am of the opinion that with the passage of this enactment the honest money-lender would be hard hit and possibly driven out of market while the dishonest one may invent shady means to circumvent the provisions of the Bill. I think I have sufficiently thrown light on the defects and weak points of the Bill. I have advanced ample reasons showing clearly that the measure which has reached its final stage is not at all intended to benefit the poor debtors or to better the economic condition of the province as a whole. Trade and industry would receive a severe set-back. I, therefore, cannot help saying that this law is being passed by the Unionist Government in a spirit of either vindictiveness or to benefit a certain class of people. Has it ever cared to ponder over the accumulative adverse effect of this enactment on the people whom the Government appears to be anxious to help? As a matter of fact I sincerely believe that this measure is no longer going to prove beneficial to the poor and the labouring classes. When credit goes to the dogs and all industry is stopped, who will employ the labourers?

Now you will appreciate why I defend and support the cause of the capitalists. I want the rich to come forward with their money and start industries so that the poor labourers be employed in thousands to work in the new factories and earn their honest living. We have, Sir, already expressed our opinion that zamindars paying more than Rs. 50 or so of land revenue should not deserve protection but we would go to the utmost limit which my honourable friend Sardar Sohan Singh Josh has fixed, namely, Rs. 250. Taking even this limit as the last one, there will be found many rich landlords who would be benefited by this measure, and really do not deserve it. But the Honourable Minister for Development in his zeal to help them would call only those 13 or 23 zamindars as big landlords who are respectively paying more than Rs. 10,000 and Rs. 50,000 as land revenue. In the first place, I do not agree with him in his findings; but if that is so, may I ask why they have not even been exempted from this protection or debarred from the benefits which would accrue to them because of the provisions of this Bill? Are they not rich enough not to deserve this concession? That is why I wanted you to give me the definition of a capitalist and propose some income limit which should decide whether a person is rich or poor and whether or not he deserves any relief. An agriculturist with so many squares of land and scores of thousands of income at the harvest time is a deserving case of pity and relief, but a non-agriculturist with no land and meagre income of his capital is no deserving case! This is Unionist logic and justice. I need not repeat this fact over and over again that I am dead against those provisions wherein big landlords have been given all the facilities which were intended to be granted to the poor.

To be brief, Sir, I have pointed out the defects and shortcomings of this Bill to the best of my ability and I leave it to abler persons to discuss further its demerits. But I cannot help requesting His Excellency the Governor of the province to kindly intervene and protect the minorities who would be adversely affected by the passage of this Bill. I would also move the Chief Justice to see that justice is not tampered with and debt conciliation boards

do not replace the proper law courts. It is also high time for the lawyers to take the matter into their hand and put a bold fight for their rights and in the better interest of their clients.

In the end with your permission, Sir, I would like to read a few verses of my own in which a humble attempt has been made to paint faithfully the whole picture. They are as follows :—

یہ مافا فکر ہے دن رات تمکو کاشتکاروں کی
 خبر لینا دور دربی ہے مگر ہے روزگاروں کی
 ہمیشہ کوسٹی رہتے ہو تم سرمایہ داروں کو
 گو پائے سب ہے یہ رتے بدولت شاہوکاروں کی

My submission is that it is more often than not, that a *sahukar* lent money to deserving people to get their education, sit for examinations, and get high posts or start some lucrative business. Even most of the honourable members who are now sitting in the Assembly Chamber fought their elections to this Assembly by borrowing money from the *sahukars* whom they would not repay now (*laughter*). I, too, borrow money for my business but my attitude is different. I must pay my creditors in spite of this Bill, because I feel it a moral and religious duty.

To the verses again—

گو ظاہر طرز ہو دولت کے تم سب سخت دشمن ہو
 بیاطن چال چلتے ہو اہم ہوں - سرمایہ داروں کی
 غریبوں کی مدد کا ڈھونگ اصلیت سے خال ہے
 مدد کرتے ہو در پردہ جسے جاگیرداروں کی
 سیکو گو اجازت دے قولے ان نام اک اک کا
 فرستدین ہیں یہ قرضہ کی انہیں : قرضہ داروں کی

With those words, Sir, I strongly oppose the passage of this obnoxious measure.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural): Sir, as the honourable member who has preceded me has taken much of the time, and there is already a feeling in the House that the closure motion may be moved, I would like to say very few words about the Bill. As regards the merits of the Bill they are quite evident and patent, so much so that even the honourable member who said that even at this stage he was going to oppose this measure, could not help saying that as regards the principle of the Bill, so far as it goes to help the poor, he was wholeheartedly supporting the Bill. I need not lay stress on the merits because those merits have been accepted by the members who occupy the opposite benches. Everybody who has studied the law knows that legislation as regards recovery of loan is as primitive and as ancient as the Roman law. We find in the Roman law that the debtor was very much oppressed if he could not pay his debt; there was a law which authorised the creditors to cut the debtor into pieces and divide the different parts of his body amongst themselves according to their proportionate share. As a relic of that barbarism we have got even in this age of light and civilisation the law that a debtor

[Khan Muhammad Yusuf Khan.]

can be imprisoned. I think this is a relic of barbarity and this symbol of inhumanitarianism to-day is being set aside by this Government. We find in this Bill that under its provisions no debtor will any more be harassed; he will not be arrested and he will not be put behind the prison bars and his person will be quite immune. I think once more we have accepted the principle of civilisation and we have once again proved to the world that so far as the person of a human being, who is suffering because he took debts, is concerned, it is quite sacrosanct and cannot be touched. The main features of the Bill can be analysed thus. Firstly, we find that there is immunity granted to the person of the debtor, secondly, we find that there is immunity granted to a large extent to the property of the debtor, and thirdly, the distinctive feature of this Bill is that anybody, whether he is an agriculturist or a non-agriculturist, is allowed to possess one residential house and is no more in any danger of losing his house for a certain amount of money which he may be compelled to get as a loan from a money-lender or anybody else. Sir, now fourthly we find that most proper and salutary provisions have been made under this Bill. No court is authorised to issue warrants for the attachment of property unless it is first satisfied that the property for which warrants of attachment are to be issued is not exempted under the law. This is a most salutary provision incorporated in this Bill. Previously we find that although there was legislation for the relief of debt, there were loopholes in the provisions and the law has always been set at naught by the shrewd money-lender. So much so, that if he wanted to harass or put the debtor to trouble he could go to the law courts and get a warrant of attachment of the property of the debtor. The result was that when the money-lender accompanied by the bailiff surrounded the house of the debtor he could attach the property of the debtor as well as animals or other articles and under the pressure of the warrant of attachment the debtor was compelled to come to some terms with the creditor and there and then wrote another promote or document signed or thumb-marked by the debtor or the debtor used to mortgage the ornaments of his wife for the sake of his honour. Thus the creditors on account of their shrewdness or cunningness or cleverness achieved their purpose in spite of the fact that there was legislation for the relief of indebtedness of the zamindars.

Now to-day we find that this great evil has been removed by the incorporation of this measure and the money-lenders will not be able to attach the property of a debtor, unless they satisfy the court that the property to be attached is not exempt under the law. Thus it will be very hard for a creditor to achieve his purpose, which he was able to under the old Act indirectly, although the law afforded relief to the poor. The exemptions that have been incorporated in the amending clause 15 will have a far-reaching effect. I will not be wrong and too wide off the mark to say that if not clearly and openly but indirectly we have said that all the old debts in the province have been wiped off and a dishonest money-lender will not be able to advance any money and if he did he would do it at his own risk. Thus the poor ignorant zamindars are quite immune from attachment of their properties.

It will not be out of place for me to mention that a zamindar by the very nature of his work and occupation is sometimes compelled to raise

money. Supposing, God forbid, there is some calamity—say locust or hailstorm—the poor man will have to raise some money for his seed or for buying bullocks. That is the problem which should attract our attention because as regards the money-lenders and their advancing loans we have totally done away with that and there will be no more dishonesty and cunningness on their part to exploit the ignorant zamindars. Now where is a zamindar to get his money from? That is a question which should be coolly and calmly considered by us. The Government has proved by its actions that they stand for the zamindars. Even members from the other side have so many times tauntingly remarked that this Government considers only the zamindars as its subjects and none else. We should not be oblivious of the fact that by this legislation we have totally disabled any money-lender to advance any money to the zamindar and if we have saved him from the money-lender, he may not fall an easy prey to well-to-do persons of his own community. I would suggest that the Government from this very day try to create some facilities for him. As regards the co-operative societies, I wish to make a submission and it is this. Under the present Co-operative Societies Act, a person is held responsible for the societies' debts even if he did not raise a single pie and he is involved in a debt if he happens to be a member of the society. This Act is so stringent and drastic that zamindars have already shown contempt for it and do not consider the Act as a boon or a favour but they are afraid of it. I submit that this Act should be so amended as to bring forth facilities for a zamindar to get loans on easy terms and also it should make it impossible for him to evade payments and some sort of mortgage banks may be started.

Mr. Speaker : Will the honourable member please speak to the motion before the House?

Khan Muhammad Yusuf Khan : I am quite relevant, Sir. I am submitting that if you want to give real relief to the zamindars you should open mortgage banks.

Mr. Speaker : Opening of banks is not under discussion.

Khan Muhammad Yusuf Khan : I was submitting, Sir, that some facilities should be given to the zamindars for getting money.

Mr. Speaker : The honourable member may bring in a Bill for that purpose.

Khan Muhammad Yusuf Khan : I do think, Sir, that this is a most fortunate day and we should be quite jubilant and feel happy that we have achieved what we wanted to. We had been claiming that we stand for the good of the poor and to-day we have proved to the hilt and brought it home to the public that we in fact stand for the good of the poor. This is a Bill which clearly tells that a zamindar now is a free man, who has got money in his bank; who has got money in his home which cannot be taken away by anybody.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I will be very brief. On the third reading of a Bill, it is not necessary to go into the details.

Mr. Speaker : At this stage the debate must be restricted to matters contained in the Bill.

Dr. Sir Gokul Chand Narang : But not to the details. I say it is not necessary for me to go into details. The general effect of the measure has to be considered at this stage and my submission is that that can be summed up under three heads.

The first is that by means of this measure the debts have been almost totally wiped out and if that was the object of the Government, it can certainly be congratulated upon it. It is a different thing whether the process that it adopted for wiping out the existing debts was a fair one or an unfair one. From our point of view it is an extremely unfair one and it amounts to nothing but robbing Peter to pay Paul and that is what Government has achieved by this measure. Under the Act as it stood, the functions of the conciliation boards were to scale down debts. They have now been given additional powers and the conciliation boards have practically been made judicial courts as they will now be empowered to go into the genuineness or otherwise of the claims that may be brought before them. That, in our humble opinion, is a step which should not have been taken, because that power has been conferred upon unworthy people who are, with very rare exceptions, totally unfit to discharge the duties which will now devolve upon them. They may be otherwise very estimable men and some of them, so far as their social surroundings are concerned, are really estimable men. I have nothing to say against any of them. They may be all honourable men. But the duties which they are now called upon to discharge are far beyond their education and their mental outfit. Therefore, a grave error has been perpetrated by the Government which will result in the miscarriage of justice in many cases.

The other thing that I would like to say in connection with the general effect of the measure is that credit now has also been totally destroyed. There may be some on the ministerial benches who consider it a great virtue, but I may submit that they are very short-sighted people and very narrow-minded people. In their anxiety to restrict credit, they have gone too far. Restriction of credit within certain limits may be a good thing. But the Act as now amended would result in the total destruction of credit. What would be the result? The Honourable Ministers probably think that it would be a good thing for the borrowing classes, that they will pinch themselves for various things, they will resort to economy and frugality and so on and will thus save themselves from running into debt. To a certain extent it may be correct. But as credit would be entirely frozen and necessity will continue to exist, the net result of this measure would be misery to the classes whom it is intended to protect and my honourable friends on this side were perfectly correct when they said that the poor people would not be helped by the Bill, though apparently and for a short time it might appear to be so. The result which I can see clearly would be that whereas a needy agriculturist, when his bullock died or something else happened, could borrow on his credit and on his reputation, now will not be able to borrow at all on his credit or on his reputation, howsoever good he may be. The result therefore would be that he would have to sell his property, whatever little of it he may possess. If he has to celebrate a marriage or has to provide medical aid to any of his relations, he will not be able to raise the necessary amount, but will have to sell a bullock or a buffalo or milch cattle or whatever may be available to him and for larger

needs he will have either to mortgage his land or sell it. Most probably he will have to sell it, because a panic has been created in the province so far as mortgages are concerned. People think that if old mortgages have been wiped out, there is no guarantee that new mortgages will not be wiped out. In fact, the panic is very widespread. Very intelligent people have been approaching me and asking me whether the Government contemplates passing any law under which even sales which were executed with the permission of the deputy commissioners would also be set aside. I cannot read the mind of the Government and all that I have been able to tell them is that so far the Government has not given any indication of bringing forward any such measure. I have also been referring them to the declaration which the Honourable Premier was pleased to make on the floor of the House at Simla, that as long as he was the Premier or as long as he was in power, nothing of the kind would happen. He may be able to implement his word and stick to his intention but the way to Hell, they say, is paved with good intentions and the world is very familiar with broken pledges and promises; and treaties have also been treated like scraps of paper. But let us hope that the Honourable Premier, as long as he is in power, will see that his word is respected. I make reference to it simply to point out that there is a widespread panic in the province that people will not be able to raise money even on mortgages. They will be compelled to sell their lands and even the non-agriculturists, to whom the Government has been pleased to extend its favours from its own point of view, will also be compelled now to mortgage their houses or to sell their houses before they can raise any credit. This will be the result. It is no favour to the non-agriculturists and I need not repeat what I have said before, that no more emphatic protest against their inclusion within the scope of this measure could be made than the protest made by the non-agriculturists themselves, by the merchant community, only the other day. This is one of the most baneful effects of the measure, as it would not only place the agriculturists in a difficult and miserable position, but would also place the trading classes in difficulties, who up to this time lived on credit. Even their word of mouth was considered good and they could raise thousands without even executing any document at all, because the lender knew that the borrower depended upon credit for his business and for his very existence and would not betray him. Now those people will also be involved.

The third result of this measure has been the corruption of the administration of justice. I repeat it deliberately. I quoted from the well-known book, *New Despotism*, by the Lord Chief Justice of England and I have no hesitation in repeating that the result of this measure would be the corruption of the administration of justice in this province and that administration will be corrupted in several ways. In the first place, the conciliation boards, to whom big cases will now be entrusted, are wholly incompetent. I have just now said that not only are they incompetent but in some cases they are vindictive.

Party politics will play their part. Hints will go from one place to another that certain cases should be disposed of in this manner and that manner. And even if they are not vindictive, I would submit that sometimes ignorance is more harmful than vindictiveness. Only yesterday I

[Dr. Sir Gokul Chand Narang.]

received a letter from a lawyer who has referred me to a particular case which happened in the Rohtak district. A friend of mine has also received a letter to that effect and with your permission I would just give you some facts to which this letter refers.

Premier : Is that Pandit Shri Ram Sharma ?

Dr. Sir Gokul Chand Narang : No. One letter has been sent to me and another to another barrister of a very good position. I do not say that Pandit Shri Ram Sharma is not a man of good position, but he is not a barrister. The facts are these. They are typical and this is not a solitary instance, hundreds of cases have been brought to the notice of the Government but the Government has turned a deaf ear to these grievances and complaints. The Government is drunk with power and it can snap its fingers at all these complaints because they know that these poor people can do them no harm, in any case not for a long time to come. This is what the letter says :—

One Chhotu Jat of Rath Dhanna, Tahsil Sonapat, made an application on the 9th of May for the settlement of his debts due by him to his creditors to the Debt Conciliation Board at Sonapat. Notice was served on the creditors and Lala Ram Chand was one of the creditors. He filed his written statement of his claims and a certified copy of the civil court's decree. The Board required from him the account book on the basis of which the decree was passed.

This is entirely against the provisions of the Act.

He made a statement to the Board that the account books are not with him and are with another gentleman, another member of the firm in whose favour the decree was passed. There had been a partition. But the Board insisted on it. Ram Chand preferred to absent himself from the Board taking the risk of his claim being wiped out. On the 20th February, 1940, the Board passed an order for the arrest of Lala Ram Chand and for the attachment of his property.

Sardar Sahib Sardar Santokh Singh : Of the creditor ! (Laughter.)

Premier : How could they do it ?

Dr. Sir Gokul Chand Narang : This is what I tell you. You do not look into these things. You are ruining the province and you do not care to see these things. These are your men and they do it. "The warrants of arrest and attachment were issued under Order XVI, Rule 10, Civil Procedure Code" which probably refers to the penalty for non-production of documents required by a court. It should be remembered that in this case the claim was based on a decree which had originally been passed by a civil court and the Board wanted to go behind that decree though this is expressly barred under the Act.

In pursuance of the warrants of arrest, Lala Ram Chand was arrested on the 15th of March, 1940. Then he was released on bail.

Only released on bail.

The warrant of attachment has not been executed as proclamation fee was not deposited. The case is now fixed for the 20th April, 1940. Lala Ram Chand has served the chairman of the Board, as the warrants of arrest were signed by him and the original order was also made by him, with a notice under section 80 of the Civil Procedure Code.

This is one of the instances how these gentlemen of the conciliation boards act in certain cases. This letter is not from that Lala, it is from his brother who happens to be a lawyer. The letter is from a lawyer and he is therefore presumed to know what he is talking about. There can be no doubt

about the facts revealed in this letter. This is only one instance of one particular board. There must be many others. Another way in which administration of justice has been corrupted is by depriving the civil courts of their jurisdiction. I need not dilate upon this point. The third way in which the administration of justice is going to be corrupted is by shutting out the lawyers and by making them dependent on the sweet will of the conciliation boards. It will not only corrupt the administration of justice, but it will also corrupt their morale because they will have to degrade themselves, debase themselves in order to secure the permission of the conciliation boards. These are the various ways in which this Bill would work if it is made into a law, and enforced in this province. All that I can do is to appeal to the lawyers to take up this matter. I also appeal to the High Court to take up this matter because the Ministers have been like so many mice nibbling at the jurisdiction and the power of the High Court and now they are well-nigh swallowing the jurisdiction of the civil courts altogether. If I may be permitted, I may also appeal to the Press (*laughter*). I am sorry that the Press misunderstood me that day, because I was misrepresented, but as the Press still continues to exist and will continue to exist and I wish them to continue to exist and exist in all their power and glory, I appeal to them. They must see that injustice is not done, that corruption is not allowed to prevail in this province whether among themselves or in the courts or in the executive side of the Government. They have to play a very important role in maintaining the purity of laws, the purity of justice and purity of morals in this province, and I trust that all these three bodies will do their best, as it is time that they realized that the province was going from bad to worse and they should all combine to save the honour and glory of their own province (*hear, hear*).

Honourable Members : Question may now be put.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*) : Sir, first of all, I should like to congratulate the Jat members of the Congress party for they have, at long last, acted with determination and brought under control their non-agriculturist colleagues whose sympathy with the money-lenders is only too well known.

Not one of my honourable friends of the Congress group has ventured to oppose by speech the Bill which is under discussion. I think this commendable restraint was due to the zamindar members among them. I am really grateful to these honourable zamindar members for their healthy influence on the non-zamindar members of the Opposition. I extend my warmest congratulations to them. How I wish that the zamindar members of the Independent party had also exercised some control over their non-agriculturist colleagues! In that event the latter too would not have had the courage to oppose this Bill. (*Mian Muhammad Nurullah*: I have tried hard to restrain them.) In spite of that, you dared not oppose the Bill openly. God be thanked that the domination of Lala Duni Chand and Co. has been replaced at least in this instance by that of Sardar Sohan Singh and his jat colleagues.

I will now proceed to enumerate some of the salient points of the amending Bill. The first and foremost point to be noted is that whereas the previous Act could mainly benefit only agricultural classes, the amending

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Bill extends its scope and is calculated to benefit a much larger section of the population. Even those classes which previously were outside the scope of the original Act will now receive protection under the amending Bill. In the first place, the Achhuts have been given a definite place under this measure which will extend to them the same protection as to ordinary agriculturists in spite of the fact that they do not belong to notified agricultural tribes. That is the one direction in which the scope of the previous Act has been widened. Secondly, those non-agriculturists who dwell in towns but are poor and have limited means have also been brought within the ambit of the amending Bill inasmuch as one main residential house of every judgment-debtor will be immune from attachment or sale in the execution of a debt decree. Further, the definition of the term "debtor" has been so amended as to include all individuals whose total assets do not exceed Rs. 5,000 in value. This definition makes no distinction of caste, creed or colour. Even the distinction of rural and urban has been dispensed with under this provision. All debtors as now defined under section 7 will be allowed to enjoy the benefits of the Indebtedness Relief Act. Thus it is that we have widened and extended the field of operation of the previous Act. Even non-agriculturists and Achhuts who had been hitherto denied the benefits of the Act, will now enjoy the protection provided under it.

Another significant change brought about by this amending Bill is that we have decreased the rate of interest. Previously the rate of simple interest used to be $18\frac{3}{4}$ per cent on unsecured and 12 per cent on secured debts. It has now been lowered to $12\frac{1}{2}$ per cent and $7\frac{1}{2}$ per cent respectively. Compound interest has been abolished.

The third main point, and the one which has worried my honourable friend Dr. Sir Gokul Chand Narang a good deal, is that the powers of debt conciliation boards have been considerably increased by this Bill. Previously the boards could do nothing unless creditors to whom at least 40 per cent of the debts were owed agreed with their debtor to submit their case to the conciliation board and accept its award. It is obvious that effective powers were not given to the boards. In fact they were helpless. But now the amending Bill has abolished this condition. The law henceforward will be that if creditors refuse to accept a reasonable or fair offer made by the debtor, debt conciliation boards will have the power to issue a certificate in respect of such debts. The effect of this certificate will be that no interest will be chargeable on that debt after the date of the certificate. Previously the rate of interest allowed after certification was fixed at 6 per cent. The amending Bill provides that if a creditor refuses a reasonable and fair offer of the debtor, the former will not be entitled to any interest after the date of certification. Even if such a creditor succeeds in obtaining a decree the execution of his decree will be deferred until the claims of all creditors who accepted the offer have been satisfied.

Another important feature of the Bill is that we have nearly completed the application of the principle of *damdupat*. The original Act provided for the application of this principle to those debts only which had been raised after 1934. Older debts were not subjected to this principle. It may be said that even now we have not succeeded in enforcing this principle

cent per cent. True, but its application has been brought as near completion as possible. The principle of *damdupat* will now apply to all debts whether incurred before or after 1934.

A further noteworthy point is that we have extended the scope of "exceptions" which go to favour agriculturists under section 60 of the Civil Procedure Code. Their number has been considerably increased. The main loopholes which decree-holders used to discover under the old law have now been closed. Money-lenders will no longer find any backdoor to contravene the Relief of Indebtedness Act. The field of exceptions has been made much wider than it was before. A point of outstanding importance in this connection is that although houses belonging to agriculturists were exempt from attachment or sale in the execution of debt decrees, yet this exemption was not available until an agriculturist had filed an "uzardari" and proved that he was an agriculturist. But now a debtor will not be asked to prove his status as an agriculturist if he is a Jat, a Sayed, an Arain, an Ahir, a Gujar or a Rajput or a member of any other notified agricultural tribe. He will now receive this protection almost automatically and unfailingly.

Now a provision has been made in the Bill that every member of a tribe notified as agricultural under the Punjab Alienation of Land Act, and every member of a scheduled caste shall be presumed by a civil court to be an agriculturist until the contrary is proved. Besides, all those belongings of his which under section 60, Civil Procedure Code, were exempt from attachment in execution of a decree but were invariably attached until right of exemption was claimed and proved will now remain untouched until the court is satisfied that they are not exempt under section 60. This is a very important change which has been brought about by the amending Bill. The benefit of this change will occur not only to statutory agriculturists but also to those who, though not statutory agriculturists, have been brought under the definition of agriculturist by this amending Bill.

Again, an allegation has been made by the honourable members opposite that this Bill had been designed to benefit the big and not the small and poor zamindars. I have time and again made it clear that the sole object of this amending Bill is to provide relief to the small zamindars. As a matter of fact the original legislation on the subject of relief of indebtedness did not make any adequate provision for affording relief either to the big or to the small zamindars. But now under this Bill every small zamindar definitely stands to gain, though there is a possibility, in a few isolated cases, of the big zamindars also being benefited. But I may be allowed to point out that we for ourselves have not made it a point to strangle the big zamindars, nor do we bear any grudge or harbour any ill-will towards them. If they stand to benefit legitimately, we have no mind to deprive them of this advantage. My honourable friend, Sardar Sohan Singh Josh accused me of having failed to make any distinction between the big and small zamindars while enacting this measure. I confess that I am averse to any invidious distinction between one zamindar and another. I do not make a secret of this fact. But it is regrettable that my honourable friend has, in spite of his socialism thought it fit to join hands with a body of non-agriculturists who can never be expected to render any service worth the

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name to poorer classes against capitalists. The second reason why I cannot tolerate any schism between the big and small zamindars is that I want to see all the zamindars united in one solid body to fight the battles of all exploited classes. It is this cohesion which has been responsible for the outstanding achievements of the Unionist Party which, so far as the amelioration of poor classes is concerned, has done more than any party dominated by capitalist interests, such as the Congress, could possibly do. You will observe, Sir, that the cardinal principle of our party is that it recognises no distinction of caste, creed or colour among its members. It is sheer coincidence that agriculturist members preponderate in the Unionist Party. This is obviously due to the reason that agriculturists represent the largest class of those who have been exploited in the past. In any case, I can fully understand the sinister motives of our capitalist opponents who seek to raise the question of big and small zamindars. They want to bring about a cleavage among the ranks of the zamindars who have fought so successfully the battles of the poor and exploited. Our opponents would naturally wish to divide us into big and small, rich and poor and owner and tenant zamindars to weaken our organisation, and seize, once again, the political power of which we have deprived them. I, therefore, declare openly on the floor of this House that I will resist tooth and nail any attempt designed to create dissensions among zamindars who can compose their differences, if any, without outside interference. (*Hear, hear and cheers.*) The object of keeping them united together in one compact body is to enable them to put an end effectively to the process of terrible exploitation to which they have been subjected in the past by money-lending and shop-keeping classes and also to counteract the propaganda of those of my socialist friends, who without understanding the true import of socialism, have joined hands with those elements who can never do anything for the betterment of agricultural classes. It would not be out of place to mention that my honourable friend Lala Duni Chand has, in spite of the decision of the Congress in favour of this measure, declared that he must oppose this Bill. It is another thing if his opposition carries no weight because our jat brethren in the Congress party have decided to support this Bill. It will chagrin friends of money-lending interests to know that we have left no loopholes this time which may enable money-lenders and their protagonists to nullify the provisions of the amending Bill.

Sardar Soban Singh Josh enquired as to why we did not completely wipe out all debts. He also enquired why, if we were not in a position to do so, we did not accept the wholesome proposal put forward by Dr. Sir Gokul Chand Narang. Government cannot for obvious reasons undertake any legislation for wiping out debts altogether. With regard to the second query, I may point out that the money-lenders will be glad even to receive two or three annas in a rupee instead of 4 annas, but there are certain insurmountable difficulties. If according to the proposal Government were to undertake to pay off the debt of zamindars by borrowing from the market, my honourable friend should realise that the rate of interest will shoot up from the prevailing 3 per cent to 8 or even 10 per cent. You will also observe, Sir, that in accordance with the proposal referred to by my honourable friend, the Government will be required to liquidate debts

to the tune of Rs. 50 crores. The second point is that if all the provinces decide to relieve the zamindars of their debts in this manner, it is obvious that every province will have to raise loans of huge amounts. If all the provinces went to the market at the same time for borrowing, what would be the result? I can say without any fear of contradiction that they will not be able to raise a single pie, and even if they do, the rate of interest will soar so high as to make it impossible for them to embark on this scheme. My honourable friends may rest assured that money will not be available at the prevalent rate of 3 or 3½ per cent rate of interest. The market will demand prohibitive rates of interest, that is, 8 or 10 per cent. There is nothing to be surprised at in this. My submission is that other Governments have been borrowing at 5½ or 6 per cent rate of interest. It is a mere accident that during the last few years the rate of interest has fallen. But if all the provincial Governments decide to float loans at one and the same time in order to wipe out the debts of the zamindars what do you expect the result will be? In the first place I do not think that such a huge loan can be raised in the market. But even granting that it can be raised, then do honourable members realise the amount of interest we shall have to pay for a loan of Rs. 50 crores annually? At 10 per cent we shall have to pay Rs. 5 crores by way of interest charges annually. Sardar Sohan Singh Josh has not been able to understand how we shall have to close down schools, hospitals and other beneficent departments. I need hardly tell him that the interest charges we shall be called upon to pay in case we raise the loan referred to above will not come from London, Tokio or Russia. This sum of 5 crores of rupees will have to be met from the provincial exchequer. Now if we pay Rs. 5 crores by way of interest charges, the remaining income of the Punjab will be reduced to Rs. 6½ crores only. In view of this reduction, does he not think that we shall have no other alternative but to close down schools, hospitals and roads in order to reduce our expenditure to the extent of 5 crores of rupees? (*A Voice*: We will have to pay the principal as well.) What to speak of paying the principal, it will be very difficult to pay interest charges alone. Just as the zamindars have not been able to pay up debts during the last 100 years, so will be the condition of the Punjab Government. Do my honourable friends want that the Punjab Government should be involved in financial difficulties from which it will be very difficult for them to extricate themselves? Moreover it is a well known fact that the poor zamindars pay 15 annas in the rupee to the provincial exchequer and the urban people pay only one anna in a rupee if not less. Now if these interest charges were met from the provincial exchequer it would mean that practically the whole of this burden would be borne by the zamindars again. I therefore suggest that before putting forward such wild suggestions my honourable friend should try to understand their full implications. I do not know what witchcraft has been exercised on my honourable friends, Chaudhri Muhammad Hussain, Sardar Partap Singh and Master Kabul Singh by the non-agriculturist members over there that they go on repeating like parrots such absurd arguments. It behoves them to consider their suggestions very carefully. It would be well for them to judge things coolly and carefully. They must remember that the suggestions which they have put forward are not in the interests of the zamindars, asehuts, or the poor.

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people. They are wholly for the benefit of the sahukars who are well able to look after themselves. My submission is that we have done a good turn to sahukars in setting up conciliation boards. Creditors are now able to realize anything varying between two annas and six annas in a rupee. Under present conditions 80 per cent of our sahukars will be found to be unable or unwilling to pay stamp duty on civil suits.

Sardar Lal Singh : Sir, through you I want to put a question to the Honourable Minister. If the Government cannot raise money for discharging a quarter of the debts of the zamindars, may I know how the zamindars would be able to pay up their full debts? Wherefrom would they get money to pay up their debts?

Minister for Development : My honourable friend, Sardar Lal Singh, is very anxious to know as to how zamindars will be able to raise money in order to discharge their debts. I may tell him that the primary function of conciliation boards is that they amicably settle money disputes between creditors and debtors. They effect conciliation between the two parties. Now when a zamindar agrees to pay a certain composition he does so on the basis of the resources available to him. It is not necessary for him to borrow money from outside. What the boards do is to secure mutual agreement under which debtors give a little cash, if possible, and grain, bhusa or milch cattle or other items of property to the creditor in lieu of debts. This the zamindar does of his own free will and with pleasure. I think my honourable friend has grown too tall to be able to understand these petty things. If he does not understand these things let him ask some one of his debtors to submit an application for settling his outstanding loans or let him apply as a creditor himself. He will then see for himself the methods adopted by debt conciliation boards for effecting conciliation between creditors and debtors. If he does so he will be able to gain first-hand knowledge of the manner in which the debts of zamindars are settled by amicable methods. In fact great facilities are given to both parties. The boards make debtors pay 2 annas or 3 annas or 4 annas in the rupee according to their individual capacity to the creditors. The boards adopt methods which appeal to sahukars also because sahukars always get some ready payment without paying a stamp duty of $7\frac{1}{2}$ or $11\frac{1}{2}$ per cent. Whatever the zamindar is able to pay at once he pays to the sahukar on the spot without any execution proceedings and the remaining debts are paid in instalments. In fact whatever the creditor gets he gets as a result of the zamindar's free volition and not as a result of coercion by process of court. In the circumstances I do not think anybody has a just ground to complain against the system of conciliation boards. When boards were not in existence creditors used to take out execution proceedings against their debtors and to attach the latter's houses, milch animals and any other property they could lay their hands on. I think my honourable friend does not know that in execution sales attached property, such as milch animals and houses of zamindars were sold very cheap. In some cases the creditor was the only person who made bids. Cases are not unknown in which a house worth Rs. 500 went by court auction to the creditor only for Rs. 50. Such a thing cannot happen before conciliation boards. If

any article is worth one rupee the zamindar will get one rupee. If it is worth Rs. 2 he will get Rs. 2 and so on and so forth. I may point out that in accordance with the custom of the sahukars of the olden times what conciliation boards do is that they fix the price of property to be given to a creditor in a spirit of generosity to the debtor. For instance, if a buffalo is worth Rs. 50 conciliation board will assess its price at Rs. 55 or Rs. 60 rather than Rs. 40 or Rs. 45. Thus the sahukar gets ready payment and the debtor a liberal price for his property. In the circumstances Sardar Sahib should not feel any anxiety as to how and wherefrom the zamindars will obtain money to discharge their debts. If, however, they have absolutely no means to pay, the matter ends. Neither courts nor sahukars can create assets where they do not exist. Naturally when matters get to such a helpless and hopeless pass the debts of zamindars stand wiped out automatically. I have no hesitation in repeating that if such a stage is reached the matter ends and we shall all be helpless. Neither my sense of responsibility nor Chaudhri Krishna Gopal Dutt's sahukar nawazi will avail. If debtors cannot pay they cannot pay. To the inevitable we have only to resign.

There is one thing more to which reference was made by Sardar Sohan Singh Josb as being in the interest of the zamindar. He urged that if we could not wipe out the debts of the zamindars let us declare moratorium for five or six years. Let me point out that I regard this remedy as worse than the disease. If we adopt this suggestion we should be giving a new lease of life to debts which would otherwise tend to disappear by the operation of the law of limitation; instead of benefiting the zamindars such a course would do them a great harm. Creditors who are at present reluctant to spend any money on court fees or stamps and are ready to accept almost anything in liquidation of their claims will get five or six years of grace. But to this no well-wisher of zamindars should agree. In the circumstances moratorium is not a fit remedy for the ills of the zamindars. On the contrary it is harmful to them. In moratorium lies the death of the zamindar not of his debts. Now I close my speech with a request that at least one member from the Congress benches should rise to make a speech in favour of this Bill.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Mr. Speaker, So far the position of the Government had been that they were enacting this agrarian legislation for the benefit of the poor, whereas the assertion of our party from which major opposition came to these measures, had been and still is that the Government was exploiting the name of the poor for benefiting the rich and the undeserving. I wish, Mr. Speaker, you had the power to make us all, sitting on either these benches or those benches, depose before you on oath as to whether any one of us, our dependents, our friends, relations and our supporters, will be directly or indirectly benefited by this legislation, and to what extent. I am sure it will form a very interesting reading both for the people inside this House and also outside it. If any proof was needed in respect of the assertion that we have been making over here, that proof was amply supplied in the speech delivered by the Honourable Minister for Development. He has told us in effect that he does not wish to make any distinction between the poor and the rich zamindars. That has been our assertion throughout, that he was exploiting the

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name of the poor in order to benefit the rich. The Honourable Premier was bold enough to make a statement on the floor of the House that all this was being done for the sake of those poor zamindars, 94 per cent of whom did not pay more than 50 rupees land revenue. At once, and forthwith came a response from our side that if the Honourable Premier would agree that this legislation would apply only to those people who are paying less than 50 rupees land revenue, we shall have no quarrel with him and we shall immediately withdraw all opposition. But that was not to be so. What has been the Premier's response? A straight question was put to him and I repeat that again. Is he or is he not prepared to agree that this legislation will only apply to the poor people who pay less than 50 rupees land revenue? If 50 rupees are considered to be a small amount, let it be 100 rupees or any reasonable amount, and we will have no objection. If they want to exempt Harijans, nobody has ever said a word against it, we all welcome it. But the question of the rich zamindars is quite different, it is quite otherwise. I throw a challenge to the Honourable Premier again that if he wants to apply this legislation only to those people who pay rupees 50 or rupees 100 land revenue we have absolutely no quarrel with him. But the Honourable Minister of Development has made no secret of his intentions. He says that they are not out to make any distinctions between the rich and the poor zamindar. An extended definition has been given to the word 'agriculturist' and it has been said that that was being done for the benefit of the poor, because the judgments of the High Courts all over India including our own High Court have held that only the tiller of the soil could be benefited under these Acts. He says now in his usual dramatic style 'should not the orphans, the infirm, the physically unfit equally benefit by this legislation'? And he tries to throw dust into our eyes by giving an extended definition to the "agriculturist," which shall protect those people who are sufficiently rich and are in a position to protect and defend themselves. That is why I say, that under the garb of protecting the poor, Government are actually benefiting the rich. That is why we say that this legislation of yours sets at nought all principles of jurisprudence, all canons of justice, equity and fair play. You may not agree to-day because of the numbers behind you, but do not forget that if you go on doing like this people outside will awaken. They will not remain disillusioned for ever. They will sooner or later find that Government were bringing these measures only for the benefit of those on whom the Government depended.

It has been said that it is just to scale down debts that this measure is introduced. So far so good, if that is the real intention. But what do we find in actual practice? Whilst an indigenous banker is not allowed to charge more than 7½ per cent interest on secured loans, other agencies run by rich men, banks, banking companies and co-operative societies may charge any rate of interest and no limit has been fixed in their case. I ask the Honourable Premier who has been telling us in season and out of season on the floor of the House that the agrarian legislations that his Government have been passing were not discriminatory, to say whether or not this legislation is a discriminatory one. A particular section of people are not being allowed to charge more than 7½ per cent rate of interest whilst other agencies are permitted to charge whatever interest they like. I further ask, Sir, whether

any agencies have been brought into existence by this Government to make funds available to the debtors, in order to replace those money-lenders whom they are out to destroy. They have not provided facilities whereby loans could be raised at a rate that they want to enforce; they have not started any mortgage banks. May I ask if there are any banks which advance money against property at less than 9 per cent interest? The banks are charging no less than 9 per cent. Are we therefore wrong in asserting that Government wants to destroy one class of people to the benefit of another? The Honourable Minister of Development the other day said that amongst the agriculturists there are widows, there are orphans, there are infirm people. Has it ever struck him that amongst the creditors also there are widows, there are orphans, there are infirm people who have got little or nothing for their subsistence? Is it not a fact that it was on the income of a small capital of two or three thousand rupees that most of them used to live, and on this alone they had to maintain themselves? What has he done for that class? Was he moved with any pity, with any compassion, for these people? Did he restrain his hands in passing legislation against that class or is it his position that the creditors, even the poor among them with two or three thousand rupees only as their capital on which they lived, are rich? So I say that in this respect he has eyes to see, but he does not see. He cannot be unaware that amongst the creditor class there are poor people, orphans, infirm people, physically unfit people, who can do no other work and whose sole subsistence depended upon a few thousands of rupees that they inherited and which their forefathers had invested according to the then laws of the land at a rate of interest just enough for their subsistence. Is there any such class existing or not? If you are really honest, I put it to you, what have you done for that class? Are you not destroying that very class along with the few rich that there may be in this province? On the one hand this has been the result of the unfortunate policy of the Government in the case of one section of the people, and on the other, Government have the audacity to say even on the floor of this House that they shall make no distinction between the rich and the poor zamindar. I leave things at that, for the House and for the public outside to draw their own conclusions.

The original object of this Indebtedness Relief Act as then described in 1934 was like this: "In view of the sharp fall in the prices of agricultural produce, the pressure of debt on the cultivators had become unbearable and the province was faced with the problem of finding some relief to alleviate the distress. The Government of the Punjab in formulating this measure have endeavoured to hold the balance clearly between the creditor and the debtor and to give the debtor class such relief as is possible, without making any change in the law which would have the effect of destroying or seriously impairing the system of rural credit." This was the object of the original measure in those days of bureaucratic irresponsible Government, a Government which, as events now show, had some regard for the interests and welfare of the minorities as a whole. What do we find, Sir, now? We have now the so-called responsible Government, elected of course by the people and what are they doing? What regard are they paying to the interests of the minorities? We all know from the various legislations, agrarian legislations, that have been passed as to what regard they ever pay to any of the suggestions, any of the amendments, that were

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tabled or moved from this side of the House. Do we not know that when any agrarian legislation comes in, the Government comes over here with the avowed object, perhaps under a vow, not to listen to any voice of reason, not to listen to any sane advice, however helpful that might be? Have we not noticed, Sir, in the course of this particular legislation, that this Bill as originally introduced, though very much worse than the original Relief of Indebtedness Act, was not as bad as when it came out of the select committee? And then when it comes to the floor of the House, it is made still worse. Amendments after amendments had been cropping up like anything. Anything that came to the mind of any one sitting on the ministerial benches and which could in any way help himself and his supporters, relatives or dependents, was put in the form of an amendment and every conceivable opportunity was utilized to send in more and more amendments so much so that you had, Mr. Speaker, at one time to warn that if those amendments continued to come in, the work of the House would become impossible and but for that, I feel sure that that thing would never have stopped. I do not claim to have a large experience of the legislature, but you, Mr. Speaker, have been here for a number of years. May I respectfully ask you, therefore, to point out whether in the course of your long experience you were ever faced with such a crop of amendments as we had in the course of this legislation? May I ask if the Government was getting wiser every moment? It has actually amounted to this, that the Government, if anything, was getting wiser every moment. They did not dream of these things at the time they introduced this measure in the House for the first time. They became a little more wise at the time of the select committee and thereafter every day, every minute and if I may say so, every second, they were getting wiser and sending in amendments after amendments simply knowing that they have the majority behind them, that they have not to meet argument by argument, that they have not to answer reason by reason; and notwithstanding this, our honourable colleague, the Nawab of Mamdot, had the audacity to say and announce from the house-tops as chairman of the Muslim League session in Lahore, that the minorities had nothing to complain against, in this province. Could absurdity go any further? (*Minister of Development*: The money-lenders number only 40,000). These very 40,000 will bring about your ruin and downfall. Don't be too proud. Again, the most obnoxious thing is the curtailing of urban credit. Originally the Government contemplated to make immune from attachment the residential house of a non-agriculturist, if his total assets were within Rs. 5,000. Now according to clause 15 (ccc) that has been passed, one main residential house of every urban citizen, even if its value is one or two lakhs of rupees or more, will be immune from attachment. Is it then the Government's intention that they want to make everybody dishonest, that they want to put a premium on dishonesty? I can assure them that by doing things like this they will certainly be killing the credit of the urbanites. They will certainly be killing the trade and industry of this province. Government have fortunately two or three members belonging to these classes sitting on their side. Their mouths may be shut. But do ask them privately and find out what they have to say. They are Government men. They are paid servants and naturally are under Government.

influence. But if you ask them privately, I feel sure that if they sincerely voice the feelings of the business community to which they belong, they will tell you that this measure rather than doing any good to those classes, will really kill their credit and will kill their industry and by this means you will be depriving these poor people of their very means of subsistence. Their credit on which they depended and on which they have got to depend, will have gone.

Regarding the powers of adjudication given to the conciliation boards, I will just say a word, as enough has been already said on that matter. Before I do so, I must say however that I was not prepared that the head of a responsible Government, a person no less than the Premier of the province, will take it into his head to pass reflections on the working of the civil courts in the province. But this is what has actually been done by the Premier. If I remember his words exactly—and I do remember them—he said that in eight cases out of nine—just mark the significance of the words—in 8 cases out of 9, the civil courts were careless inasmuch as they knew that those poor debtors were not in a position to put in their appeal. He went further and said that the civil courts were unsympathetic to debtors. Words such as these coming from the head of the province, coming from the mouth of a person in the responsible position of the Premier, really do no credit to anybody and much less to him. Was he wise in uttering such words and casting these reflections? Words such as these coming from the mouths of responsible members of the Government shake the confidence of the people in the civil courts. Do not these Ministers know that their words have got a deeper significance? Some of the inferior courts may take them to heart and may decide cases knowingly against the creditors simply because they may think that by so doing they will be pleasing the head of the Government, and his colleagues, in the Ministry.

This is where we come to. If any irresponsible person had made such an assertion, perhaps, we could have ignored it, but coming, as it did, from the mouth of the Premier of the province, I do lay the most emphatic protest that lies in my power against that statement. As to the integrity, honesty and efficiency of the conciliation boards, the less said the better. All these enhanced powers have been given to them. They can decide cases now to the extent of two thousand without any appeal going to any authority. They can adjudicate on claims—for amounts up to two thousand rupees without any appeal being made to any court whatsoever. For amounts between two thousand and ten thousand rupees the appeal can only be made to the Assistant Collector of the 1st grade. I submit that by doing this Government are not doing justice; and what are the qualifications of these people?

Rai Bahadur Mukand Lal Puri : May I ask the honourable member a question? Is it really two thousand or is it much more than two thousand? Supposing they decide three claims of Rs. 1,500 each with respect to a particular debtor. In that case their power is much more than two thousand.

Sardar Sahib Sardar Santokh Singh : As a lawyer you know more than I do. In each individual case they can decide up to two thousand rupees

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without any appeal and up to ten thousand the decision of the debt conciliation boards will be appealable only to the first grade Assistant Collector who in most cases would be a Revenue Assistant, a man who is to be appointed by the Government, a Government who have now come out in true colours and who make no secret about their feelings and the mentality that they bring to bear on these matters. My honourable friend Pandit Shri Ram Sharma gave a list of hundreds of cases which have been thrown out by these debt conciliation boards, simply for want of one document or the other. I have not got the exact figure, but it totals to hundreds of cases and mostly by the Rohtak and Sonapat boards, the headquarters of our friend the Minister for Development between whom and the urban classes there is no love lost. All those safeguards that originally existed in the case of debt conciliation boards have now been removed. Formerly they could grant certificates only if forty per cent of the creditors agreed; now even if hundred per cent did not agree it will be quite within the competence of the debt conciliation boards to grant certificates imposing several disabilities upon the creditor and this by a set of people for whom no qualification has been prescribed. The least that Government should have done was that they should be lawyers, at least people who thoroughly understood law; but, as I have said, no qualifications have been prescribed for them. Their appointments rest in the Minister. His hands are unfettered in the matter of these appointments. He may make these appointments on any considerations other than merit and the people so chosen are to exercise the powers which even first class sub-judges cannot exercise. We are all aware that people who are appointed judges of the small cause courts are given that post after working for at least ten to twelve years as sub-judges and when so appointed cases up to the value of Rs. 500 only go to them and their decisions even in these cases involving amounts of Rs. 500 and no more are subject to revision by the High Court. To me it appears that this legislation is based on the saying—

'Le kar diya to ranj kahaka kiya.'

I am also reminded of a Punjabi saying—

"Rondi dukh yaran de lai ke non bharawan da."

They talk of the poor but benefit their friends and benefit that rich and undeserving class of people who really do not deserve any help.

Mr. Speaker : The honourable member's time is up.

Sardar Sahib Sardar Santokh Singh : Since you wish me to close I will do so after making one more submission. I want to make an enquiry and I feel sure the Honourable Premier will enlighten us on that point. Sir Chhotu Ram in the speech he made just before me said that the residential house of a non-agriculturist will be immune from attachment, only when the total assets of a debtor were not in excess of Rs. 5,000. My view is, and that view has been supported by eminent lawyers on this side of the House, that the main residential house even if it is worth two lakhs is immune from attachment. Is it so or is it not so, and may I know further from the Honourable Premier, if he has still some sense of political honesty left in him, whether he styles those people as poor, people who own palatial houses costing two lakhs of rupees or more, and does he want to make such property immune

from attachment? If a man, who has got a house in Lahore or a house in Amritsar costing two lakhs, owes some debts, will that house be immune or will it not be immune from attachment? What is the exact position? With these words I oppose the motion.

Honourable Members : Question be now put.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Sir, the speech made by the Honourable Minister for Development on the third reading of this Bill shows that he has either intentionally expressed his ignorance or he is actually labouring under a misapprehension that the Congress Party has a different view with regard to this Bill. I would like to make this point clear at the very outset of my speech.

I want to make it clear that the policy of the Congress with regard to the scaling down of debts is too obvious to need any comment. Nothing can be more explicit than this policy of the Congress. One has to read the election manifesto of the Congress Party in order to realize this point. In fact, the Congress Governments have done wherever they could, far more and better work in connection with affording relief to the debt-ridden masses of India than the so-called well-wishers of the poor agriculturists of the Punjab. Some honourable members of the Unionist Party and even some Ministers have, if not openly, at least in an indirect manner, admitted that the Congress Ministries have done more and better work than the Unionist Ministry has done in the matter of scaling down the burden of debts. (*No, no from the Treasury benches*). One could ignore such propaganda on the part of the Unionists at the time of elections, but when it is said on the floor of the House by honourable members and Ministers of the Government that the Congress is opposed to these relief measures, such a statement cannot be allowed to go unchallenged. Hence I repudiate the insinuation made against our party. The Congress stands for the poor and it is committed to alleviate the burden of the debt-ridden and poverty stricken people.

The Unionist Government cannot be satisfied unless the Opposition Party blindly support whatever measure is sponsored by them. If any defect is pointed out and if any shortcoming is hinted at, the Unionists dub as the enemies of the agriculturists and the poverty-stricken masses and the well-wishers of the capitalists. Not only in this House but even in the Rontak district this game is played against the Congress. If any person happens to differ from a certain leader, he is at once dubbed as pro-bania or a bania's agent irrespective of whether he is a Jat or even a most loyal subject of his Majesty's Government. That is what is done here in this House too. Any one who points out any flaw in a measure sponsored by Government, is supposed to have a perverted mentality and to be directly under the influence of the money-lenders. The Government makes haste to declare every one who differs from it, a friend of the money-lenders and opposed to the principle of scaling down the debts of the agriculturists. But I have cleared the position of the Congress. It has been so in the past, it remains so to-day, and will remain so in the future. Now, may I ask the Unionists to review their own position? They should care much more about their own position than about that of the Congress. The Congress

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Party can well look after itself. Let the Unionists clear their own position. We recognize no such distinction between caste and caste. (*Minister for Education*: Your party is *bad-tamiz*). The Unionists have made distinctions between different classes. Is it not unfair to ignore a difference where one exists and to make difference where none exists? That is what the Unionists do. They keep the Maharaja of Darbhanga and Malik Khizar Hayat Khan at par with poor agriculturists—Chhotu and Kalu of Robtak (*laughter*). I did not mean Sir Chhotu Ram, but a humbler person than himself (*laughter*). How can those whose "turrahs" reach the skies in their heights be classed with the poor starving people? The Unionists want to benefit the big landlords just as the poverty stricken masses. Is that fair? That is certainly the height of cruelty to hold that the landlords and the peasants are equally needy of concessions. To keep them in the same category and list, is certainly an act of *bad-tamizi* and reveals the perverted and chaotic mentality behind such a move.

I may point out that we recognize no distinction between any class of persons in regard to such matters. But we do discriminate between the rich and the poor, the haves and the have-nots. If the object of the Bill were to benefit the poor, nobody would oppose it. I go one step further, and say that if we had power to legislate we would certainly have brought forward a measure much better than the present one. But we cannot overlook the glaring defects inherent in the Bill now before the House. I may also add that we are not opposed to reduction in the debts of poor zamindars. In fact our criticism of such measures is more often than not misconstrued by the Government. We raise objections to certain provisions of the Bill with a view to improve upon them and thereby we mean to impress upon the Government the desirability of taking steps for the betterment of the poor zamindars not in a half-hearted manner but in a serious and effective manner. Now so far as the sabukars are concerned, they have been a bit severely dealt with by this measure. But it is a thousand pities that the co-operative societies which are even more rapacious and unsympathetic in their dealings with the zamindars, have been given immunity from the operations of this measure. No restriction whatsoever in the matter of charging certain rates of interest has been imposed upon them. They are rather, under the law, provided with all kinds of facilities by the courts in realising their debts. The Government is oblivious of the fact that the poor and helpless zamindars are put to untold hardships by these co-operative societies.

Besides, I take strong exception to protection being granted to big zamindars who are quite well off and possess very comfortable incomes. If they borrow thousands of rupees and invest the money in building palatial residences in the towns or purchase lands in canal irrigated areas, they do not stand to lose anything. I see no reason why they should be accorded undue protection against the realization of legitimate debts. They can very easily square their accounts with the money-lenders. I emphasize the realization of legitimate debts. For instance, if the Honourable Minister for Development had to borrow heavily to meet the expenses in connection with his election to the Assembly, it is in fairness incumbent on him to repay the amount. It is no use enacting laws of this kind and taking shelter behind them with a view to evade payment of debts. This is nothing short of sheer injustice being

perpetrated on the creditors. I, therefore, believe that the big zamindars do not deserve any protection or relief whatsoever in the matter of realization of legitimate debts. I also deplore that no facilities worth the name have been granted to the poor debtors under the Bill. Again as I have already stated it pains me to find that while the sahu-kars have been penalized under the Bill, the co-operative societies have been allowed to demand their pound of flesh from the zamindars unrestricted. I cannot account for this preferential treatment.

Now I would like to register my strong protest against the wide and exorbitant powers vested in the debt conciliation boards. Only a short while ago an honourable member from this side of the House cited an instance as to how the president and the members of a certain conciliation board acted against law, and issued a decree of arrest, not authorized by law. In this connection, I may point out that during the last three years the debt conciliation board at Panipat had to deal with about a thousand cases and it ordered the cancellation of debts in no less than 23 cases only under the frivolous pretext that the creditor failed to put in appearance before the board or produce certain documents. But the debt conciliation boards at Rohtak, Gurgaon and Flissar have been misusing their powers on the basis of flimsy excuses and in one-third of the cases debts were repudiated on the pretext of absence or non-production of documents.

Mr. Speaker : Please speak to the motion.

Pandit Shri Ram Sharma : It is in view of these hard facts that we raised this objection that the wide powers which are being given to the conciliation boards will not be properly used. In this connection I may point out that it is the duty of the Opposition that if they find any shortcomings or defects in a measure they should point out those defects and if the Government do not accept their suggestions, then to protest against them. Now if anybody draws any conclusion from this attitude of ours which we have followed in the case of this Bill that we are opposed to its enactment and carries on propaganda against the Congress Party for obstructing its passage into law, we can only say that this is the height of dishonesty and falsehood. Let me point out that it is nothing new. We have more than once experienced this kind of treatment at the hands of our honourable friends over there. We do admit that on the whole the Bill now before the House will certainly benefit the poor people but not to the extent to which we want to benefit them. My submission is that along with the poor people this Bill will also benefit those persons who do not deserve it. That is the thing against which we raise our voice of protest. This is in short the opinion of our party. The amendments which we moved were moved with the object of removing the defects of the Bill. But now that stage has passed, and those amendments have not been accepted. Our object solely is to register our protest against those provisions which will benefit undeserving persons as well. We know that the Bill as it stands is full of defects and is meant for propaganda purposes of my honourable friends. Despite that fact, we think that it will do a lot of benefit to the poor people. I would, therefore, submit that we are not against the principle of the Bill, but what we object to is the intention of the Government and the method which they have adopted to scale down their debts. My submission is that we have already criticized this Bill and even now we criticize it because by enacting

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such Acts the Government want to give air to class-war and class hatred in the province. In fact they want to create this atmosphere in the Punjab. The Honourable Minister for Development has himself admitted that all zamindars, big or small, are brothers and they represent one section and the non-agriculturists are on the other side, i.e., against them. This is the spirit to which we are opposed. Otherwise we are not against any such Bill. But still my honourable friends opposite are carrying on this propaganda against us that we the members of the Congress Party are opposed to the enactment of this measure into a law. Our position is very clear. All the same my friends have asked us as to where we stand. I want to know from them as to what is their position. Do they also claim to possess a principle, do they early in the morning say one thing and at dusk quite another, and always bring into discussion the question of jats and non-jats, zamindar and non-zamindar, rural and urban? When we see such propaganda going on, are we not entitled to raise our voice against it? In spite of these things if my honourable friends want to sing the old tune that we are against this Bill, they are at liberty to do so. With these words I have cleared the position of our party on this Bill. We only differ in detail not on the principle of the Bill as a whole.

(Voices : The question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

Chaudhri Krishna Gopal Dutt : Before you put the question, may I invite your attention—

Mr. Speaker : Order, order. It is in my discretion to put the question now or a few minutes later.

Chaudhri Krishna Gopal Dutt : Yes, it is within your discretion to put the closure motion, but if you feel that full discussion has not taken place, then it is up to you—

Mr. Speaker : I know the rules. The question is—

That the question be now put.

Lala Duni Chand : On a point of order. You are the master of Parliamentary Practice and I understand that the sanction of the Parliamentary Practice is to the effect—

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Chaudhri Krishna Gopal Dutt : On a point of order. I am within my rights to raise a point of order on the floor of the House if you are about to put the closure motion before the House. I regret to say that you do not care to hear even the points of order raised by the members of the Opposition. I only wanted to invite your attention—

Mr. Speaker : What is the point of order?

Chaudhri Krishna Gopal Dutt : May I draw your attention to the fact that I made an appeal that you should not allow the closure motion?

Mr. Speaker : Is that a point of order ?

Chaudhri Krishna Gopal Dutt : I am raising a point of order.

Mr. Speaker : What is the point of order ?

Chaudhri Krishna Gopal Dutt : My point of order is this that perhaps unconsciously you are not taking due care of the rights and interests of the Opposition.

Mr. Speaker : That is not a point of order but a charge against the Chair.

Chaudhri Krishna Gopal Dutt : You have allowed only two Congress members to speak on the third reading of this Bill.

Mr. Speaker : Is any number fixed ?

Chaudhri Krishna Gopal Dutt : I beg your pardon. This is an insufficient number and proper discussion on the third reading has not taken place.

Mr. Speaker : Please sit down.

Chaudhri Krishna Gopal Dutt : If you want to cow me down like that then I would use—

Mr. Speaker : Why should I ?

Chaudhri Krishna Gopal Dutt : Then why do you say, 'sit down' in that tone ? I am raising a point of order and that is this that the closure motion was not properly put. You may ask as to how many members have spoken so far.

Mr. Speaker : That is not a point of order.

Chaudhri Krishna Gopal Dutt : I am raising a point of order.

Mr. Speaker : If the honourable member continues to obstruct the business of the House, I shall have to direct him to leave the House.

Chaudhri Krishna Gopal Dutt : Mr. Speaker, if you are—

Mr. Speaker : I once more warn the honourable member not to obstruct the business of the House.

Chaudhri Krishna Gopal Dutt : I am not obstructing. In fact it is my objection—

Mr. Speaker : Please resume your seat.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : Sir, I feel somehow that it is such a wide question that in the limited time at my disposal it is not possible for me to go into the details of the matter. It will not be out of place, therefore, if at the very outset I ask your forgiveness for being brief. I would, however, try to reply to some of the points raised by my friends over there.

I feel I should first of all admire the audacity of my honourable friend Pandit Shri Ram Sharma, who has so naively exposed the mentality of the Congress and this reminds me of the Persian saying — *جه دوز است که در آن* He had the courage to admit that the Congress with all its sympathy for the poor, has thought it fit to oppose this Bill, because in its opinion, it is intended to afford opportunities to the Government to commit

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excesses. I may tell my honourable friend opposite that this disclosure was hardly necessary on his part. We know their views and intentions too well and are also aware of the fact that there is not the slightest difference between the motives of the Congress members and of those of the non-agriculturist members of the House.

There is, however, one thing which appears to me to be rather extraordinary, and it is this: how could my friend while setting at nought the oft-repeated principles of the Congress, rise and declare openly that he and his party had not only been opposing this measure vehemently but would continue to do so even in the future, and that they would make it a point that the Government did not succeed so easily in their attempts to have such Bills passed into law? May I ask if that is a proof of their sympathy for the poor? They declare, and declare it from house-tops that they have been opposing this Bill and would go on opposing it because they consider it essential to do so, in view of the Government's policy towards recruitment and other allied matters. In this connection, I have only to repeat what I have already stated more than once on the floor of the House that the Congress in the Punjab is a misnomer. It is not Congress in the truest sense of the word. (*Interruptions.*) My friends should possess their souls in patience for a little while. I will tell them everything. Such interruptions on their part merely indicate that they are not prepared to listen to what I have to say in reply to their criticisms.

Sir, I beg to submit that there is a world of difference between the professions and the actions of the Congress in this province. The principles which the Congress stands for and the orders issued to my honourable friends opposite by the High Command are totally different from the interpretation they put upon them and the attitude adopted by them in regard to these measures. The reason for it is not hard to seek and it is this. The non-agriculturist section of the Congress Party holds the interests of the capitalists dearer to its heart than the interests of the country or the masses. That is why this disparity in ideals exists.

I am at a loss to understand the reason why my honourable friends opposite oppose such Bills as are completely in consonance with the wishes of the Congress and especially when an attempt to pass identical measures was made by the Congress Governments in other provinces. In their case, even if the measures were beneficial only to the extent of five annas in the rupee, my friends were full of praises for them, but here the extent of the benefit is in no way less than 15 annas in the rupee, and yet my friends have made us the target of their cheap invective for passing these measures. My information is that the Congress High Command had specifically ordered the Punjab Congress to support these measures, but they are opposing it even at the risk of disobeying the High Command and exposing themselves.

Then there are my honourable friends "the three musketeers" each one of whom spoke for two hours on every amendment and tried hard to impress upon the House that the measure was designed only to benefit the rich and that no advantage could accrue from it to the poor. One or two honourable members from the Congress benches also struck a similar

note, because they know that an oft-repeated lie is bound to be taken in the end as the truth. My friends also remarked that this declaration of helping the poor was only a pretext to throw dust in their eyes.

May I ask my honourable friends whether a person who is in debt and is in constant danger of having a decree executed against him or of his being sent to jail can be called a rich person? At least I have never come across such a definition of a rich man. It gives me great pain to find that even my honourable friend Sardar Sohan Singh Josh has succumbed to their guiles and is arguing on the same lines. He remarked that the benefit of this measure should only be confined to those persons who pay land revenue, etc., to the extent of Rs. 100.

Sardar Sohan Singh Josh : I said Rs. 500.

Premier : Very well. My honourable friend wanted that only those persons should be given protection under the provisions of this Bill who paid land revenue up to Rs. 500. I agree with my honourable friend. Now let us see what it comes to. A zamindar whose net assets amount to Rs. 2,000 a year is called upon to pay $\frac{1}{4}$ of the sum to Government as land revenue. In other words if Rs. 500 were deducted from his net assets of Rs. 2,000, he would be left with Rs. 1,500, and if this is divided by 12 in order to find his monthly income, we get Rs. 125 and that too after further deductions comes to Rs. 25. According to the figure given by my honourable friend, will he call a person with an income of Rs. 25 per month a rich person? On this basis you can work out the figures yourself and find the number of rich and poor persons who stand to benefit by this Bill.

This Bill is going to affect all persons possessing land as also non-agriculturists whose total assets do not exceed Rs. 5,000. The total number of agriculturists in the province is 3,470,248.

Sardar Sohan Singh Josh : All the figures have been quoted by me.

Premier : Quite true. But if on the basis suggested by the honourable member we were to bring such persons under the operation of this Act, only 1,825 persons will be left unprotected. Now my honourable friend desires that this small number, i.e., 1,825 persons should not be given the protection which this Bill affords. This Bill is intended to benefit 34 lakh of zamindars including eighteen hundred big zamindars. Does my honourable friend Sardar Sohan Singh Josh suggest that these eighteen hundred big zamindars should be excluded from the operation of this Bill and that a separate provision should be made for them? Am I expected to hold a census about the latter to find how many of them are under debt and how many are not? I would ask my honourable friend not to bother himself about the big landlords who pay five or ten thousand rupees as land revenue to the Government. My honourable friend can take it from me that none of them is under debt. No decrees have been passed against them and consequently they have nothing to fear. As I have already stated, as many as 34 lakhs and 70 thousand odd agriculturists stand to benefit by this Bill. Let me assure my friends opposite that this Bill is not meant for the protection of the rich. On the other hand it is intended to benefit only those 34 lakhs and 70 thousand odd people.

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who are unable to keep body and soul together. Then my honourable friend opposite accused the Government of having treated the honest and dishonest money-lenders alike and further remarked that there was a great difference between an honest and a dishonest money-lender. We often hear such remarks from our honourable friend Lala Sita Ram also. I may be permitted to say that we do not propose to harm the honest money-lender by means of this Bill. May I ask my honourable friends opposite who are opposed to this Bill, whether the money-lenders have given up their business since the Money-lenders Registration Act was passed? No, not a single money-lender has done so. But dishonest money-lenders have not applied for licences and are carrying on their business and the Government is still in the dark as to the tactics employed by them. At present they prefer to work without licences and if need be they would apply for them in order to be able to file suits against their debtors. May I know if my honourable friend Lala Sita Ram who is a moving bank himself has abandoned his profession? The fact is that he and other people of his way of thinking wanted to start banks after the agrarian Bills had been passed by this legislature in order to save their own skin. Again an objection has been raised as to why the banks established after 1937 have been excluded from this Bill. The reason why the banks which were in existence before the enactment of this measure have been excluded from the operation of this Bill is obvious. The Government had not the least doubt about their *bona fides* as they had made no attempt to exploit their debtors. I would like to point out that certain people wanted to convert their money-lending businesses into banks with a view to evading the provisions of the agrarian Bills and it is in order to prevent them from so doing that we have brought forward this measure. The Director of Industries is in possession of facts and documents which show that a number of money-lenders attempted to convert their businesses into banks. Consequently the need for amending the Relief of Indebtedness Act was felt and that too in a way that it should not affect the scheduled banks. It has also been suggested that the rate of interest should be such that it may be reasonable from the points of view of both the creditor and the debtor. I ask my honourable friends opposite to lay their hands on their heart and say whether the prescribed rates of $7\frac{1}{2}$ and 12 per cent interest are not reasonable? If these rates are reasonable they need not worry. My friend Lala Sita Ram has remarked that if this Bill is passed into law the trade and commerce of the province would be adversely affected. I am afraid he has not read the Trading Journal; otherwise he would have known the real facts regarding imports and exports. Had he done so, he would have thought twice before making this irresponsible statement. I think he made these remarks to win cheap notoriety through the press and perhaps he thought that people would begin to think that trade was in fact being adversely affected. Let me tell my friend that the people of this province are not asleep and they know and realize that trade has received an impetus as a result of the enforcement of agrarian laws. The facts and figures given in the Trading Journal support this view. The honourable members opposite have stated that the trade and commerce of the province will come to a stand still if this Bill becomes the law of the land. May I tell them that this is absolutely wrong and that they are

labouring under a delusion? The passage of this bill into law will widen the circle of honest money-lenders and the dishonest money-lenders will have to follow in their footsteps. (*A voice*: This Bill is being enacted to punish them.) This Bill is not intended to punish any class of money-lenders. It is being enacted to ameliorate the sad plight of our poverty-stricken brethren. (*Hear, hear.*) My friends will be glad to learn that only a few days ago our poor zamindar brethren gave bids for purchasing lands at an auction. When sahukars came forward to bid for the lands they said that their days were over and that now it was the turn of the poor zamindars to bid for land. The zamindars offered as much as 12 to 13½ thousand rupees per square of land. I am extremely pleased and my honourable friends opposite should also be glad to learn that now lands are fetching good prices. In these circumstances, we may expect that money will be spent on beneficial schemes. I would, therefore, advise my honourable friend Lala Sita Ram to purchase land if he has money to spare.

I may now briefly refer to what my honourable friend Dr. Sir Gokul Chand Narang observed with regard to the exemption from attachment or sale of the main residential houses of those urban non-agriculturists whose total assets do not exceed Rs. 5,000 in value. His contention was that the Government has by virtue of this provision tried to destroy the credit of the urban non-agriculturists even as it had previously destroyed the credit of the poor agriculturists. All that I can say about this baseless charge is that it is too silly to need any refutation. Either the honourable member thinks that some screws are loose in our brains or that we are babies, unable to distinguish between what is right and what is wrong. I may assure him that his charge is quite baseless. The credit of the non-agriculturists will not be destroyed even as the credit of the agriculturists has not been destroyed despite his prophesies to the effect that the credit of the agriculturists would be completely annihilated by agrarian measure. His dark forebodings have not come true in the past and they would not come true in the future. He is labouring under the misapprehension that non-agriculturists will not be able to mortgage their houses if they so desire. But let me hasten to correct him. He is entirely mistaken there. All that we have provided is that clever money-lenders should not be able to oust the poor non-agriculturists from their houses as a result of the execution of their money decrees. This does not mean that if they want to raise loans for some productive purpose, for instance, starting an industry or some other business, they will be debarred from mortgaging their houses. Far from it. They will be at liberty to mortgage their houses in order to raise *bona fide* debts for productive purposes and the money-lenders would be permitted to charge reasonable rates of interest and not excessive rates as they have been doing in the past. The next charge levelled against the Government was that they have adopted the principle of *damdupat* and thereby ruined the money-lenders. My honourable friends sitting on the Opposition benches regard the application of this just and equitable principle as the height of cruelty. Obviously, they forget the dishonest practices resorted to by some of the money-lenders. I may quote only one example, which has become classical, to show how money-lenders used to multiply their debts. A zamindar of Muzaffargarh district borrowed a sum of Rs. 3,000 and gave a promissory note for Rs. 5,000 to the money-lender,

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and when the latter came to court, he said that 5½ lakhs of rupees were due to him. That is how the money-lenders have been sucking the blood of the poor zamindars. Several such examples will be found in the book written by Mr. Calvert. But I do not want to labour the point any further. I may, however, make it clear that if the money-lenders had not gone to such extremes, there would have been no need for raising the question of agriculturists and non-agriculturists or of urban and rural populations. It is because highly objectionable and veritably inhuman acts were being committed by money-lenders from day to day that we were obliged to sponsor such measures as these. (A voice : هو نزعہ را موسی).

Another honourable member of the Opposition was pleased to remark that the house of a rich landlord would not be attached in future even though it may be worth 1½ lakhs of rupees. Perhaps my honourable friend does not know that poor zamindars live in mud-houses and straw-built cottages, the value of which cannot by any means reach that colossal figure. As a matter of fact money-lenders want to oust the poor agriculturists from their houses and leave them stranded, with no roof to cover their heads except the one provided by the skies. We have committed no crime in protecting the houses of these poor agriculturists. Can any human being, who is not wholly devoid of all feelings, entertain this idea for a moment that the poor agriculturists should be driven out of their houses and they should not be given any shelter whatsoever?

Sardar Sahib Sardar Santokh Singh : May I put a question to the Honourable Premier through you, Sir? I want to know whether a bungalow costing a lakh of rupees will be exempt from attachment?

Premier : So far as an agriculturist is concerned, yes.

Sardar Sahib Sardar Santokh Singh : I am referring to non-agriculturists.

Premier : If that bungalow is mortgaged, it will not be exempt from attachment.

Sardar Sahib Sardar Santokh Singh : Supposing it is not mortgaged and it is worth one or even two lakhs of rupees; will it or will it not be immune from attachment?

Premier : My honourable friend's house will not be immune.

Sardar Sahib Sardar Santokh Singh : Under this Act, it will be.

Premier : My honourable friend is labouring under a misconception. Now, Sir, I would like to register my emphatic protest against an observation which my honourable friend Dr. Sir Gokul Chand Narang made in the course of his speech. The honourable member looking towards the press gallery said "I solicit the assistance of the Press also," and remarked that this measure is an attempt on the part of Government to encroach upon the jurisdiction of the High Court. I may point out that it has been the constant endeavour of my honourable friend over there to create a misunderstanding between the Government and the High Court. I declare on the floor of this House that such unworthy attempts on his part will never succeed. (Applause.) My honourable friend Dr. Narang said that Government were "nibbling at the power of the High Court."

In other words we have been accused of undermining the power of the highest tribunal of the province. This is untrue and I strongly deprecate this mischievous remark of my honourable friend. I assure the House that members of the Government have the same respect and veneration for the High Court as any other law-abiding and peace-loving person can have for it. (*Cheers.*)

As regards the charge that certain powers have been taken away from the civil courts, I may point out that this has been found necessary owing to certain intentional or unintentional pro-creditor tendencies and adoption of a callous attitude on the part of civil officers towards the debtors. I do not mean to cast aspersions on anybody, nor do I think that civil courts are dishonest or corrupt. On the contrary it is my firm belief that an overwhelming majority of them are honest, impartial and conscientious workers. But the fact remains that debtors have serious complaints against the civil courts. It is a matter of common knowledge that everybody suffers from one weakness or other. The civil officers of the Government are human beings and as such they cannot be immune from certain weaknesses. They have been rather unsympathetic towards the debtor class. If my honourable friends kindly refer to Thondersons' Book and certain rulings and judgments of the High Court, they would find that this fact is amply proved therein. Hence the necessity for amending laws with a view to remove ambiguities, which might operate to the disadvantage of the debtors is obvious. Besides, the honourable members are not unaware of the fact that the majority of debtors are entirely destitute. They have no means or funds at their disposal to prefer appeals to higher courts in order to get even-handed justice. In the circumstances the Government have deemed it fit so to amend the law as to make it water-tight and not to permit any loophole for any injustice being done to the debtors.

I assure my honourable friends that our relations with the High Court are very cordial and I must acknowledge the great service it has done us, viz., that the High Court has actually helped us in collecting facts and figures on which the agrarian Acts as well as the Bill now before the House are based. My honourable friend is grievously mistaken if he thinks that his speeches and especially the one he has just now made can mar the good relations existing between the High Court and ourselves. But if he wants to convince us that all civil courts are infallible then I must tell him frankly that he cannot do so.

Before concluding my speech I want to say one or two things more. My honourable friend made certain observations with regard to the conciliation boards which in my opinion have no basis in truth. He pointed out that the jurisdiction of the conciliation boards has been extended and that they have been given powers of adjudication as well. This is entirely incorrect. We have not extended their jurisdiction at all. It is the same as before. In fact we have maintained the *status quo*.

Then my honourable friend Sardar Santokh Singh complained that persons with little or no knowledge of law are appointed to these boards. The fact is that in making appointments to these boards the Government always make it a point to see that in every board at least one of the members knows law. Let me tell my honourable friend that lawyers are not always the most suitable persons for any job or every job. The most important qualifica-

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tion for the member of a conciliation board is that he should be honest and of unquestionable integrity. That is the one reason why my honourable friends now find that more applications from creditors are pouring in for settlement of their claims than could originally be expected. Who does not know that the creditors as a class are very clever people and they transact their business in such a way as not to be the losers in the long run? It is my considered opinion that unless their confidence is misplaced they are not likely to be duped by any one. If my honourable friends care to study the report on the working of the conciliation boards, they will find that my contention is amply borne out by facts mentioned therein. The reason why creditors are submitting applications for the settlement of their debts in large numbers is that they get facilities for realizing their outstanding loans which they cannot obtain in the civil courts even after spending a lot of money on court-fees. In fact they are perfectly satisfied with the working of the conciliation boards. Had they been dissatisfied with their working, as has been pointed out by my honourable friend, they would never have submitted applications for the settlement of their debts in such large numbers as they have done.

In the end my honourable friend observed that while framing these Bills we had paid no heed to poor widows and orphans who made their living by carrying on the business of money-lending on a very small scale and that we were therefore in a way subjecting them to untold hardships and misery. Let me point out to my friends over there, as has already been pointed out by my learned colleague the Honourable Chaudhri Sir Chhotu Ram, that the number of persons who are engaged in money-lending business is between forty to fifty thousand and roughly speaking there are only 400 to 500 orphans or widows amongst them. It is very surprising that he has so earnestly pleaded the cause of 400 or 500 widows or orphans but he has not taken the trouble of calculating the number of orphans and widows amongst two crores and twenty-five thousand agriculturists. What we have done for the widows and orphans of the money-lending class is that we have reduced the rate of interest from 12½ per cent to 9 per cent. But my honourable friend's sympathy is confined to the orphans and widows of the money-lending class only. He has not given a thought to the miserable condition of the widows and orphans who do not even get two square meals a day. This in short, is a glaring example of his love for humanity and sympathy for the poor people. And it is very regrettable that while my honourable friend indulges in his favourite hobby of parading the grievances of the money-lending classes, the members sitting on the Congress benches, who claim to be the well-wishers of the poor, remain unmoved. I think that if they have any regard for their principles it is their first and foremost duty to come forward and support us whenever they find us doing anything likely to promote the interests of the poor zamindars. I appeal to them in the name of their Creator to think of the poor people for whose benefit this measure has been put forward. I wanted to explain at length my point of view but as it is already very late I would only request my honourable friends to pass this Bill unanimously and I hope that in case a division is claimed the zamindar members of the Congress Party would vote with us.

Mr. Speaker : The question is—

That the Punjab Relief of Indebtedness (Amendment) Bill be passed.

The motion was carried.

The Assembly then adjourned till 12 noon on Wednesday, 17th April 1940.

Recommendations of the Drafting Committee on the Punjab Relief of Indebtedness (Amendment) Bill—(Vide page 489 ante).

The Committee make the following recommendations:—

(1) In clause 1 of the Punjab Relief of Indebtedness (Amendment) Bill (hereinafter referred to as the said Bill) for the figures "19" the figures "1940" should be substituted.

(2) In clause 3 of the said Bill the words "deemed to be" should be omitted.

(3) In clause 4 of the said Bill—

(a) in sub-clause (a), the brackets and letters "(ii)" should be omitted;

(b) in sub-clause (b)—

(i) for the figure "2" the brackets and figure "(2)" should be substituted;

(ii) for the brackets and letter "(c)" the brackets and letters "(iii)" should be substituted;

(iii) for brackets and letters "(iii)" the brackets and letter "(c)" should be substituted.

(4) In clause 5 of the said Bill, in sub-clause (b), for the figure "2" where it occurs for the first time, the brackets and figure "(2)" should be substituted.

(5) In clause 6 of the said Bill—

(a) sub-clauses (3) and (4) should be re-numbered respectively as sub-clauses (5) and (6);

(b) after sub-clause (2) the following sub-clauses should be inserted, namely:—

"(3) The period of limitation for an appeal under this section shall run from the date of the order appealed against and shall be thirty days.

(4) An appeal shall not lie from an order refusing to review or confirming on review a previous order."

NOTE.—(Sub-clauses (3) and (4) which are proposed to be inserted in this clause have been taken from clause 18 which is proposed to be omitted. These sub-clauses relate to section 15-A and would fit in more appropriately in clause 6. The proposed amendment does not make any change in substance and must be regarded as a verbal or consequential amendment).

(6) In clause 8 of the said Bill, in sub-clause (b), in paragraph (iii) for the word "The" the word "the" should be substituted.

(7) In clause 9 of the said Bill—

(a) in sub-clause (b) for the brackets and letters "(ii)" where they occur for the second time, the brackets and letters "(iii)" should be substituted,

(b) for the brackets and letter "(c)" where they occur for the second time, the brackets and letter "(d)" should be substituted

(c) for sub-clause (c) the following sub-clause should be substituted, namely:—

"(c) in clause (b), for the word, brackets and figure "(sub-section (3))" the words, brackets and figures "(sub-section (3) or (4))" shall be substituted."

(8) For clause 12, the following clause should be substituted, namely:—

"12. Section 25 of the said Act shall be re-numbered as subsection (1) of section 25, and

(a) in the section so re-numbered—

(i) after the word and figure "section 9" the words and figures "or section 23" shall be inserted;

(ii) for the words "for the settlement of which application has been made to the board" the words "covered by such application" shall be substituted; and

(b) to the section so re-numbered, 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 proceeding; and if the judgment-debtor has been committed to a civil prison in connection with such proceedings he shall be released forthwith.”

NOTE.—(As clause 12 of the Bill was considerably amended by the Assembly it has been considered desirable to redraft it in the manner proposed above. The changes are consequential and the intention of the Legislature has been fully preserved.)

(9) In clause 14 of the said Bill—

- (a) (i) after the word “Act” where it occurs for the first time the brackets and letter “(a)” should be inserted;
- (ii) for the word “subsections” the word “subsection” should be substituted;
- (b) after the figures “1918” sub-clause (b) should be inserted;
- (c) in clause (b) (3) for the words “this Act” the words “the Punjab Relief of Indebtedness (Amendment) Act, 1940” should be substituted.

NOTE.—(We have re-arranged the sub-clauses of clause 14, but the re-arrangement does not affect the substance of the clause.)

(10) In clause 15 of the said Bill, the word “That” should be omitted.

(11) Clause 15 of the said Bill regarding section 35 of Act VII of 1934 should be re-numbered as clause 16 and in the clause so re-numbered—

- (a) in sub-clause (a) for the words “or kids” the word “kids” should be substituted;
- (b) in sub-clause (b) for the words “section 60, Civil Procedure Code” the words “this section” should be substituted.

(12) Clauses 16 and 17 concerning sections 37 and 38 of Act VII of 1934 should be re-numbered respectively as clauses 17 and 18.

(13) Clause 18 concerning the period of limitation should be omitted. Necessary amendments have been made in clause 6 relating to section 15-A.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 17th April, 1940.

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

DACOITIES IN THE AMBALA DISTRICT.

***6470. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of dacoities committed in the Ambala district together with the names of the places where they were committed in 1939-40 ;
- (b) the number of casualties caused by the dacoits during the perpetration of these dacoities ;
- (c) the number of arrests so far made by the police in this connection ;
- (d) the community to which the said dacoits belong ;
- (e) the action so far taken by the Government to check crimes of this nature in the Ambala district ?

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

(e) The Deputy Inspector-General of Police in charge of the Criminal Investigation Department has now been relieved of his ordinary duties in order to organise measures to deal with the serious outbreak of violent crime in Ambala and the neighbouring districts. The local police has been extensively strengthened and the formation of a large body of mounted and cycle police sanctioned. Liberal rewards have been offered for the arrest of the principal outlaws responsible for the outrages. Licences for fire-arms have also been freely issued to the villagers in the areas affected.

I can assure the honourable member that Government are watching the situation with the greatest attention, and no expense or trouble will be spared to restore normal conditions.

Khan Sahib Khawaja Ghulam Samad : May I know whether all these Jats are absconders from the army, navy and the air force ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hasan : Is it a fact that in a meeting of police officers in the Ambala district the Deputy Inspector-General and the Superintendent of Police required the public men to preach in mosques, temples and gurdwaras that dacoities should cease and people should not commit dacoities in future ?

Parliamentary Secretary : I have no information on that point.

Pandit Shri Ram Sharma : Which are those neighbouring districts where arrangements have been made by the Government ?

Parliamentary Secretary : I stated in reply to a previous question that other than Ambala district there are three or four districts, namely, Rohtak, Karnal, Ludhiana and Ferozepore where police arrangements have been made for the rounding up of dacoits.

Pandit Shri Ram Sharma : May I know the places where the police appointed by the Government will work ?

Parliamentary Secretary : Police force has been posted in different districts. If the honourable member puts a separate question I would reply to it.

Pandit Shri Ram Sharma : Is it a fact that in the Rohtak district which is a neighbouring district to Ambala no arrangement has been made so far ?

Parliamentary Secretary : I require notice of that question, but I may inform my honourable friend that this additional police force works in all the affected districts and is not tied down to any particular district. It is a mobile force.

Dacoities in the Ambala district in 1939 and 1940.

Serial No.	(a) Place and date.	(b) CASUALTIES CAUSED BY THE DACOITS.		(c) Number of persons arrested.	(d) Community to which the dacoits belong.	REMARKS.
		Killed.	Injured.			
1	Imailpur, Police Station Sadhaura, 20th January, 1939.	1	2	3	Pathan.	
2	Rana Majra, Police Station Kharar, 10th February, 1939.	..	1	9	Jat, Rajput and Chamar.	
3	Shahpur, Police Station Chandigarh, 21st February, 1939.	1	..	1	Jat.	
4	Khirsabad, Police Station Kharar, 9th March, 1939.	..	..	3	Jat.	
5	Khizrabad, Police Station Bilaspur, 1st April, 1939.	..	2	3	Gadarya.	
6	Shergarh, Police Station Bilaspur, 18th April, 1939.	..	1	4	Jat and Sweepor.	
7	Garana, Police Station Mubarakpur, 21st March, 1939.	..	..	12	Jat, Jogi, Ramdasia and Sweepor.	

Dacoities in the Ambala district in 1939 and 1940—concluded.

Serial No.	(a) Place and date.	(b) CASUALTIES CAUSED BY THE DACOITS.		(c) Number of persons arrested.	(d) Community to which the dacoits belong.	REMARKS.
		Killed.	Injured.			
8	Rachheri, Police Station Naraingarh, 29th May, 1939.	..	1	3	Ramdasia, Jat and Brahman.	
9	Bhorangpur, Police Station Sadr Ambala, 12th June, 1939.	..	..	2	Jat.	
10	Dadupur, Police Station Sadr Ambala, 15th October, 1939.	..	2	2	Jat and Mazhbi Sikh.	
11	Jhallian Kalan, Police Station Rupar, 13th November, 1939.	1	2	..	..	Untraced.
12	Ajitpur, Police Station Sadr Ambala, 6th December, 1939.	..	2	..	..	Do.
13	Sakbgarh, Police Station Mubarakpur, 11th December, 1939.	1	..	2	Jat and Brahman.	
14	Rajwari, Police Station Chandigarh, 18th December, 1939.	..	1	1	Jat.	
15	Kantbala, Police Station Chandigarh, 19th December, 1939.	..	2	1	Jat.	

EXECUTIVE OFFICER, BHIWANI.

***6475. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

(a) the pay on which the Executive Officer, Bhiwani, was taken in the first instance ;

(b) the pay which he is now drawing ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) and (b) The appointment was first made on a scale of pay of Rs. 120—10—160. This was due to a misunderstanding and the scale was revised to Rs. 275—15—300.

Khan Sahib Khawaja Ghulam Samad : May I know what was the misunderstanding in the beginning ?

Parliamentary Secretary : This very question was answered on the floor of the House *ad nauseam*. The gentleman was appointed in the first instance in the grade of Rs. 120—10—160 and it was hoped that he would stick to it, but he did not like to stay on this pay and the grade had, therefore, to be revised.

Khan Sahib Khawaja Ghulam Samad : Did he give any reasons for not accepting this job on Rs. 120 ?

Parliamentary Secretary : He did not like to stay on. He was worth more.

Khan Sahib Khawaja Ghulam Samad : What profession was he in before his appointment as Executive Officer ?

Parliamentary Secretary : I was not asked to find that out.

Khan Sahib Khawaja Ghulam Samad : Was he practising as a pleader in Gurgaon ?

Mr. Speaker : Rule 31 is—

“ 31. Any member may put a supplementary question which is necessary for the elucidation of the answer that has been given to a starred question..... ”

It is clear that supplementary questions can be asked only to elucidate answers given to the original questions, they cannot be asked to elucidate answers given to supplementary questions. I hope the honourable members will keep the rule, when asking supplementary questions, before their eyes.

Diwan Chaman Lall : When a supplementary question is put in order to elucidate an answer given to a starred question, then obviously it is elucidation of the original question that has been put.

Mr. Speaker : I do not want arguments. The rule is there and speaks for itself.

Diwan Chaman Lall : I am not saying that the rule is not there. All I am saying is about the interpretation of the rule.

Khan Sahib Khawaja Ghulam Samad : My interpretation of the rule was that I can put this question because it will be helping in elucidating many points involved in this question.

Pandit Shri Ram Sharma : May I know from the Parliamentary Secretary who was labouring under a misapprehension what was the misapprehension about ?

Parliamentary Secretary : Sir, a few days ago I had given a detailed explanation regarding this misapprehension.

Mr. Speaker : Yes, that is true. I remember it.

Pandit Shri Ram Sharma : Is it a fact that the Executive Officer refused to work on the pay fixed for him in the first instance ?

Parliamentary Secretary : I have replied twenty times that he did not agree to work on that pay. As he proved to be a useful man and he was doing his work very efficiently the Government promoted him to a higher grade.

Pandit Shri Ram Sharma : Do I take it that no better man than he was available and if he had not been taken the Bhiwani Municipal Committee would have been ruined ?

Parliamentary Secretary : This is a question of opinion. As the Government was of the opinion that he was a useful man and on that pay no other candidate was available his salary was increased.

Pandit Shri Ram Sharma : May I know his qualification on account of which his pay was increased ?

Mr. Speaker : This question does not arise out of the answer.

Khan Sahib Khawaja Ghulam Samad : What pay was he granted after his refusal to accept Rs. 120 ?

Parliamentary Secretary : I have already replied to that question.

Khan Sahib Khawaja Ghulam Samad : He may please repeat it again.

Pandit Shri Ram Sharma : On a point of order. Can a prospective candidate for the post of a Parliamentary Secretary reply to our questions as Chaudhri Suraj Mal is attempting to do ? (*Laughter*).

ROOFING OF THE MOSQUE NEAR THE RAILWAY STATION.

***6476. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state whether he has received any representation from the Muslim gentry of the Ambala city requesting him to move the Railway authorities or the Central Government to allow the Mussalmans of the Ambala city to roof the mosque situated near the railway station ; if so, the action taken by him so far ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No representation has been received and the second part of the question does not arise.

CASES DECIDED BY DIFFERENT MAGISTRATES IN LUDHIANA DISTRICT.

***6477. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Finance be pleased to state—

- (a) the number of cases decided by different magistrates in the Ludhiana district from 1st January, 1940, to 31st March, 1940 ;
- (b) the number of cases decided by each of them in camp in different parts of the district ;

[Ch. Muhammad Hasan.]

- (c) the travelling allowance drawn by each of them during this period ;
- (d) the diet money and the travelling expenses paid by each of these courts to the prosecution witnesses and to the defence witnesses, separately ;
- (e) the *thanas* placed under the charge of each magistrate ;
- (f) the number of villages in each *thana* and their population, if possible ?

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

Chaudhri Muhammad Hasan : Has the Honourable Finance Minister seen the statement and found that there is a great dissimilarity in the distribution of work so far as magistrates are concerned ? Has he considered the desirability of stressing on the Deputy Commissioner that the work could be distributed equally amongst the magistrates there ?

Mr. Speaker : That is a suggestion.

Chaudhri Muhammad Hasan : Is it a fact that no record is kept of defence and prosecution witnesses separately ?

Minister : How does this arise ?

Mr. Speaker : Please explain your question.

Chaudhri Muhammad Hasan : A statement has been supplied to me saying that no particular record is kept of the prosecution and defence witnesses and, therefore, the Government is not in a position to say how much travelling allowance and diet money was paid to the prosecution witnesses and how much to the defence witnesses. I ask the Honourable Finance Minister whether it is a fact that no separate record is kept of prosecution and defence witnesses appearing in a particular case to prove or disprove things ?

Minister : I have said that separate figures for payment to prosecution and defence witnesses are not available and I cannot carry that matter any further.

Chaudhri Muhammad Hasan : In view of that answer, I request the Honourable Minister to let me know whether a separate record is kept of the prosecution and defence witnesses who come to a court in connection with a particular case.

Minister : I do not know.

Chaudhri Muhammad Hasan : Is it a fact that defence witnesses are examined always after the prosecution witnesses and diet money is paid to them ?

Minister : I have already said that I do not know anything about it.

Statement showing number of cases decided by different magistrates in the Ludhiana District from the 1st January, 1940 to the 31st March, 1940.

[illegible]

*NOTE.—Separate figures for payments to prosecution and defence witnesses are not available.

Statement showing number of cases decided by different magistrates in the Ludhiana District from the 1st January, 1940, to the 31st March, 1940—concluded.

Name of Magistrate.	Total number of cases decided.	Number of cases decided in camp.	Travelling Allowance drawn by each of them.	* Diet money and travelling expenses paid to the prosecution witnesses and defence witnesses.	Thanas placed under the charge of the Magistrate.		NUMBER OF VILLAGES IN EACH THANA AND THEIR POPULATION.	
							Number.	Population.
1	2	3	4	5	6	7	8	
Sardar Jasant Singh Uppal, P.C.S., Section 30 Magistrate.	58	16	Rs. A. P. 62 0 0	Rs. A. P. 1,066 0 0	Jagraon	47	89,022	
Sardar Harikishan Singh, Section 30 Magistrate, 1st January, 1940 to 11th January, 1940.	23	..	7 4 0	50 0 0	Do.	47	89,022	
Chaudhri Muhammad Ishaq, Section 30 Magistrate, 4th January, 1940, to 31st March, 1940.	108	3	66 0 0	611 0 0	1. Samrala 2. Khanna 3. Machhiwara 4. Sahnewal 5. Dehlon	57 119 111 105	35,067 72,631 46,285 76,610	
Lala Sardari Lal, Magistrate, 1st Class.	49	..	..	352 0 0	1. City Ludhiana 2. Dabha	..	66,098 31,225	
Mr. Parshuram Lal Ohri, Magistrate, 1st Class.	130	5	85 12 0	926 7 0	1. Machhiwara 2. Raikot 3. Sidhwan, Bet 4. Sadr Ludhiana 5. Excise cases of the district.	56 95 57 62 152	26,150 72,023 54,450 73,553	

*Notes.—Separate figures for payments to prosecution and defence witnesses are not available.

APPEALS DECIDED BY DISTRICT MAGISTRATE OF LUDHIANA

*6478. **Chaudhri Muhammad Hasan** : Will the Honourable Premier be pleased to state—

- (a) the number of appeals decided by the District Magistrate of Ludhiana in the months of October, November and December 1939 ;
- (b) the revenue appeals and zaildari cases decided by him during this period ;
- (c) the number of cases under the Defence of India Act decided by the District Magistrate, Ludhiana, during the months of November and December 1939 ;
- (d) if the reply to the above parts be in the negative, the reasons why such cases were not tried by the District Magistrate himself ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) :—

(a) Criminal appeals	..	..	..	45
Criminal revisions	..	..	..	15
(b) Revenue appeals	..	..	..	39
Zaildari cases	..	..	..	2

(c) None.

(d) Does not arise with regard to (a) and (b). With regard to (c), he was busy on other duties.

GRANT OF LOANS BY THE INDUSTRIAL DEPARTMENT FOR THE ENCOURAGEMENT OF INDUSTRIES.

*6479. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Development be pleased to state—

- (a) the number of applications made by the zamindars of the Jullundur Division for grant of loans under the State Aid to Industries Act in the years 1937, 1938 and 1939 ;
- (b) the names and home-addresses of those who were given loans and the nature of the industry in each case for which the loan was granted ;
- (c) if no such loan has so far been advanced in the Jullundur Division, whether the Department of Industries has ever made this fact publicly known that loans for improvement and encouragement of industries can be granted ;
- (d) the amount of money advanced to the Industrialists in Ludhiana town alone during the period mentioned in (a) ;
- (e) the number of those who took loans for encouragement of industries during the years 1937, 1938 and 1939 and have paid instalments as agreed upon between the Government and them ;
- (f) the total amount advanced during the period mentioned in (a) as subsidies to those who helped in the encouragement and advancement of industries and the detail of each subsidy with the name of the recipient and his home-address, educational qualifications and the nature of the industry ;

[Ch. Muhammad Hasan.]

(g) if no subsidy has been granted, the reasons for not doing so ?

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

(b) A statement is placed on the table.

(c) Does not arise.

(d) Rs. 65,900.

(e) 37 persons were granted loans during the period under reply. There were six defaulters who failed to pay the instalments on the due dates.

(f) and (g) No subsidy has been granted in the Jullundur division. There was only one application which was rejected on merits.

A statement showing zamindars of Jullundur division to whom loans were granted under the Punjab State Aid to Industries Act, 1935, during the period 1937-38, 1938-39 and 1939-40.

Serial No.	Name and address.	Amount of loan.	Industry.
		Rs.	
1	Pandit Keshab Narain, Kulu, Kangra district.	200	Handloom Weaving.
2	Sardar Gurdit Singh, Proprietor, Fancy Textile Mills, Ludhiana.	3,000	Textile and hosiery.
3	M. Tufail Muhammad Khan, Proprietor, Bombay Dyeing Factory, Ludhiana.	2,000	Hosiery.
4	M. Abdul Qayyum, Proprietor, Messrs. Abdul Qayyum-Fazal Muhammad and Company, Tanda Road, Jullundur.	5,000	Foundry.

Chaudhri Muhammad Hasan : Is it a fact that during the years 1938, 1939 and 1940 no loans was granted to the agriculturists in spite of the fact that there were about 61 applications ?

Minister : I am afraid I cannot answer that question without a fresh notice.

Chaudhri Muhammad Hasan : The notice is there. If you will kindly read the question you will find that I have asked what loans were granted in the years 1937, 1938, 1939 and 1940 ?

Minister : If that is the question it has already been answered, and a statement has been laid on the table. There were 7 applicants of whom 4 applicants received loans.

Chaudhri Muhammad Hasan : Is it a fact that during the last 2 years no loan was granted, that is, 1938-39 and 1939-40 ?

Minister : The statement which has been prepared by the office does not make any distinction between the loans granted in 1937 and those granted in 1938 and 1939.

Chaudhri Muhammad Hasan : Has the Honourable Minister ever considered the meagreness of loans granted to this particular class?

Mr. Speaker : That is not a supplementary question.

SEIZURE OF PROPERTY OF *khaksars* ORGANISATION.

***6501. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether any property of the *khaksar* organisation has recently been seized by Government in the province ; if so, whether he will be pleased to lay a detailed statement of the same on the table of the House ;
- (b) whether Government has cared to find out the names of those persons who have been and are still helping this unlawful organisation financially ; if so, what action has Government taken against them ; if not, why not ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) :

(a) Yes. It would serve no useful purpose to give a detailed list of the property seized which consists mostly of office requisites and *Khaksar* uniforms, belchās and other equipment.

(b) Government has taken action under section 17-E of the Indian Criminal Law Amendment Act to detain funds used for the *Khaksar* organisation. It is not in the public interest to give names and other details.

ARREST AND RELEASE OF *khaksars* ON THEIR ASKING FOR PARDON.

***6502. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) the number of *khaksars* who were arrested on their organisation having been declared unlawful and who have been set at liberty on their having apologised ;
- (b) the steps Government is taking to see that the *khaksars* so released do not take part in unlawful activities again ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) 144.

(b) Government is taking precautions generally to see that *Khaksars* do not take part in unlawful activities and released *Khaksars* will be subject to the same precautions.

Mr. Dev Raj Sethi : How many of them belong to provinces other than the Punjab ?

Parliamentary Private Secretary : That was not asked in the original question. I require fresh notice.

Pandit Shri Ram Sharma : May I ask if they had apologised in the form of a prescribed affidavit or otherwise ?

Parliamentary Private Secretary : They apologised for the past and promised to have nothing to do with the movement in future.

Pandit Shri Ram Sharma : Did they submit written apologies or verbally apologised before some jail officer ?

Mr. Speaker : That question does not arise.

Pandit Shri Ram Sharma : May I know how many of them were arrested, and how many apologised ?

Parliamentary Private Secretary : I cannot give details about every individual. Those who apologised were released.

Pandit Shri Ram Sharma : Did those who were released on their tendering apology also promise that in future they would not indulge in these activities ?

Mr. Speaker : Does not arise.

Mr. Dev Raj Sethi : Was pressure brought to bear on those who apologised ? Or was any temptation held out to them ?

Mr. Speaker : Disallowed.

COMPENSATION TO POLICE OFFICERS KILLED IN CLASH BETWEEN
KHAKSARS AND POLICE.

***6503. Lala Deshbandhu Gupta :** Will the Honourable Minister for Public Works be pleased to state—

(a) the names of the police officers and constables who were killed and injured on the 19th March in Lahore due to the violence committed by the *khaksars* ;

(b) the compensation which Government has given or propose to give to the families of the police officers who have been so killed ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) A list giving names of the police officers and men killed or injured in the clash with *Khaksars* on the 19th March, 1940, is laid on the table.¹

(b) No compensation has yet been granted but the question is under consideration.

Pandit Shri Ram Sharma : Was the number only two, one officer and one constable ?

Parliamentary Secretary : The total number is, 72 officers and men who were injured or killed. I have just received a list which I am laying on the table.¹

Mr. Dev Raj Sethi : How many officers and of what ranks ?

Parliamentary Secretary : If my honourable friend wants a detailed information, I will read out the list. It is as follows :—

Mr. Gainsford, Senior Superintendent of Police.

Mr. P. C. D. Beaty, Deputy Superintendent of Police,

Mr. Disney, Reserve Inspector,

Khan Sahib Mir Afzal Khan, City Inspector,

¹ Kept in the Assembly Library.

Malik Khan Bahadur, Inspector, Provincial Additional Police,

Agha Khadim Hussain, Sub-Inspector,

Raja Khadim Khan, Sub-Inspector,

Sardar Nazir Singh, Sub-Inspector,

Muhammad Bakhsh, Assistant Sub-Inspector,

Fazal Husain Shah, Head Constable,

Daffadar Buta Singh, Mounted Police,

Muhammad Din, Head Constable,

Budhe Khan, Head Constable,

Mir Afzal Khan, Head Constable,

Shamas Din, Head Constable.

The rest are foot constables.

Pandit Shri Ram Sharma : Is the number of killed only two or is it more than that ?

Parliamentary Secretary : Mr. Beaty died in Mayo Hospital, Lahore and Net Ram and Raja Ram, foot constables were killed. I think these were the three men of the police force who lost their lives.

Mr. Dev Raj Sethi : What is the number of those who were seriously injured ?

Parliamentary Secretary : This information has not been collected.

Pandit Shri Ram Sharma : May I know whether the police officers wanted to offer satyagraha to *Khaksars* that they went unarmed and thus were wounded in large numbers ?

Mr. Speaker : That question does not arise.

Sardar Sohan Singh Josh : Did Mr. Beaty give any statement before his death ?

Mr. Speaker : That question does not arise.

Mr. Dev Raj Sethi : Will any compensation be given ?

Parliamentary Secretary : That question is under consideration.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state when the question of paying compensation to the dead will be decided ?

Parliamentary Secretary : How can I say that ? All I can say is that this question is under consideration and I must add that it will receive a sympathetic consideration by Government.

ASSOCIATION OF THE EXECUTIVE OFFICERS OF THE JAIL DEPARTMENT.

*6508. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state whether any Association of the Executive Officers of the Jail Department has recently been formed ; if so, whether sanction has been accorded to the formation of such an association ?

The Honourable Mr. Manohar Lal : An association of the upper subordinates of the executive staff of the Jail Department has been formed and its application for recognition is at present under consideration.

POSTS FOR INDIAN MEDICAL SERVICE OFFICERS IN THE JAIL DEPARTMENT.

***6509. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of posts reserved for Indian Medical Service officers in the Jail Department ;
- (b) whether Government intends to reduce this number ; if so, when and by how many ?

The Honourable Mr. Manohar Lal : (a) This matter is regulated by the Indian Medical Service (Civil) (Reserved Posts) Rules, 1939, under which five posts in the Punjab Jail Department are reserved for officers of the Indian Medical Service so long as there are Indian Medical Service officers available and willing to hold them who were in civil employ on the 1st April, 1937.

(b) These rules are framed by the Secretary of State and it is not in the power of the Provincial Government to vary them ; but the reservation will cease to be operative in course of time, as the supply of entitled Indian Medical Service officers runs out.

Mr. Dev Raj Sethi : Is 5 minimum or the maximum number ?

Minister : That is the maximum.

Mr. Dev Raj Sethi : What is the minimum number.

Minister : The minimum number, when the supply ceases, will be exactly zero.

Lala Bhim Sen Sachar : May I know if the number reserved for the Jail Department is also fixed by the Secretary of State ?

Minister : Yes. I would refer to the rules framed by the Secretary of State, the Rules for Indian Medical Service Civil Reserve Rules of 1939. These rules were framed in March, 1939 and there are 5 such officers in the Jail Department.

Lala Bhim Sen Sachar : I hope the total number does not exceed 5. What is the total number ?

Minister : At present it is four ; but one officer is coming in place of another who has gone. There is no excess.

DISCONTINUANCE OF THE PRACTICE OF APPOINTING P. C. S. OFFICERS
AS SUPERINTENDENTS OF JAILS.

***6511. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state whether it is intended to discontinue the practice of appointing P. C. S. officers as Superintendents of Jails ; if so, whether the final decision has been taken on the matter and if so, whether orders have been issued on the subject and the Deputy Superintendents and other Executive Officers of the Jail Department informed of these orders ?

The Honourable Mr. Manohar Lal : *First part.*—No.

Second part.—Does not arise.

GUN AND REVOLVER LICENCES GIVEN IN ROHTAK DISTRICT.

***6514. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of gun licences given for protection purposes in the Rohtak district in the year 1939 and in the first three months of 1940 ;
- (b) how many applications in this connection have been received during these periods respectively ;
- (c) the total number of revolver licence holders in the above-named district and how many of them are officials ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :—

(a) 46.				
(b) 1939 ..	..	..	..	164
1940 (first three months) ..	..	..	..	111
		Total	..	275
(c) Serving officials	..	..	..	20
Retired soldiers	..	..	..	55
Retired civil officers	..	..	..	6
Non-officials ..	..	..	..	39
		Total	..	120

Pandit Shri Ram Sharma : May I know whether the Government keep in view this policy that where dacoities are committed in large numbers, there gun licences should be given? If so, was this principle adhered to in the case of the Rohtak district?

Parliamentary Secretary : Licences have been granted to all persons who really needed arms for protection and who applied for licence.

Pandit Shri Ram Sharma : May I know whether as compared with previous years more licences have been granted now?

Mr. Speaker : That question does not arise.

Chaudhri Kartar Singh : Is the Government prepared to issue instructions to all the district magistrates that wherever dacoities are committed in large numbers there they should grant licences in large numbers?

Mr. Speaker : The original question relates to the Rohtak district only.

Chaudhri Kartar Singh : Is the Government prepared to issue instructions to the District Magistrate, Rohtak, that he should grant gun licences to the Jats of the Rohtak district?

Mr. Speaker : That is a request for action.

Mr. Dev Raj Sethi : What is the number of applications rejected ?

Parliamentary Secretary : One hundred and fifty-four were rejected ; 75 are still under consideration.

Pandit Shri Ram Sharma : What is the number of applications that were accepted ?

Parliamentary Secretary : Forty-six.

Mr. Dev Raj Sethi : What were the reasons for the rejection ?

Parliamentary Secretary : On good grounds the Deputy Commissioner rejected those applications.

Mr. Dev Raj Sethi : Were political reasons also some of the reasons ?

Mr. Speaker : That question does not arise.

TRANSFER OF HEAD CONSTABLES AND CONSTABLES.

***6515. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) from how many and which districts the constables and head constables have been transferred wholesale from their home districts ;
- (b) when these transfers were effected ;
- (c) whether these transfers have resulted in the decrease of crimes in any district ;
- (d) whether the Government intend to revise their decision in case the desired object is not gained ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) A certain number of constables and head constables have been interchanged among the following districts :—

Jullundur,
Hoshiarpur,
Ludhiana,
Gurgaon,
Rohtak,
Hissar,
Sialkot,
Gujranwala,
Gurdaspur,
Gujrat,
Jhelum,
Multan,
Jhang, and
Muzaffargarh.

- (b) These transfers have been effected between December, 1937 and March, 1940.

(c) It is difficult to say whether these transfers have had any effect on the decrease in crime in the districts concerned. The growth of crime is affected by a number of different causes, but Government are satisfied that in certain districts the existence of some police officials who have knowledge of other districts is bound to increase the efficiency of the district police staff.

(d) These transfers have been made in the interests of the general efficiency of the police forces of the districts concerned and Government have no reason to believe that this object has not been achieved.

Pandit Shri Ram Sharma : May I know whether the transfers have been done on the ground that they are hands and glove with the people of that district ?

Parliamentary Secretary : I cannot say definitely, but these transfers were made for administrative reasons.

Pandit Shri Ram Sharma : What are the administrative reasons ?

Parliamentary Secretary : Efficiency of the police force.

Pandit Shri Ram Sharma : May I know whether in the districts to which reference has been made by the Parliamentary Secretary these transfers were made wholesale ?

Parliamentary Secretary : No, only a certain number was affected by these transfers.

Pandit Shri Ram Sharma : May I know whether there is any district from where head constables and constables have been transferred wholesale ?

Parliamentary Secretary : I cannot say, but it is clear that probably in no district transfers have been made wholesale ; may be in certain districts that some constables and head constables have been transferred.

Pandit Shri Ram Sharma : May I know whether all the head constables and constables who belonged to the Rohtak district have been transferred ?

Parliamentary Secretary : I cannot say that definitely, but I have said that only a certain number of constables and head constables were transferred.

Pandit Shri Ram Sharma : May I know whether they have been transferred to near districts or to far off districts ?

Parliamentary Secretary : If my honourable friend is particular he should give notice of a new question.

Lala Bhim Sen Sachar : With reference to the answer of the Parliamentary Secretary that the transfer was in the interest of efficient administration, will it be convenient just to inform this House in what manner the efficiency has increased ?

Parliamentary Secretary : I have said that it may result in efficiency, but I cannot say definitely whether it has so resulted or not.

Lala Bhim Sen Sachar : Do I take it that Government has not had sufficient time just to feel the effect of these transfers ?

Parliamentary Secretary : It is impossible to gauge the definite effect of such transfers. The increase or decrease in crime depends on other factors also.

Pandit Shri Ram Sharma : May I know whether the Government has arrived at any conclusion that the transfers that were made in the year 1937 have proved useful?

Parliamentary Secretary : It is very difficult to state definite results.

Pandit Shri Ram Sharma : Will he give any approximate idea?

Parliamentary Secretary : It is a question of opinion. Some officers may think that these transfers are beneficial, others may not think so.

Pandit Shri Ram Sharma : What is the opinion of the Government about it.

Mr. Dev Raj Sethi : What are the reasons for making frequent transfers in certain districts?

Parliamentary Secretary : General efficiency of the police force.

INSPECTIONS BY BOILER INSPECTOR AND THE FACTORY INSPECTOR.

***6471. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of inspections made by the Boiler Inspector and the Factory Inspector, respectively, in the Punjab and the Frontier in 1939-40;
- (b) the names of the places inspected by the above-mentioned officers in the Punjab and Frontier Provinces in the said period;
- (c) the exact amount of the travelling allowance drawn by these officers in 1939-40 in the Frontier and the Punjab, separately?

The Honourable Chaudhri Sir Chhotu Ram : (a) It is presumed that the honourable member is referring to the Chief Inspector of Boilers and the Chief Inspector of Factories. If so, the position is as follows:—

- (i) The number of inspections made by the Chief Inspector of Boilers during the year 1939-40 is—

(a) for the Punjab	..	301
(b) for North-West Frontier Province	..	38

- (ii) The number of inspections made by the Chief Inspector of Factories during the same period is—

(a) for the Punjab	..	291
(b) for North-West Frontier Province	..	28

- (b) Two statements giving the required information are placed on the table.

(c) The total travelling allowance drawn by the Chief Inspector of Boilers during the year 1939-40 both for the Punjab and North-West Frontier Province was Rs. 2,420 and that drawn by the Chief Inspector of Factories amounted to Rs. 3,516-6-0.

It is not possible to give separate figures of travelling allowance drawn by these officers for inspection work in the Punjab and North-West Frontier Province, as in most cases, in the interest of economy, combined trips are undertaken to visit places in the Punjab and North-West Frontier Province, if they are situated on the same line.

Khan Sahib Khawaja Ghulam Samad : May I know if the department has brought any case to the notice of the Honourable Minister where the Boiler Inspector drew travelling allowance on a day when he was in the headquarters?

Minister : I cannot recollect any such case having been brought to my notice.

Khan Sahib Khawaja Ghulam Samad : May I know whether any inquiry was made by him in that case?

Minister : I cannot recollect any such case.

Mr. Dev Raj Sethi : May I know the number of factories in which no inspection was made during the entire year?

Minister : How does that arise out of the question put or out of the answer thereto?

Diwan Chaman Lall : Do I take it that these figures given by the Honourable Minister relate to the inspections carried out by the Chief Factory Inspector and the Boiler Inspector personally and that these inspections were not carried out by the members of the staff?

Minister : No.

Statement showing the names of places visited by the Chief Inspector of Boilers during 1939-40 in the Punjab and the North-West Frontier Province.

District.	Names of places.
Ambala	Rupar, Jagadhri, Ambala, Abdullapur and Naraingarh.
Amritsar	Amritsar, Chheharta.
Attock	Wah, Khanur, Campbellpur.
Dera Ghazi Khan ..	Dera Ghazi Khan, Jampur, Fazalpur, Kot Chhatta.
Ferozepore	Ferozepore, Dharamkote, Fazilka.
Gurdaspur	Pathankote, Dinanagar, Gurdaspur, Sujampur, Madhopur, Batala, Dhariwal.
Gujranwala	Wazirabad, Kamoke, Gujranwala.
Gujrat	Malakwal, Mandi Baha-ud-Din.

Statement showing the names of places visited by the Chief Inspector of Boilers during the year 1939-40 in the Punjab and North-West Frontier Province—concluded.

District.	Names of places.
Hoshiarpur	Mukerian, Hoshiarpur.
Hissar	Hansi, Uklana, Bhiwani, Jakhal.
Jhang	Jhang, Trimmu.
Jhelum	Jhelum, Dandota, Choa Saidan Shah.
Jullundur	Jullundur.
Karnal	Karnal, Panipat, Ladwa.
Kangra	Palampur, Raipur, Bundla, Khalet, Wah, Kangra, Gopalpur, Bhali, Parour.
Lahore	Lahore, Jallo, Amar Sidhu, Pattoki, Raiwind, Kot Radha Kishan, Kasur, Khem Karan.
Ludhiana	Ludhiana, Khanna.
Lyallpur	Lyallpur, Gojra, Toba Tek Singh, Kamalia, Pir Mahal, Chiniot, Jaranwala, Chakjhumra.
Montgomery	Montgomery, Arafwala, Pakpattan, Wasawewala, Okara.
Multan	Khanewal, Multan, Makhdumpur, Karorpakka, Vehari, Shamkote, Shujabad.
Rawalpindi	Rawalpindi, Chaklala, Khanna Dak, Murree.
Rohtak	Sonapat, Rohtak ..
Sialkot	Sialkot .
Simla	Simla, Sabathu, Dagshai.
Shahpur	Sargodha, Bhalwal, Sillanwali, Phullarwan.
Sheikhupura	Sheikhupura, Warbuton, Sangla, Chuharkana, Khangah Dogran, Shahdara, Chak No. 73/19.
North-West Frontier Province ..	Peshawar, Mardan, Cherat, Alimasjid, Hazara, Nowshahra, Abbottabad, Risalpur, Charsada, Swabi.

Statement showing the names of places visited by the Chief Inspector of Factories during the year 1939-40 in the Punjab and North-West Frontier Province.

(1) *Punjab*.—Ambala, Attari, Amritsar, Bhiwani, Bhalwal, Chiniot, Chichawatni, Chhaharta, Dhariwal, Dandot, Dhillwan, Ferozepore, Farrukhnagar, Fazilka, Gojra, Gurdaspur, Gidderbaha, Hansi, Hodal, Hafizabad, Jagadhri, Jullundur, Jhelum, Jallo, Jaranwala, Jabanja, Kasur, Kaur, Khana, Karnal, Kangra Valley, Khanewal, Khanna, Khanga Dogran, Ludhiana, Lalian, Lyallpur, Mandi Baha-ud-Din, Mandi Dabwali, Muktsar, Moga, Multan, Montgomery, Malout, Okara, Patbankot, Phullarwan, Palwal, Qila Sheikhupura, Qadian, Rohtak, Rawalpindi, Rahwali, Sargodha, Sialkot, Simla, Shahdara, Sirsa, Sujapur, Toba Tek Singh, Trimmu, Tandlianwala, and Wah.

(2) *North-West Frontier Province*.—Mardan, Nowshahra and Peshawar.

**NUMBER OF GOVERNMENT HIGH SCHOOLS IN THE PROVINCE IN WHICH
NUMBER OF PUPILS IS BELOW 200.**

***6472. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of those Government High Schools in the province in which the number of pupils is below 200 ;
- (b) the places with the names of the districts in which such schools are situated ;
- (c) the number of students, community-wise, in the above-named schools ?

The Honourable Mian Abdul Haye : (a) 16.

(b) Shahabad and Kaithal, District Karnal.

Gohana, District Rohtak. Rupar, District Ambala.

Kot Khaj, District Simla.

Patto Hira Singh, District Ferozepore.

Pindi Bhattian, District Gujranwala.

Sharaqpur and Sangla, District Sheikhpura.

Kot Adu and Alipur, District Muzaffargarh.

Taunsa and Rajanpur, District Dera Ghazi Khan.

Phalia, District Gujrat.

Murree, District Rawalpindi.

Shahpur Sadr, District Shahpur.

(c) Hindus	..	..	..	..	1,138
Sikhs	..	..	..	..	284
Muslims	..	..	..	..	1,216
Depressed Classes	..	..	..	..	10
Others	..	..	..	..	20
Total					2,668

**NUMBER OF EMPLOYEES, CASTE-WISE, TAKEN IN SUPERIOR AND INFERIOR
SERVICE FROM ROHTAK DISTRICT IN THE OFFICES OF CO-OPERATIVE,
FOREST, AGRICULTURE AND VETERINARY DEPARTMENTS
SINCE 1ST APRIL 1937.**

***6474. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of employees, caste-wise, taken in superior and inferior service from the Rohtak district in the offices of the Co-operative, Forest, Agriculture and Veterinary departments in the Punjab since 1st April, 1937 ;
- (b) the grades in which they have been taken ?

The Honourable Chaudhri Sir Chhotu Ram : A statement is laid on the table.¹

LEATHER TANNING INDUSTRY IN LUDHIANA DISTRICT.

***6480. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state whether the leather tanning industry has been given a trial in the Ludhiana district ?

The Honourable Chaudhri Sir Chhotu Ram : The development of tanning industry in the province has received special and continued attention of Government. The districts which have the largest number of tanners or which produce a substantial number of hides receive precedence in the matter of demonstrations by travelling tanning parties organised by the Department of Industries. At present there are three parties working in Hissar, Multan and Attock districts respectively. The claims of Ludhiana which is not as important as some of the other districts from the point of view of the tanning industry, will receive consideration in due course. For instance, in Ludhiana district there is not a single village where there are more than 20 tanners.

I may add for the information of the honourable member that half a dozen hereditary tanners from the Ludhiana district belonging to scheduled castes, have been trained in the improved methods of tanning at the Government Tanning Institute at Jullundur.

Chaudhri Muhammad Hasan : Has the Honourable Minister given a trial to this leather tanning industry in the village in which the Parliamentary Private Secretary, Sardar Gopal Singh, resides ?

Minister : No.

Chaudhri Muhammad Hasan : Is it a fact that there are more than 20 persons who do this business in that particular village ?

Mr. Speaker : That does not arise out of the answer.

GRIEVANCES OF THE LUDHIANA WEAVERS' ASSOCIATION.

***6481. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state—

- (a) whether the Ludhiana Weavers' Association recently brought their grievances against the department of industries to the notice of the Director during the last three years ;
- (b) if so, whether those grievances have been redressed so far ;
- (c) if the reply to above be in the negative, the reasons for not doing so ?

The Honourable Chaudhri Sir Chhotu Ram : (a) No written representation has been made by this Association to the Director of Industries. But in 1937 the Southern Ansar League, a union of weavers at Ludhiana, presented an address to the Honourable the Premier, in which certain grievances were put forward.

(b) and (c) (i) It was suggested that the weavers of Ludhiana were deprived of the advantage of State loans for development of industries. This complaint was unfounded. Up to the middle of 1937 loans aggregating Rs. 51,000 had been granted to the weaving industry of Ludhiana. After the passing of the State Aid to Industries Act weavers, along with other

industrial classes, can apply for loans for obtaining machinery on the hire-purchase system. Any applications that may be received in this behalf will receive due consideration.

(ii) It was contended that weavers were overlooked in the matter of grant of scholarships and employment in the Industries Department. This was also found to be incorrect. In the weaving institutions of the Industries Department no tuition fee is charged from weavers and they get stipends averaging Rs. 8 per mensem each in the first year of training and piece wages in subsequent years. In other institutions of the Department weavers are eligible for award of scholarships on the ground of poverty. As regards employment in the Department, the claims of literate weavers are considered when occasion arises but the trouble is that literate weavers capable of imparting instruction in the departmental schools cannot be easily obtained.

(iii) It was suggested that Government should instal a sizing and finishing plant at Ludhiana and that marketing facilities be provided for assistance to local weavers. The installation of such a plant involves heavy expenditure which is not warranted. If any industrialist of Ludhiana applies for a State loan to purchase such machinery the application will be considered on merits.

As regards marketing facilities, there is a special organisation for the handloom industry with branches at Amritsar, Multan and Hoshiarpur. The Marketing Officer has effected many improvements in looms and in designs of cloth which can and are exploited by Ludhiana weavers. He is always available to render further assistance to Ludhiana weavers if any special difficulties are pointed out.

(iv) It was suggested that a weaving, designing and dyeing school be started at Ludhiana. This is not possible. It may be pointed out that Ludhiana already possesses two important institutions namely the Government Hosiery Institute and the Government Industrial School. Weavers of Ludhiana can take advantage of the Government Central Weaving Institute, Amritsar, which is not very far.

CASES CHALLANED BY POLICE UNDER SECTIONS 302, 307, 326, 324 AND 325 IN JANUARY AND FEBRUARY, 1940, IN LUDHIANA DISTRICT.

***6485. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of cases challaned by the police under sections 302, 307, 326, 324 and 325 in the months of January and February, 1940 in the Ludhiana district ;
- (b) how many accused in these cases were convicted and by which court ;
- (c) how many accused out of these were acquitted, the name, the date of acquittal, and the places of residence of each such accused ;

[Ch. Muhammad Hasan.]

- (d) how many cases out of those mentioned in (a) the police withdrew ;
- (e) how many out of these cases were acquitted on account of want of evidence and whether in any of these cases strictures were passed by the courts whether on appeal or in the original court ;
- (f) if the reply to the above be in the affirmative, the action taken by the Superintendent of Police against the police officials against whom strictures were passed ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a)—

<i>Section.</i>			<i>Number of cases challaned.</i>
302, Indian Penal Code	..	..	11
307, Indian Penal Code	..	..	4
326, Indian Penal Code	..	..	10
325, Indian Penal Code	..	..	11
324, Indian Penal Code	..	..	11
Total			47

(b) —

<i>Section.</i>	<i>Number of accused convicted.</i>	<i>Name of Court.</i>
302, Indian Penal Code ..	Nil	Nil.
307, Indian Penal Code ..	2	Sardar Jaswant Singh, Magistrate, 1st Class, Ludhiana.
	1	Additional District Magis- trate, Ludhiana.
326, Indian Penal Code ..	2	Mr. P. L. Ohri, Magistrate 1st Class, Ludhiana.
325, Indian Penal Code ..	4	Additional District Magis- trate, Ludhiana.
324, Indian Penal Code ..	4	Kh. Fazal Ali Khan, Tahsildar, Ludhiana.
Total	18	

(c)	Section.	Number of accused ac- quitted with date.	Name, parentage, etc., of those acquitted.
	302, Indian Penal Code .. ..	..	..
	307, Indian Penal Code .. ..	..	..
	326, Indian Penal Code	8 on 31-1-40	1. Nagindar Singh, 2. Indar Singh, and 3. Gurnam Singh, sons of Kahan Singh, Jats of Mullanpore.
	325, Indian Penal Code .. ..	..	..
	324, Indian Penal Code .. ..	..	..
	Total	8	

Cases compromised not included.

(d) None.

(e) The only case which resulted in acquittal was Crown *versus* Nagindar Singh, etc., under Section 326, Indian Penal Code. No stricture in any of these cases was passed either by the appellate or the trial court.

(f) Does not arise.

REPRESENTATION BY DEPUTY SUPERINTENDENTS AND ASSISTANT
SUPERINTENDENTS, JAILS AGAINST THE APPOINTMENT OF
P. C. S. OFFICERS AS SUPERINTENDENTS, JAILS.

***6512. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state whether he has recently received any representation from the Deputy Superintendents and Assistant Superintendents of Jails protesting against the importation of a fresh batch of P.C.S. officers to the Jail Department for appointment as Superintendents of Jails ; if so, what action has been taken by the Government on that representation ?

The Honourable Mr. Manohar Lal : Yes. The memorialists have been informed that their representation appears to be based on a misunderstanding. The Punjab Government, following the advice of the Indian Jails Committee 1919-20, now fill a proportion of Superintendent's appointments by promotion from the cadre of Deputy Superintendents, but it is far from their intention that all vacancies occurring in the rank of Superintendent shall be so filled.

RIOTS IN JAILS.

***6513. Munshi Hari Lal :** Will the Honourable Minister for Finance be pleased to state—

- the number of riots and serious disturbances that took place in the Punjab Jails from 1st April, 1937, to date with the names of jails in which the riot took place ;
- the names of the Superintendents in charge of these jails at the time when riots took place there and whether they were appointed to these posts directly or by promotion and the cadre or service to which they belonged respectively ?

The Honourable Mr. Manohar Lal : Unless the honourable member informs me what, in his opinion, constitutes a riot or serious disturbance, I am afraid I am unable to answer this question. For instance, does he mean by a riot a case in which prisoners have been prosecuted under the Indian Penal Code or would he term a fight between two prisoners resulting in injuries to one over a trivial matter, a serious disturbance? Unless the honourable member is able to give some definite indication of the information he requires, I regret that it is impossible to obtain the information he wants.

Diwan Chaman Lal : May I know whether the Honourable Minister has any information regarding the riot or disturbance or whatever he chooses to call it, in the Multan Jail announced in the papers this morning?

Minister of Finance : I have read the item of news this morning.

Diwan Chaman Lal : Has my honourable friend any further information to give to the House in regard to that matter?

Minister : I can hardly keep my information up to the last minute in answering these questions.

Diwan Chaman Lal : The question says "up-to-date." The question is there.

Minister : It is a matter of interpretation whether "up-to-date" means the date when the question is asked or the day when the answer is given in the House.

Diwan Chaman Lal : Do I take it that my honourable friend has no information apart from what has appeared in the press?

Minister : No, I have no further information.

Diwan Chaman Lal : What would that be—a riot or disturbance or just a friendly difference? (*Laughter*).

Minister : It is far from friendly. (*Laughter*).

DAMAGE TO CROPS BY HAILSTORM IN KOT ADU TAHSIL.

***6520. Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that crops in a number of villages in Kot Adu tahsil have been totally destroyed by the recent hailstorm; if so, the exact number of villages so affected;
- (b) what is the extent of damage done to the crops;
- (c) whether it is a fact that in some of these villages there is a serious scarcity of food-grains and fodder;
- (d) what action, if any, has Government taken to afford relief to the sufferers?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a), (b) and (d) The honourable member is referred to reply to question 6497¹ given on the 15th April, 1940.

(c) Shortage of food not of fodder is reported.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : In answer to the question referred to in the reply of my honourable friend, it was stated that the assessment was fluctuating and that the land revenue was automatically remitted on the damaged crops. I would like to know from the Parliamentary Secretary if the Government has taken any steps or issued any orders for remitting or suspending the recovery of Government loans due from the zamindars of the affected area or of towns due to co-operative societies or the district board from such zamindars?

Parliamentary Secretary : So far as I know, the Government has not finally issued any orders in this matter.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : May I know from my honourable friend if the Government has taken any steps to meet the food shortage in the affected area?

Parliamentary Secretary : A report of the local officers is awaited and will be duly considered.

Diwan Chaman Lall : May I know whether the questioner as well as the gentleman replying are both members of the Government and whether it is a fact that the right hand does not know what the left hand is doing? (*Laughter*).

Sardar Ajit Singh : Is the Government prepared to remit the land revenue and the water rates in the hailstorm-stricken area?

Parliamentary Secretary : It will be automatically remitted.

Minister of Revenue : Under the rules.

Sardar Ajit Singh : Will any relief be granted to the zamindars of the hailstorm-stricken area so that they may be able to water their fields by utilizing this money in equipping their wells with Persian wheels?

Minister : What does the Honourable Member mean by "wells"?

Sardar Ajit Singh : If the honourable minister had ever gone to that *ilaga* he would have known what I mean by it?

Minister : I have been there.

Sardar Ajit Singh : If he has gone there, then he must be aware of the fact that people there irrigate their lands by wells, and now that they have been thus afflicted they need money to run their wells.

Minister : My honourable friend knows that there are rules under which a zamindar who has sunk a well can get protection leases which gives him necessary facilities to wipe off the amount that he spent. That period is 20 to 40 years and the idea of the Government is to increase it to 40 years.

Sardar Ajit Singh : I know that no water rate is charged for 20 to 40 years. But what I wanted to know from the Honourable Minister was whether the Government is prepared to advance money to them which is needed for those wells that are already in existence in order to make them serviceable.

Minister : This question does not arise out of the original question. But I may tell my honourable friend that if he is interested in any well he may approach the Collector of the district.

Sardar Ajit Singh : No, Sir, I have none, but thousands of my constituents have need for money.

DAMAGE TO CROPS IN TAHSIL KOT ADU BY HAILSTORM.

***6521. Shrimati Shanno Devi :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the damage done to the standing crops in the villages of tahsil Kot Adu in the Muzaffargarh district on the night between 14th and 15th March, 1940, by hail and duststorm ;
- (b) the area affected by the hailstorm in each village of the tahsil ;
- (c) whether remission of land revenue or some other help to the poor cultivators has been recommended by the Collector of Muzaffargarh district ; if so, the amount recommended ;
- (d) whether the Government intends to accept the recommendation of the Collector ; if so, when ;
- (e) if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a), (c) and (d) The Honourable lady member is referred to reply given to a similar question No. 46497* by Munshi Hari Lal.

(b) A statement is laid on the table.

(e) Does not arise.

Statement showing the area affected by hailstorm in the Kot Adu tahsil.

Serial No.	Name of village.	Area in acres.
		Acres.
1	Pattal Kot Adu Ghair Mustqal	164
2	Chaudhari	960
3	Pirhar Gharbi Mustaqal	211
4	Pirhar Sharqi	536
5	Talai Chandrar	49
6	Bhubhar Mustqal	66
7	Bhabhar Ghair Mustqal	344
8	Lunwala	101
9	Faqirwali	55
10	Hala	553
11	Kotla	638
12	Sidhari	29
13	Drigh	25
	Total	3,731

Sardar Ajit Singh : May I know if the Government have considered the question of the debts of those agriculturists who had borrowed money for the purchase of wheat and seeds from the co-operative banks or societies and which were due this harvest ?

Parliamentary Secretary : I have already answered this question while replying to the honourable Mian Mushtaq Ahmad's question. I have stated that the Government will consider this matter.

Sardar Ajit Singh : Will the Government instruct the canal authorities to give water earlier to the zamindars of this *ilaga* in view of the fact that they have had no fodder and may be able to raise fodder crops ?

Mr. Speaker : This question does not arise.

Sardar Ajit Singh : Sir, there is a great scarcity of fodder in that area as all their fodder crops were destroyed by this hailstorm. It is a question of affording relief to those people.

Mr. Speaker : Right ; but the honourable member cannot ask his supplementary question.

Sardar Ajit Singh : What else am I to ask if I cannot ask a supplementary question ? The question is what steps have been taken by the Government in this matter ?

Mr. Speaker : And what is the answer ?

Sardar Ajit Singh : That is what I want to know myself.

SUPPLY OF BOOKS AND PAPERS TO SARDAR ARJAN SINGH, GARGAJ.

***6522. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the names of dailies, weeklies and monthlies that are supplied to Sardar Arjan Singh Gargaj detained under the Defence of India Rules in the Central Jail, Lahore ;
- (b) whether it is a fact that the Superintendent of the said Jail refused to supply to Sardar Arjan Singh Gargaj the monthly "Preet Lari" issued from Preet Nagar, district Amritsar, in February, 1940 ; if so, the reasons for refusing to supply that monthly to him ;
- (c) whether books on politics are allowed to him in the Jail ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) :

(a) Dailies *Vir Bharat.*

Tribune.

Khalsa Sewak.

Inqilab (occasionally, when the detain asks for it).

Monthlies *Temperance Magazine Qaidi Sudhar.*

(b) Yes. It is not in the public interest to give reasons.

(c) It depends on the book. Generally speaking, it is for the Superintendent of the jail to decide whether the book is suitable or not in consultation with the District Magistrate.

Sardar Sohan Singh Josh : Does the Parliamentary Private Secretary know that "Preet Lari" is allowed in jails and is supplied to the prisoners?

Parliamentary Private Secretary : I have no information in the matter.

Sardar Sohan Singh Josh : May I know as to why this particular prisoner is deprived of this paper?

Parliamentary Secretary : I have already stated that the Government do not consider it in the public interest to give a reply to this question.

Sardar Sohan Singh Josh : This paper does not deal with any other matter except social reform.

Mr. Dev Raj Sethi : What are the rules for the guidance of the Superintendents about the selection of books and periodicals to be supplied to prisoners? Are there any specific rules?

Parliamentary Private Secretary : Might be.

Minister : Commonsense.

Mr. Dev Raj Sethi : Is it left to the discretion of the Superintendents?

Parliamentary Private Secretary : No, there are rules.

Mr. Dev Raj Sethi : Will you please place them on the table?

Parliamentary Private Secretary : If you give notice.

Mr. Dev Raj Sethi : Have you read them personally?

Parliamentary Private Secretary : That question does not arise.

Diwan Chaman Lall : Do I take it that the matter was not really seriously considered and the ban was placed upon it without serious consideration as to whether the paper was a social or a political paper?

Sardar Sohan Singh Josh : Has the Parliamentary Secretary ever seen or read this paper?

Parliamentary Private Secretary : No, I have not read it.

Sardar Sohan Singh Josh : Has he ever looked at it?

Parliamentary Private Secretary : No, I have not even seen it.

Sardar Sohan Singh Josh : Is it or is it not a fact that this paper is published in Urdu, Hindi and Gurmukhi scripts and apart from dealing with social work it does not dabble in politics?

Parliamentary Private Secretary : I have already stated that I have not read this paper?

Sardar Sohan Singh Josh : If the Parliamentary Private Secretary does not know, may I ask if the Honourable Minister who knows Punjabi can enlighten us on this point?

GUN AND REVOLVER LICENCES ISSUED IN JHANG DISTRICT.

*6523. **Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of gun and revolver licences issued tahsil-wise in Jhang district in the year 1939;

- (b) the number of applications for guns and revolver licences rejected by the district authorities and the reasons for which such applications were rejected ;
- (c) the number of guns and revolvers lost by the owners in the same year in the above-mentioned district and the number out of those lost which have been recovered since ;
- (d) how many cases were duly registered by the police in connection with the loss of guns and revolvers by the owners in the said district during 1939 ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :—

			Revolvers.	Guns.
(a)	Jhang	.. ..	1	11
	Chiniot	.. ..	..	5
	Shorkot	.. ..	1	2
(b)	Guns	82.		

Applications were rejected in 20 cases on grounds of physical or other unfitness. In 3 cases applicants wanted licences for protection, but were unable to give any valid reasons. In 3 cases applicants who were asked to present themselves personally did not appear. In 6 cases applications were made for licences for protection against other parties and these were refused in the interests of the public peace.

Revolvers 4.

In 3 cases applicants could not establish any genuine need for the possession of revolvers. Another applicant was only a temporary resident of Jhang district and was advised to apply to his home district authorities.

(c) No loss was reported.

(d) Does not arise.

TRANSFER OF SUCHA SINGH TO SOME JAIL IN THE PUNJAB.

***6524. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that the 90 years old mother of Comrade Sucha Singh, a prisoner of 1914-15 Lahore Conspiracy Case, at present undergoing imprisonment in Hazaribagh Central Jail, has submitted a petition to the Government praying that her son may be transferred to some jail in the Punjab so that she may have facilities to see her son in her last days ;
- (b) if answer to (a) above be in the affirmative, action taken or proposed to be taken in the matter ?

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

(b) The request was rejected.

Pandit Shri Ram Sharma : Why was the request rejected ?

Minister : I cannot go into these reasons.

DAMAGE DONE BY THUR AND SEM IN TAHSIL GUJRAT.

*6525. **Khan Sahib Chaudhri Pir Muhammad** : Will the Honourable Minister for Revenue be pleased to state—

- (a) the total area damaged by Thur and Sem, and consequently rendered unculturable in every one of the four canal-irrigated villages, namely Gakhara Kalan, Khanwali, Chak Wassan and Nawan Lok in tahsil Gujrat ;
- (b) whether he is aware of the fact that the seepage drain passing through this area has had no effect so far as the reclamation of this area is concerned ;
- (c) whether it is a fact that the owners of this area made some years ago a representation to the Government in this respect, if so, whether the Government has taken any action thereon, if not, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The villages in question are not suffering from sem now. The area affected by *thur* in these villages is given below :—

Name of village.				Area under <i>thur</i> Acres.
Gakhara Kalan	..	..	..	407
Khanwali	..	..	..	387
Chak Wassan	..	..	..	72
Nawanlok	..	..	..	249

(b) Seepage drains are not designed to cure *thur* but to arrest the rise of sub-soil water.

(c) Yes. The question of alleviating distress in these villages is already engaging the attention of Government.

ARRESTS OF KHAKSARS.

*6526. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

- (a) the number of Khaksars arrested and sentenced district-wise throughout the province up to 31st March 1940, and also of those released after tendering apology ;
- (b) the batches of Khaksars that offered resistance in giving up their *Belchas* and at the time of their arrest ;
- (c) the batches of Khaksars in effecting whose arrest tear gas was used and the cost of the tear gas used on each occasion ;
- (d) whether any negotiations are going on with the Khaksars or some body on their behalf by the Government with a view to end this situation ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a)—

Arrested	..	..	..	588
Convicted	..	..	..	94
Released after apology	..	..	..	144

(b) Five.

(c) Two.

The figures for the actual cost of the tear gas would be misleading since the pay of the men, transportation charges from Pbillaur to Lahore, etc., should also be included. These cannot be accurately assessed.

(d) I have nothing to add to the *communiqué* recently published.

HUNGER-STRIKE IN CENTRAL JAIL, MONTGOMERY.

***6527. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state whether a number of political prisoners including Messrs. Mirdad Khan and Abdul Karim Shorish, were on hunger-strike in Central Jail, Montgomery, some weeks ago ; if so, reasons for the hunger-strike and steps that were taken to end the same ?

The Honourable Mr. Manohar Lal : No. The second part of the question therefore does not arise.

PUNJAB JAILS.

***6528. Sardar Hari Singh :** With reference to answer to starred question No. 6427¹, will the Honourable Minister for Finance be pleased to state—

(a) whether the relatives or guardians of a prisoner confined in the Punjab jails who may be dangerously ill are informed of the fact ;

(b) whether the relatives of Mangal Singh, deceased, were informed beforehand of the dangerous state of his health and whether after his death they were telegraphically informed of his death ; if not, why not ?

The Honourable Mr. Manohar Lal : (a) and (b) The relatives of Mangal Singh were aware of the fact that he was seriously ill. Indeed, some of them were his fellow prisoners in the Hoshiarpur Sub-Jail. Others used to visit him in the Civil Hospital, Hoshiarpur. At the time of his death they appear deliberately to have kept away from him to save themselves from the expenses of cremation, but on the third day after his death they appeared to take charge of the ashes. There is no telegraph office near Mangal Singh's village and it would have been a waste of money to send a telegraphic message there as his relatives were known generally to be found in Hoshiarpur and not in the village.

PUBLIC HINDU HIGH SCHOOL, RUPAR.

***6529 Dr. Satyapal :** Will the Honourable Minister for Education be pleased to state—

- (a) whether he is aware of the fact that the Public Hindu High School of Rupar was given a grant of Rs. 27,500 by Government in 1928—30, as building grant ;
- (b) whether it is a fact that under the rules the school committee was bound to satisfy the Department, that they were in a position to contribute one-half of the cost of the building ;
- (c) whether it is a fact that the school committee showed fixed deposit receipts and some amount in current account with the Punjab Co-operative Limited, Bank, Rupar ;
- (d) if the reply to part (c) be in the affirmative, whether he would be pleased to lay down the full particulars of—
 - (i) the amount shown in the application by the school committee for building grant as fund of the school with full particulars of fixed deposit receipts regarding the amount, the date of deposit and the date on which these sums were due ; the current deposit amount ; and
 - (ii) the amount of the building grant paid or advanced by Government from time to time, with dates ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The honourable member is referred to Article 104, Punjab Education Code.

(c) There is nothing on record to this effect.

(d) The following particulars were given by the school authorities in the application form :—

	Rs.
Endowment	8,000
Subscriptions	10,500
Other private sources (building reserve fund) ..	9,000
Total ..	27,500

(ii)—

	Rs.
On 18th March, 1928	10,000
On 31st May, 1929	10,000
On 3rd May, 1930	7,500
Total ..	27,500

FORCED LABOUR IN HISSAR DISTRICT.

*6530. **Pandit Shri Ram Sharma :** With reference to the answer to starred question No. 6026¹, will the Honourable Minister of Revenue be pleased to state—

- (a) whether by this time the inquiry has been completed ; if so, with what result ;
- (b) what sort of forced labour was taken from the Harijans in the Hissar district and under whose orders ;
- (c) whether anything was paid to the poor Harijans in lieu of their labour ?

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

Second part.—No forced labour was taken from any member of the depressed classes.

(b) and (c) Do not arise.

Pandit Shri Ram Sharma : May I know whether that inquiry was made in the village of the Harijans concerned or they were sent for at the headquarter ?

Parliamentary Secretary : Inquiry was made in the village.

Pandit Shri Ram Sharma : May I know who went to the village to make the inquiry ?

Parliamentary Secretary : The Revenue Officer.

Sardar Lal Singh : Was any kind of forced labour extracted from these Harijans ?

Parliamentary Secretary : I may inform the honourable member that complete and thorough inquiry was made into this matter. Along with the statement of the applicant the statements of seven lambardars and nine wazifadars were taken. The Revenue Officer visited the village of Harijans himself. He took no officer with him so that the Harijans might not be influenced by his presence. The Harijans stated that the statement given by Ranjit Singh was absolutely incorrect and un-founded and further said that they participated in the warm reception of the Minister for Development as hundreds of other people took part in it and that no forced labour was extracted from them. In this connection I may also point out that Ranjit Singh is a dismissed patwari and his dismissal was due to his inefficiency. After his dismissal he joined the Congress Party and now he is making false propaganda against the Government.

Pandit Shri Ram Sharma : May I know if the Parliamentary Secretary has made this statement on the strength of the information received by him in this connection ?

Parliamentary Secretary : It is not an oral statement. What I have said has the support of the complete file behind it.

Pandit Shri Ram Sharma : Has the Parliamentary Secretary learnt it by heart ?

Parliamentary Secretary : Yes in order to satisfy the honourable member's curiosity.

ROYALTY ON STONES IN CERTAIN VILLAGES IN RAWALPINDI TAHSIL.

***6531. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the residents of 18 villages named Aujri, Machhial, Dakhli, Bhangril, Dhokri, Malpur, Sambal Kasak, Atyal, Dhok Gujran, Nurpur Shahan, Katerian, Saidpur, Bhangril, Bharacow, Bagh Kalan, in Rawalpindi tahsil, have made several representations to the Government against the harshness of the rules requiring payment by them of royalty on stones heaping up in their fields; if so, the action taken thereon so far ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. Royalty is correctly charged on stones collected for sale. No royalty is charged on stones heaped up by zamindars for their own use.

INCREASE IN THE NUMBER OF BLIND IN THE PROVINCE.

***6532. Khan Muhammad Yusuf Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) the number at present of the blind in the Punjab ;
- (b) the aims and objects of the institute for the blind, if any, in the province ;
- (c) whether it is a fact that the number of the blind is on the increase in the province ; if so, the action that the Government has taken so far to check the increase ?

The Honourable Mian Abdul Haye : (a) Not known. According to the last Census Report of 1931 it was 69,673.

(b) There are two institutions for the blind in the Punjab—

- (1) The Emerson Institute for the Blind, Lahore ; and
- (2) The Institute for the Blind, Amritsar.

The former is a Government institution, and the latter is run by a private body, but is aided by Government.

The aims and objects of the Emerson Institute for the Blind are—

- (i) to impart training to the blind boys in 3 R.'s on the Braille system,
- (ii) to give them training in suitable handicrafts such as *charpoy* weaving, *chick* and *near* making, cane seating and in music to enable them to earn a decent livelihood instead of going about abegging, and
- (iii) to provide them with work in the above crafts in the workshop proposed to be attached to the Institute on the completion of their course of training.

The aims and objects of the aided Institute at Amritsar are more or less the same as those of the Emerson Institute for the Blind.

(c) It is not possible to say at present whether or not the number of the blind is on the increase in the province. This will be known when the figures of the next Census to be held in 1941 are available.

C. I. D. OFFICIALS IN THE GALLERIES.

Chaudhri Kartar Singh (Urdu): On a point of order. May I know
1 p.m. if it is a fact that the C. I. D. officials sitting in the galleries possess loaded revolvers?

Mr. Speaker: No reference to any person in the gallery can be made on the floor of the House. It is against Parliamentary practice. The honourable member can consult me on this subject in writing or verbally outside the House.

THAL (INCREASE IN VALUE) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): Sir, the consideration stage of my Bill has reached and I, therefore, beg to move—

That the Punjab Thal (Increase in Value) Bill, as reported on by the select committee be taken into consideration.

I may with your permission make a few remarks on this motion. I think I should inform the House of the changes that have been made by the select committee in this Bill. The first change that has been made is only a verbal change, that for the words "Punjab Government," the words "provincial Government" be substituted. The second change that has been made by the select committee is that we have removed sub-section (e) of section 2, because we have provided a new definition of "Thal Canal" and defined it as the area which comes under irrigation and receives supply or storage of water from the Head Works near Kalabagh on the Indus. As regards section 3, the words "within the Thal area" have been omitted. Now coming to section 4, subsection (8), the word "occupancy" has been added. The reason for this is that we have no intention to bring in ordinary tenants on this land. It is only the occupancy tenant who has got some

[Minister for Revenue]

stake in this land, so he has been brought under the purview of this Act. Then in section 5, we have omitted subsection (2), because the liability of persons holding joint or different rights in the same land shall be joint and several. In the provision that has been made, this has been clearly indicated. Therefore, this portion of the subsection was unnecessary. Now coming to section 7, an important change has been made by putting in a proviso to this section of the Bill. The proviso reads—

Provided that in every case Government shall permit the tax to be paid in six-monthly instalments not exceeding one rupee on each acre of the land on which the tax is payable.

In section 9 we removed the word “also” which was unnecessary. In section 10, to make the language clear in the matter of levying the tax we have added the following words:—

And for gradation of the tax with reference to the character of the soil or the size of the holding.

and made our object clear and definite.

My honourable friends would remember that there are certain other provisions which have been made for exempting certain holdings, which I think it is not desirable to provide in the statute itself. We shall provide them in the body of the rules, if need be, and we will do the needful in the matter.

Another point which has been raised to-day is, as to when this tax is to be levied or when this Act will be enforced. I may state, for the information of the House that there is no intention of applying this Act immediately after it is passed. My friends would realise that unless canal water is carried to the area which is going to be irrigated, it will not be possible for the Government to tax that land and force those people—some of them very poor people—to sell some of their lands to pay this tax. Therefore, we are providing that this Act should come into force by instalments as and when necessary by notifying the areas that come under irrigation. (*Hear, hear.*) I may assure the House that there is no idea in the mind of the Government to collect the tax as a whole on the whole area that is going to be irrigated because nobody knows what is the amount of irrigation that is going to be given to these lands. So, unless the people are assured of the supply of water and the area that is to be irrigated, one cannot say when this portion of the Act will apply. Supposing a man owns one hundred acres of land and he cultivates ten acres only out of that holding and uses the water for the hundred acres which he is going to get, it is not right that he should expect that the Government should only charge him for ever on ten acres. So, as soon as the rest of the area comes under irrigation, the Government would notify that area and demand tax for that land. With these few remarks I would move the motion standing in my name and ask that the same be taken into consideration.

Mr. Speaker : Motion moved—

That the Punjab Thal (Increase in Value) Bill as reported on by the select committee be taken into consideration.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, when this Bill was first introduced in this House it was introduced in a great hurry by the Government and they wanted to enact it on one and the same day. But to-day while presenting the report of the select committee on this Bill the Honourable Minister for Revenue observed that this Act would be enforced by stages. If that was the intention of the Government in the beginning, I think there was no necessity whatsoever for rushing through this measure. I really do not see any reason for enacting this Bill when as a matter of fact it will be enforced after a long time. Besides, I may point out that this Bill has emerged from the select committee in a considerably amended form and one or two new clauses have been incorporated in it. This also shows that while introducing the Bill and moving for its consideration due thought was not given by Government.

Further, my submission is that two notes of dissent have been appended to the Bill as reported by the select committee. I do not propose to deal with them at this stage but would say something with regard to them when this Bill will be considered clause by clause. I think, and so do other members of the Opposition party, that many outsiders have purchased lands in Thal area after the year 1936. They in fact thought that as the Punjab Legislative Council had passed a resolution in that year recommending to the government that Thal Project should be taken in hand, so naturally in view of this and other information which they gathered from other sources, they started buying lands in that *ilaga*. In this connection I may point out that I put a question to the Government inquiring as to how much land has been purchased in that *ilaga* by outsiders and how many of them possessed more than 100 acres of land? The reply which was given was that the outsiders had purchased something like 12,000 acres in the Tahsil of Leiah alone. They must have purchased these lands at Rs. 4 or Rs. 5 per acre. Now, when this canal will be started, these people will sell these lands at a good price and thus would make lakhs of rupees. The Opposition party has given a very careful consideration to this matter and they have arrived at the conclusion that the people who purchased lands in this *ilaga* with a view to make profit should be charged a high rate of tax. Keeping this thing in view I have pointed out in my note of dissent that these persons should be charged double the tax on their lands.

Then again, the Opposition party has also taken into consideration the matter that the poor people who have been living in this *ilaga* for the last forty or fifty years and who have only small holdings which are almost sandy and which in fact at present produce nothing or, if at all they yield any produce that is not even sufficient to meet the land revenue demand, should be exempted from the payment of this tax. We decided that as these lands are of inferior quality therefore no tax should be levied on them. In fact the Opposition party is of the opinion that it is just possible that all lands may not turn out to be of good quality, that is the reason why an amendment has been moved providing for a gradation of the tax. It is stated in the amendment that so far as the holdings less than 25 acres are concerned they should be exempt from this taxation. If the Government are really the well wishers of the poor it is their duty that they should not levy any tax on the holdings of such persons who are the residents of the district and who in fact are making their both ends meet with great difficulty.

[Mian Muhammad Nurullah.]

In view of this I have stated in my note of dissent that no tax should be levied from those persons whose holdings are less than 25 acres or for administrative reasons 28 acres, that is, a square of land. The second reason why we have arrived at this conclusion was that in many parts of this *ilaga* the lands were of inferior quality and holdings were not economic holdings. I think that at least in the beginning such facilities should be given which we have suggested. Now in the Lyallpur district people have settled and the holdings and their water-supply have also become settled and that is the reason why 12 acres of holdings are considered to be economic holdings in that area. It means that 12 acres are sufficient for a single person which he can till very easily. Against this the lands in Thal area are of very inferior quality and it is therefore in the fitness of things that there a bigger unit should be fixed. In my opinion it should be 25 or 28 acres which a person can till and from which he can make his livelihood. In view of these reasons we have tabled an amendment that these holdings should be exempt from the proposed taxation. It behoves my honourable friends to consider this matter very carefully. In addition to this the Opposition party has tabled other amendments regarding gradation of this tax. But I do not agree with them *in toto*. What I want is that all the persons who have purchased lands after 1936 be made to pay double the tax and those whose holdings are less than 25 acres should be exempted from the payment of this tax.

Then there are other amendments as well. In my opinion one or two of them are very important. One of them relates to grants of lands. I think this practice should not be followed in that *ilaga*. Let me point out that the people are given grants of lands in lieu of the services which they render to Government. It is no exaggeration to say that for getting these grants people go out of their way to help Government. They do not even fight shy of telling thousands of lies because they are sure that in the end they would certainly get grants of lands. In my opinion this method is open to very serious objections and it should be given up as soon as possible. Crown lands are an asset of the State and should not be given away like that.

Now, I may point out that as the Government have accepted the principle of gradation at the end of clause 10, I do not see any reason why they should retain the right to "exempt any particular site or class of sites from the operation of this tax on grounds relating to either the character of the soil or the size of the holding." As a matter of fact if our suggestion, that persons whose holdings are less than 25 acres should be exempted from the payment of the tax and the outsiders who have purchased lands for the sake of profit should be made to pay double the tax and the rest of the zamindars should pay ordinary rate as proposed by Government, is accepted, in that case there will be no necessity for the Government to reserve to themselves the right of exempting any site or class of sites from the operation of this tax on grounds of character of soil or size of holding. I personally do not see any reason why Government want to retain to themselves this power. This point also requires further elucidation.

Then Sir, there are some clauses which are unnecessary. For instance there is clause 9. This empowers the Government to withhold irrigation from any land on which the full amount of tax has not been duly paid. In

my opinion this is absolutely unfair. The Government should not be invested with the power of withholding irrigation. The clause as it stands tantamounts to investing unlimited powers in the hands of the officials and it is very likely that they would misuse them. I think this discretion should not be given to them.

One word more and I have done. Supposing for the sake of argument a person owns 4,000 acres of land, but he has no money. If in such a case you compel him to pay a tax of Re. 1 per acre, he has to pay Rs. 4,000. He will be forced to borrow. The proper thing to do in a case like this would be to allow him to surrender land of equal value to Government in order to avoid his falling into debt. This would make the measure less stringent in its effects inasmuch as it would give the landholder an opportunity to surrender his land of equal value and guard against his falling into debt by borrowing from others.

I would, therefore, request you to allow this concession and save him from indebtedness. I appeal to my honourable friends of the Opposition not to waste the time of the House, for this is the harvest season for us, and request the Government to refrain from bringing forward new Bills so that we may not be unnecessarily detained longer for the session. Let us pass the measure as soon as possible so that the Thal Project might be expedited and people of that *ilaga* prosper like those of other canal colonies.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural), (Urdu) : The Bill as it has emerged out of the committee is anything but satisfactory. It would not be wrong if I say that the Bill as it stands puts the cart before the horse. I have come to know that some engineers and Government experts have serious differences of opinion regarding the details of the scheme embodied in this Bill. They do not agree about the plan of the project, and the mode of taxation proposed to be levied. It will be no exaggeration if I say that there is no specific principle which is being adhered to in this case. The main details as far as I have been able to know are as follows :

Mr. Speaker : The honourable member knows, I presume, the motion which is now before the House. So, he should speak to that motion. The motion is that the Punjab Thal (Increase in Value) Bill as reported by the select committee be taken into consideration. To discuss at this stage the clauses of the Bill or the amendments, which other honourable members wish to move, is out of order. Therefore, I request, the honourable member to give his reasons for or against the motion.

Mr. Dev Raj Sethi : Very well, Sir, I would not go into the details of the case. Anyhow I can say that the scheme is most ill-conceived. As a rule, survey always precedes the commencement of a project, but the case appears to be reverse here. The work on the Head Works commenced in July last before even the preliminary survey was undertaken. I put it to the Honourable Minister of Revenue, if it is not a fact.

Raja Ghazanfar Ali Khan : May I ask one question? The honourable member said that he is going to oppose the consideration of this Bill. May I ask whether he is doing it on behalf of his party or in his individual capacity?

Mr. Speaker : That question is disallowed.

Mr. Dev Raj Sethi : My next submission is that experts are not agreed on this scheme as a whole. They seriously differ as to whether the channel or the basin system of irrigation should be adopted. The basin system of irrigation can work only at places where the soil is sandy and not of superior quality. Usually a tract of 5,000 acres of land is left to be converted into one field and irrigated direct from the canal. May I know which of the two systems have found favour with the Honourable Minister? Is he in favour of basin system or the channel system? If he has not arrived at any decision so far in this connection and has not yet been able to get over the technical difficulties that stand in the way of the scheme, I, for one, am at a loss to understand how he has thought fit to come forward with the Bill, with a view to embark upon this scheme in right earnest. According to my information there will be only one crop, I mean the rabi crop in that area. The kharif crop which is the main source of income for the zamindar, out of which he can pay Government dues, would not grow there at all. If that is so, I fail to understand how the poor zamindars will pay land revenue and abiana and in addition to it the tax proposed. When the House knows that the kharif does not grow there, how is it fair to expect that the zamindar would, while making the two ends meet, be able to pay the Government dues?

The Unionist Government, I may be permitted to say, is assuming a heavy responsibility and in this case it is bound to commit blunder. At this stage it may not be out of place, if I mention that according to a member of the Unionist Party, the survey file which was sent for by His Excellency the Governor somehow or other got misplaced.

Minister for Revenue : My honourable friend is making a statement about a file. He must name the person who gave out the news.

Mr. Dev Raj Sethi : Sir, I was pointing out that the file was misplaced. At any rate if this statement is not true, the Honourable Minister will have the opportunity to repudiate it.

Minister of Revenue : This is a base allegation altogether.

Mr. Speaker : The allegation may be ill-founded and unjustified but as it has been made the Honourable Minister may answer it if he likes.

Minister of Revenue : Why should the honourable member make such a statement?

Raja Ghazanfar Ali Khan : The honourable member has said that a Unionist member has made that statement. Am I not entitled, when he has made a particular reference to a particular member of the Unionist Party, to ask him to name that member?

Mr. Speaker : Did he say so?

Raja Ghazanfar Ali Khan : He said that a responsible member of the party has told him—.

Mr. Speaker : What did the honourable member allege?

Mr. Dev Raj Sethi : What I said was that this information was given to me by a member of the Unionist Party.

Mr. Speaker : I have ruled more than once that no conversation, which takes place between the honourable members of this House outside the House, should be referred to or brought in at all and that no statement or speech should be based on such conversations. Therefore, the honourable member may withdraw his statement and proceed with his speech.

Mr. Dev Raj Sethi : Very well, Sir, I withdraw. I was submitting that the survey is incomplete and—.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : May I ask which survey my honourable friend is referring to ?

Mr. Dev Raj Sethi : Now, Sir, if even His Excellency the Governor is aware of these facts—.

Minister of Revenue : He is making the same reference.

Mr. Dev Raj Sethi : If all this is correct and if the project is to cost so much of money, I beg to submit that it is more reasonable that the matter should be given most serious consideration. It is the fundamental principle that must be decided ; the details can be taken up afterwards. There is absolutely no sense in rushing through this measure. May be the Government have political reasons for doing so, but we must not treat the issue involved so lightly as that.

Let us suppose that the channels are constructed and water is also supplied ; but what if the land to be irrigated happens to be sandy and four times more water than the quantity which would ordinarily be sufficient for ordinary soil is needed ? It is really the case in some parts of that *ilaga*.

Experiments have been made in which one *marla* of land has not been properly watered by a well worked continuously for full twenty-four hours. In such circumstances even if the water is abundant only one harvest will be sown. Moreover the opinions of the Government experts themselves differ on this matter. If the Bill is considered clause by clause in the light of these facts, it will be found that there could not be greater deception than this ; therefore, strongly oppose this Bill at this stage.

Khan Bahadur Nawab Malik Allah Bakhsh Khan (Shahpur, Muhammadan, Rural), (Urdu) : Sir, I am opposed to the principle of this measure. It is because I cannot tolerate such step-motherly treatment being meted out to the loyal and poverty-stricken people of the Thal area.

The system of canal irrigation has been in vogue in the Punjab for the last 50 years but no tax for increased values has ever been levied on the construction of any canal so far. Those canals were constructed at a time when the income from land revenue and the water rates was not so great as it is at present. Not even then did the Government think of imposing any tax on the people who were going to be benefited and the whole cost was borne by the exchequer. But now in connection with this project the plea put forward by the Government in support of the imposition of a tax is that the canals will have to be lined for guarding against the evil of water logging and the cost will rise manifold.

I would respectfully submit that this is not the first occasion that such cement lining has been done. In the case of Bikaner canal which affects

[K. B. Nawab Malik Allah Bakhsh Khan]

the poverty-stricken people a cement lining has been provided. Again in the Haveli Project the canals have been lined but in neither case was a tax levied on the people. I do not consider it just and proper that the Government should impose a tax on undertaking the Thal Project which was not imposed in the case of the Haveli Project.

In view of these facts I respectfully beg to submit that the Government should revise the principle underlying the Bill and should do away with the proposal of imposing a tax on the people of Thal area as soon as possible. I do not mean that the project should not be proceeded with but what I demand is early completion of the canal without levying any extra tax as is proposed in this Bill.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) (*Urdu*): Sir, my honourable friends Mian Muhammad Nurullah and Mr. Dev Raj Sethi are opposed to the consideration of the Bill.

Mian Muhammad Nurullah: No, I did not oppose the consideration.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Very well, Sir. I stand corrected. The arguments advanced by both these honourable gentlemen in favour of or against the consideration of the Bill were identical. I am surprised that with similar arguments one of them opposed while the other supported the motion for consideration of the Bill. It has been suggested by both of them that the Bill was premature at this stage and that the Government was unnecessarily rushing it through. My honourable friend Mian Muhammad Nurullah also remarked that the Government was in such a hurry to rush through this measure that they did not even care to have the Bill properly drafted and that the draft was so bad that the select committee had to make a large number of amendments both in the language and in the substance of the Bill. I beg to submit that no human effort can be claimed to be perfect and complete. There is always scope for improvement in everything accomplished by man. It is possible that some points or a certain aspect of a question may be overlooked by one person which may strike another. The select committee stage in a Bill is provided for detecting and removing the flaws, if any, and for improving the measure if possible. It is therefore a weak argument that because the select committee had made some changes in the Bill, it was drafted in haste.

As I stated on a previous occasion the question of providing canal irrigation in the Thal area has been under the consideration of the Punjab Government for a long time. The idea was first mooted during the sixth decade of the 19th century. Many schemes were prepared and abandoned for one reason or other. Finally this matter was taken up by the present Government and they decided to undertake and complete the Thal Project. The scheme presented many difficulties both of technical and financial nature, but the Government faced these problems with boldness and courage. The Government was determined to overcome the difficulties and make the undertaking a success. The scheme presented two main difficulties which needed solution before it could be undertaken; first with regard to the financial soundness of the scheme and second regarding the alignment of the main line and the branches of the Thal canal. The irrigation expert,

who prepared the Thal Project in 1936, estimated that the project would pay a return of 5.18 per cent, if Rs. 2 per acre matured was to be charged as land revenue, without levying any initial capital charge. If Rs. 1 per acre of matured crops were to be charged as initial capital charge or the land revenue was raised to Rs. 3 per acre, then the project was estimated to pay a return of 6.87 per cent on the sum at charge. On re-examination of the project it was found that it would be necessary to line the main canals and branches at a cost of about 2½ crores in order to prevent waterlogging which had caused widespread damage elsewhere, and make the fullest possible use of the comparatively limited supply of water available in the Indus during the cold weather. Moreover, the results of the soil survey revealed that in some portions the nature of the soil was such that it would be extremely difficult, if not impossible to pass the canals from these areas unless canals were lined. It was, therefore, decided to line the main canals and branches. The addition of this large sum to the cost of the project made it no longer productive unless some means could be devised by which the rates could be substantially increased so that the project should not be a burden on provincial exchequer. In view of these developments the Government was left with only two alternatives; either to abandon the project or to find means to meet the additional cost of the project. As there was a keen and general demand from the people of Mianwali, Muzaffargarh and Shahpur districts, who were to benefit from this project, for its early completion, the Government proposed to levy a tax in order to make the project a sound financial proposition. This Bill has been introduced to enable the Assembly and the representatives of the Thal area to express their views on the Government proposals and to decide whether the execution of this project is to be continued. This project, like other similar projects, will be financed by borrowing. The loan can only be secured if the subscribers are assured of the financial soundness of the undertaking. It is, therefore, incorrect to suggest that the introduction of the present Bill is premature and that the Government is unnecessarily rushing this measure through in haste. It is only after we have ensured the financial soundness of the Thal scheme that we can go to the market for a further loan. If the consideration and passage of this Bill is delayed it will seriously impede the progress of the project. I, therefore, strongly support the motion for consideration of the Bill moved by the Honourable Revenue Minister.

I would like to say a few words with regard to certain remarks made by the honourable members who have preceded me. It was suggested by Mian Nurullah and Mr. Dev Raj Sethi that the Government had failed to take effective steps to check the exploitation of outsiders in the Thal area, who speculated by purchasing large areas in the Thal with a view to make enormous fortunes out of this project. This is not correct. The Government took every possible precaution to check such exploitation. When the Honourable Premier visited Muzaffargarh district in the beginning of 1939 he warned the people of the district against the exploits of capitalists and speculators. He addressed large and representative gatherings of the people of the district at Muzaffargarh, Kot Adu and Leiah, and on all these occasions he told the land owners of the Thal area that the Government had sanctioned the Thal Project mainly to benefit the small and poor land owners. He explained to them that the value of their lands would greatly

[K. B Mian Mushtaq Ahmad Gurmani] increase in the near future and that their waste and unproductive lands would become fertile and productive. It would, therefore, be in their own interest not to part with their lands and utilize the benefit of irrigation themselves. He said that outside capitalists and speculators would make every endeavour to tempt the local zamindars to sell their lands but they should resist such temptations. This warning put the zamindars of the Thal area on guard; but the capitalist speculators did succeed in securing from some of the simple-minded zamindars a portion of their holdings. As soon as the Government came to know of this they issued a notification according to which no outsider, who was not a permanent resident or owner of land in the district, could be treated as an agriculturist even if he were a member of a tribe notified as agriculturist. As a result of this notification outsiders were to be treated as non-agriculturists and the deputy commissioners of Mianwali, Muzaffargarh and Shahpur districts were advised not to sanction any sale in favour of such persons. This timely action on the part of the Government nipped the evil in the bud. This notification was most opportune and beneficial to the local zamindars. It deprived some of my honourable friends sitting opposite to speculate in the Thal area. Perhaps my friend Mian Muhammad Nurullah was also one of those who suffered disappointment in this connection.

Munshi Hari Lal : May I know the date of the notification ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : If my honourable friend consults the *Punjab Government Gazette*, a copy of which he regularly receives, he will find the exact date.

Munshi Hari Lal : Approximate date ?

Khan Bahadur Mian Mushtaq Aghmad Gurmani : As far as I can recollect the notification was issued in the summer of 1939.

Minister of Revenue : Sometime in December, 1938.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I was submitting that the Government did everything possible to check outside exploitation in the Thal area. My honourable friends Mian Muhammad Nurullah and Mr. Dev Raj Sethi were not right in accusing the Government for not taking adequate steps in this respect. Mr. Dev Raj Sethi raised certain technical issues to prove that the project was ill-conceived. I must confess that I am a layman and am not in a position to express any opinion on such highly technical matters. I am afraid I cannot accept the claim of my honourable friend to speak on such issues with authority. The achievements of the Punjab Irrigation Department are a sufficient proof of the capacity and efficiency of our engineers. In the matter of canal irrigation the Punjab leads perhaps every other part of the world. We can therefore, safely leave the technical side of the scheme in the hands of our engineers. I would however like to correct my friend Mr. Dev Raj Sethi with regard to his statement in respect of the quality of soil in the Thal area. He said that the soil was sandy and unsuited for kharif cultivation. This is not correct. The printed Thal Project of 1936, volume II, contains extracts, from settlement reports regarding the fertility of the area which is proposed to be irrigated. Mr. C. M. King, late Financial Commissioner to the Punjab Government, commenting on the assessment report

of Bhakkar tahsil remarked, "the soil of Thal Kalan circle is a light loam which is wonderfully productive when it gets moisture. The Daggar circle has many of the characteristics of the Thal Kalan, but the soil is harder and as a rule more level. A light rainfall, which may be productive in the Thal Kalan, is frequently not sufficient to penetrate the harder soil of the Daggar and to produce equally good crops there." Mr. J. D. Anderson, Settlement Officer in his assessment report of Leiah Tahsil made the following observations :—

The soil is, in local parlance very cold, and provided that rain falls, wheat can be matured with three or four waterings from a well. The westernmost strip, all of which runs along the high bank, is very productive when carefully cultivated and is a separate assessment circle known as the Jandi Thal. The soil is hard and takes five waterings.

He further remarked—

Almost everywhere the soil is clean, except large patches of the Thal where it is supposed to be salt, though I believe it is the well water rather than the soil which is bitter.

The assessment report of Kot Adu tahsil contains the following remarks :—

In the Thal itself most of the soil is sand distinguished as bitter and sweet according to the quality of the water of the wells. These soils vary in productivity, but seldom determine the crop grown in them, which is dependent on the water supply.

I may also inform the House that in parts of the Thal where adequate well irrigation is available very good cotton and sugarcane crops are grown. The whole area was soil surveyed by each 10 acre rectangle. The work was begun by the Irrigation Department in March, 1922. The Superintending Engineer, who prepared the 1924 project, says,—

This work was so methodical that the field surveyors ever quite expert at it, and their work being constantly supervised by Sub-Divisional Officers is quite reliable.

This will show that the apprehensions of my honourable friend with regard to the fertility and productivity of the soil are unfounded. The soil of the Thal may not be as productive as that of other colony districts in the Punjab, but I do not accept the suggestion that the Thal soil is unsuited for kharif cultivation. My friend Mian Muhammad Nurullah suggested that no grants-in-aid should be made in the Thal colony.

Mian Muhammad Nurullah : I never said anything about grants-in-aid ; not a word about it.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I am sorry. I meant grants of lands.

Minister for Revenue : In colonies it is only lands and not money.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : If my honourable friend had said that no grants should be made to rich and well-to-do people, I would have supported his suggestion. But I do not agree with him that no grants should be made even to peasant proprietors whose holdings are uneconomical or to the cultivators. Some 15 years ago the Punjab Government appointed a committee under the chairmanship of Mr. J. D. Anderson,

[K. B. Mian Mushtaq Ahmad Gurmani]

late Settlement Officer, Muzaffargarh district, to enquire into the causes of economic backwardness of the district and to suggest means for its economic reconstruction. The committee observed that one of the main causes of economic backwardness of the district was heavy pressure on land and recommended that a scheme of emigration should be prepared and cultivators of Muzaffargarh district should be given lands in colony districts in order to reduce the pressure on land. The Government has made no effort in this direction so far. Muzaffargarh district has received little share in the grants of land in colony districts. Now that there is some chance for these poor and neglected people to get grants of land, my friend Mian Muhammad Nurullah suggests that the system of grants should be discontinued. Perhaps he forgets that his ancestors and other colonists were given generous grants of lands and he owes his present status to Government grants. Why should the Government follow a different policy in the case of Thal, to the detriment of local zamindars? There is no reason why owners of small and uneconomic holdings and cultivators of Muzaffargarh district should not be given grants of lands in the Thal colony. Justice and fairness demands that all the Crown lands in the districts of Muzaffargarh, Mianwali and Shahpur should be distributed among the local inhabitants of these districts. This is the only way to make up for the step motherly treatment that our districts have received at the hands of the Government in the past. Does my friend Mian Nurullah want that outside capitalists should be introduced in this area to exploit the poor local zamindars?

Mian Muhammad Nurullah : I never said that, I only referred to the land-grants to big people like my honourable friend there.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : If that is the object of my honourable friend he has my full sympathy. I do not, for a moment, suggest that big landlords or wealthy persons should be given grants of lands in future, but I would urge upon the Government, with all the emphasis that I can command, that the Crown lands in the Thal area should be given exclusively to local zamindars and cultivators whose holdings are small and uneconomic. This is the only way to reduce the pressure on land in these districts and to improve the economic condition of the people of that part of the province.

Subedar-Major Raja Farman Ali Khan : Will the income of this area be spent on this area alone or on other districts of the Punjab as well?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : If my honourable friend will put me this question outside the House I shall explain to him in detail as to how irrigation schemes are financed and how the receipts are utilised. My friends of the Congress are opposing the motion for consideration with a view to shelve the Thal Project. Their attitude on this important question is hardly consistent with their professions of sympathy towards the poor and backward classes. The Congress party has been exposed to-day, by the utterances of Mr. Dev Raj Sethi.

Before I conclude I would like to assure the Government that the land owners of the Thal area will lend their whole-hearted co-operation to the Government in making this undertaking a success, and I hope the Government will try to expedite the completion of the Thal scheme in the shortest possible time.

Sayed Mohy-ul-Din Lal Badshah (Attock South, Muhammadan, Rural) (*Urdu*): Sir, I do not wish, at present, to go into the details of this Bill. I would merely make one or two submissions with regard to the principle underlying it as I am opposed to this principle. My first and foremost objection to it is that we should not lend our support to the imposition of a tax which would make an invidious distinction between this district and the other districts of the Punjab. It is argued on behalf of the Government that if this tax is not imposed, it would become impossible to complete the Thal Project and the possibility is that it may not be taken in hand at all. That is why the Government have not thought it fit to throw the burden of the expenditure of this Project and the resultant loss on the shoulders of the other districts of the province and have consequently proposed this new tax. But may I ask, when the expenditure of the Thal Project will be met by the sum raised through this tax, whether the Government will assure us that they will no longer charge any water rate from the residents of this area and will remain content with the collection of land revenue and the costs of the administration of the department only? Will there be any justification in the Government continuing to charge extra amounts from the agriculturists even after recovering the full expenditure of the project together with interest thereon? It would be quite in the fitness of things if water rate is abolished in that case. When the canal will be dug at our cost and the water rate thereon will also be received from us, the Government would have, in fairness, to abolish water rate after recovering the full capital sum invested together with interest. If the Government agrees to this stipulation, we are prepared to pay even Rs. 100 instead of the proposed sum of Rs. 80 per acre. But if the Government are not prepared to make this agreement with us, it would be unfair to make an invidious distinction between this district and the other districts of the Punjab.

It has been argued by an honourable member that when the people who stand to gain or lose by this Bill are in favour of this measure, why should other people object to it? In reply to this I would only say this much that I hail from a neighbouring district and know personally that three or four zamindars who stand to reap a considerable advantage from this project do not oppose the proposed tax lest the idea of digging this canal should be abandoned and they should consequently be deprived of the means of canal irrigation. Thus they are driven in a way to oppose their own personal interest. In reality they are opposed to the imposition of this tax. May be they are bound by the ties of the party system. (*Khan Bahadur Captain Malik Muzaffar Khan*: On the other hand we are in favour of providing canal irrigation to this area.) At present I merely oppose the principle of the Bill instead of discussing it in detail. My objection is that this district should not be treated differently from other districts. With these words I conclude my speech.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir, I want to clear the position of the Congress party as there seems to be some misunderstanding with regard to their attitude towards the Bill under consideration. The first and foremost object of the Congress party is that means of irrigation must be supplied to such backward areas as the Thal. It is wrong to say that we are opposed to any scheme of supplying irrigation to the Thal area. We really want that the conditions of the poverty stricken

[S. Kapur Singh] people should be ameliorated. The meaning of my honourable friend, Mr. Dev Raj Sethi, was not that no improvement should be effected in the Thal area. The object was, as it has also been made clear by some honourable members from that side, that taxation should not be resorted to, and some other means should be employed. There should not be any departure from the procedure that was followed at the time of digging other canals in the Punjab. The Congress is opposed to this taxation only and not to the improvement of this *ilaga*. The first and foremost idea of the Congress is that taxes should not be levied on the zamindars, and if some taxes are to be levied, they should be levied on the rich landlords and not on the poor petty holders of land. A glance on the amendments tabled by the Congress would reveal that what I am saying is correct. In all these amendments, we have sought to shift the burden from the poor zamindars on to the bigger landlords. One of the Congress amendments is that those who own only 12 or 25 acres of land should be exempted from the payment of the proposed tax.

This clearly shows that what we want is that this canal should be started as soon as possible. In this connection our only demand is that the poor people should be exempted from taxation. The money that is required for this project should be realised by taxing the rich zamindars. With these few words, I resume my seat.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, my honourable friend, Mr. Dev Raj Sethi and other honourable friends have said that we are rushing through this Bill. I may tell them that originally in 1872, the year when I was born, this scheme was considered by Government. Then in 1902 the same scheme was again considered and a revised project called the larger Thal project and the lesser Thal project were considered in 1919. The lesser project was considered finally in 1925 and postponed only because of the objections from Sindh regarding the water-supply that we had to get from the Indus river. Therefore the project was not taken up at that time and now that the matter has been finally settled we have taken up this project in right earnest. But if my honourable friend thinks that we are hurrying through the various stages of the Bill, he is quite welcome to keep that opinion to himself. The project has been in one form or another before the Government from 1872 onwards and quite a long number of years has been spent by the Government in considering this project.

Again, my honourable friend, Mr. Dev Raj Sethi, thinks that there can only be rabi cultivation and no kharif cultivation. Perhaps my honourable friend is unaware of the position which is existing at present when there is no canal there. If people can have well irrigation and have kharif cultivation, could there be any possibility of there being no kharif cultivation when there is canal irrigation there? (*Hear, hear*). Therefore, my honourable friend is totally wrong in saying that there can only be rabi cultivation and no kharif cultivation. The possibility is that my honourable friend has to deal with very big heaps of money here and he has not actually had any practical experience of how the land is cultivated. Therefore, I may tell him that in this area—he may rest assured of it—they will have both rabi cultivation as well as kharif cultivation. Again my honourable friend has

taken the trouble of trying to get some information—I do not know from what quarters or source. Has any theft been committed in the Irrigation

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Branch and one of the files on which the Governor is alleged to have written some note is missing according to him? I asked him, when he was making that statement, to give me the source from which he had got this information. Did he get it from the Secretariat? I may tell him that no file is missing (*hear, hear*).

Mr. Dev Raj Sethi : Was it missing for some time?

Revenue Minister : No, Sir. The file was never missing at all. But if my honourable friend feels himself a little responsible and can say that he has seen the file somewhere, he should give me the information. I have no information on that point. I have got my files all right in the Secretariat and I can look after them quite well. When he becomes the Chief Engineer he can do as he pleases. Just at present he is a member of this House and he cannot take upon himself the roll of a Chief Engineer.

Now, coming to the other point, raised by my honourable friend Mian Muhammad Nurullah which should be raised when the clauses of the Bill come up for consideration, I wish he had not taken the trouble of bringing in extraneous matters just at present. He could have done so when that point was under consideration. But now that he has raised that question, I may inform him of the percentages of the smaller and the bigger areas that are on the Thal. In the Leiah Tahsil—I am giving only one example—23 per cent of people own land less than one acre; 25 per cent of the people own between one to three acres; 14 per cent of the people own between three to five acres; fifteen per cent of people own between five to ten acres; six per cent own from ten to fifteen acres; eleven per cent own between 15 to 50 acres and only six per cent own above 50 acres or more. Now, does he wish that Government should in levying this tax only tax six per cent of the people? I do not think he means that. Anyhow I may tell him that this is a question which is fully provided for in the Act and when we give consideration to the rules, gradation of the taxes with reference to the character of the soil and the size of the holdings, will be fully taken into consideration. He need not be afraid that the Government will go on taxing poor people. Government has got as much sympathy for the poor people as some of my honourable friends opposite profess to have for these poor people who have been suffering in the past. I know what sort of sympathy some of my honourable friends on the Opposition benches have for the poor people. Here are two gentlemen both belonging to the Opposition. There is the honourable gentleman from Ludhiana and there is the honourable gentleman from Jhang, Mr. Dev Raj Sethi. They are both representatives of the Congress. Am I to believe one or the other or both of them? If I were to believe both, then, plus and minus will cancel each other and the balance will be zero. No responsible leader of the Opposition has so far made any statement on behalf of the Congress Party. Only two gentlemen have so far made any statement, am I to accept their statement? Surely if that statement had been made on behalf of the Congress Party that should have been made by the Leader of the Opposition as representing the Congress Party in this House. Anyhow, there are two statements, one from Mr. Sethi and the other from Sardar Kapoor Singh. They both speak for

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 themselves and for nobody else. (*An honourable member*: Is it a basin system or a channel system)? I am too old a bird to be caught in the net. All the same I know what it is. I do not require my honourable friend's knowledge to tell me what is a basin system and what is channel system. Anyhow I am quite sure if a smaller number of people have to look after their smaller area they can certainly do so. They can certainly bring earth. There will be no difficulty in getting carts and it can easily be done but by means of water on that area the work would be cheaper. My honourable friend should not be afraid of that. For 2 acres of land they will get 2 acres of reclaimed land. For 50 acres they will get 50 acres of reclaimed land. The land would be there and it would not disappear. If anything, it would certainly have improved a good deal more than what was given.

Mr. Dev Raj Sethi: Has Government made up its mind about the method of irrigation?

Revenue Minister: The method of irrigation had better be left to Engineers who are there. They are better able to deal with the question than my honourable friend. I shall be delighted to get the advice of my honourable friend, but at the present moment I have got the advice of my experts.

Mr. Dev Raj Sethi: What is the final advice?

Revenue Minister: How can I give all the information which my friend wants. Anyhow, whether it is to be basin irrigation or channel irrigation, he may leave that question to the experts of the department, which is in my portfolio. When my honourable friend will be in charge of that portfolio, he may bring in his own ideas. But at this moment I have got my own ideas, which may be better than the ideas of my honourable friend. Being a zamindar I can utilize my knowledge and can use it better than my honourable friend.

Now coming to the other question which two of my honourable friends have mentioned—one Nawab Allah Bakhsh and the other Pir Lalbadshah. Pir Sahib has very kindly suggested that we must not charge anything and if we charge these people something we must give up *abiana* in future. This is a novel suggestion. This suggestion has never been considered by this House before. There have been resolutions before this House. In some it had been proposed that *abiana* should be reduced by 50 per cent and in some that it be reduced by 25 per cent or 15 per cent. My honourable friends say that because you take this tax and you also earn interest on this tax, therefore, you should not levy *abiana* on this land. May I ask my honourable friend from Lyallpur, Mian Nurullah, whether he will accept this proposition?

My honourable friend, Mr. Gurmani, pointed out that on other canals Government own largest area, sometimes perhaps 95 per cent.; only very small area belong to the proprietors. (*An Honourable Member*: What about Sirhind Canal and Upper Bari Doab Canal)? They were built long before I was here. But leaving that question aside, I may remind my honourable friend that lately I had the honour of opening a new distributary called the Khokri Kalan distributary. The people of that *ilaga* were very pleased. (*An honourable member*: What is the actual cost of irrigation by

canal)? Nawab Sahib knows what is the actual cost of irrigation by canal; what is the actual cost of irrigation by tube-wells, and what is the cost of irrigation by ordinary wells. I hope he will not be astonished if I tell him that ordinary well irrigation will cost from Rs. 8 to Rs. 41 and the canal irrigation from Rs. 4 to Rs. 5. The tube-well irrigation will cost between these figures. If people will come to us and say that we do not want canal irrigation, we want irrigation by wells, we do not want to force canal water on them.

My honourable friend Pir Lal Badshah wanted both sides of the toast buttered. He does not want any *abiana* to be levied, but at the same time he wants canal water. This proposition, I am afraid, I cannot accept. Anyhow, the position is like this, that we expect something like Rs. 2 crores out of the total expenditure of nearly 9 or 10 crores of rupees on this project. Now we are slowing down our work owing to war. Material and machinery are not easily available, and if available we have to pay a little bit higher prices and it is possible that the cost may go up. We hope that this project will be a success, as other projects were. My honourable friend Mian Nurullah made a very wild statement that we are making 35 per cent. profits. This statement was due to the fact that he has not studied the figures. I have got the figures in my hand, but I do not want to repeat them, because I have already placed them before the House. But while thinking that canal irrigation is a paying proposition to the province, it must be remembered that two-thirds of the population of the province get no advantage of the canal irrigation. It is only about one-third of the province that has got the advantage of canal irrigation. Do my friends wish that two-thirds population of this province should be burdened with the taxation which is to be paid by raising loans? Surely my friends should not expect that loans would be given to them free. If my honourable friend Pir Lal Badshah were to give me ten crores free, perhaps he could then justifiably put the question and then we may consider the question of not charging any *abiana*. That is a different thing, but the proposition put forward by him is theoretical. I am here to deal with practical propositions and not with theoretical propositions as some of my friends on the other side have tried to put forward. I do not want to waste the time of the House in refuting the arguments that have been put forward and I would request this House to accept the motion for consideration of this Bill.

Mr. Speaker : The question is—

That the Punjab Thal (Increase in Value) Bill as reported on by the select committee be taken into consideration.

The motion was carried.

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 8.

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

That in sub-clause (1), lines 3-4, between the words "lands" and "as" the words "other than holdings of 25 or less than 25 acres" be inserted.

It has been stated to-day by the Honourable Minister of Revenue that provision is being made to exempt certain holdings. I had gone through the Bill before it had emerged from the select committee and have gone through it as it now stands but I do not find that the Bill provides such an exemption unless the words carry a different meaning and the Honourable Minister has got something different in his mind from what the words of the Bill convey. Sub-clause (1) of clause 8 reads thus—

3 (1) Except as hereinafter provided a tax shall be levied on all such lands 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.

The Honourable Minister referred to clause 8 which deals with exemptions. Clause 8 reads thus—

8. Nothing in this Act applies to any land which is included in a village site on the date when the Act comes into force and Government may by notification exempt any particular site or class of sites from the operation of this Act on grounds relating either to the character of the soil, the size of the holding or the purposes for which it is being used.

Minister of Revenue : You are dealing with clause 8.

Munshi Hari Lal : I am dealing with clause 8 but referring to the provisions of clause 8. The words "site or class of sites" appear in many enactments and in many agrarian laws. The words "site or class of sites" have never been interpreted as fields under cultivation or as holdings. The only exemption which the Bill provides is that site or class of sites may be exempted and not the holdings of 25 acres or of any particular area. The Honourable Minister while referring to clause 10 spoke of the words—

And for gradation of the tax with reference to the character of the soil or the size of the holding.

Should I understand from these words that he is grading the holdings in such a manner as to exempt certain holdings from the tax altogether? Or, is he going to give some concession to the owners of the holding? What is his graduated scale? What does he mean by "gradation of the tax with reference to the character of the soil or the size of the holding"? Is he going to build up this graduated scale beginning from zero point and saying that holdings of such and such area will be exempt from this tax? If this is in the mind of the Honourable Minister, if this is the object of the provisions of clauses 8 and 10, why not clear it? Why leave it to the revenue officers and thus leave the Bill or Act in a cloud land of uncertainty and doubt? As we read the Bill, it does not mean the exemption of any holding from tax. The Honourable Minister has to-day given certain facts showing that the tax will be so regulated that the small landholders will not be affected. That may be right and he may be correct in saying this but my submission is that holders of 25 acres or less than 25 acres should be exempted and this right of exemption should be given to them by statute and not left to the revenue officers, making assessments. Everybody should know that the

owner of 25 acres or holder of 25 acres or less is exempt from this tax. If it is provided in the Act it would inspire more confidence in the public mind than would be the case otherwise. Even if it be correct that the Government means exemption under the rule-making power being granted to owners of certain areas, I would even then submit that a provision in the Act would be far better as otherwise it will open the door of favouritism and it will open the door of corruption as the people will have to go to the subordinate authorities to seek exemption of the holding. From the provision in the Act itself everybody will know where he stands.

On page 25, paragraph 10 of the Thal Project Report, Volume I, it is stated as follows :—

Sources of additional revenue to make the Project productive—

The additional income will have to come from either of the following sources :—

- (a) higher water rates,
- (b) by levying an initial capital charge on proprietary lands brought under irrigation,
- (c) by the Government taking over a portion of the proprietary land more or less on the lines of the Sind Sagar Colonization of 1932 which was repealed in 1929.

The actual colonization of large proprietary areas held by individuals of comparatively small resources, may be full of difficulties, hold up development of irrigation. From this point of view it would appear that the Government should insist on getting a portion of proprietary land as indicated in (c) above. It may be possible to fix a sort of sliding scale arrangement something like following. Unless a holding of less than 200 acres to give no share to Government.

The report wanted to exempt owners of 200 acres of land from parting with any share to the Government. I am now seeking an exemption with regard to 25 acres of land and not 200 acres. My reason for seeking this exemption is that small landholders are not able to pay any taxation. There is a fundamental principle and it should be observed that a person who is going to be taxed must be able to pay the tax. This weighty consideration must always enter into the calculation of those who want to tax the people. I submit that a holder of 25 acres of land in the Thal area in the sandy part of the province, will not be able to pay the tax which may go up to the extent of Rs. 80 as at present proposed.

The Thal Project will cover three districts of Muzaffargarh, Mianwali and Shahpur. I will take up the settlement report of the Mianwali district so far as it concerns Bhakkar tahsil. Bhakkar tahsil is considered more fertile than other parts of the Thal. I am citing a quotation from the report of the Bhakkar tahsil because land there is said to be better than lands in the Thal elsewhere. This report was made by Sardar Ganda Singh. He says as follows :—

It must, however, be remembered that until a revolution in irrigational facilities takes place, a rainless year will always reduce the Thal temporarily to the conditions of a lifeless desert.

Sir, this is the condition of the land in the Thal. I think I need not labour this point any further. It would be seen from the report that the land in Bhakkar tahsil is decidedly better than lands in the two tahsils of

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Leiah and Kot Adu situated in Thal Area. On page 9 of the Thal Project Report prepared in 1936, Volume II, it is said as follows :—

It will be seen that in the Mianwali and Bhakkar tahsils of the Mianwali district there has been an enormous increase in the areas of barani cultivation. The same cannot be said about Leiah and Kot Adu tahsils. The reason is that the rainfall in the further south is not only less but far more uncertain. Also, perhaps, the soil is not so light and requires more moisture before it can grow any crops.

I have already cited a quotation from the settlement report of Bhakkar tahsil prepared by Sardar Ganda Singh, Settlement Officer, where he says that *if the rain fails in one year the Thal is a lifeless desert*. A holder of 25 acres of land has got nothing but a lifeless desert at present and at present he does not enjoy any profit out of it, because it receives no irrigation. Now, the question is if a tax is imposed upon a landowner of 25 acres, the tax will be very pinching and oppressive. It is a direct taxation, it is not an indirect taxation and for this he will have either to start his career with indebtedness, with a heavy burden of debt upon his head or he will have to part with a portion of his land in order to make the remaining small portion of his land cultivable and culturable. When the canal irrigation is introduced, the landowner will not be free from expenses. He will have to incur expenses in order to bring the land under cultivation and those expenses may not be, in the first years, commensurate with what he gets out of the land. He cannot expect to have the produce of the land so much as to meet the initial expenses, that is the cost of breaking the land and the cost of cultivation of the land; in the first years they will be so heavy that this tax of Rs. 30 per acre will be really tyrannical for him. He will not be in a position to pay. It has already been submitted that the small peasant proprietors or small proprietors in the Thal are being deprived of their lands and there have been so many sales. It was said that there has been only sale of 12,000 acres. I submit that these figures still require revision. It is an open fact that small owners of the Thal are crying for protection from the Government; they are seeking from the Ministers that they should be protected, and that they should not be so placed as to part with their lands. A warning is said to have been given as far back as 1936 when a resolution was passed. But in spite of that resolution and in spite of circulars issued to the district authorities, alienations of land are so numerous in the Thal. Big people are devouring small ones. The zamindars in the Thal have organised an association in order to protect themselves from outsiders. Notwithstanding injunction, and prohibitive circulars issued to the authorities not to give sanction to outsiders to purchase land, it is an open fact that persons from outside have purchased lands and sanctions have been given.

I would submit that the Honourable Minister for Revenue should make a detailed enquiry into it. The agriculturists from outside have purchased land in that district and have deprived the small proprietors and peasant proprietors of the land and sanction was given as I am told, in one day. This was after the issue of the notification of 1938, and after the issue of the circular by the present Government stopping all sale in favour of outsiders. Besides, big people and big landholders in the districts of Muzaffargarh and Mianwali are purchasing land at cheap price from the small proprietors who are disappearing now. In order to serve the big people, the

authorities are helping them. In one of the transfer applications that was given in the High Court—

Mr. Speaker : The honourable member is not speaking to the amendment now before the House.

Munshi Hari Lal : I am pointing out the difficulties which the small landholders are already experiencing in the Thal area. I am submitting that they require to be saved from the taxation and require to be protected from the big landholders. That is why I am submitting that they should not be taxed. The small proprietors are being oppressed by the big proprietors in the Thal area. That is the line of argument which I am submitting before you. I am supporting what I am stating by reference to facts, by reference to what has taken place in the courts, and by reference to the allegations that had been made by the small proprietors in the courts. I think I am relevant in bringing to the notice of the House that they should agree to my suggestion that the holder of 25 acres of land should be free from any tax whatsoever because he is already in trouble and will be put to further trouble when irrigation is introduced in the Thal area. I will come to the transfer application later on. The small proprietors are not only feeling difficulties at the hands of the big proprietors but at the hands of the authorities also who have been flouting the circular and not caring for the notification and allowing sales. Now, my submission is that these small holders if they are to derive benefit out of their holdings, if they are to be protected, if they are to be given a chance of taking advantage of the intended irrigation, they should be exempted from the tax. After the irrigation, does the Government think that the small proprietors will not have to face increase in the land revenue? Does the Government propose to grant some concessions with regard to water rate? No, so far as is known there will be no concessions but there will be an increase in land revenue. We find indications from the various settlement reports which are to the effect that the landholders will be paying higher canal water rates than their brother zamindars in other colonies are paying. Keeping in view this increase in land revenue and keeping in view that they will be paying higher rates of canal water, it is essential that the holders of small holdings should be given immunity from the tax. In the Irrigation Report relating to the Thal Project on page 28, Volume 1, we find—

It may be necessary to charge higher water rates than are prevalent at present on the existing Punjab canals. When reducing the water-rates in April, 1934, the Governor in Council expressly stated that "he retains discretion to fix the rates for the new schemes at a level which will make them remunerative even if that scale should be higher than the scale, which will result from the reduction which he now proposes to make."

Sir, on page 2 of the same Report it is stated—

The project can, therefore, be safely classed as productive, provided the land owners in the Thal area are prepared to pay Rs. 2 per acre as land revenue plus Rs. 1 per acre as initial capital charge or a consolidated land revenue of Rs. 3 per acre matured.

It is clear from these extracts that the land revenue will be higher than they are at present paying. Further the settlement reports of the various districts, for example, of Muzaffargarh and Mianwali clearly mention that as soon as there is introduction of canal irrigation in this area the previous assessment will lapse from that date and there would be a fresh settlement

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in the Thal area, which means enhancement in the land revenue. Do not these circumstances justify the grant of exemption to the small holders from the taxation? The income of a petty landlord is so small that he cannot keep his body and soul together; he cannot support his family. The Punjab Farms Accounts show that the earning of small holder holding 11 acres, 2 kanals and 15 marlas comes only to Rs. 69-10-0 a year. These are the figures that have been taken from the official records. If we deduct the amount of land revenue that he pays to the Government and take into consideration the number of members that he has to maintain the conclusion is irresistible that a holder of small area in the Muzaffargarh district does not earn as much as will enable him to live. They are living in the hope that with the introduction of irrigation they will be able to eke out a better living for themselves as well as their families. This additional taxation of 30 rupees per acre or any taxation whatsoever will not be a boon to them. In order to pay this tax the Government is making provision for instalments, but these instalments, as I have seen from the Bill itself, are to be paid with interest and the amount of interest to be charged is left to the rule-making power. That means that the poor small holder will have to pay heavily in the form of taxation, land revenue and water rate. If some relief is really intended for him I would suggest that he should be exempt from this taxation. I go further and say that not only these small holders are to be protected from this additional taxation but they should also be prevented from falling into the hands of big landlords. The condition of these poor people is so sad and so deplorable that it calls for immediate action at the hands of the Government. This Ministry should show sympathy towards them and give them active help. Their plight is very regrettable. In order to bring home to the Honourable Minister of Revenue that it is so, I will quote a passage from a representation which shows that the small proprietors made objections to the Deputy Commissioner.

The complaints of the poor people who were victims of these illegal acts of sales and alienations were not attended to. The poor proprietors formed themselves into an association for defending their rights. That association was formed on the 1st of April, 1939 and was named "Anjuman-i-Gharib Zamindaran."

Khan Bahadur Mian Mushtaq Ahmad Gurmani: It is a bogus Anjuman. No such organisation exists in the district.

Munshi Hari Lal: My honourable friend says that this is a bogus institution. If he had patience to hear what I have to say, he would not have made those remarks. I would refer my honourable friend to the judgment of Mr. Henderson in the case Crown *versus* Nur Muhammad. He was challaned in three cases and was to stand a trial under section 420. He made transfer application to the High Court that as he could not expect justice from the Court of the Sub-Divisional Officer, Leiah, his case should be transferred from the district of Muzaffargarh. He made serious allegations against the authorities of the district detailing therein that they were helping big people to deprive the poor people of their lands. He produced a letter and filed an affidavit. I will be reading from the application and the letter. (*An*

honourable member: Is it from the Parliamentary Secretary?)

3 P. M. It is from one of the nearest relations of the Parliamentary Secretary. I will read the letter and I am sure that these allegations which were made in the transfer application in the High Court were supported by an affidavit.

Mr. Speaker : Will not the reading of that letter amount to an insinuation, may an attack on an honourable member of this House ?

Munshi Hari Lal : No member of the honourable House is mentioned in that letter and the letter has not been issued from any honourable member of this House. When I read that letter the House will see that it reveals the sad state of poor proprietors in the Muzaffargarh district for whom I am now seeking exemption from taxation. My point is that their condition is already bad and it will become worse if they are subjected to a taxation of Rs. 90 per acre. An association was formed on the 1st January 1939 and was named as the Association of Poor landlords with the petitioner Nur Muhammad as its president. Since then the association has adopted many resolutions for the protection of the poor. Various representations were made to the authorities, including the Governor, the Premier, the Financial Commissioner and the Director of Land Records. I have got a copy of the petition here wherein it has been complained that the Deputy Commissioner, the Sub-Divisional Officer and the Superintendent of Police, and other subordinate officers have been actively assisting in the purchase of lands by certain people. I will read from a transfer application filed in the High Court in which the name of the honourable lady member is mentioned. It is stated there :

At the commencement of 1938, Begum Shah Nawaz, M.L.A., and her daughters, her sons (Mian Kiaz Ahmad and others) and Mian Bashir Ahmad, Bar-at-Law began to make purchases of land in Latah tahsil. They purchased shares in *shumilat* and also some proprietary lands.

Instead of having recourse to legal procedure prescribed by the Punjab Tenancy Act, they began to take possession forcibly of *shumilat* lands and ejected even the proprietors who were already in the possession of the common land."

These are the allegations that were made in the High Court in the transfer application and this application was supported by an affidavit and by the production of the photo of a letter which has never been denied, and which is in the hand of Mr. Bashir Ahmad, Bar-at-Law. This Mr. Bashir Ahmad is the son of—

Mr. Speaker : The honourable member is bringing in names of many gentlemen.

Munshi Hari Lal : I was reading from the transfer application I shall omit the names. This letter shows how pitiable is the state of affairs and how the small proprietors are suffering at the hands of the big proprietors in the Muzaffargarh District and my line of argument is that if they are subject to taxation, surely it would mean the exploitation and expropriation by the big proprietors of the petty proprietors for whom the Government claims to have so much sympathy, for whom it proclaims that it is doing so much and for their benefit it is bringing in all this legislation. Government always claims that it is there to relieve the distress of the poor people. I submit that if they are subjected to taxation, these people will entirely vanish in the thin air and will not be seen in the Muzaffargarh district. In support of my argument I shall read this letter and it will disclose how big people are actually causing the disappearance of such a peasant class which is considered as the backbone of the country and for which the province should rightly feel proud. The disappearance of the peasant proprietor would not be salutary but would prove disastrous to the province.

[M. Hari Lal.]

The world will not suffer if the big people are swept off, but the world will suffer if the poor people disappear. This letter was written to Ghulam Hasan Khan by Mian Bashir Ahmad. A photo of it was produced in the High Court. This letter was never denied.

Almanzar,

Lawrence Road,

Lahore.

19-4-38.

حار غلام حسن خان۔ (اسلام علیکم)

آپ کا خط کل میان ریاض احمد صاحب کے ذریعہ سے ملا۔
میں کئی دنوں سے انتظار کر رہا تھا کہ آپ کا جواب مجھے جلد
ملا جائے گا۔ اب معلوم ہوا کہ میان ریاض احمد صاحب کے کاموں
کی وجہ سے آپ جواب نہ دے سکے۔

کل سید بنیاد حسین صاحب۔ ڈپٹی کمشنر میرے پاس ہی
تھے۔ میں نے ان سے دنوں دنوں کا ذکر کر دیا جس کے متعلق
آپ نے لکھا ہے۔

(۱) ہر چہارہنٹی پر قبضہ کرنے کے لئے میں نے ان سے ذکر
کیا کہ وہ اسی طرح سید نوہار شاہ صاحب۔ نائب تحصیلدار صاحب
کے ذریعہ سے ہماری امداد کریں جس طرح انہوں نے یوگم صاحبہ
اور میان ریاض احمد صاحب کی مدد کی ہے۔ انہوں نے فرمایا کہ
ہاں اسی طرح یقیناً آپ کی مدد بھی کی جائے گی۔ سو آپ اس
سلسلہ میں ان سے اور سید نوہار شاہ صاحب سے مل لیں وہ ہر
دینے پر اسی طرح کاروائی کریں اور مجھے اطلاع دیں۔ پہلے چاکر
سید بنیاد حسین صاحب سے ملیں اور میری طرف سے کہاں وہ ہر
مدد دیں گے۔

(۲) میں نے خان بہادر صاحب سے یہ بھی ذکر کیا کہ کہوڑ
کے چند قریشیان یوسف شاہ کے درغلے سے خان غلام حسن خان
کے دشمن بن گئے ہیں انہوں نے کہا ہم اس بات کا بھی انتظام
کریں گے غلط فہمی رکھو۔ اس کا ذکر بھی آپ ڈپٹی کمشنر صاحب سے
کریں گے۔

(۳) مہرے حساب میں مہاں ریاض احمد صاحب نے بتایا ہے کہ چائیس روپے انہوں نے آپ کو دیئے ہیں اور چالیس روپے جالدارہ کے متعلق حالات دریافت کرنے والے کے لئے سید نوہار شاہ صاحب کو علی الحساب دیئے ہیں۔

(۴) آج سید ہرشف شاہ کا معرے خط آیا ہے کہ ایک تو کچھ آراضیات اسکی مہرے ریاض رہن ہیں وہ چھڑانا چاہتا ہے۔ دوسرے مہاں ریاض احمد صاحب نے اس پر ظلم کئے جس کے متعلق اس نے دعرے کیا ہے وغیرہ وغیرہ اور صلح ہو جانی چاہئے۔

اس کے جواب میں مہرے نے فری الحال صرف یہ لکھا ہے کہ وہ آراضیات مہرے کوں کرں سو مہرے نارنج رہن۔ زر رہن وغیرہ لکھو یہ باقاعدہ جواب دیا جائیگا۔

لیز میں نے لکھا ہے کہ میرے معذار خان غلام حسن خان کو رہن والی آراضیات کے متعلق بتاؤ کہ وہ یہاں لاہور ہو ایک روز میں آئے والا ہے سو سو سے تو آپ ہرشف شاہ سے دریافت کرے آئیں۔

بھیم احمد

ہورسٹر ایٹک

مہاں ریاض احمد صاحب نے بتایا ہے کہ آپ شاید ۲۲ کو یہاں آئیے۔

This letter speaks for itself and needs no comment. I produce this letter and the transfer application, I produce the representation that was sent to the Honourable Ministers, the Honourable Revenue Minister himself including, in which complaints were made and in which they said that they prayed to be protected. If no immunity is granted to the poor, they would prove a prey to the big people and they would be victimised. If the Government has any soft corner for them in their heart, it should—

Dr. Sir Gokul Chand Narang: What happened to the transfer application?

Munshi Hari Lal: I have already submitted that the application was accepted and the case was transferred. A question was put to the applicant whether he could substantiate his allegations and he produced the photograph of the letter in the High Court and the High Court transferred the case from Muzaffargarh to Multan where Mr. Henderson decided in favour of the accused and acquitted him of the charge holding that neither the Anjuman was a bogus anjuman nor was the money realised for bogus purposes, nor the people cheated. I was submitting that if the Government has got any sympathy for the small landholders, it should move with the times. The world is to-day under a wave of socialism where the debtors are being relieved of their debts, where the poor are being provided with means of living. Taxation is being considered as an instrument to equalize wealth and to see that the poor are looked after and are not deprived of what they have. The 'have-gots' are being obliged to pay towards the cost of upkeep of the poor. The poor should not be taxed at all and the peors should not at all grudge if the poor live at their expense. After all the poor have a right to live, they have a right to demand that they should be allowed to exist in the world and they should be allowed to keep their bodies and souls together. I appeal to the ministry and the Honourable Minister specially. He himself stated that he is an old man. In his old age he should show sympathy to the poor people and exempt them from taxation. I want their right to be recognised by statute and I do not want that they should wait till the rules are framed. As I have submitted, no such rule can be legally made under which the lands can be exempted. No parcel of land can be exempted. Of course there can be gradation. The tax can be so graded, that the small landholders may have to pay small amounts and the big ones high amounts but it is not clear whether it can be laid down in the rules that he should pay nothing. "No taxation to be imposed upon petty proprietors" is the gist of my proposed amendment. I want that this point should be clear and I submit that my amendment should be accepted which is socialistic, which is humane and which is in consonance with the policy that the Government has been recently following. With these words I move the amendment. (hear, hear).

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

That in sub-clause (1), lines 3-4, between the words "lands" and "as" the words "other than holdings of 25 or less than 25 acres" be inserted.

Mrs. J. A. Shah Nawaz (Outer Lahore, Muhammadan Women, Urban) (Urdu): I had no intention of taking part in this debate as you would be pleased to recall that I had kept silent even during the introduction stage of this measure. So far as this Bill is concerned, I feel that only those members who represent those districts should take part in the debate because it is only those honourable members who can represent the views of the people that are going to be affected by this Bill. I rise only to state simple facts and to refute the uncalled for charges made by my honourable colleague, Munshi Hari Lal, in regard to my family.

You are probably aware that so far as some of the lands owned by my husband in that district are concerned, they were purchased by my father-in-law, the late Maulvi Zahur Din who was for 28 years a practising lawyer in Dera Ismail Khan. Some of those purchases were made during 1892

1884 and 1888. If he had invested the same amount of money in property here at Lahore, it would have been worth crores of rupees to-day. But as it is, these lands were purchased in that part of the province which has thirsted for even a drop of water for the past seventy or eighty years, although the project to irrigate those districts was one of the original projects. The Government made many promises. A number of schemes were prepared, even our lands were taken over by the Government under an Act of the legislature but nothing came out of all this.

I think it my duty to acquaint the House with each and every fact that has come to my notice with regard to the loss suffered by my family in respect of our lands there. Some time in 1915 or 1916 the late Sir Ganga Ram approached my late husband with the proposal that all the lands belonging to our family should be leased out to a company which he and some other friends would form for starting irrigation in that area and they also asked him to help them in getting the lands of the other Muslim landholders in that *ilaga*. My husband saw Sir John Maynard in this connection but he was informed that the requisite permission would not be granted. Again in 1922 or 1923 Mr. Wood, who had been a chief engineer in this province, wrote a letter from England, to my husband that he had always been of the opinion that if a canal were to be constructed in these districts it would be very profitable for all concerned. He said that some persons in England intended to float a company for the purpose if my husband and other friends would lease out some 80 or 50 thousand acres to enable them to start the work of irrigation and cultivation in that area. This scheme also did not materialize, otherwise the proprietors in those districts would have made lakhs of rupees by now.

In 1935 some friends from the Frontier Province thought of a similar scheme and Mr. Knowls, Director of Agriculture, North-West Frontier Province, went to see the lands and he was of the opinion that the soil was really good. My honourable friend had referred to Leiah tahsil, let me inform him that land in some parts of Leiah tahsil is as good as some of the lands in Lyallpur and Montgomery district. No doubt, there are A, B and C grades, but I am perfectly aware of the yield of wheat per acre in that area.

For the last 50 years or so the landholders of this area, of whom I am also one, have been putting up with all the hardships and difficulties on account of lack of water for irrigation purposes. Many a times schemes have been sanctioned and have had to be abandoned. Our lands were taken over by the Government for 30 years and were again returned to us when the Act was repealed by the Punjab Council. Barani cultivation was started in Mianwali district long ago but we could not do anything because Government had taken over the land. We could not cultivate them. Now that after such a long period a scheme has been launched, my honourable brothers have started opposing it. The best land in Leiah can even now be purchased from Rs. 10 to Rs. 20 per acre yet we are asked to pay a tax of thirty rupees per acre. Even then we have agreed realizing the Government's difficulties. My honourable friends indulge in such baseless allegations and are opposed to the consideration of this Bill because of such so-called purchases in that area. I am at a loss to understand why honourable members opposite cannot imagine that members sitting on these benches are sincere workers and are not always guided by selfish motives.

[Mrs. D. A. Shah Nawaz.]

It is a matter of regret, I should say, that they should obstruct the passage of this Bill. I wonder why they do not shake off their doubts and suspicions and consider us to be sincere workers for the welfare of the province. As my honourable brothers opposite are labouring under a misapprehension, I think, I should make my position clear by placing the facts threadbare before the House. The facts are that due to the prolonged illness of my deceased husband he could not look after the landed property in that district and during that period a man named Yusuf Shah who worked as our manager there proved to be a very dishonest man. He had some of the lands registered in his name and had a lot of timber cut down and sold and pocketed the money. In short he spoilt the property very much and when we came to know of some of those things my son went there to enquire into the different allegations. We had to dismiss the man who had been in charge for over thirty years. I should point out that this is the same Yusuf Shah about whom the honourable member has just spoken. We appointed another man in his place named Ghulam Hussain Khan as our manager. Yusuf Shah having been deprived of all power turned against us and our man Ghulam Hussain and he along with some discontented people formed this Zamindara Party which has been referred to already as a bogus party by my honourable friend Mian Mushtaq Ahmad Gurmani and on behalf of that bogus party they sent telegrams to the Honourable Premier, His Excellency the Governor and other officials. Sir, these are the facts which have been referred to in the letter mentioned by the honourable member sitting opposite. As regards the third fact mentioned in the letter I would vindicate my position by saying that my deceased husband had sufficient land in Leiah town itself and as we live in Lahore and seldom go there, the residents there took possession of most of the land and put up buildings on it. Yusuf Shah helped them in this also. We came to know of it when my son went there. I may also point out that all these are shamilats. When my son came to know of it and he saw that people had taken possession of the best parts of the shamilats known as Chaharpati, he wrote to me asking me to write to the Deputy Commissioner to help us to take possession of the rest of the land which was even less than the area owned by us. I wrote back saying that we must learn to stand on our feet and seek no one's help regarding any matter. I sent my elder daughter with a clerk and she and my son took possession of the remaining land owned by us. This is the fact to which reference has been made in the letter read out to us by my honourable friend. Again it has been said that my children have purchased lands recently. My submission is that we cannot manage the lands which we already possess. Where is the need to purchase more land? The facts are these. Some old wells had become dry and the lands attached to them could not be cultivated. Those wells were the property of my sons, and my elder son advised me to sell them and buy lands in some better areas in order to consolidate the property. I submit that whatever land we have purchased we have done so for the purpose of consolidating our lands. If the honourable members opposite make an inquiry they will find that we have sold as well as purchased some land.

Now I should like to say a few words in regard to the landed property of my brother-in-law Mian Bashir Ahmad against whom a charge has also

been laid down by the opposite benches. Mian Bashir Ahmad's father the late Mr. Justice Shah Din who was a younger brother of my father-in-law owned land in that area and my brother-in-law has also purchased some lands near his property merely for the purpose of consolidation. It is absolutely wrong to say that we have purchased lands from small proprietors and have deprived them of the benefit of new irrigation. I wish my honourable brethren opposite had ascertained the facts before making such irresponsible and unreasonable remarks.

Then another charge has been brought against us that we had given Sayed Naubahar Shah, Naib-Tahsildar, a sum of Rs. 40. As my son and I had to ascertain full facts with regard to our property which was to be divided according to the will of my deceased husband, we had to ask for numbers from the patwaris so that we might know the exact places where our land was situated. This money was given for expenses connected therewith and for no other purpose. I submit that I only wish that the honourable member opposite had come to me and asked me all about the facts and I would have told him everything. I most respectfully appeal to honourable members opposite that they should give up as soon as possible this habit of bringing in allegations without ascertaining facts. This would be in the interest of the province as a whole. I think I have made quite clear why and who are the people who carry on this propaganda against us. So far as Sayed Bunyad Hussain, the Deputy Commissioner, is concerned, I would submit that he is a very honest officer. I may be permitted to say a few words in regard to his honesty and sense of duty. I have a small tract of land at village Chobara. When my son went there to visit his land, a man who was a non-agriculturist came to see him and asked him to sell that piece to him as he wanted to use that land as an *Ava* for making pacca bricks. My son agreed and the land was sold for Rs. 900. As the land was sold to a non-agriculturist my son wrote to me that I should write to Sayed Bunyad Hussain requesting him to sanction the sale. A few days ago I was informed that Sayad Bunyad Hussain had not given the necessary permission. My object by referring to this instance is to show the honourable members opposite the sense of responsibility and duty that Sayed Bunyad Hussain has. This is the so-called 'help' which the authorities in that area have been giving me and about which so much has been said.

I think I have made my position clear and therefore with these words I resume my seat.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, it is a thousand pities that the Honourable Minister of Revenue has not been able to give a satisfactory reply as to why this special levy is essential. The real thing is that the Government wants to line the canal with cement in order to avoid waterlogging, and knows it in its heart of hearts that the canal is not going to be so paying as other canals of the Punjab have been, and hence its object is to recover as much money from the residents of that area as possible. It is its intention to cover this extra cost of Rs. 2 crores. I do not agree with Pir Sahib that the Government should recover the cost of the canal once for all from the zamindars and then remit water rate in this area. Tax must be imposed. But my only contention is that the well-to-do landowners should be taxed and the poor ones with uneconomic holdings should be exempted from the payment of the proposed levy. For

[Mian Muhammad Nurullah.]

this purpose any holding less than 25 acres or 28 acres should not be regarded as economic holding. I am prepared to amend my view in the light of the facts and figures given by the Honourable Minister of Revenue. He has told, for instance, that a certain percentage of zamindars own one acre of land only. Now one acre of land is very uneconomic and effect of rise in prices would be felt for years. Then it may be very sandy and practically useless. Again, the Minister of Revenue must realise that there are many owners of land who own only three acres or less of land. Does he think that such a small holder can support himself, his family, his servants and also buy bullocks and agricultural implements with the meagre income of three acres? Then he has to get seed too? All these expenses make this holding uneconomic. Such a man cannot pay land revenue and water rate. How will he be able to pay instalments of this tax?

Again there are 4 per cent owners who own between 8 to 5 acres of land. Their holdings too will be unpaying. There are 15 per cent owners of land who own 5 to 8 acres of land. There are 6 per cent who own 10 to 15 acres of land. In all there are 73 per cent of owners who own less than 15 acres of land. I think they really deserve the protection of the Government from such taxes and other dues. The remaining 17 per cent of zamindars own between 15 to 50 acres of land. But the Honourable Minister has not told us as to how much total area is owned by these 17 per cent of zamindars. That is kept as a secret. That is the secret on which the whole problem hinges. That is why the Bill is being rushed through. If the Government clears this point, I may cut short my speech and thereby save the time of the House. But the Government has not done so. I pause to hear the Minister if he, even now, gets up to tell us the total area owned by these 17 per cent of the zamindars. It might be a fact that these 17 per cent of owners in that ilaqa own between themselves a total area of about 50 per cent of the grand total of the whole area. Now we want to know as to how much total area is owned by each category of owners owning less than 50 acres. We will thus be able to compare the whole area owned by the small holders with that of the big holders. It is the percentage of the area owned by each group that matters not merely the percentage of the number of each group. Is the Honourable Minister prepared to give this even now? Again I am prepared to resume my seat in order to listen to him. That will save valuable time of the House.

In reply to my honourable friend Mian Mushtaq Ahmad Gurmani, I may be allowed to say that he was wrong in remarking that I visited his district to buy land but could not do so. I do not consider agriculture to be so paying to an individual agriculturist that one should run to other districts for getting more land. I would rather have shares in a joint stock company and own household property rather than buy more land. It is not safe to have all the eggs in one basket. I believe in this and am acting on this. It was therefore absolutely wrong on the part of Mian Mushtaq Ahmad Gurmani to say that I had tried to purchase land in the Thal area. I do not possess relevant facts and figures, otherwise I would have shown that several Ministrialists and the friends and relatives of Ministers have bought land in this particular locality. In reply to a question it was told that 12 thousand acres had been taken by outsiders in the tahsil of Leiah alone.

That is unfair to the original owners of the district in question. The House can well imagine the extent of area that must have been taken by outsiders in the whole of the Thal area. If an inquiry is held, astonishing facts would come to light. The poor residents of Muzaffargarh have suffered heavy losses. Now an additional tax will hit them hard and break their backbone. No cess or duty should be imposed on the poor zamindars of this district. These small holders are about 78 per cent of the total number of land-owners in that area. At least those owning up to 15 acres should be exempted from additional taxes.

My honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani is mistaken in so far as he thinks that I am following in the footsteps of Mr. Dev Raj Sethi and for the matter of that the Congress party. He should bear in mind that my amendments are separate and independent. In fact they are quite different from those of the Congress Party. Moreover, I do not agree with all their amendments. For instance, the amendment which the Congress Party has sponsored is that Rs. 10 per acre should be charged from holdings less than 50 acres, Rs. 15 per acre up to holdings of 100 acres, Rs. 25 per acre on holdings not more than 250 acres, Rs. 30 per acre on holdings not more than 500 acres and so on and so forth. My amendment is quite different from theirs. I personally think that as the Government have provided in clause 10 for the gradation of the tax with reference to the soil or the size of the holding, therefore there is no need of pressing this matter any further. In fact my contention is simply that the Government should not charge anything from those holdings which are uneconomic. Let me make it clear to my honourable friends opposite that if they do anything good I side with them. If I think that what the Opposition party says is right I support them. In the circumstances it is not correct to say that I take my cue from any party. I am an independent member and I act according to the dictates of my own conscience. It looks as if my friends over there want to use this for making propaganda against me so as to make it hard for the independent members to work as such. If they think so they are mistaken. It was also pointed out that I am a supporter of my honourable friend Dr. Sir Gokul Chand Narang. I think my honourable friends conveniently forget that only yesterday I opposed him and voted against him. Anyway I have moved my amendments with a view to provide facilities to the zamindars and that is why I am pressing them. Let me point out that my original submission was that no tax should be charged from those holdings which are less than 25 acres. But after hearing the Honourable Revenue Minister to-day inasmuch as he has stated that 78 per cent people are those whose holdings are less than 15 acres I have changed my opinion. I am prepared to accept that the holdings which are less than 14 acres should be exempt from the operation of this tax, if Government agrees to it. If this suggestion is adopted it would please both the honourable members of the Unionist and Congress parties. With these words I resume my seat.

Khan Bahadur Captain Malik Muzaffar Khan (Mianwali South, Muhammadan, Rural) (Urdu): Sir, I have listened to the speeches of honourable members on both sides with rapt attention. As I am interested in this matter I would also like to say a few words in connection with it for the favourable consideration of the Government. No doubt the Government have done a great favour to the zamindars of districts Muzaffargarh,

[K. B. Captain Malik Muzaffar Khan.]

Khushab and Mianwali by taking in hand this project for which they had been waiting for the last fifty years. And for this we are deeply indebted to Government. Anyhow my submission is that it would not serve any useful purpose if they give relief with one hand and take it away with another. In fact the method which the Government propose to adopt for levying the proposed tax tantamounts to burying the zamindars alive. (*Hear, hear.*) So far as the proposed tax is concerned I think it has been decided upon after good deal of deliberations and by taking into consideration the expenditure of the project which the Government would be called upon to incur. They have in fact been compelled to have recourse to this taxation for meeting the charges that they would have to incur for lining the canal. But what we have to see is as to when and in what manner the Government propose to levy it? Will they provide facilities to the zamindars in respect of payment of this tax or not? These are matters which are very important and they require elucidation because clause 3 as it stands does not throw any light on them. It is only stated in it that a tax not exceeding Rs. 90 per acre shall be levied by Government on all lands as may from time to time be notified by Government. I think it would be well for the Government to clarify the position. In this connection I may point out that instead of indiscriminately levying this tax on all lands they may adopt the suggestion which I made on a previous occasion. At that time I pointed out that this tax should not be levied on the area commanded by the canal. On the contrary it should be levied on the matured area only. If it is levied on the area commanded by the canal the zamindars would not be in a position to shoulder this burden. (*Hear, hear.*) My submission is that just as the Government do not supply full amount of water fixed for supply at once but do so gradually, similarly they should levy this tax on the matured area and then go on levying it on other lands as soon as they come under cultivation. If this suggestion is adopted it would kill two birds with one stone. In the first place the Government would be in a position to realize this money very easily. Secondly, the zamindars would get facilities for paying it. Now if the method as suggested in the Bill is adopted and this tax is straightaway levied on all lands, it would instead of bringing well-being to the zamindars of Thal area make their condition even worse than before. I do admit that when I first heard that the Government was thinking of taking in hand Thal project I was very much pleased. But now the pleasure of the people of my ilaqa where the canal would go, has been actually transformed into grief on account of the proposed tax which the Government want to realise from them without giving any facilities to them. This is my honest opinion and whatever I knew I have submitted to the Government and I think they would very carefully consider these points and find out a way for providing some facility to the zamindars. If the Government want to levy this tax, they may do so, but in a manner in which we should be able to pay. With these words I resume my seat.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*)
Sir, my honourable friend from Mianwali has made an earnest appeal to the Government to reconsider their decision of levying the proposed tax on the poor people of that ilaqa. I think he does not know that this Government have no soft corner for the poor zamindars. I may tell him that his

appeal would not produce any effect on them. However, my submission is that the people of this ilaqa are the poorest in the whole of the Punjab. The fact of the matter is that lands of thal area are of inferior quality and are most sandy. It is no exaggeration to say that even those people who possess holdings of 20 to 25 acres are able to make their both ends meet with great difficulty. In the existing circumstances they cannot even make their living from these lands. I think the holdings can be considered economic only if they consist of 20 to 25 acres and also canal water is supplied to them. A zamindar can make his living if his holding consists of 20 or 25 acres, otherwise he cannot even pay his share of the land revenue. In view of these hard facts it is in no way justified that the proposed tax should be levied on the zamindars whose holdings consist of less than 25 acres especially when the Unionist Government themselves admit that they are heads and ears in debt. At present they are so very heavily in debt that it would be sheer injustice if we further burden them by imposing new taxes on them. I ask my honourable friends, how would the zamindars be able to pay this tax? If we study the provisions of this Bill carefully we would find that it is provided therein that before the water will be actually made available to the zamindars the proposed tax could be realized. I ask the Government, when the zamindars of this ilaqa are already groaning under debt, how would it be possible for them to pay this new tax? I think if they are given water beforehand then it may be possible for them that after cultivating their lands they may be in a position to pay this tax after two or three years. Now as it is provided in the Bill the tax will be levied before the water is actually supplied to them, and the result would be that the people who are already heavily in debt will have to take out fresh loans in order to pay their taxes. This would mean that their burden of debts would be further increased which they would not be able to pay for a long time to come. In the face of these facts how does it lie in the mouth of my honourable friend to say that his Government is bettering the condition of the poor people of that ilaqa?

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

I would point out to my learned friend, the Minister of Development that it is no use making wild boasts and extending false hopes to the jats under cover of glowing accounts of his Government's sympathy with the zamindars. If he has their interests really at heart, let him come forward now, for this is the most opportune moment for giving proof of it. My friend over there is aware that the zamindars who are likely to be affected by the provision of this clause are without any means of livelihood, and they will continue to remain in the lurch unless and until they receive facilities of irrigation. It is therefore only fair that the Government should postpone this levying of tax on people who are already heavily under debt till they actually get water for their lands. This is not a sound principle that the Government should tax people in anticipation of the facilities, in view of which the tax is proposed to be levied. If they really want to help the poor and improve their lot, they must defer, this realization of tax.

As you are aware, there is a provision in a subsequent clause if the full amount of the tax has not been paid the Government can have that power to withhold irrigation and may not refund any sums received, if in the opinion

[8. Kapoor Singh.]

of the Government the land is so situated that its value has risen in consequence of the proposal to introduce irrigation in that area. This as you will see, Sir, will give the Government a wide discretion which is likely to involve the already poverty-stricken people of the ilaqa into further financial difficulties. There could have been some justification for this measure, if Government had proposed to levy tax, after having made arrangements for the supply of water. But as the present matter stands, it is no less than a regular loot and exploitation of the poor intended to benefit the rich. Sir, however, it is possible that Munshi Hari Lal's amendment which asks for exemption for a holding of 25 acres may not be acceptable to Government, but my amendment, I hope, being a modest one in so far as it claims exemption for a holding of 12 acres or less will find favour. I hope my amendment will meet with the approval of the House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural), (*Urdu*): Sir, the speech of my honourable lawyer friend from Multan was so wide of the mark that one could hardly follow the trend of his arguments: He introduced certain irrelevant things in his speech which had no bearing on the subject matter of his amendment. I do not propose to follow his example and waste the time of the House by referring to matters which are not relevant to the debate. The object of the amendment moved by Munshi Hari Lal is that holdings of 25 acres or less should be exempted from the tax. Let us examine as to how far this suggestion is practicable. I must make it clear at the very outset that I am in full sympathy with the principle of giving relief to the owners of small and uneconomic holdings. Such owners deserve every consideration and concession at the hands of the Government, but I am doubtful whether it would be desirable or practicable to make a rigid provision in the Bill as has been proposed by my honourable friend, Munshi Hari Lal. The Honourable Revenue Minister has quoted some facts and figures which throw light on the nature and size of holdings in the Thal area. According to this information an owner in Pakka Circle of Bhakkar tahsil owns on an average 16 acres of land while in the Kachha Circle of the same tahsil the average is 8 acres. In Khushab tahsil the average comes to about 11 acres. In Leiah tahsil 83 per cent of the owners own 15 acres or less; 11 per cent of owners own 15 to 50 acres and only 6 per cent of the owners own above 50 acres of land. In Kot Adu tahsil 21 per cent owners own less than 1 acre and 81 per cent own between 1 and 8 acres. The result of my honourable friend's amendment would be that the additional amount required to make the project productive, will not be realized by this tax and consequently the Government will have to abandon the scheme. I must admit that my friend has invented a clever device to shelve the scheme. Although the proposition put forward by Munshi Hari Lal looks to be for the benefit of the zamindars yet its object is to deprive the zamindars of the Thal area of the benefits of canal irrigation. I take my hat off to my honourable lawyer friend for such an ingenious device. The figures quoted by the Honourable Revenue Minister are only a rough estimate. The Thal area is divided into two major sub-divisions, Thal Jandi and Thal Kalan. In Thal Jandi there are numerous patches of land under cultivation, but most of the area in the Thal Kalan is uncultivated and common waste.

The whole of the Thal area is unpartitioned and is jointly owned by the owners. Where an owner has cultivated the land its possession is entered in his name in the revenue records. The uncultivated area in a revenue estate is jointly owned by the owners. Then there are two categories of owners ; superior owners (*Malkan-i-Ala*) and inferior owners (*Malkan-i-Adna*). The value of their respective interest in the land varies from village to village, and is entered in the 'wajib-ul-arz' of each village. Apart from these owners there are occupancy tenants. The rights and conditions of their tenure also vary from village to village. These different types of owners and occupancy tenants hold joint rights in the same land. Unless the Thal area is partitioned and unless the rights of various proprietors and occupancy tenants are duly determined, it would be wrong to make a rigid provision in the Bill as to which class of owners or holdings are to be exempted from tax. We shall be taking a leap in the dark by making any rigid provision in the Act in this respect.

Rai Bahadur Mr. Mukand Lal Puri : Why ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : If my friend had followed my speech he would not have asked this question. If he cannot understand even a simple and straight argument, I can only say :

یا رب وہ نہ سمجھ سکتا ہیں نہ سمجھ سکتے مری بات
دل آور دے انکو جو نہ دے سکتا ہوں زبان اور

I was saying that so long as the lands are not partitioned and the right of various owners are not determined we cannot lay down any hard and fast rule with regard to exemption from tax.

Mian Muhammad Nurullah : May I know from the honourable member if the statement made by the Revenue Minister was wrong ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I have just stated that this information is based on rough estimates. As most of the Thal area was uncultivated waste, it was left unmeasured in the settlements and entered in the revenue records as 'shamilat'. The area of each holding is not yet determined. It is proposed to irrigate only 16 lakhs of acres of this 'shamilat' or jointly-owned land. The whole area of the Thal is many times more than the proposed commanded area.

Diwan Chaman Lall : Will my honourable friend enlighten the House on this point ? How much area out of this 16 lakhs of acres is owned undivided by the 6 per cent of the owners ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I have not quite followed my honourable friend.

Diwan Chaman Lall : How much of this 16 lakhs of acres is owned jointly by the 6 per cent of the owners ? That is a very simple question.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : My honourable friend's question is not so simple as he thinks it to be. As I have already explained the whole area of the Thal is unpartitioned and different types of owners and occupancy tenants have joint and several rights and interests in the same land. The figures quoted by the Honourable Revenue Minister are merely a rough estimate and relate to the whole of the Thal area. The

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area which is to receive canal irrigation forms only a fraction of the whole Thal area. It is, therefore, not possible to state as to how much land owned by the 6 per cent owners, whose holdings are 50 acres and more will come under the project unless the land falling within the project boundaries is partitioned and the rights of each owner and occupancy tenant are determined. I have already mentioned that the Thal villages in Muzaffargarh district are sub-divided into Thal Jandi and Thal Kalan circles. The proprietors own land in these two circles in different proportions. The Thal Project will irrigate the whole of Thal Jandi and a very small portion of Thal Kalan. A proprietor may be owning 1,000 acres in the Thal, but only a small area of his holding may fall within the irrigation boundary and the rest may be left out. The figures relating to the area of holdings of over 50 acres in the Thal will therefore be of no help to us at this stage. These figures will be misleading rather than useful and will serve no useful purpose. Supposing 60 per cent area of an owners' holding is excluded from the irrigation boundary and only 40 per cent of his area remains within the irrigation limits, how can we take the whole area of such an owner into account for our present purposes? I was therefore submitting that it would be presumptuous to say at this stage that so much area under the Project will be owned by owners whose holdings are 50 acres and more.

Diwan Chaman Lall : But how did you presume that six per cent is in the possession of the owners and more than sixty per cent is yet undivided?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I never said anything to this effect. Probably my honourable friend has not followed me properly.

Minister of Revenue : There is some misunderstanding on the point. What I stated was that 23 per cent persons owned less than one acre.

Diwan Chaman Lall : There is no misunderstanding at all. What I am asking is this. What area is owned undivided by the 6 per cent of the owners?

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

Sardar Sahib Sardar Santokh Singh : You have given us the figures that 83 per cent of the owners own less than 50 acres each. We want to know how much area is owned by the remaining 17 per cent and how much area by these 83 per cent of small proprietors.

Minister of Revenue : I have not got the same brains as my honourable friend has.

Sardar Sahib Sardar Santokh Singh : You have got better brains but you are trying to evade the question.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I was submitting that these figures are based on rough estimates and relate to the whole Thal area and unless the land falling within the irrigation boundary is partitioned and the rights of each owner and occupancy tenant are determined, it would be impossible to state at this stage as to what will be the state and size of each holding. Unless this is done, how can the Government decide as to which class of holdings is to be given concession or exemption from the payment of tax? Clause 8 gives the Government powers to

exempt any holding from the payment of tax and lays down the principles on which exemptions could be given. It is provided —

That the Government may by notification exempt any particular site or class of sites from the operation of this act on grounds relating either to the character of the soil, the size of the holding or the purposes for which it is being used.

The Government has reserved to itself the right of exempting any particular site or class of sites from the operation of this Act and when the correct data is available the Government will grant exemption in deserving cases.

If the amendment moved by my honourable friend, Munshi Hari Lal is accepted it will defeat the very object of this Bill. I belong to that part of the province which will be benefited by the Thal Project and none would be happier than myself if the poverty-stricken people of the Thal area are exempted from the payment of this tax. But the difficulty is that the intention of my honourable friend is quite different from that which appears on the surface. There are hidden meanings behind his words. He wants to shelve the scheme by making it unproductive. If I am assured by the Congress party that they will vote for the execution of this project in order to improve the lot of the zamindars of the Thal area even if the scheme is unproductive and that the losses if any will be made good from the provincial exchequer I shall have no hesitation in supporting Munshi Hari Lal's amendment. But I cannot support his proposition at the risk of having the Thal scheme abandoned. If we read between the lines of the speeches made by my friends opposite, their intentions become quite clear. My honourable friend, Sardar Kapoor Singh suggested that the plight of the zamindars of the Thal will grow from bad to worse by the imposition of this tax. He argued that the soil is sandy and even if water is supplied to them they will not be able to pay the tax. I fail to understand the logic of his argument. The Thal area is an uncultivated waste at present and gives no return to the owners. How will the condition of the proprietors of Thal area become worse than their unproductive lands receive perennial canal irrigation and became culturable and productive. In their zeal to secure the abandonment of this scheme my Congress friends do not hesitate to make even such absurd suggestions. The Government intends to take only a small portion of the increased income of the zamindars which they will get by the provision of irrigation facilities so as to make it possible to proceed with the scheme and overcome the serious financial difficulty that stands in the way of executing this project.

Mrs. J. A. Shah Nawaz : Mr. Speaker, may I ask through you a question from the learned speaker or the Honourable Minister of Revenue if he would take the trouble of replying to it? What does the Punjab Government mean by the term 'remunerative'? Is it six or ten per cent interest on the cost of the project? If any project gives $4\frac{1}{2}$ per cent will it be called a 'remunerative project' or not?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, the Honourable Minister for Revenue is in a better position to answer this question. My own view is that the Government should not undertake this project with the object of profiteering or money making. They should not tax the poor samindars of the Thal to a larger extent than what is absolutely necessary.

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to balance the expenditure on the project in order to make it self-supporting and to ensure that the project will not be a burden on the provincial exchequer. They should not tax the people beyond this and as soon as the project becomes self-supporting the Government should stop the levy of tax. The Honourable Revenue Minister has made it quite clear that the object of the Government is to help the people of the Thal out of their present difficulties and to improve their economic condition. He told us that the tax will be realised in easy instalments and will be levied only after the canal water has been made available and the land has been brought under cultivation. He has further assured us that the Government will provide every reasonable facility to the zamindars in the payment of tax and will ensure that no hardship or inconvenience is caused to them on this account. I have no hesitation in believing that the Government will treat the zamindars of the Thal with sympathy and consideration and will do every thing possible to improve their lot. My friend Munshi Hari Lal, read the contents of a letter which was alleged to have been written by Mian Bashir Ahmad to his agent in which the agent was directed to see the Deputy Commissioner, Muzaffargarh, and the Tahsildar of Leiah. It was mentioned in the letter that the Deputy Commissioner will help him (the agent) in securing the possession of his (Mian Bashir Ahmad's) lands as he did in the case of Begum Shah Nawaz. The writer also informed his agent that Rs. 40 had been deposited with Sayed Naubahar Shah, Tahsildar, Leiah, for obtaining copies of revenue records which he should get from the tahsil. I fail to see the objection in writing such a letter, if at all the letter quoted by my honourable friend is a genuine one. Is it not the duty of the deputy commissioner or a tahsildar to partition a joint landed property or to put an owner in possession of his land, according to law, or to make available to an applicant copies of revenue records after realising the prescribed fees? It is nowhere stated in the letter that the Deputy Commissioner or the Tahsildar had promised to show any undue favour to the writer. Does my honourable friend mean to suggest that big land owners should be denied the assistance which is provided by the law merely because of their high social status? Does he mean to suggest that the law should be interpreted differently in accordance with the social and economic standing of a person and that the so-called big land owners should be denied every benefit or relief that the law provides? I wish my friend had better notions of justice and fair play and possessed greater sense of responsibility. My friend, Munshi Hari Lal, felt as jubilant over the discovery of this letter as Columbus might have felt at the discovery of the new world. He made uncalled for and unjustified insinuations against the local officers on the basis of this letter. My friends over there are always anxious to find an excuse for throwing mud on Government officials. In their zeal to villify public servants they lose all sense of proportion and responsibility and bring forward all sorts of baseless and unfounded accusations. My friends must realise that their uncalled for attacks do not harm those against whom these are directed but certainly reflect discredit on those who adopt such shameful tactics. My friend, Munshi Hari Lal, is not justified in making insinuations against the local officers on the basis of a letter which is alleged to have been written by a landlord to his agent. In the first instance my friend has no proof with regard to the genuineness of this letter. We have not been told wherefrom Munshi Hari Lal got this letter.

It was neither addressed to him nor was he in any way concerned with it. I am sure my friend could not intercept this letter as it is either the black mailers who do such things or the official censors who intercept letters under the authority of law. Secondly, how can we accuse an officer on the basis of a letter written by one private gentleman to another and containing certain statements which have not been verified. A person might say that an officer would do a certain illegal thing for him but unless that officer does any such thing how can we accuse him or insinuate against him. My friend, Munshi Hari Lal, tried to develop an argument by mentioning about this mysterious letter, that the local officers will favour big landlords at the cost of small holders in the matter of granting exemptions from the payment of tax. I fail to understand the logic of his argument. The power to exempt a particular holding or a class of holdings is vested in the Government and not in the local officers. How will the local officers be able to favour anybody in this matter. The Government will decide as to which class of holdings is to be exempted from the operation of this Bill. There will be no question of favouring an individual. The Government will only decide the principal and lay down a policy which will be incorporated in the rules. No officer will have the power or authority to infringe the rules. How then will he be in a position to favour any individual? It will not be out of place to mention that I had also given notice of an amendment to this clause. My amendment proposed that the tax should be levied only on cultivated lands. But in view of the assurance given by the Honourable Revenue Minister I do not deem it necessary to move my amendment. I hope in framing the rules the Government will keep the interests of the people uppermost in their mind and that due regard will be paid to the quality of soil in assessing the tax and every facility will be provided in the recovery of tax. It is hardly necessary for me to point out that the security and progress of a state depend on the well-being and contentment of its people.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): My honourable friend who has just preceded me, in spite of his thorough knowledge of his subject, has either deliberately evaded the question that was clearly put to him or he has been deliberately trying to cloud the issue. The question of all questions was, how much area do these 83 per cent owners own and how much area the remaining 17 per cent according to the Revenue Minister, own? A clear reply to that question should have solved the whole riddle. But it appears that this Government is a pastmaster in the matter of evading statements that they do not want to make. The same was the position in the select committee. We asked in very clear and unequivocal terms as to how much area was owned by the poor peasant proprietors and how much was owned by the bigger people and no reply was given to us. It is a matter of great surprise to me that the Revenue Minister should be able to quote facts and figures relating to small holdings and where the question of big holdings comes in he keeps mum and notwithstanding the direct questions that are put to him, he either deliberately tries to evade answering them or does not give us anything on which we can base our judgment. So far as the question of imposition of these taxes is concerned, there are no two opinions. To understand the full significance and history of this project, one has to go back to the Sind Sagar Doab Colonization Act. Those who care to study the Act will find that the then owners voluntarily

[S. S. Santokh Singh]

entered into an agreement with the Government that they would make over all of their land to the Government on the stipulation that one-fourth of the land would be restored to them on the opening of the canal and three-fourths would be appropriated by the Government. Twenty-seven years later that Sind Sagar Doab Colonization Act was repealed and the late lamented Mian Sir Fazl-i-Husain when speaking on the motion in the then Council said the following words :—

Whenever at any future time, fifteen years hence or more, it was found that some water was available for the Sind Sagar Doab Canal and the usual rates prevailing would not permit Government to take up that scheme, such steps would be adopted as would make that scheme a practical scheme.

This was the language employed by the late Mian Sir Fazl-i-Husain speaking on the motion in the then Council in the year 1929 and it is in furtherance of that that this tax is being imposed. So that when I say that so far as the imposition of the tax is concerned, there are no two opinions about it, I am not far wrong. The overwhelming majority of the members of this House are in favour of the imposition of this tax. The difference between ourselves and the members sitting on the Ministerial benches is that we want to protect the poor people by making them immune from payment of these taxes. We say that small holdings should be immune from the payment of this tax and we ask that the Government with a view to arrive at correct results should tell us how much of the land out of the 16 lakhs of acres that has to be watered by this project belongs to small owners?

(At this stage the Assembly adjourned till 12 noon on Thursday, 18th April, 1940.)

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 18th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

CLEANING AND LIGHTING OF THE YUDHISHTER ROAD AND RANA PARTAP SINGH STREET, KRISHAN NAGAR, LAHORE.

***6533. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether any arrangement has so far been made by the Lahore Municipality for the cleaning and also for the lighting of whole of the Yudhishter Road and Rana Partap Singh Street in Krishan Nagar, Lahore, which are public streets ; if not, the reasons therefor ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : Both roads are properly lit and regularly cleaned.

NUMBER OF MUSLIM, HINDU AND SIKH STUDENTS STUDYING IN GOVERNMENT INTERMEDIATE COLLEGES IN THE PROVINCE.

***6473. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Education be pleased to state the number of Muslim, Hindu and Sikh students studying in each Government Intermediate College in the province ?

The Honourable Mian Abdul Haye : The information is noted below—

	Muslim.	Hindu.	Sikh.
1. Government Intermediate College, Hoshiarpur ..	100	80	51
2. Government Intermediate College, Campbellpur ..	140	68	21
3. Government Intermediate College, Pasrur ..	102	56	26
4. Government Intermediate College, Jhang ..	69	208	12
5. Government Intermediate College, Rohtak ..	95	132	4
6. Government Intermediate College, Dharmasala ..	11	116	7
7. Government Intermediate College for Women, Lyallpur ..	40	54	28

ENCOURAGEMENT OF VILLAGE INDUSTRIES.

***6482. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state—

(a) whether it is a fact that no sum in the shape of a loan or a subsidy has so far been granted to encourage village industries in the Punjab ;

(b) if reply to the above be in the negative, the names, home addresses and caste of the grantees ?

The Honourable Chaudhri Sir Chhotu Ram : (a) No.

(b) A statement is placed on the table.

Chaudhri Muhammad Hasan : Has it ever occurred to the Government that on account of financial stringency in the province village industries cannot be encouraged ?

Minister : You are giving the reason.

Chaudhri Muhammad Hasan : You said that no loans were granted for encouragement of village industries. What are the reasons ?

Minister of Development : I did not say that no grant had been made. I said that it was not a fact that no grant had been made.

Chaudhri Muhammad Hasan : Is the Honourable Minister in a position to say what was the amount of loans granted ?

Minister : If the honourable member had taken the trouble to have a look at the statement, he would have found there all the information that he wants.

Chaudhri Muhammad Hasan : Copy of it has not been supplied to me in advance as is generally done. I have not got it this time.

Sardar Ajit Singh : May I know from the Honourable Minister whether, if a zamindar wants to sink a tube-well, the Government will advance any loan to him ?

Minister : A tube-well does not fall under "Industries."

Statement showing the names of persons to whom loans or subsidies have been granted for setting up industries in villages in the Punjab.

Serial No.	Name and address.	Caste.	Amount of loan.
A.—LOANS.			Ra.
1	Sardar Nahar Singh, son of Sardar Bhola Singh, Narangwal (district Lahore).	Sikh ..	1,000
2	Sardar Puran Singh, son of B. Kartar Singh, Chak No. 73/19, district Sheikhpura.	Do. ..	5,000

Serial No.	Name and address.	Caste.	Amount of loan.
	<i>A.—LOANS—continued.</i>		<i>Rs.</i>
3	Sardar Hardit Singh, son of B. Bodh Singh, Chak No. 28, Gujrat.	Sikh ..	1,000
4	M. Allah Ditta, village Nizamabad, district Gujranwala.	Muslim ..	5,000
5	Sardar Puran Singh, son of Sardar Kartar Singh, Chak No. 73/19, Sheikhpura (second loan).	Sikh ..	5,000
6	Seth Harnam Das, Nawankot, district Lahore ..	Hindu ..	4,000
7	Messrs. Mihan, Labhu and Puran, village Bolina, district Jullundur.	Chamar ..	1,000
8	Gulab, son of Raldu, village Bolina, district Jullundur.	Do. ..	500
9	Jaru, son of Nanda, village Bolina, district Jullundur.	Do. ..	500
10	Bhoja, son of Jhanda, village Bolina, district Jullundur.	Do. ..	500
11	Jassoo, son of Jawala, village Bolina, district Jullundur.	Do. ..	500
12	Biru, son of Ralla, village Bolina, district Jullundur.	Do. ..	500
13	Dulla, son of Nihala, village Bolina, district Jullundur.	Do. ..	400
14	Maghu, son of Kamda, village Bolina, district Jullundur.	Do. ..	400
15	Haru, son of Kaka, village Bolina, district Jullundur.	Do. ..	400
16	Inda, son of Rura, village Bolina, district Jullundur.	Do. ..	400
17	M. Muhammad Ibrahim, Raja Sansi, district Amritsar.	Weaver ..	1,000
18	Gosain Gian Chand of Badoki Gosain ..	Gosain ..	5,000
19	Sardar Puran Singh, village Ragba, district Ludhiana.	Sikh ..	8,000
20	Sardar Pal Singh, village Dhaliwal, district Jullundur.	Do. ..	1,000
21	M. Alla Ditta, Nizamabad, district Gujranwala.	Muslim ..	1,000
22	Badrud-Din, village Gorha, district Amritsar ..	Do. ..	2,000

Serial No.	Name and address.	Caste.	Amount of loan.
	A.—Loans—continued.		Rs.
23	Lala Rajindar Singh, Bir Balsaha, district Karnal.	Hindu ..	4,000
24	Chaudhri Fateh Muhammad, son of Chaudhri Jalal-ud-Din, district Hoshiarpur.	Gujar ..	4,500
25	Shaikh Ghulam Dastgir, district Hoshiarpur ..	Muslim ..	4,500
26	Lala Sawan Mal, village Samloti, district Kangra	Mabajan ..	500
27	Lala Sawan Mal, village Samloti, district Kangra	Do. ..	500
28	Lala Sundar Lal, village Gaiindki, district Sialkot.	Hindu ..	3,000
29	Mr. C. H. L. Banon, village Manali, tahsil Kulu, district Kangra.	Christian ..	4,000
30	Sohaya, son of Piara, village Haiderabad, tahsil Bhakkar, district Mianwali.	Weaver ..	200
31	Qadir Bakhsh, son of Gama, village Haiderabad, tahsil Bhakkar, district Mianwali.	Do. ..	100
32	Zama, son of Lal, village Haiderabad, district Mianwali.	Do. ..	100
33	Nand Lal, Haiderabad, district Mianwali ..	Do. ..	500
34	M. Karim Bakhsh, village Haiderabad, district Mianwali.	Do. ..	75
35	Pandit Keshab Narain, village Suliana, district Kangra.	Brahmin ..	200
36	Messrs. Ahmad Bakhsh, Wahid Bakhsh, sons of Muhammad Bakhsh, village Haiderabad, district Mianwali.	Weaver ..	150
37	Ram Chand, son of Ishar Das, village Haiderabad, district Kangra.	Hindu ..	300
38	Mangha Ram, son of Asa Nand, village Haiderabad, district Mianwali.	Weaver ..	200
39	Bhoja Ram, son of Jot Singh, village Haiderabad, district Mianwali.	Weaver ..	300
40	Jinda Singh, son of Jot Singh, village Haiderabad, district Mianwali.	Do. ..	200
41	Hira Nand, son of Bhai Gurdit Singh, village Haiderabad, district Mianwali.	Do. ..	95
42	Lakha, son of Banna, village Dhanpind, district Jullundur.	Chamar ..	1,000

Serial No.	Name and address.	Caste.	Amount of loan.
	A.—LOANS—concluded.		Rs.
43	Munshi Ram, son of Gopal Singh, village Dhalliwal, district Jullundur.	Chamar ..	250
44	Lala Mulkh Raj, Proprietor, Salhotra Weaving Factory, Parkash Nagar, tehsil Shakargarh.	Khatri ..	5,000
45	Jaimal, son of Gahne, village Dhanal Kalan, district Jullundur.	Chamar ..	400
46	M. Din Muhammad, village Nagoki, district Amritsar.	Weaver ..	1,000
47	Moti Adharmi, village Dhanal Kalan, district Jullundur.	Chamar ..	100
48	Messrs. Khair Din, Rahim Baksh, Shampura, district Amritsar.	Muslim ..	3,000
	B.—SUBSIDIES.		
49	Lala Sundar Lal of village Goindki, district Sialkot.	Hindu ..	700

ADOPTION OF INDUSTRIES AS THEIR PROFESSION BY NOTIFIED AGRICULTURAL TRIBES.

***6483. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state—

- whether it is a fact that some of the zamindars or the members of the notified agricultural tribes have taken to industries as their profession in the province ;
- if so, the number of those of such persons who have taken up industry as their profession and mainly depend on it ?

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

(b) This information is not available as no Census has been taken ; and one cannot be undertaken except at great expense and labour which will not be commensurate with the results obtained.

Chaudhri Muhammad Hasan : During the course of survey of the province for industrial purposes, did not the Government think it proper to find out the number of zamindars who have taken to industries as their profession ?

Mr. Speaker : This does not arise out of the question.

INDUSTRIAL SCHOOLS.

***6484. Chaudhri Muhammad Hasan:** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that no industrial schools have been opened in the province during the last three years ;
- (b) if so, the reasons therefor ;
- (c) if reply to the above (b) be in the affirmative, the number of such schools opened during the last three years, the place of their location and the nature of the industry to be adopted in the said schools ?

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

(b) In conformity with the policy of Government, ordinary industrial schools in which industrial education used to be combined with general education, are being gradually replaced by trade schools, which specialize in the teaching of useful trades for the production of articles of daily utility which have till now been imported from outside. The process of reorganization has not yet been completed for all schools. Government consider that establishment of new trade schools should be postponed until the existing schools have been completely and successfully reorganized.

(c) Does not arise.

SUPERSESSIONS BY SUB-ASSISTANT SURGEONS OVER THEIR COLLEAGUES
IN DISPENSARIES MAINTAINED BY GOVERNMENT AND LOCAL BODIES.

***6489. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Education be pleased to state—

- (a) the names of those Sub-Assistant Surgeons at present serving in the dispensaries maintained by Government and the local bodies in the province who have been superseded during the last 10 years by their fellow Sub-Assistant Surgeons in the matter of promotion, seniority and grade of pay, etc., with reasons for their supersession in each case ;
- (b) the comparative qualifications and record of service of those who have so superseded and of those who have been so passed over ?

The Honourable Mian Abdul Haye : I do not think that the labour involved in collecting the information would be commensurate with the results to be achieved therefrom. I may, however, add for the honourable member's information that as promotions are made by selection, the question of supersession does not arise.

GRIEVANCES OF BOARD TEACHERS.

***6517. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state whether Government has received resolutions adopted by the annual conference of Board teachers recently held at Lahore under the presidentship of Raja Narendra Nath ; if so, steps contemplated to redress the grievances of Board teachers embodied in those resolutions ?

The Honourable Mian Abdul Haye : *First part.*—Not yet.

Second part.—Does not arise.

**JULLUNDUR DISTRICT BOARD EDUCATION BUDGET REDUCTION
IMBROGLIO.**

***6518. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state whether, as promised during the course of discussion on the adjournment motion in the current session of the Assembly, the Director of Public Instruction, Punjab, has been to Jullundur in connection with the District Board Education Budget reduction imbroglio; if so, steps taken to set matters right or settle the trouble?

The Honourable Mian Abdul Haye : Yes, the Director of Public Instruction did pay a visit to Jullundur and discussed the situation with the Commissioner and with the Chairman and Vice-Chairman of the District Board. On his return to Lahore he was directed to make known the views of Government to the authorities of the District Board through the Commissioner. It is understood that the matter was again discussed by the District Board and that a certain resolution has been adopted, but the Commissioner has not yet forwarded it to Government. I may assure the honourable member that the whole matter is receiving the earnest attention of Government.

Mr. Dev Raj Sethi : What were the instructions given by the Government to the Director of Public Instruction, to the Deputy Commissioner and the District Board?

Minister of Education : It was pointed out to the District Board that reduction if it is to be made should be made gradually and not all at once.

Lala Duni Chand : May I know if the order regarding the number of posts to be brought under reduction is proposed to be modified and if so how far it is going to be modified?

Minister : I do not know what the recent resolution of the District Board is. Until I receive a communication from the Commissioner, I am afraid I am not in a position to answer this question.

Lala Duni Chand : Is it not true that the whole object of the inquiry is to modify the order that has been passed already regarding the reduction of certain posts?

Minister : The honourable member is now thinking of certain individuals who are threatened with unemployment. I am thinking of the institutions. If the Government succeed in persuading the District Board not to close down these institutions, it is obvious that no teachers will be thrown out of employment.

Master Kabul Singh : Will the notices that have been served upon the teachers be suspended so long as the correspondence goes on between the Government and the District Board?

Mr. Speaker : This question does not arise.

Chaudhri Muhammad Hasan : Is it a fact that the resolution passed by the District Board, Jullundur, was forwarded to the Government for approval?

Minister : It was not forwarded to the Government for approval. I have already stated that a certain resolution has been adopted. This is my private information but we have so far received no official communication.

Chaudhri Sumer Singh : Has the resolution which was passed by the District Board been cancelled ?

Minister : Which resolution ?

Chaudhri Sumer Singh : The resolution regarding reduction of staff by District Board, Jullundur.

Master Kabul Singh : Is it a fact that the Deputy Commissioner, Jullundur, has not trusted the Ministry in this matter and invited the Governor to interfere in the matter ?

Minister : He has not so far joined hands with you. (*Laughter.*)

RETIREMENT OF RAI BAHADUR DR. JEEWAN LAL AND THE APPOINTMENT OF HIS SUCCESSOR.

***6519. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the Government intends to appoint a European I. M. S. officer to fill the vacancy to be created on the retirement of Rai Bahadur Dr. Jeewan Lal, a Professor of the King Edward Medical College, Lahore, and whether the choice of a competent P. C. M. S. man has already been altogether ruled out ; if so, the reasons therefor ?

The Honourable Mian Abdul Haye : The question of the appointment of a successor to Doctor Jeewan Lal is under consideration.

Lala Duni Chand : May I know if a member of the I.M.S. or a member of the P.C.M.S. is contemplated to be appointed ?

Mr. Speaker : The Honourable Minister has stated that the matter is under consideration.

Lala Duni Chand : The matter may be under consideration but the principle may have been decided.

Mr. Speaker : It does not arise out of the answer.

Lala Duni Chand : I concede the matter is under consideration but the principle on which appointment is to be made might have been decided.

Mr. Speaker : The whole matter is under consideration, e.g., the principle, the qualifications and other things.

Diwan Chaman Lal : The question is whether the choice of a competent P.C.M.S. officer has already been ruled out altogether.

Minister : It is under consideration.

Diwan Chaman Lal : What is under consideration ?

Minister : Whether Assistant to the Professor who is a P.C.M.S. officer should be promoted or not. The interests of all concerned are safe in the hands of the Government. I am afraid my honourable friend, by raising this question on the floor of this House, may do some disservice to the gentleman concerned.

Lala Duni Chand : May I know if it is true that either a member of the I.M.S. or a member of the P.C.M.S. may be appointed? Can the Government give information with regard to that matter?

Mr. Speaker : The Honourable Minister says that matter has not been decided yet.

Lala Duni Chand : I want to know whether this matter is under consideration or not and if that is under consideration, let the Honourable Minister say so.

Mr. Speaker : When he says that the whole matter is under consideration, he means that everything is under consideration.

AUCTION OF LAND IN CHAKS NOS. 9 AND 10 IN THE HAVELI PROJECT.

***6595. Khan Haibat Khan Dahi :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that land situated in Chak 9 Rajbaha Vinoli and Chak 10 Rajbaha Abdul Hakim, Abadi Haveli Project has to be auctioned on 27th and 28th March, 1940;
- (b) whether it is also a fact that it will not be an open auction and that Arains and Jat Sikhs alone will be permitted to bid for it;
- (c) if answers to (a) and (b) above be in the affirmative, the reasons for placing this restriction on the auction of this land;
- (d) whether he is aware that the order placing restriction on the auction of this land has created a feeling of resentment among the residents of the ilaqa on their having been deprived of the right of purchasing land close to their home and hearth; if so, the manner in which it is intended to remove this feeling of resentment?

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

(b) Yes.

(c) To introduce a homogeneous body of competent cultivators into the colony which is one of the chief objects of colonization, and at the same time to realize the full value of the land.

(d) Government have no information of such resentment but 29,620 acres have been set aside for grants to local inhabitants and Government will further be prepared to set aside land for auction upon the same terms as those approved for Jat Sikhs and Arains, to genuine local inhabitants, if there is sufficient demand.

Diwan Chaman Lall : May I ask my honourable friend whether a competent cultivator is to be decided by the individual or by the class?

Parliamentary Secretary : By both.

Diwan Chaman Lall : May I take it that there are no competent cultivators belonging to any other class except Arain and Jat?

Parliamentary Secretary : That is not the idea. I have already explained that there should be homogeneous population in particular chaks.

[Raja Ghazanfar Ali Khan.]

Therefore, while in some chaks the land will be restricted on auction to Arains and Jat Sikhs, in other chaks it will be given to others who are competent cultivators.

Diwan Chaman Lall : May I know when this particular change in the policy of the Government was introduced? Is it the first indication of this change?

Parliamentary Secretary : I do not see where the change of policy is involved in this question. It is only a question of trying to get the best value of the land and the most competent cultivators.

Diwan Chaman Lall : May I know if this principle of restricting the auction to a particular class has ever been followed before by the Government or is this the first occasion?

Parliamentary Secretary : I would like to have notice.

Diwan Chaman Lall : May I ask my honourable friend whether it is not a fact that if there was a free auction, he would be able to get much better and bigger price for the land than by restricting it to a particular class?

Mr. Speaker : That is a matter of opinion.

Diwan Chaman Lall : No. My honourable friend has given this reason that the auction is restricted to these two classes because he wants to get a better price. Now I want to know whether it is not a fact that if there was a free auction my honourable friend would be likely to get a better price.

Parliamentary Secretary : As I have already explained, the question of allotting the land is determined by three factors; the first, is to get a reasonable value of the land, the second is to give the land to good agriculturists and the third is to have homogeneous population. These are the three factors which have to be taken into consideration.

Diwan Chaman Lall : In view of these factors, firstly taking the last one, that is, homogeneous population, may I ask whether my honourable friend or the Government whom he represents ever considered the question of restricting the auction to all other classes in order to get a rare homogeneous population in that particular village?

Parliamentary Secretary : I do not see how the Government will get homogeneous population by giving the land to all classes.

Diwan Chaman Lall : May I ask whether it is not a fact that he is wanting all classes to be represented in that village?

Parliamentary Secretary : The object is quite contrary. We want inhabitants of a particular class.

Diwan Chaman Lall : Then I take it that my honourable friend is not wanting a homogeneous population. What he is wanting is restricting the population to this particular class. Is that his intention?

Parliamentary Secretary : We want homogeneous population in a particular chak. For instance, there is one chak where only Sikh Jats will

be given land. Similarly in other chaks, the land will be given to other agriculturists and it will be restricted to auction in those chaks only for those particular classes.

Diwan Chaman Lall : May I ask my honourable friend, when this is one reason for allotting this land, whether it is not a fact that this is completely a new departure as far as policy is concerned ?

Parliamentary Secretary : Unless I get a notice I cannot say whether the Government have been observing this practice in the past or not. But I do not see any departure of policy in this particular case.

Mian Muhammad Nurullah : May I know whether one of the reasons behind it is that Arains and Jat Sikhs are the best agriculturists and they would serve as good demonstration centres in that ilaqa ?

Parliamentary Secretary : Yes, they are good agriculturists and so are others. (*Laughter.*)

Lala Duni Chand : May I know that it is not a case of bringing about homogeneity, but it is a case of bringing about tribal communalism ?

MIGRATION OF A NUMBER OF PEOPLE FROM ISAKHEL AND KALABAGH
FOR FEAR OF TRANS-BORDER RAIDS.

***6597. Lala Bhim Sen Sachar :** Will the Honourable Premier be pleased to state whether it is a fact that a large number of people have left Isakhel and Kalabagh for fear of trans-border raids ; if so, what specific steps the Government have taken to restore feeling of confidence in those localities with a view to enable the inhabitants of those places to return to their homes ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : A reference is invited to the reply¹ given on the 26th of March last to a short notice question put by the honourable member for the Ambala and Simla (General) Rural Constituency on this subject.

Diwan Chaman Lall : Is it a fact that there is no more confidence now amongst the inhabitants of that particular part than there was at the time when my honourable friend gave the reply to that question ?

Parliamentary Secretary : There is no reason to believe the statement of my honourable friend. As a matter of fact, the police has been strongly reinforced and I think there should be more confidence among the people now.

Diwan Chaman Lall : May I know if any people, who left Isakhel have come back to Isakhel ?

Parliamentary Secretary : I cannot give the exact number, but I believe some of them have returned to their homes.

Diwan Chaman Lall : May I know how many did actually leave Isakhel ?

Parliamentary Secretary : It is not possible for me to give the exact number, off-hand, but, if my honourable friend gives notice of a question I shall try to collect the figures.

Lala Duni Chand : May I know if by this time the Government has not ascertained the number of people who left Isakhel and the number of those who have not yet returned ?

Parliamentary Secretary : No useful purpose would have been served by collecting this information, but those people who did leave the place, left it only temporarily and since after that, that is, 12th February, there have been no raids on Isakhel, I believe the fullest confidence has been restored.

Lala Duni Chand : In view of the circumstances of the matter, may I know whether it was not the elementary duty on the part of the Government to collect full information on this point ?

Mr. Speaker : Is the honourable member's question admissible ?

Lala Duni Chand : Sir, on account of the raids, a large number of people have left that place and it was the duty of the Government to ascertain how many people left the place and how many have not yet returned.

Parliamentary Secretary : It was not possible to keep a record of the persons who left the town. What the Government did was to take every possible step to restore confidence among the people and they not only sent the police there but an infantry had also been sent. That was all that the Government did at the moment and the result was that there has been no more raids in that part.

Mr. Speaker : The honourable member's question was how many people left the place and how many have come back ?

Parliamentary Secretary : My honourable friend said that it was the elementary duty of the Government to keep a record of the persons who left the town.

Minister for Public Works : It is almost impossible for the Government to have day to day census of travellers from that part of the ilaqa. What happened was that certain people, on account of raids, left the place and there was no record kept. After that the police was reinforced and military was sent for and confidence was restored. A number of people have returned and a few nervous people are still keeping out always either because of their nervousness or they are doing business. How is it possible for the Government to find out those figures ? I think the honourable member may realize that it is not necessary.

SHORT NOTICE QUESTION AND ANSWER.

KHAKSARS IN LAHORE.

Sardar Hari Singh : Will the Honourable Premier be pleased to state whether it is a fact that Khaksars have been pouring into Lahore for some time past and into the Punjab from other provinces, if so, with what purpose, the steps taken to prevent their influx and the precautions adopted to deal with the situation at Lahore ?

The Honourable Major Sir Sikander Hyat-Khan : Khaksars have been filtering into the Punjab and into Lahore from other provinces, presumably with the object of taking part in an agitation to persuade Government to cancel the restrictions recently imposed. Government have instructed district officers to intercept Khaksars who are proceeding to Lahore, and police arrangements in Lahore are adequate to deal with Khaksars who attempt to defy the law there.

Diwan Chaman Lall : May I ask whether the Honourable Premier can state the approximate number of Khaksars that have come to Lahore from other provinces?

Premier : I am afraid it is not possible for me to give a reply to this question off-hand. A large number of Khaksars came from outside, and I do not know how many of them have gone back. Some of them I understand have gone back.

Mr. Dev Raj Sethi : May I know how many of the Khaksars arrested on the 17th instant came from outside the Punjab?

Premier : With the exception of one batch of Khaksars all others came from places outside the Punjab.

Mr. Dev Raj Sethi : What about the second batch?

Premier : It consisted of only ten or eleven Khaksars.

Master Kabul Singh : Has there been any clash to-day? If so, may I know the number of Khaksars who came from outside the Punjab?

Premier : Yes there has been a clash. But I cannot say at present how many of the Khaksars came from outside the Punjab.

THAL (INCREASE IN VALUE) BILL.

Clause 3.

Mr. Speaker : The Assembly will resume consideration of the Punjab Thal (Increase in Value) Bill clause by clause.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I was submitting yesterday, when the House rose for the day, that so far as the imposition of this tax was concerned, there was no disagreement between the two sides of this House. The peculiar nature of this project was such, that money had to be raised in order to see it through. The point of disagreement between the Government and those of us, who sit on this side of the House, is that we want the small peasant proprietors to be exempted from the payment of this tax. We want a graduated scale to bring in more money from people who are in a position to pay and also just enough money for the venture to go through. On the other hand the position of the Government is that they want to charge the poorest cultivator, the poorest owner, who may have a holding even of one acre at the same rate as the person who holds five thousand or six thousand acres of land. This, Sir, is the wish of the Government. The Honourable the Revenue Minister was pleased to give us some figures showing the percentages of holdings of the small proprietors in that area. According to that information and according to the calculation of my honourable friend Mian Nurullah as per

[S. S. Santokh Singh.]

notes that he took of the Minister's speech the total of these small proprietors comes to 78 per cent, whereas the Honourable Minister says that this total is 83 per cent. I will assume for the sake of argument that the total of the small peasant proprietors of that area is 83 per cent, and these 83 per cent. of the owners hold land varying from 1 acre to 15 acres. The question now remains about the remaining 17 per cent. We put a direct question, in order to arrive at proper results, a very clear question to the Honourable the Revenue Minister to tell us how much of the actual area expected to be cultivated by this project and which in all is reckoned as 16 lakhs of acres, was held by these 83 per cent. of the owners and how much of the area was held by the remaining 17 per cent, big proprietors. To this no reply whatever, which can be called a reply, was given. No attempt was made to give a right reply. I cannot believe that the Government has not even an approximate idea as to what the holdings of these big 17 per cent are? I am of the opinion and I make bold to assert that the Government is deliberately trying to suppress the facts, because they know that if they gave out the correct facts, their position will become untenable. I further make bold to say that these 17 per cent of the big owners hold probably more than $\frac{1}{2}$ the area of the land which is going to be cultivated by that project, may be that out of 16 lakhs, these 17 per cent big proprietors own no less than 9 lakhs of acres. Will the Honourable the Revenue Minister lay his hand on his heart and tell us whether this was not so? (*Minister for Revenue*: No). He must be in a position to give us some idea. He can give us some facts. Yesterday when I put this question he tried to throw dust into our eyes. We wanted to have an idea as to the area of land held by the 83 per cent of the small peasant proprietors and the area held by the remaining 17 per cent. I put this question again, and I pause for an answer. What we do say is this that the required money be raised in the shape of taxation from rich and big holders of land, and that the poor people be exempted from this tax. If one-half of the land is held by big landlords, big proprietors, I do not really see why they should be made to pay only Rs. 30 per acre and not Rs. 60 per acre? This will bring to the Government the money that is required for carrying on this project. This will not mean any hardship to the poor peasant class. Just think, Sir, that a man holding one acre of land has to pay this tax at the same rate as the person holding five thousand acres of land.

I put it to the Government whether they think that it is just and fair, and where has that lip sympathy which they had for the poor classes gone and how has it vanished into thin air? By all means raise money by taxation but in the way we suggest. We are at one with you as we find that this tax is necessary, but what we do say is that base this taxation on a graduated scale, charge only those who are in a position to pay. It was with this end in view that Mian Iftikhar-ud-Din and myself wrote a minute of dissent to the select committee's report and there we made the position clear. We said therein that all holders of land having 25 acres or less should be exempted from this tax. You may reduce it if you like to 15 acres. All we want is that relief should go to the really poor who deserve and those who can well afford to pay should be made to pay more.

Mr. Speaker : Repetition.

Sardar Sahib Sardar Santokh Singh : When we put that proposition before the House we were told that we were not the friends of the poor: we were their enemies. Whether we are friends or enemies of the poor our deeds and actions alone will show. We do want to give relief to the poor, the poor people having these small holdings. That was the proposition, and we made it clear further that as holdings increase the tax must be on a graduated scale. I will ask the Government to say what difficulty do they find in this? If they really want to benefit the poor they should accept the proposals that we have made. I would say that we are not wedded to the exemption of holdings of 15 or 25 acres, Government can change these figures to suit their convenience and bring as much money as they need, but for goodness sake do not charge those who have got only 1 acre of land at the same rate as you do charge a man holding 1,000 acres or more. What we further want is that these various rates of taxation on a graduated scale should be embodied in the Act itself. We do not want to leave it to the rule-making power of the Government. The only argument that might be advanced against this will be that if they accept the graduated scale there will probably be partitions of holdings. But the facts given by the Minister for Revenue belie all that. According to these facts it is only 17 per cent of the owners who hold large areas, but you could enact that any further partitions made after a certain date, for instance after to-day, by any of these big land holders will not be operative so far as this Act was concerned. That will bring about all that you need without any inconvenience to anybody, and the burden of the poor will be relieved. All that we want is to exempt the poor and to levy a graduated scale of taxation and we want all these things to be embodied in the Act and not left to the sweet will of the Government or to the rule-making power of the Government. With these words I support the amendment moved by my honourable friend Munshi Hari Lal.

(Voices :— Question be now put.)

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I have risen to support the amendment which is now before the House, and would like to quote the facts and figures in another form. The Honourable Minister of Revenue as well as Mian Musthaq Ahmad Gurmani have told us that the Thal Project would command an area of 16 lakhs of acres. But I wonder whether we should believe them or the official records, which tell us a different story. From their conflicting remarks I conclude that our discussions have been abortive so far. It has all been a talk in the air. They have told us that a certain percentage of landowners own from one to three acres while a certain other percentage of them own from three to ten acres. Again it was told that 6 per cent of them own land up to 50 acres. If we go into details, we learn from Mr. Gurmani that a large area is yet to be distributed. In the absence of that distribution, the facts and figures supplied to us must be imaginary. Now if we were to calculate as to how much area can really be irrigated by the Thal Project Canal according to the canals of water available, we will find that only 881,000 acres can be actually irrigated. Out of a total area of 16 lakhs, eight lakhs would be left unirrigated according to this calculation. Again, 4½ lakhs of acres are *shamilat* lands. If a levy of Rs. 25 or even at the rate of Rs. 20 is imposed on them, although the proposed rate is Rs. 80, the total amount yielded

[Mr. Dev Raj Sethi.]

from this land will be about Rs. 80,00,000. We want to know how many zamindars owning 25 acres each will be exempted from this payment. We have repeatedly asked the Honourable Minister to explain, but he has not been able to give a suitable reply. Looking right and left will not help him. He should face the issue straight. He does not tell us as to what exact system of irrigation will be adopted in this area. But it is obvious that only the basin system can be adopted in this area. It is a pity that the Government have refused to carry out the soil survey of the Lesser Thal Project area. All I know is that Rectangular survey has been made and not the contour survey as was ordered originally. But why they have failed to carry out the soil survey is not clear. They must carry it out till the Head Works are completed. It would appear from the official records that His Excellency Sir Herbert Emerson had ordered a scientific survey of the area. And in 1935 when His Excellency Sir Henry Craik asked for the file in 1938-39, no survey had been undertaken at all. I wonder why the officers have been sitting tight over this file for all these years. Was it lying under the pillow of Mr. Bedford? It is beyond my comprehension as to why these instructions were ignored from 1935 right up to 1939. It is not decided as to how the survey is to be carried out. What will be the nature of the classification and how much area will be exempt from the proposed levy?—are the questions to which Government have yet to give a satisfactory reply. Will the levy be imposed even on those who own three acres of land only?

So long as these facts and figures are not placed before us it is not possible for us to proceed further. The amendment which my honourable friend Munshi Hari Lal has moved is very reasonable and my honourable friends over there would do well to accept it. I may add that the other day I asked the Honourable Minister for Revenue to categorically state whether *kharif* crop was sown plentifully in this *ilaga*. At that time he did not give any answer to me. As a matter of fact he could not deny it. Now I ask him again that can he deny my statement authoritatively that in 50 per cent lands cotton cannot be sown. It is just possible that at present cotton can be grown in areas which receive well irrigation. But the question is whether in 100 per cent, 80 per cent or even in 60 per cent lands cotton can be sown. I personally do not think that it can be. On the contrary I think that even 50 per cent lands are incapable of producing cotton, and on the remaining 50 per cent it can be sown only after experiencing good many difficulties. Some experts are of the opinion that it is possible that by adopting Basin system of irrigation cotton can be sown in this *ilaga*. But if to-day we want to produce it it is next to impossible to do so. Now these are the real facts. In the presence of these facts will it not be justified to make some sort of distinction between big and small landholders? I ask is there no difference between big and small landholders that Government is driving every body with the same rod? My submission is that we will have to make this distinction. I think the landholders who possess large holdings should be made to pay a higher rate of tax and 50 per cent of the people who possess ten to twenty acres should be exempted from the imposition of this levy. If this suggestion is adopted I do not think that it will in any way contravene any principle of Government. Moreover my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani pointed

out in the course of his speech that the inhabitants of his district were very large-hearted and therefore they would not mind paying this tax. I fail to understand how this can be called large-heartedness when as a matter of fact the big zamindars who should show any generosity at such junctures are asked to pay less while the poor who are already making their both ends meet with great difficulty are required to pay more. Sir, in deference to your wishes I do not propose to take more than two or three minutes more. As a matter of fact my questions are pertinent and I want candid answers to them. I may tell them, contrary to what has often been alleged by them, that we are not opposing this measure merely for the sake of opposition. Our object is only to improve upon it so as to make it more useful for the poor zamindars. After all my honourable friend over there should take into consideration the opinions of the members of his own party. Let him calmly consider the view points of Nawab Allah Bakhsh, Captain Malik Muzaffar Khan and other honourable members who have expressed divergent views about this Bill. Let me point out that their questions are not difficult ones but on the other hand they are quite clear and simple questions. I know it myself that uptil now this has not been decided whether Basin or Channel system of irrigation would be adopted? I challenge the Honourable Minister to deny this. Besides although 8 crores of rupees will be spent on this scheme yet the length of the channel will not be increased. My honourable friend has also pointed out that Government would consult experts about these questions. But my submission is that at present I.C.S. officers are manipulating this scheme and want to rush in through. Whatever they say is accepted by Government as Gospel truth. Nobody cares a two-pence for the opinion of the experts. As a matter of fact here experts are sitting in judgment on experts. I think if the experts are allowed to have their way we can gain much and people would be benefited a great deal. My submission is that though the scheme was originally started in 1872, uptil now no proper survey has been carried out and Government are pursuing this scheme on the basis of only rough estimates. I ask, was it not necessary for them to have made proper inquiries before undertaking this project? In the face of these facts will it not be right to say that the Government are leaping in the dark? Despite these facts my honourable friend Mian Mushtaq Ahmad Gurmani pointed out that the members of the Opposition party had asked the Government not to leap in the dark and that it was no leap in the dark but on other hand they were pursuing a well thought out project. I fail to understand how can he put forward such arguments when as a matter of fact uptil now neither the survey of Thal area has been completed nor has it been decided as to what system of irrigation would be adopted nor has the area to be irrigated been ascertained and so on and so forth.

There is one thing more about which I want to say a few words. That is that so far it has been decided that only 6,000 cusecs of water would be available for the entire area. The honourable members are aware of the fact that according to Government reports in some *ilagas* usually one cusec of water is supplied to 80 acres. But as the lands in this *ilaga* would be receiving canal water for the first time therefore we think that one cusec of water would be able to irrigate 60 acres in this *ilaga*, although in the opinion of the experts this quantity is insufficient. Any how even if we suppose

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that one cusec of water would be able to irrigate 60 acres how much area in all would be irrigated by 6,000 cusecs of water. This comes to something like four lakh of acres. Obviously the water would not be sufficient for the whole of the area. Besides I may also point out to the honourable members that the Sind Government have made a representation to the Government of India for Indus waters and so far this matter has not been decided. If unfortunately this matter is decided in favour of the Sind Government the Punjab Government would not be able to obtain these 6,000 cusecs of water as well. These are in short the real facts. Let me point out that we are not opposed to this measure. As a matter of fact we desire that this project should be completed but what we want is that the poor people should not be burdened any further. With these words I resume my seat. (Voices: Question be now put).

Mr. Speaker : Question is—

That the question be now put.

The motion was carried.

Munshi Hari Lal (South Western Towns, General, Urban) (Urdu): Sir, yesterday my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani observed that although he had grasped the meaning of our amendment yet he could not make head or tail of the speeches made by the members of the Opposition party because in his opinion they were beside the mark. He should bear in mind that we are raising our voice on behalf of the poor and generally the voice of the poor people is considered as having no meaning. All the same their voice is always true. I would only request him that he should try to understand our point of view and should not oppose our amendments merely for the sake of opposition. My amendment is that the individual holdings of 25 acres and less should be exempt from the imposition of the proposed levy. In this connection I may point out that I cannot accept his contention that as all lands are still *shamlat* and as the shares of different landholders have not been determined as yet the number of these holders who possess 25 acres or less is not ascertainable. It is a well known fact that *shamlats* belong to the *khewatdars* of the village whose shares are always fixed. I think we can very easily determine the share of each *khewatdar*. Either it is جانب "ا" ۱۹۴۰ء or according to area owned by each *khewatdar* in the village. If in the district of Muzaffargarh the rule is different and every one is the owner of as much land as he can take possession of, in that case it is all the more necessary to find out as to how many holders possess 25 acres or less. I may add that the Honourable Minister of Revenue pointed out the other day that 83 per cent of landholders are those whose holdings are less than 25 acres. I think these facts and figures must have been collected from Revenue papers in which the *shamlats* area had been specified. If these figures can be collected there is no reason why the area possessed by 6 per cent. and 83 per cent. landholders, respectively, cannot be ascertained. My submission is that if 6 per cent. landholders are owners of most of the lands in that *ilaga* and 83 per cent. landholders possess less than 25 acres, I do not see any harm if the latter category of zamindars are exempted from the payment of this levy. Tax will be levied on lands and not on men. Naturally those who possess big holdings would have to pay more tax and the Government would lose

nothing if they exempt small landholders from the imposition of this tax. Anyway the argument of my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani that as the lands are still *shamlats*, it cannot be determined as to how many landholders possess less than 25 acres is not tenable. I do not know how and why he has put forward this argument. As a matter of fact the Honourable Minister for Revenue has already thrown a hint as to the area owned by different categories of Zamindars.

My honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani further says that the people of that *ilaga* are so liberal-minded that they would pay the tax without any hesitation. Sir, so far as Government taxes are concerned there is no question of anybody's willingness to pay. There can be no escape from it. But if you try to know the real feelings of a poor man, he can never, if he has any say in the matter, willingly agree to payment. He would on the other hand pray for exemption. Has any member of this House ever asked these people whether they are able to bear this burden of taxation? If the method of referendum for this purpose be adopted then of course there could be some justification for such remarks, I can say without fear of contradiction that what to say of a poor man who with his small holding of 25 acres can with great difficulty maintain his family, a rich man, even cannot willingly consent to pay tax. I have no doubt that the Government is trying to shift the burden of taxation from the richer to the poorer classes in order to relieve the rich.

Sir, I have brought forward this amendment with the object of exempting those poor landholders who own 25 acres of land or less and can hardly make their both ends meet. The opening of the canal, will mean increase in taxes, i.e., land revenue, water rates and various other taxes such as District Board tax and consequently bring more burden for the already over-burdened poor land-holder. He will sink beneath the weight of these increasing taxes. Obviously therefore my amendment aims at protecting these poor people from such a state of affairs and I have every hope that the Unionist Government, which claims to be a friend of the poverty-stricken people, would accept my amendment.

Again, let me point out, Sir, that the "site" and "sites" are not included in the definition of "holding." But even if it were so my honourable friend Mr. Gurmani should have expressed this clearly.

Mr. Speaker : The honourable member is irrelevant.

Munshi Hari Lal : There is Mr. Gurmani's amendment to clause 8 which means that "site" and "sites" are not included in the definition of a holding.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia), (*Punjabi*) : Sir, I would like to speak in *Punjabi*, so that not only my honourable friends opposite but also those to whom they like to appeal, would understand me better. The discussion at present is regarding clause 8, and I can very well remember having dealt with it during general discussion. (*A Voice :* This is a queer *Punjabi*). Need I answer such a remark, Sir?

Mr. Speaker : No.

Minister of Revenue : I would now try to reply to a few points that have been raised by my friends opposite.

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As regards the first question, that of, site and sites, it is enough for me to say that the proper time for it would be when clause 8 comes under discussion, and I would, therefore, pass on to other questions. I would merely point out that it was only yesterday that I quoted the figure regarding those landholders whose holdings are between 1 to 15 acres. This though not a very accurate figure, inasmuch as it is not known whether *shamilat* land is included in it or not, can be considered as approximately correct.

My honourable friend Sardar Santokh Singh has made a statement that 9 lakh acres are in the possession of big landholders. Mr. Dev Raj Sethi again has said that only 4 lakhs are to be irrigated. It is indeed a matter of surprise how these gentlemen have gathered such information which obviously has no basis. Most probably they are talking of "Bigger Thal", etc. The main point at issue is as to how much area is there in all, and how much of it is to be supplied with water. In this connection I can state with confidence that the Thal area where there is a majority of proprietary landholders, constitutes approximately 16 lakh acres of land. (*Interruptions*). Out of this total area that I have mentioned 88 per cent. consists of holdings of 25 or less areas. In view of this, I would ask my honourable friend Sardar Santokh Singh, who is an expert in speculations and calculations whether it is fair to accept the amendment of Munshi Hari Lal who wants to exempt 88 per cent. of holdings entirely from taxation. (*Munshi Hari Lal*: Tax is not on area). The result of this obviously would be that, to quote exact figures, 1,328,000 acres would be exempt from taxation which will be levied only on 272,000 acres which comes to about 11 per cent. This is an accurate calculation presuming the total area to be 16 lakhs acres. It is just possible, however, that a simple zamindar as I am, may not be good at figures, but Messrs. Sethi and Santokh Singh would be able to calculate better.

But all the same I believe the figures worked out by me will not prove incorrect.

Now Sir, I beg to submit that if the rest of the provisions of the Act and the proposed amendments are taken into consideration Rs. 2,72,000 will be realized from these 2,72,000

1 P.M. acres. In this connection I would like to know from my honourable friends opposite, who claim to be the well-wishers of the poor, whether it would have been better if the Government had taken over $\frac{1}{4}$ th of their land under the Sind Sagar Doab Act instead of $\frac{1}{4}$ th of its value as has been proposed now? The Punjabi proverb—

مان نالوں دی جلی پہا پیر گئی

very aptly applies to my honourable friends.

Sardar Sohan Singh Josh: Are you the mother?

Minister of Revenue: Yes I am the mother but unlike my honourable friend I do not want to snatch land from one in order to give it to the other. If the proposal of my honourable friends is accepted it would mean that the Government should not impose any tax and should give a practical shape to this project by providing the necessary funds themselves as was done in the case of other such schemes.

But those who have any knowledge of the projects that have been completed so far are aware of the fact that in the area commanded by the

canals the proportion of crown lands was far greater than is the case here. The land owned by the Government in Thal area is comparatively very small, and this constitutes the difference in connection with this project. My honourable friends on the opposite benches have tried to make capital out of the objections raised by the Honourable Nawab Allah Bakhsh and my honourable friend Pir Mohy-ud-Din Lal Badshah and have tried to assure the House that even those two gentlemen are opposed to the Thal Project. I believe they have not voiced the views of their constituents but these at the most could be taken as their own.

Again with regard to the question of referendum which was raised by my honourable friend Munshi Hari Lal, I would like to state that so far this method has not been introduced here and if and when it is introduced we will also act accordingly. Moreover I do not think any referendum is needed in view of the fact that the people of Thal have been clamouring for water since 1872, and they will not in any way object to the construction of a canal which is so essential for their very existence. Such canals generally prove a source of great profit. Had it not been the case my honourable friend Mian Muhammad Nurullah and others who belong to canal colonies of Lyallpur would not have desired the Government to undertake such a project. The real intention of my honourable friends seems to be that this scheme should not come into being. Neither Munshi Hari Lal nor other honourable members who oppose this measure represent the area which is going to be affected.

Munshi Hari Lal : I do.

Minister of Revenue : Probably the town area. I wonder how many days my honourable friend has spent in Muzaffargarh ?

Diwan Chaman Lal : It has been my constituency for over seven years and I used to go there very often.

Minister of Revenue : I do not dispute what you say. I have no quarrel with you. I differ with those who get all the benefit that they can and turn round to say that we are robbing those people. Now that the chances of their profitable business have been reduced to the minimum they are striving to find new avenues.

Sardar Sahib Sardar Santokh Singh : What a reply !

Mr. Dev Raj Sethi : What a gracious reply !

Minister of Revenue : What reply does my honourable friend expect from me ? He would get his reply in Amritsar.

Mr. Dev Raj Sethi : I have not received any reply to my question.

Minister of Revenue : If my honourable friends wait a little they will get their reply, but if they continue to exhibit such impatience I would rather resume my seat. My submission is that if we are going to work this scheme, we will do so for the benefit of the people and so far as the question as to whom the Government should or should not exempt from the payment of the tax is concerned, we have left its decision till the rules are framed. In this connection my honourable friend Sardar Santokh Singh had remarked that he had no confidence in the Government and therefore he would not leave it to the rules. If unfortunately my friend comes to these benches he will also have to do the same or else would do what the Congress had

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to do. The figures in respect of holdings that I have been able to get from the settlement papers for 1925 are as follows :—

	<i>Name of district.</i>	<i>Name of villages.</i>
Mianwali	75
Muzaffargarh	187

These facts and figures have been collected by the officials after due inquiries. My honourable friends Mian Muhammad Nurullah and Mr. Dev Raj Sethi should note them down :—

Area of the holdings in acres.	District.	Percentage.
Less than one ..	Mianwali	19·8
	Muzaffargarh ..	30·4
Between 1—3 ..	Mianwali	27·4
	Muzaffargarh ..	28·9
Between 3—5 ..	Mianwali	12·8
	Muzaffargarh ..	12·9
Between 5 to 10 ..	Mianwali	13·8
	Muzaffargarh ..	13·5
Between 10 to 15 ..	Mianwali	7·7
	Muzaffargarh ..	4·6
Between 15 to 20 ..	Mianwali	4·5
	Muzaffargarh ..	2·6
Between 20 to 25 ..	Mianwali	2·9
	Muzaffargarh ..	1·5
Between 25 to 50 ..	Mianwali	5·9
	Muzaffargarh ..	2·9
Over 50 ..	Mianwali	4·1
	Muzaffargarh ..	2·7

Now, Sir, I think these figures would go a long way to satisfy the curiosity of my honourable friends opposite.

Munshi Hari Lal : But what is the total area ?

Minister : The honourable member can himself work out the figures.

Munshi Hari Lal : But that is the percentage of khewatdars.

Minister : It refers to size and distribution of holdings in Mianwali and Muzaffargarh.

Diwan Chaman Lal : Do the 4.1 per cent. persons hold 90 per cent of the land ?

Minister : Is that quite correct ?

Diwan Chaman Lal : We do not know.

Minister : Does my honourable friend think that these figures are wrong ?

Diwan Chaman Lal : Nobody says that it is right or wrong. All we want to know is whether 4.1 per cent. persons hold 90 per cent. of the total area. (*Interruption*).

Munshi Hari Lal : Please follow our question and satisfy us.

Minister : Then meet me and I will do that.

Diwan Chaman Lal : It is possible that the information is not available.

Minister : Up to this time this is the information that we have got.

Now, Sir, I would like to say a few words with regard to certain points raised by my honourable friends opposite. I have already stated that only 12,000 acres of land have been bought by people living outside the Thal area. But when the Government came to know that outsiders were exploiting the situation by purchasing land on very nominal prices we issued a notification in this connection and prohibited the sale of land not only to non-agriculturists but also to the agriculturists living outside that particular area. (*Hear, hear*).

Certain honourable friends have suggested that the Government should not charge any interest on the delayed payments of tax as it would amount to great hardship to the zamindars of the *ilaga*. But my submission is that without the imposition of such a penalty most of them would intentionally avoid to pay the instalments in time, with the result that any arrear of tax would only add to the burden of the tax payer at the time of demanding the next instalment. Moreover, this interest will be charged only from the defaulters and not from those who would duly pay their instalments.

Sir, my friend Mian Nurullah was pleased to remark that I was not in a position to contradict the arguments advanced by him. He is free to form any opinion about my capacity to meet his objections satisfactorily but he may rest assured that I intend to give a detailed reply at the proper time. The only thing which I want to submit here is that if we accept the amendment and exempt holdings of 25 or less than 25 acres from the proposed tax the owners of as many as 1,826,000 out of 16 lakhs of acres would not be called upon to pay this levy, and in that case it would be wise not to

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levy the tax at all. (*Interruption*). My friends should not grow impatient. We intend to consider the question of exemption at the time when rules would be framed under the present measure. It is not a sound policy to demand that every thing should be settled here in the House. It would mean that the sanction of the House would be absolutely essential for undoing a thing which has been done on the floor of the House. Since I do not wish to take much time of the House, I resume my seat by opposing the amendment under consideration.

Sardar Kapoor Singh : If you exempt holdings of 12 or less than 12 acres, how much area will escape the proposed levy ?

Minister : The honourable member can himself work out the figures.

Sardar Kapoor Singh : According to my estimate as many as 172,000 acres would have to be exempted.

Mr. Speaker : The question is—

That in sub-clause (1), lines 3-4, between the words "lands" and "as" the words "other than holdings of 25 or less than 25 acres" be inserted.

The Assembly divided : Ayes 25, Noes 48.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Chaman Lall, Diwan.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Muni Lal Kalra, Pandit.
Partab Singh, Sardar.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Shanno Devi, Shrimati.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.

Fazal Din, Khan Sahib Chaudhri.
Ghazanfar Ali Khan, Raja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Hari Chand, Rai Sahib Rai.
Harnam Singh, Captain Sodhi.
Indar Singh, Sardar.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Kishan Das, Seth.

Manohar Lal, The Honourable Mr.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Na-
wabzada.
Muhammad Qasim, Chaudhri.
Muhammad Saadat Ali Khan, Khan
Bahadur Khan.
Muhammad Yasin Khan, Chaudhri.
Muhammad Yusuf Khan, Khan.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Khan, Khan Bahadur Cap-
tain Malik.
Muzaffar Khan, Khan Bahadur
Nawab.
Nasir-ud-Din Shah, Pir.

Nasrullah Khan, Rana.
Pohop Singh, Rao.
Prem Singh, Chaudhri.
Ranpat Singh, Chaudhri.
Ripudaman Singh, Rai Sahib Tha-
kur.
Shahadat Khan, Khan Sahib Rai.
Shah Nawaz, Mrs. J. A.
Shah Nawaz Khan, Nawab Sir.
Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The Honour-
able Dr. Sir.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sar-
dar.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir, I beg to move—

That in sub-clause (2), line 1, between the words “levied” and “at” the word “on holdings of more than 12 acres” be inserted.

The motion was lost.

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

That in sub-clause (2), lines 1—4, for the words “at such.....by Govern-
ment,” the following be substituted:—

At the following rates:—

	Per acre.
	Rs.
Holdings up to 50 acres	10
Holdings over 50 acres and not more than 100 acres ..	15
Holdings over 100 acres and not more than 250 acres ..	25
Holdings over 250 acres and not more than 500 acres ..	30
Holdings over 500 acres and not more than 1,000 acres ..	50
Holdings over 1,000 acres	60
And on lands purchased after the 27th of February, 1936	100

My submission in this connection is that the proposed tax is going to be a direct tax and that it will directly hit the payers. The maximum rate proposed to be imposed on zamindars is Rs. 30 per acre, and if my amendment is accepted, they will have to pay at the rate of Rs. 60. But that will be the maximum rate. What I really want is this that there should not be a uniform rate for the rich and the poor alike. The sliding scale should be imposed according as the zamindar is a small holder or a big landlord. As it is direct taxation, it must vary according to the income of each person, as is the case in the Income Tax Department. The zamindars of the Thal Project may be taxed according to the area owned by them. Now this

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sliding scale had actually been proposed in the Report on the Thal Project. The following principle is stated at page 25 of this Report, Volume I :—

Owners of holdings of less than 200 acres to give no share to Government.

Owners of holdings of more than 200 acres but less than 500 acres to give one-fifth.

Owners holding not less than 500 acres and not more than 2,000 acres to give $\frac{1}{4}$ of their land.

Owners holding more than 2,000 acres but less than 10,000 acres to give one-third of their land.

Owners holding more than 10,000 acres to give $\frac{1}{2}$ of their land.

Now in the principle enunciated above, the maximum rate at which land was demanded from the owners was one-half and the minimum one-fifth.

After this, the Report proceeds to say—

Taking the price of land at present on the average as Rs. 30 per acre and price of the land after irrigation has been given to the area as Rs. 150 per acre, the increase in the price of land is Rs. 120 per acre.

On account of this increase, the Government demands one-fifth as the minimum and one-half as the maximum. But what I want is that the minimum be one-twelfth and I therefore propose that an owner of a holding of 50 acres should be taxed at the rate of Rs. 10 per acre only. According to my amendment, the rate of tax will be the following :—

			Per acre.
Holdings up to 50 acres	..	..	$\frac{1}{12}$ (Rs. 10).
Holdings over 50 acres and not more than 100	..		$\frac{1}{8}$ (Rs. 15).
Holdings over 100 acres and not more than 250			$\frac{1}{6}$ (Rs. 25).
Holdings over 250 and not more than 500	..		$\frac{1}{4}$ (Rs. 40).
Holdings over 500 and not more than 1,000	..		$\frac{1}{2}$ (Rs. 60).
Holdings over 1,000	..	..	$\frac{1}{2}$

My fear is that the Government may ignore this formula at the time of rule making. The rules will be made at some future date. I wanted to get this in the body of the Bill, so that no such fear should remain. The Government should charge more from the big landowners and less from the small holders. I am in favour of reducing the burden of the poor. Those persons who do not have the capacity to pay taxes should be exempted. They can thus be enabled to draw any benefit from the land. The big people can always reap large profits because they have great influence and considerable means at their disposal. They have the capacity to pay taxes while the poor lack it. With this principle in view I have proposed this amendment. I hope the Honourable Minister of Revenue will accept my standard of taxation, and agree to this amendment. I have every hope that my amendment will be taken in the spirit in which it is being moved and the principle underlying it will find favour with the Honourable Minister of Revenue and the House. With these words I close my speech.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), lines 1—4, for the words "at such.....by Government," the following be substituted :—

"At the following rates :—

	Per acre.
	Rs.
Holdings up to 50 acres	10
Holdings over 50 acres and not more than 100 acres ..	15
Holdings over 100 acres and not more than 250 acres ..	25
Holdings over 250 acres and not more than 500 acres ..	30
Holdings over 500 acres and not more than 1,000 acres ..	50
Holdings over 1,000 acres	60
And on lands purchased after the 27th of February, 1936 ..	100

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural), (*Urdu*): Sir, I think the Government are prepared to agree to the principle that the tax should be levied according to the capacity of the people. Accordingly, when this Bill was being considered by the Select Committee, Government made a specific provision to this effect in clause 10. That is, while framing other rules to carry out the purposes of this Act Government may make rules "for gradation of the tax with reference to the character of the soil or the size of the holding." Now what the Government say is that this gradation should be left to their discretion and that they would see that such rules are framed under which small landholders would not have to pay a heavy rate of tax. On the contrary, our amendment is that instead of leaving this matter to the sweet will of the Government, we should make a specific provision to this effect in the Bill so that the Government should not be allowed to exercise their discretion. The reason why we want to do so is that often we have seen in the past that whenever such a discretionary power was vested in Government, instead of exercising it for the benefit of the poor zamindars they had been using it in order to increase their own strength so that people should come and beg favours of them. I think we should not leave this matter to the rule-making power of the Government, but on the contrary a specific provision should be made in the Act itself. This object can be attained by incorporating the amendment of my honourable friend Munshi Hari Lal in this Act. I may add that we have moved this amendment in order to give relief to the small landholders for often we find that at times a small landholder finds it very difficult even to pay four annas. It would, therefore, be fair that taxes should be imposed according to the capacity of the payees. As our past experience does not encourage us to leave this matter to the rule-making power of Government, I would, therefore, request the House to accept the amendment that has been moved by my honourable friend Munshi Hari Lal. I have every hope that the honourable members, who claim to be the real well-wishers of the zamindars, would support our reasonable demand.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia), (*Punjabi*): Sir, we have got enough proof of the sympathy which my two honourable friends over there possess for the poor zamindars. They need not try any further to sponsor their cause because the people are well aware of their real intentions. My submission is that first of all they moved

[Minister of Revenue.]

an amendment, which was merely eye-wash, for exempting the poor land-holders from the imposition of this levy. As it was rejected, so they have moved the amendment now before the House in order to increase the rate of this tax. I think it would not be proper for us to make any law so very rigid which should compel us to amend it in the near future. The best course would be that we should leave this matter to the rule-making power of the Government. But my honourable friends do not want to give this power to the Government because they think that Government would use it in order to increase their own strength. I ask them, when the Congress party do a propaganda do they not do it with a view to augment their influence? (*Interruptions.*) My submission is that the reason why the Government want to leave this matter to their rule-making power is that while imposing this tax they would certainly take into consideration the size of the holdings as well as the character of the soil. In view of this they think that there is no need of making any specific provision to this effect in the Bill itself. But the fact is that my honourable friends have not any confidence in us and neither they have relied on us before nor they are likely to do so in future, even though we may do things which are in the best interests of the province. The whole truth of the matter is that they only want an excuse to oppose us and nothing more. Anyway my submission is that a little while ago my honourable friends were shedding crocodile tears that zamindars possessing 25 acres would not be able to make their both ends meet. But fancy that now they themselves have proposed a tax of ten rupees per acre on their holdings. Not only that, but they have suggested a gradation tax which starts from Rs. 10 and goes up to Rs. 60. I do not know what would be the suggestion of my honourable friends regarding unearned increment. In view of their suggestion referred to above it appears that they would advocate that we should take 100 per cent from such zamindars. In the circumstances, I would advise them to leave this matter to Government. With these words, I oppose the amendment now before the House.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, I want to say only a few words with regard to the amendment that has been moved by my honourable friend Munshi Hari Lal. I have gone through all the amendments and I find that the amendment moved by Munshi Hari Lal and the allied amendments standing in the name of Sardar Kapoor Singh and Sardar Hari Singh are the most important amendments. This amendment furnishes an acid test of the intentions of the Government. It is quite true that Government has to some extent accepted the principle of graduated scale. What Munshi Hari Lal wants is that the maximum rate of tax must be much higher than the maximum rate of tax fixed by the Government. The Government can vary the rate of tax only within the limit of Rs. 80, Government has accepted that principle, and after the Government has accepted that principle there are no reasons why the Government should be arbitrary in fixing a particular limit which is too low. There may be persons who may be making huge income by reason of their land becoming irrigated. Government should exact the maximum out of such persons and the Government should exact the minimum out of those persons who will have the smallest amount of profit out of their lands.

It will be very difficult for the Government to fix a graduated scale within the limit of 30 rupees and at the same time to levy a substantial amount of taxation. If the Government raises the maximum limit of the tax, then in that case the Government will be able to make more income than they would be able to do if they retain the limit of 30 rupees. So far as Munshi Hari Lal is concerned, if the Government accepts the principle underlying the amendment—they might say we do not accept his amendment in its entirety—he will be satisfied. He wants the Government to possess larger powers than the Government will have under the clause as it stands. I do admit that this is a legitimate manner of raising taxation, and we want the Government to raise more money by way of this taxation, but at the same time we also want that that tax should be more equitable and just in its distribution. If the Government can raise the maximum to say, Rs. 50 or 60, then Munshi Hari Lal's amendment will not be necessary. The Honourable Minister of Revenue was pleased to say that he could exercise powers under the rule-making provision. I submit that he can do so only subject to the provisions of the Act itself and if you retain the figure 30, it will not be open to you to spread the taxation more equitably and justly. With these words, I support the amendment moved by Munshi Hari Lal.

Munshi Hari Lal (Urdu): Sir, The Honourable Minister of Revenue has been pleased to remark that we are in the habit of shedding crocodile tears. I want to point out to him that this is not the case. We really feel for the poor while those in power pretend simply. I am pleading for protection to the poor. I want to know, Sir, and I wonder how this amendment which aims at the protection of the poor, can by any stretch of imagination be considered against their interests. Everybody knows that Thal Report was prepared by Government and the Government is expected to stick to the views expressed therein. But what we find is, let alone 200 acres of land, that the Government is out to oppose the exemption of even small landholders owning holdings of 25 acres or less. Should I take it that the small mercy that they had intended to shower, as is evident from the report, has evaporated? I doubt if the Government would stick to their words in the matter of taxation. There is a well-known saying: "put not your trust in kings nor king's agents." I believe it is true for all times. The Honourable Ministers have been doing the same. They declare one thing but in practice they exercise their powers in a manner widely divergent from their declarations. There is a Persian proverb which holds good in this case:—

من چه می گویم و طالبورده دن چه می سزاید

In the report the Government proposed to charge 1/5th, but for the sake of the poor, I have asked them to charge 1/12th. I ask the Honourable Minister of Revenue which of the two rates, i. e., 1/5th or 1/12th is higher. If my amendment suggests, as is obvious, a smaller rate of taxation, it is a clear proof that we want to save and protect the poor. With this object in view, I have proposed $1\frac{1}{12}$ th as the minimum and one-half as the maximum. If the Honourable Minister of Revenue agrees to this principle in practice it will certainly go a long way to improve the lot of the poor. A

[M. Hari Lal.]

graduated scale of taxation to the maximum extent of 60 rupees per acre on holdings over 1,000 acres is what my amendment aims at.

Mr. Speaker : The honourable member should only reply to the arguments advanced by the other side.

Munshi Hari Lal : That is what I am doing. Sir, I want to refer to speculative purchase. I would like to draw the attention of the Honourable Minister of Revenue to page 9 of the Settlement Report, where it is laid down that :

In Leiah the figure is swollen by the sales to speculators who have bought up large stretches of waste at from four annas to one rupee an acre.

Minister for Revenue : May I ask if the honourable member is reading from the Muzaffargarh report ?

Munshi Hari Lal : Yes, Sir.

Minister of Revenue : Thank you.

Munshi Hari Lal : Sir, my submission is that in the Thal area where the price of land has been ranging from annas 4 to Re. 1 per acre the number of such sales is very great as is clear from the Settlement Report.

Sir, the reason why I suggest an imposition of Rs. 100 as tax on those who have purchased land in Thal area is that they have exploited the poor and the ignorant with the idea of making huge profits, when the scheme is completed.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : May I know the date of this report ? When was the assessment made ?

Munshi Hari Lal : The report is dated 1925. No less than 12,000 acres of land have changed hands after 1936 and the sale price per acre was in no case Rs. 150. Nor was it ever Rs. 90. Enquiries disclose that average price per acre in that area is Rs. 10 after 1936 even.

In view of the fact that with the construction of the canal the price of land will soar high and the owners will be profited immensely, we want them to pay a share of their profits. Those who have bought land there are wealthy people and can very well afford to pay Rs. 100 as proposed. The House should accept my amendment. It is in the interest of the poor classes. With these words I commend my amendment for the acceptance of the House.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : First of all my honourable friends have read from a Government report which is some four years old. The proposals contained on page 25 of Volume I of the 1936 report were only preliminary. They were considered by Government and were found impracticable. The proposal accepted in 1936 project was to charge a flat rate of Re. 1 per acre matured in perpetuity. The present Bill does not provide that, but it provides Rs. 90, which is one-fifth of Rs. 150, the probable value of the land after irrigation. So my friends should note that while that Act which has been repealed provided that three-fourths of the area was to be taken, we are only charging one-fifth instead of three-fourths.

Munshi Hari Lal : I want one-twelfth.

Minister of Revenue : You can be charitable at the expense of other people. Therefore I think that the present proposals made in the Bill under discussion are comparatively speaking much better in the interests of the land-holders as a whole than the proposals contained in the Sind Sagar Act. As I said before, we are not going to make any rigid, hard and fast rules. We will consider all the suggestions which have been made by our friends when framing the rules. Our friends have said that Ministers make certain speeches and when the time for making rules comes, they do not stick to what they say. My friends ought to know that when the thing is to be decided finally and the rules are made, the Ministry as a whole has to decide the question. The observations that one of the Ministers makes here will certainly receive due weight and consideration, but when the whole scheme is put forward, then it is the considered opinion of the Ministry as a whole and not that of one Minister. Therefore my honourable friend is not justified in criticising the Ministers for their observations. When the time for rule making comes, we will bear everything in mind and we will keep in view the discussions that have taken place in this House.

Lala Bhim Sen Sachar : On a point of order. The Honourable Minister has just said that when a Minister speaks, he speaks in his own capacity. Since the discussion has to go on and the House has got to assess the proper value, I want to know whether the Minister when he makes a statement on the floor of the House, speaks in his individual capacity or his statement binds the Government as a whole.

Minister of Revenue : What I meant was, on the spur of the moment when something is said by the Minister that should not be taken as the final decision of the Ministry as a whole. Sometimes we have to consider from the points of view which all the Ministers put forward in the Cabinet. The final decision of the Cabinet may be different.

Lala Bhim Sen Sachar : It is a very important point for your ruling. You have not to permit any member of the Government to make a statement, as he says, on the spur of the moment and which will not bind the Government. Every statement made by a member of the Government must bind the Government; otherwise that Minister has got no right to make that statement.

Mr. Speaker : Every honourable member of the Assembly, when he speaks in accordance with the rules of procedure, regulating the procedure of this House, speaks in his official, and not in his private or personal capacity.

Minister of Revenue : It is possible that sometimes we say things in our individual capacity. I say this in explanation of the hypothetical question of Munshi Hari Lal. As such it is not to be taken as the considered opinion of the Government. Eventually I put forward my views before my colleagues, but it is not necessary that my colleagues should take my opinion as the final decision of the Cabinet, so what has been expressed is not the final decision of Government. The final decision is taken by the Government as a whole. This is only as a possible explanation of the alleged difference mentioned by my friend Munshi Hari Lal.

Lala Bhim Sen Sachar : In spite of your making it clear that when an honourable Minister speaks according to the procedure of the House, then he speaks in his official capacity and not in his individual capacity, again my honourable friend says that he may make a statement with which the Government may not agree. If so, he has no business to make a statement on behalf of the Government unless of course that statement binds the Government. If he has not consulted the Cabinet he should not come forward here and make statements. That is the point which I want to press and you will be good enough to rule that any Minister should not make a statement unless he has already consulted the Cabinet and that when a Minister speaks he speaks on behalf of the Government.

Mr. Speaker : I cannot go so far ; but I can say that he speaks officially and not privately. As to whether he speaks individually and for himself or for the whole cabinet is a question for the decision of the cabinet and not for the decision of the chair. All I can say is that the responsibility of Ministers is joint as well as several.

Lala Bhim Sen Sachar : If I may be permitted to make a statement will the Chair be so indulgent as to encourage the Ministers to make statements about which they are not sure whether they have the approval of the cabinet or not ?

Mr. Speaker : They know their duty. They know their responsibility.

Minister of Revenue : My honourable friends have made a statement that the Ministers when making statements in the House say something but when the rules are made those statements are not embodied in the rules. The rules are made by the Cabinet as a whole. The views expressed by the Ministers here or outside are discussed as a rule before making the rules. But I need not labour this point any more, because you have cleared it. I do not find anything in the speech of my honourable friend that requires elucidation. I therefore oppose the proposal.

Mr. Speaker : Question is—

That in sub-clause (2), lines 1—4, for the words “at such by Government,” the following be substituted :—
At the following rates :—

	Per acre.
	Rs.
Holdings up to 50 acres	10
Holdings over 50 acres and not more than 100 acres	15
Holdings over 100 acres and not more than 250 acres	25
Holdings over 250 acres and not more than 500 acres	30
Holdings over 500 acres and not more than 1,000 acres	50
Holdings over 1,000 acres	60
And on lands purchased after the 27th of February, 1936	100

The motion was lost.

Munshi Hari Lal : I beg to move—

That in sub-clause (2), line 2, for the word “thirty” the word “sixty” be substituted.

The motion was lost.

Mian Muhammad Nurullah : I beg to move that leave be granted to move the following new sub-clause—

(3) The tax on holdings over a square of land purchased by outsiders (non-residents of the district) for the sake of profit shall be double the ordinary tax.

The motion was lost.

Mr. Speaker : Question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Munshi Hari Lal : I beg to move—

That at the end of sub-clause (2), the words "and the tax so paid shall be deemed to be part of the mortgage money but shall carry no interest" be added.

This is a technical amendment. According to the Transfer of Property Act when any dues are paid to the Government, unless there is a contract to the contrary, those are considered as part of the mortgage money and unless there is contract to the contrary, they carry interest at the rate which is stipulated in the mortgage deed on the original mortgage money. The amendment that I am moving is in the interests of the mortgagors of the land.

Minister of Revenue : May I say that I am prepared to accept this amendment. (*Hear, hear.*)

Mr. Speaker : Question is—

That at the end of sub-clause (2), the words "and the tax so paid shall be deemed to be part of the mortgage money but shall carry no interest" be added.

The motion was carried.

Sayed Mohy-ud-Din Lal Badshah (Attock South, Muhammadan Rural) (*Urdu*) : Sir, as this clause affects most of those persons who have no interest in the lands in question, I beg to submit that for sub-clause (3) the new sub-clause proposed by me be substituted.

Mr. Speaker : If a clause or sub-clause is intended to take the place of another clause or sub-clause, unless the clause or sub-clause which is already there, is omitted by the House, there can be no question of the new or substituting clause or sub-clause taking its place.

Sayed Mohy-ud-Din Lal Badshah : Sir, I cannot develop my arguments and tell the House why it is felt necessary to substitute a new clause unless and until I am allowed to say a few words with regard to the new clause.

Sayed Amjad Ali Shah : First of all he must ask leave of the House.

Sayed Mohy-ud-Din Lal Badshah : I beg to move—

That sub-clause (3) be omitted.

Sir, there is a great defect in the present sub-clause and I want to place that defect before you. The present sub-clause is as follows :—

When the land is held by an occupancy tenant, or when there are superior and inferior owners of the same land, the tax shall be paid by the owners or the occupancy tenants in such shares as may be proportionate to the value their respective interests in the land.

[Sayed Mohy-ud-Din Lal Badsbah.]

There is no doubt about it that generally there are two kinds of owners: superior owners and inferior owners. As a matter of fact ejectment of tenants hereditary or otherwise can be brought about by superior and inferior owners at any time they like. It would be, therefore, very unjust on the part of the Government to charge tax from tenants. My amendment is intended to protect tenants from paying tax to the government's treasury. I think, as a superior owner cannot eject an inferior owner it would not be unreasonable if some portion of tax is paid by the latter. For this simple reason it is no use to bring tenants in this clause and only superior and inferior owners should be mentioned in it.

Mr. Speaker : Clause under consideration, amendment moved—

That sub-clause (3) be omitted.

Minister of Revenue : If I may be permitted to say so, the provision made in subsection (3) of clause 4 reads as under :—

- (3) When the land is held by an occupancy tenant or when there are superior and inferior owners of the same land, the tax shall be paid by the owners or the occupancy tenants in such shares as may be proportionate to the value of their respective interest in the land.

I cannot understand what my friend means by putting forward proposals which are exactly on the same line. I think it is out of order.

Mr. Speaker : The question is—

That sub-clause (3) be omitted.

The motion was lost.

Mian Muhammad Nurullah : I move—

That leave be given to add the following new sub-clause at the end of clause 4 :—

- (5) The Crown shall not part with any lands by way of grants to any one except those who own no land or by open auction.

The motion was lost.

Mr. Speaker : The question is—

That clause 4 as amended stand part of the Bill.

The motion was carried.

Clause 5.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (Urdu) : Sir I beg to move—

That in sub-clause (1), line 1, for the words "if any," the words "Assessment Board" to be appointed by the Government" be substituted.

Mr. Speaker, a perusal of the Bill would show that the Government has, in the first place, proposed a levy and then those persons are mentioned who are and would be responsible for the payment of this levy. But not a word is mentioned about the process of assessment of the tax. Powers are demanded for rule making. But it is not made clear how the assessment of the tax will be made, and how the statement of demand will be prepared. The only words relating to this are "after an enquiry". My submission is that the Government should not have taken such wide powers

into its own hands. Just as the assessment of land revenue is made in a certain elaborate manner through the settlement officers, similarly the assessment of the proposed tax should be made. Mere 'inquiry' will not do. Let the classification of land and the preparation of statement of demand be undertaken by special revenue officers. It is essential especially because of the fact that crores of rupees are to be realized. An assessment officer or a Board is wanted to go through the whole question. I am prepared to entrust the Government to select the required personnel. But what I object to is that the Act is silent about this most important fact. The nature of the different lands will have to be investigated and a proportionate rate of tax to be assessed. All this should not be left to the rule-making power of the Government. The Assessment Board should prepare a detailed statement of demand and then submit it to the Collector who may publish it afterwards.

With these few words, I commend my amendment to the House for its acceptance.

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

That in sub-clause (1) line 1, for the words "if any," the words "Assessment Board to be appointed by the Government" be substituted.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, my honourable friend's proposal raises two points against colonisations of lands which have taken place hitherto. Firstly, he wants to take away the power which is vested in the revenue officer and then he sets up a board which will exercise power of a revenue officer. Does my honourable friend mean to say that he wants to have two revenue departments in the Government, one by an assessment board and the other by the ordinary revenue officer? I think that is not the intention of my honourable friend. If this is his intention, then where is his proposal for cutting down the expenditure? Does he mean to say that by starting another assessment board a new department would not be created in the Government, or in other words a Government within the Government? His proposal creates a new departure and surely we cannot do so without providing funds.

Sardar Kapoor Singh : No new department.

Minister of Revenue : It will be a new department. Therefore I am very sorry that I must oppose this proposition from two points; first that, all the colonisations of the land have taken place under the Colony Act. The Colony Manual provides all the rules that deal with the question. On the other hand he wants to provide this board.

Sardar Kapoor Singh : I do not want that there should be another board.

Mr. Speaker No dialogue, please.

Minister of Revenue : I am not going to give any reply to him. I simply say that his proposition, from the financial point of view and from the administrative point of view, is unsound and I am not going to accept it.

Sardar Kapoor Singh (Urdu) : I am afraid the Honourable Minister of Revenue has not correctly understood me. I never said that an additional staff should be appointed. Let the present revenue officers do the needful. But there must be some method of doing things. You may appoint any one whom the Government consider suitable. I have no quarrel on that point. But the classification of land has got to be done. The nature of the soil is to be examined. The assessment of tax has got to be made. Some officers will have to prepare the statement of demand to the Collector. I do not want that the Government should ignore these important things now and leave them to be decided when the rules will be framed. Then the Government may or may not do them in the way that we want them to be done. But I do not want to take these powers from the Government. Let it have these powers. Let its revenue officers do it. After all the police officers would not do it. My point is only this, that the Bill will become reasonable if this amendment is incorporated into its body now. It is laid down in the Bill that after an inquiry, the rate will be fixed, if necessary. The Government should suggest who will make this inquiry. That will clarify the whole position. I do not want to curtail the power of the Government. Let the Honourable Minister of Revenue cast off that fear. In the light of these observations, I hope the Honourable Minister of Revenue will be pleased to reconsider the situation and accept my amendment. With these words I support, once again, the amendment that I moved a little while ago.

Minister of Revenue : No reply is needed to such an unsound proposal.

Mr. Speaker : Question is—

That in sub-clause (1), line 1, for the words "if any," the words "Assessment Board to be appointed by the Government" be substituted.

The motion was lost.

Sayed Mohy-ud-Din Lal Badshah (Urdu) : Sir, I beg to move—

That in sub-clause (2), lines 2-3, the words "or between owners and tenants" be deleted.

Sir, I do not want to make any speech in connection with this amendment, as I have already made the position clear in connection with a previous amendment.

Mr. Speaker : Question is—

That in sub-clause (2), lines 2-3, the words "or between owners and tenants" be deleted.

The motion was lost.

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

That in sub-clause (2), lines 2-3, between the words "and" and "tenants" the word "occupancy" be inserted.

The motion was carried.

Mr. Speaker : The question is—

That clause 5, as amended, stand part of the Bill.

The motion was carried.

Clause 6.

Sardar Kapoor Singh : Sir, I beg to move—

That in sub-clause (1), lines 3—4, between the words "objections" and "a statement," the words "and after consideration of the objections by a revenue officer as prescribed" be inserted.

The motion was lost.

Munshi Hari Lal : Sir, I beg to move—

That leave be given to move the following new sub-clause after sub-clause (1):—

(2) The person aggrieved may appeal to the Commissioner within sixty days from the date of the service against the amount of tax and his liability to pay.

The motion was lost.

Mr. Speaker : The question is—

That clause 6 stand part of the Bill.

Munshi Hari Lal (South-Western, General, Urban): Sir, in the fitness of things I would not have opposed this clause, but I am opposing it because the Government has assumed an autocratic position. The Government is going to give this power to the revenue officers. The revenue officer will prepare the statement—

Premier : May I interrupt at this stage in order to save the time of the House as well as of the honourable member? This matter will be provided in the rules, if necessary.

This matter has already been provided in the Punjab Land Revenue Act.

Munshi Hari Lal : This is with regard to the procedure for assessment and collection. It is not with regard to appeal. There is no appeal provided in those chapters of the Land Revenue Act which relate to assessment and collection.

Premier : I think the word "assessment" will cover it.

Munshi Hari Lal : No. In the Punjab Land Revenue Act, the chapter which deals with assessments, has got no provision for appeal.

Premier : We will make a provision in our own rules.

Munshi Hari Lal : If you are going to have that provision in the rules, why not insert it in the Act itself. You may hear my arguments? You might modify your opinion.

Premier : My point is that we will make a provision to this effect in the rules, if necessary. My honourable friend's speech will make no difference as the House has already rejected his amendment. I am giving an undertaking that Government will make a provision to this effect in the rules.

Munshi Hari Lal : Everybody cannot see the rules. Rules are not available to everybody. Even the eminent lawyers are ignorant of the rules. If this provision is made in the Act itself, everybody will know that there is a direct provision with regard to appeals. When the Honourable and learned Premier says that he is going to provide for it in the rules, why not then provide it in the Act itself?

Premier : My honourable friend wants to burden the Act unnecessarily. My honourable friend knows that no zamindar carries the Punjab Land Revenue Act in his mind. It is the rule that he knows.

Munshi Hari Lal : They know the Act very well.

Premier : My honourable friend can carry the whole of the Punjab Land Revenue Act, he can carry the whole of the Civil Procedure Code, the Criminal Procedure Code and other Codes in his mind, but a zamindar is not capable of doing so. If my honourable friend will read clause 10 he will find that Government may make rules to carry out all or any of the purposes of this Act including rules to modify the procedure for assessment, collection and enforcement of payment under the Punjab Land Revenue Act. It gives Government authority and power to make rules with regard to this matter and I gave an undertaking that we will make a rule, if necessary, to meet the objection of my honourable friend. Now I do not see any reason why we should waste the time of the House.

Munshi Hari Lal : Sir, I only submit that it is a fundamental rule of all legislation that unless you provide for an appeal there can be no appeal, and if you say you are going to provide for an appeal in the rules I hope the rules will be so framed as to provide for an appeal and revision. In that case there is no necessity of discussing this. I therefore accept the assurance. I only want that this assurance should be acted upon.

Mr. Speaker : The question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural)
(Urdu) : Sir, I beg to move—

That in sub-clause (1), lines 2—6, the words “ but Government.....may be prescribed ” be omitted.

The clause as it stood originally might have served the purpose all right, but the inclusion of a proviso has rendered its meaning obscure. The clause as it stands now is conflicting on the face of it. In the proviso, the rate of taxation has been definitely fixed at Rs. 1 per acre which renders the words of the clause :

Payable in such proportions and at such times as may be prescribed
superfluous.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 2—6, the words “ but Government.....may be prescribed ” be omitted.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I think the honourable member has not seriously considered the significance of his amendment. If his amendment is accepted the amended clause and the

proviso will conflict with each other. The sub-clause as it stands reads as follows :—

7 (3). The tax shall be payable on demand, but Government may permit the payment of the tax by instalments, payable in such proportions and at such times as may be prescribed; provided that in every case Government shall permit the tax to be paid in six-monthly instalments not exceeding one rupee on each acre of the land on which the tax is payable.

If the amendment is adopted the amended sub-clause will read thus :—

The tax shall be payable on demand—

Provided that in every case Government shall permit the tax to be paid in six-monthly instalments not exceeding one rupee on each acre of the land in which the tax is payable.

It will create confusion and misunderstanding.

I have also given notice of certain amendments to this sub-clause but before moving them I would request the Honourable Revenue Minister to make the intention of the Government clear as to whether they propose to levy the tax on commanded area or on cultivated area? It is a most important point which should be made quite clear. If the tax is to be assessed on the commanded area I must frankly say that no zamindar will be able to pay it. The tax should be assessed only on cultivated area. All land taxes are assessed on the basis of matured area. There will be no justification for the Government to adopt a different principle for the recovery of this tax.

Diwan Chaman Lall : On a point of order. May I draw my honourable friend's attention that he is now speaking on his own amendment. His amendment comes later. At the present moment, that amendment is not before the House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : My amendment has not been proposed from the Chair but all amendments to this sub-clause are before the House and can be discussed at this stage. These amendments will be moved without a speech and voted upon separately.

Mian Muhammad Nurullah : Any how I cannot see the necessity of words :

"payable in such proportions and at such times as may be prescribed ;" being retained.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : It would be wrong to lay down a rigid provision that the tax must be paid at a maximum rate and in half-yearly instalments in every case. The provision should be elastic so as to enable the Government to pay due regard to the nature and productivity of the soil and the paying capacity of the owners in determining the rate and period of instalments. The equality of soil and the productivity of land will vary from area to area. The paying capacity of the land owners will depend on the quality and size of their holdings. These factors will have to be borne in mind in fixing the instalments. The proviso to sub-clause (1) provides the maximum rate and minimum period for fixing the instalments. In some cases it may not be fair or reasonable to fix the instalments at the maximum rate and minimum period laid down in the proviso. If the crops fail in one season or the yield is not enough to pay the tax and other Government dues, the

[K. B. Mian Mushtaq Ahmad Gurmani.]

Government should have the power to suspend the payment of tax for that period. If the provision is made rigid it might cause hardship to the zamindars under such circumstances. The Government should keep in view the paying capacity of the zamindars in fixing the amount of the tax and the instalments for the recovery of the same. The amount of the tax and the methods of its recovery should vary according to the quality of the soil, the size of the holdings and the productivity of the lands. I hope in view of these considerations my honourable friend Mian Muhammad Nurullah will not press his amendment.

Diwan Chaman Lall : Mr. Speaker, may I say a few words with regard to my honourable friend's speech. I do not know in what manner my honourable friend, who has just spoken characterises this amendment as something contrary to the provisions of clause 7 inclusive of the proviso. He found most imaginatively that there was something inconsistent between this amendment and the proviso; and instead of giving to this House an explanation of the inconsistency he went into a dissertation about his own amendment which is not before the House at the present moment. I submit that my honourable friend is so keen and anxious about his own amendment, which seeks only to levy tax upon land which is cultivated, that he did not even consider the consequences of the amendment moved by my honourable friend. If the proviso remains to this clause 7 then there is no necessity for these words. In subsection (1) the words are—

The tax shall be payable on demand, but Government may permit the payment of the tax by instalments, payable in such proportions and at such times as may be prescribed.

Supposing these last words were taken out, what remains? What remain is this—

The tax shall be payable on demand :

Provided that in every case Government shall permit the tax to be paid in such monthly instalments not exceeding one rupee on each acre of the land on which the tax is payable.

How does my honourable friend consider that there is any inconsistency in this? The tax is payable on demand, but there is a proviso that Government may permit the tax to be paid in six-monthly instalments not exceeding one rupee. Since this proviso was not a part of the clause, that is why these words, which are now redundant, were added by the Government, namely, "the tax shall be payable on demand", and these are the words which become redundant—

But Government may permit the payment of the tax by instalments, payable in such proportions and at such times as may be prescribed.

Either you have the proviso or you do not have the proviso. If you have the proviso then these words which my honourable friend wishes to delete become redundant. If you do not have the proviso then I agree with my honourable friend that these words may remain there if Government wishes that the tax shall be payable by instalments.

Mr. Speaker : The question is—

That in sub-clause (1), lines 2—6, the words "but Government... may be prescribed" be omitted.

The motion was lost.

Mian Muhammad Nurullah : I move—

That in the proviso to sub-clause (1), line 2, for the words "six-monthly," the words "half-yearly," be substituted.

I have moved this amendment only with a view to improve upon the language of the clause. Since it speaks for itself, I do not propose to make any speech.

Mr. Speaker : Motion moved is—

That in the proviso to sub-clause (1), line 2, for the words "six-monthly," the words "half-yearly" be substituted.

Minister of Revenue : Sir, I accept the amendment.

Mr. Speaker : Question is—

That in the proviso to sub-clause (1), line 2, for the words "six-monthly," the words "half-yearly" be substituted.

The motion was carried.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I move—

That in the proviso to sub-clause (1), line 3, for the words "not exceeding," the words "at the rate of" be substituted.

Sir, I fail to understand what my honourable friends mean by the words 'not exceeding'. If we leave the words there they will be a source of great hardship to the poor zamindars, because they will have to be at the mercy of the patwaris. In case my amendment is accepted it will make no difference to the Government, because they can go on realizing the same amount.

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

That in the proviso to sub-clause (1), line 3, for the words "not exceeding," the words "at the rate of" be substituted.

Premier : There are other things to be considered along with this. It is not necessary that it should be an instalment of Re. 1 only. Moreover so far as the small holdings are concerned, there is another provision for them. I do not see any reason why my honourable friend should wish to make it rigid.

Mian Muhammad Nurullah : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Sayed Mohy-ud-Din Lal Badshah : I move that—

In sub-clause (2), lines 3-4, for the words "as may be prescribed," the words "which shall not exceed 2½ per cent. per annum simple interest" be substituted.

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

In sub-clause (2), lines 3-4, for the words "as may be prescribed," the words "which shall not exceed 2½ per cent. per annum simple interest" be substituted.

Premier : Sir, I oppose this amendment for the reason that if the rate at which the Government takes out a loan is higher than 2½ per cent it would not be fair that the Government should pay interest at a higher

[Premier.]

rate of interest and realize interest at a lower rate. I assure my honourable friend that the interest charged will be simple interest and we will either fix the bank rate or 6 per cent whichever is just and proper. I would ask my honourable friend to withdraw his amendment.

Sayed Mohy-ud-Din Lal Badshah : Sir, in view of the assurance given by the Honourable Premier I beg leave to withdraw my amendment.

The motion was, by leave withdrawn.

Mian Muhammad Nurullah : I move—

That at the end of sub-clause (2), the following words be added :—

“ Provided the rate of interest shall not be more than four per cent per annum.”

Sir, the Honourable Premier has just now stated that the Government will either charge interest at six per cent or at bank rate, while Khan Bahadur Mian Mushtaq Ahmad Gurmani had given an amendment that they would charge interest at 6 per cent. My submission is that now-a-days loans can easily be had at 3 per cent and therefore it would be proper for the Government to charge 4 per cent.

For all the loans that had been taken in connection with earlier projects the rate of interest has invariably been 4 per cent, and it seems meet and proper that we should not make a profit out of it. The average bank rate is also 4 per cent, the same should be definitely fixed. Six per cent, would in any case be exorbitant.

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

That at the end of sub-clause (2), the following words be added :—

“ Provided the rate of interest shall not be more than four per cent per annum.”

Premier : Sir, my honourable friend has overlooked the fact that a great war is in progress, and that Government will have to borrow money for the purpose of this project. If the rate is rigidly fixed at 4 per cent Government may either not be able to borrow money, or borrow at a higher rate, or must refuse to borrow, in which case the project will have to be abandoned.

Mian Muhammad Nurullah : Why not fix it at 4 per cent after the war is over ?

Premier : My honourable friend is again overlooking another fact, which is that this interest will have to be paid only by the defaulters. For those who pay their dues in time there will be easy instalments and they will not pay any interest. If, as my honourable friend suggests, the rate of interest is reduced, it will encourage defaulters and the arrears might become more numerous. The rate of interest will ordinarily be six per cent or less unless the bank rate rises beyond that figure. Government would in that case fix a rate which after allowing for expenses would exceed the bank rate by one or one and a half per cent. I therefore request my honourable friend not to press his amendment. It is only meant for the defaulters, and unless a provision of this kind is made, they may not pay up their instalments promptly.

Mian Muhammad Nurullah : Sir, in this connection, I would like to say that the argument of a war going on in Europe is no reason why enhanced rates should be charged.

Munshi Hari Lal : Should I understand that this rate of interest will be subject to alterations from time to time?

Premier : Yes, if the bank rate goes beyond 6 per cent.

Munshi Hari Lal : The maximum will be 6 per cent or above according to the bank rate. May I know what will be the minimum?

Premier : The minimum will also depend on the rate at which we are able to borrow money.

Sayed Mohy-ud-Din Lal Badshah : I think it would be much better if it is provided that the rate of interest shall not be more than one per centum above the bank rate.

Premier : I am afraid such a provision would not serve the purpose of my honourable friend. On the other hand, it is likely to become a source of trouble to the tax-payer.

Sayed Mohy-ud-Din Lal Badshah : As long as the bank rate does not rise, the provision of one per cent above the bank rate seems quite fair and proper.

Premier : My friend is under the impression that such an arrangement if made, would prove beneficial to the zamindars. But let me tell him that during the last Great War the bank rate rose as high as 7 per cent and if to-morrow the present bank rate rises to the same extent then according to the suggestion of my honourable friend we will have to fix interest at the rate of 8 per cent. I fully realise that a high rate of interest may cause hardship to the people. But I would ask my honourable friend not to press his proposal because it will not affect any one except the defaulters. Surely he does not want to encourage people to default?

Mian Muhammad Nurullah (Urdu) : Sir, the argument advanced by the Honourable Premier has failed to convince me. The Honourable Minister of Revenue was pleased to remark that the tax would be levied only when water is supplied to a particular area, and I am sure the first instalment of water would not be available even in a period of 2 or 3 years. The Government may rest assured that the present war would not drag on for 8 years. Hence there is no justification for the fears expressed by the Honourable Premier. Anyway I would request the Government to charge interest only at the rate at which it usually borrows. It is not politic on the part of a popular Government to make profit by charging more interest.

Mr. Speaker : Question is—

That at the end of sub-clause (2), the following words be added:—

"Provided the rate of interest shall not be more than four per cent per annum".

The motion was lost.

Mr. Speaker : Question is—

That clause 7 as amended stand part of the Bill.

The motion was carried.

Clause 8.

Mr. Speaker : Clause 8.

Munshi Hari Lal (South-Western Towns, General, Urban): During the discussion of clause 8 it was stated by the Honourable Minister of Revenue that holdings would also be covered by clause 8. I submitted that clause 8 contains the words "site or class of sites" and their exemption would take place with reference to the character of the soil, the size of the holding or the purposes for which it is being used. The honourable Minister at that moment was pleased to remark that he would make a statement when clause 8 comes under discussion. I put it to him whether he still holds the view that this clause 8 also means that holdings can also be exempted.

Mr. Speaker : Question is—

That clause 8 stand part of the Bill.

The motion was carried.

Clause 9.

Mr. Speaker : Clause 9.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): I rise to oppose the passage of this clause. If you carefully go through it you are sure to come across several loopholes therein. In fact this clause is a jumble of conflicting provisions, and contains great potentialities for mischief. We are not prepared to grant those powers which the Government seeks to obtain by means of this clause. These powers, as embodied in the clause, are so wide that they are open to abuse. The clause says:—

Government may withhold irrigation from any land on which the full amount of the tax has not been duly paid.

The presence of the word 'may' speaks for itself. May I know as to why the Government wants to keep such discretionary powers in its hands? Does it intend to deprive its political opponents of canal water whenever it likes? Why should the Government withhold irrigation from the land belonging to a person who pays tax and land revenue? When the Government has the necessary powers to charge interest on the delayed payment of instalment the person concerned should not be subjected to further hardships by withholding irrigation from his land. Then, Sir, the clause further says:—

In which case the Government may remit the tax in whole or in part.

This provision enables the Government to show favouritism towards its supporters. Then, the clause goes on as follows:—

And may refund any sums received unless, in the opinion of Government, the land is so situated that the value has risen in consequence of the proposal to introduce irrigation into that area.

is absolutely admitted that prices will rise and that is why we are

having this tax. In fact that is the underlying principle of the Bill. Therefore, you should not keep another loophole therein, for it says that the Government will withhold irrigation from any land for which the full amount of the tax has not been duly paid. Now, according to the clause the Government may or may not withhold irrigation; it may or may not remit the tax in whole or in part, and it may or may not refund any sums received. I fail to understand what useful purpose this clause is going to serve. With these words I oppose the whole clause.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjab*): Sir, I rise to oppose this clause on the ground that the Government seeks to retain to itself wide powers by means of it. We are perfectly justified in expressing our fears that these powers would not be properly used by the authorities concerned. The completion of the project would take several years and who can say as to whether the present Government would remain in power at that time? Anyway, we are not prepared to arm any Government with such powers as can be safely used against its political antagonists.

Supposing the Government have not realised full tax from a zamindar, they can withhold the irrigation at once, as this clause empowers them to do so. They can withhold water from the land under this clause even if one rupee is due to them. I am afraid this power will be used against the opponents of the Government. For instance, if the Honourable Minister for Revenue does not like an agitation made or a voice raised against the Government he may use this power as given by this clause. And I would, therefore, submit that this power will prove very harmful for the zamindars. As the Minister in charge is apt to lose his temper and is of vindictive nature, arming him with these powers will be dangerous as the brunt of withholding water from the land will fall on the poor zamindars. With these words, Sir, I oppose this clause.

Munshi Hari Lal (South-Western Towns, General, Urban) (*Urdu*): Sir, I am afraid that by the passage of this clause zamindars will be left at the mercy of the patwaris and kanungos. According to this clause it will absolutely lie in their power to make a report to the effect that the value of such and such land has risen while it may not actually be so. In this way the poor zamindar will have to bear the brunt of taxation. The Government rely upon the report of the patwari and the zamindar will thus have to pay the tax. To me it seems that the object of the Government in inserting this clause is to keep zamindars in their grip. This clause may not be important from political point of view but from economical point of view it means ruin to the zamindars.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, everybody views a matter according to his own mentality. I wonder how my honourable friends have assumed that Government will impose a fine on, or withhold water from, the lands belonging to the members of the Opposition. They judge others according to their own peculiar standards. I assure them that this is not the intention of Government. But if my honourable friends of the Opposition mean to convey that when they

[Premier.]

come to power, they will behave like this towards the members of the present ministerial party, I can only pray that their wishes may never be fulfilled. They have not looked at this matter from another important aspect, namely that, if land receiving irrigation unfortunately becomes kallar and goes out of cultivation, the amount of the tax may be refunded at the request of the owner. I can assure my friends opposite that the Government do not want to put any undue burden on the zamindars.

Munshi Hari Lal : Do not abuse it.

Premier : Please do not try to judge others by your own standards. Now I should like to say a few words in regard to the point raised by Mian Muhammad Nurullah. Supposing the value of land rises — and the value of land is sure to rise — as the land, whether it is Chahi or Barani, will become colony land. And if land is near a market, its value will rise enormously. For instance, if land is situated at a distance of say 10 miles from a railway station and 20 miles from a market it is obvious that its value also will increase with the advent of irrigation but if a portion of that land becomes kallar, the owner will naturally ask for diversion of irrigation from that area to a more fertile plot, where it could be utilised profitably. My friends opposite may rest assured that justice will be done, and if Government had any sinister motives it could have left the matter to be dealt with under its rule making power. But it has not done so for the simple reason that it wants to yest powers in officers to refund the amount of tax in certain cases. I would once again assure my friends opposite that there is no dishonest intention behind this clause, and so far as the present Government is concerned my friends know it that the furtherance of the welfare and interests of zamindars is its paramount concern.

Diwan Chaman Lal (East Punjab, Non-Union, Labour) : May I say a word? I do not think the matter is quite so simple as my honourable friend the Premier has put to the House. My Honourable friend's contention is this : that we want to be very honest because we want to be in a position to return any tax or any portion of the tax that has been paid to us for irrigation if that irrigation is withheld from an area from which that tax has been received. And because we want to be honest and return that particular portion of the tax already collected by the Government for the reason that we are withholding water from that land, therefore you must permit us to pass this particular clause in the manner in which it is before the House. Now I submit that that is not the proposition at all. If my Honourable friend were to pay close attention to the wording of this clause he will find that the powers that the Government have taken into their own hands are such that they will not be in a position to refund any portion of the tax. I will explain to my honourable friends why. Let us look at this clause. First of all if there is a particular land on which the full amount of tax demanded has not been paid, then the Government may by withholding irrigation have the power according to this clause of remitting the tax wholly or in part and may refund any sums received, unless the most important word of this clause is 'unless' and what follows the word 'unless' — in the opinion of the Government the land is so situated.

that the value of the land has arisen in consequence of the proposal to introduce irrigation in that area in spite of the fact that irrigation has been withheld. Now I ask my honourable friends whether they can visualize any portion of that area which is about to receive irrigation — and every body knows that it is going to receive irrigation — which is not going to go up in value. Is there any likelihood of even the smallest bit of land of this area not becoming more valuable as a result of the proposal that my honourable friend has in hand of giving irrigation to that area?

Premier: My honourable friend has not carefully studied the last words 'in spite of the fact that irrigation is to be withheld'.

Diwan Chaman Lall: Quite true. But my honourable friend must look at it from this point of view, the point of view of the person who is the owner of this land and who is a defaulter and irrigation is withheld from him, because he is a defaulter. The value of the land has gone up, because that land is capable of receiving irrigation and he can sell it to his next door neighbour who will not be a defaulter and who will pay his tax to the Government. But the value has increased whether the water is withheld or not. The question is in all such cases where the land is capable of being irrigated, the value of the land must necessarily rise and the power that the Government have is, in all cases where the value of the land rises, the right not to remit any portion of the tax that has already been received. Now, therefore the matter is not quite so simple as my Honourable friend puts it. The question is: you have already imposed a penalty; that penalty having been imposed why do you want to go beyond that and impose a second penalty or even a third penalty? First of all you withhold the water from this land, secondly if there are any arrears, you charge interest and thirdly you have got the entire machinery of the Land Revenue Act which you can bring into force to collect any arrears that may be due and which have not been paid. When you have got all that power in your hands why do you want to go beyond that and take this further power in your hands, namely, stopping irrigation, stopping the grant of water to this particular area until the arrears are paid? No doubt you say that you will remit that portion of the tax which has been received for an area on which irrigation is stopped but then you go beyond that and take further powers in your hands and say that if the value of the land is increased, then the Government may not remit it. I want to know which revenue officer will ever admit in these circumstances that the value of the land has not increased. After all my honourable friend's proposition is that 16 lakhs acres, that is, a million and six hundred thousand acres are going to receive benefit of this water supply according to this scheme. We do not know. As a matter of fact, according to the capacity of water that my honourable friend is going to give to this area, it will not come to more than 6,000 cusecs. As to wherefrom he got this figure of one million and six hundred thousand acres we do not know. We have no idea as to where he gets those figures from. Even according to the smaller project the total area would be somewhere about 881,000 acres, but according to the water that he is going to give, the area will be only something like 360,000 acres. In regard to this particular area of 360,000 acres the price of every inch of that area, which is going to

[Diwan Chaman Lall.]

be irrigated the moment this Bill is passed, is going to go up. The value will go up the moment water is given to this area. There is not one official who, knowing that the value of this area has gone up, will not take advantage of this proviso and not remit or not advise the Government to remit any portion of the tax. Already, I submit, the power, which the Government have, is sufficient for them to get all the arrears that they can out of those defaulters who have not paid those arrears. It is possible for them to get those arrears, it is easy for them to get those arrears. There is the penalty clause of interest being charged to an unlimited extent. The honourable member can charge any amount he likes. We have given him no restriction in regard to this matter. With all this I submit that there is no necessity for clause 9 to be added to this Bill.

Mr. Speaker : The question is—

That clause 9 stand part of the Bill.

The Assembly divided Ayes 78 Noes 22.

AYES

Abdul Hamid Khan, Sufi.	Gopal Singh (American), Sardar.
Abdul Haye, The Honourable Mian.	Gurbachan Singh, Sardar Bahadur
Abdul Rab, Mian.	Sardar.
Abdul Rahim, Chaudhri (Gurdas-	Hans Raj, Bhagat.
pur).	Hari Chand, Rai Sahib, Rai.
Abdul Rahim, Chaudhri (Gurgaon).	Harnam Singh, Captain Sodhi.
Ahmad Yar Khan, Chaudhri.	Het Ram, Rai Sahib Chaudhri.
Akbar Ali, Pir.	Indar Singh, Sardar.
Ali Akbar, Chaudhri.	Jafar Ali Khan, M.
Amjad Ali Shah, Sayed.	Jagjit Singh Man, Sardar.
Anant Ram, Chaudhri.	Joginder Singh Man, Sardar.
Ashiq Hussain, Captain.	Kishan Das, Seth.
Balwant Singh, Sardar.	Manohar Lal, The Honourable Mr.
Bhagwant Singh, Rai.	Muhammad Amin, Khan Sahib
Chhotu Ram, The Honourable Chau-	Shaikh.
dhi Sir.	Muhammad Ashraf, Chaudhri.
Faiz Muhammad Khan, Rai.	Muhammad Azam Khan, Sardar.
Faiz Muhammad, Shaikh.	Muhammad Faiyaz Ali Khan, Na-
Faqir Hussain Khan, Chaudhri.	wabzada.
Farman Ali Khan, Subedar-Major	Muhammad Hussain, Chaudhri.
Raja.	Muhammad Jamal Khan Leghari,
Fateh Khan, Khan Sahib Raja.	Nawab Sir.
Fateh Muhammad, Mian.	Muhammad Qasim, Chaudhri.
Fateh Sher Khan, Malik.	Muhammad Saadat Ali Khan, Khan
Fazl Ali, Khan Bahadur Nawab	Bahadur Khan.
Chaudhri.	Muhammad Sarfraz Khan, Chau-
Fazal Din, Khan Sahib Chaudhri.	dhri.
Ghazanfar Ali Khan, Raja.	Muhammad Sarfraz Khan, Raja.
Ghulam Samad, Khan Sahib Kha-	Muhammad Shafi Ali Khan, Khan
waja.	Sahib Chaudhri.

Muhammad Yasin Khan, Chaudhri.	Ranpat Singh, Chaudhri.
Muhammad Yusuf Khan, Khan.	Riasat Ali, Khan Bahadur Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Ripudaman Singh, Rai Sahib Thakur.
Muzaffar Khan, Khan Bahadur Captain Malik.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muzaffar Khan, Khan Bahadur Nawab.	Shahadat Khan, Khan Sahib Rai.
Nasir-ud-Din, Chaudhri.	Shah Nawaz, Mrs. J. A.
Nasir-ud-Din Shah, Pir.	Shah Nawaz Khan, Nawab Sir.
Nasrullah Khan, Rana.	Sikander Hyat-Khan, The Honourable Major Sir.
Naunihal Singh Mann, Lieutenant Sardar.	Sultan Mahmood Hotiana, Mian.
Nur Ahmad Khan, Khan Bahadur Mian.	Sumer Singh, Chaudhri.
Pir Muhammad, Khan Sahib Chaudhri.	Sundar Singh Majithia, The Honourable Dr. Sir.
Pohop Singh, Rao.	Suraj Mal, Chaudhri.
Prem Singh, Chaudhri.	Tara Singh, Sardar.
Pritam Singh Siddhu, Sardar.	Tikka Ram, Chaudhri.
Ram Sarup, Chaudhri.	Ujjal Singh, Sardar Bahadur Sardar.

NOES

Chaman Lall, Diwan.	Muhammad Hassan, Chaudhri.
Dev Raj Sethi, Mr.	Muhammad Hussain, Sardar.
Faqir Chand, Chaudhri.	Muhammad Nurullah, Mian.
Gokul Chand Narang, Dr. Sir.	Mukand Lal Puri, Rai Bahadur Mr.
Hari Lal, Munshi.	Muni Lal Kalia, Pandit.
Harjab Singh, Sardar.	Rur Singh, Sardar.
Harnam Das, Lala.	Sampuran Singh, Sardar.
Kabul Singh, Master.	Santokh Singh, Sardar Sahib Sardar.
Kapoor Singh, Sardar.	Shri Ram Sharma, Pandit.
Kartar Singh, Sardar.	Sudarshan, Seth.
Krishna Gopal Dutt, Chaudhri.	
Mazhar Ali Azhar, Maulvi.	

Clause 10.

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

That in line 1, between the words "rules" and "to," the words "subject to the approval of the Punjab Legislative Assembly" be inserted.

I want to say only a few words with regard to this amendment. The Honourable Premier has just now remarked that if the Government had harboured designs of injuring the interests of any person or persons they would very easily have reserved it in their rule making power. Now, Sir, my complaint is that while framing rules these things are not even considered which are kept in view while the Bills are drafted and discussed. The reason for this is that when Bills are introduced in the House, there is a chance of their being amended, but the rule making power is so very absolute

[M. Hari Lal.]

that we have no say whatsoever in the matter. What I want is that the rules which would be framed under the provisions of this Act should be subject to the approval of the Punjab Legislative Assembly. I think the whole House will agree with me that this demand is just and fair. If honourable members would study clause 10 they would find that it is stated therein that "Government may make rules" and according to the definition which we have already passed "Government" means "provincial Government" which includes in it Ministers as well as executive officers. In this definition if only Ministers were included I would not have pressed for this amendment. But the definition of "provincial Government" as laid down in the General Clauses Act is as follows:—

"Provincial Government" as respects anything done or to be done after the commencement of part III of the Government of India Act, 1935, shall mean (a) in a Governor's province, the Governor acting or not acting in his discretion or not exercising his individual judgment, according to the provision in that behalf made by and under the said Act;

In this connection I may by the way point out that to-day in the course of debate on this Bill a constitutional point was raised by Honourable Mr. Bhim Sen Sachar that whenever any Minister makes a statement he speaks on behalf of the Government and that his views should necessarily be considered as reflecting the opinion of the Government as a whole. According to General Clauses Act "provincial Government" includes Governor, Ministers and Executive Officers. It is therefore wrong to say that a Minister when speaking on the floor of the House is speaking in his personal capacity. He is in fact part and parcel of the Government and his view points must necessarily reflect the opinion of the Cabinet as a whole. Anyhow my submission is that if the power of framing rules under this Act had only vested in the Ministers there was no necessity for moving this amendment. I submit that the Government should place the rules before the House so that they may be discussed and if necessary amended. It is with this object in view that I have moved my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

"That in line 1, between the words "rules" and "to" the words "subject to the approval of the Punjab Legislative Assembly" be inserted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Sir, generally while making assessment under this Act the Government would follow these rules which have been framed under the Punjab Land Revenue Act, 1887. But according to this clause the Government want to reserve to themselves the power to modify those rules as well. Now my submissions that usually the procedure which would be followed in respect of rules as to assessment framed under the Punjab Land Revenue Act has been laid down in section 60-A of the said Act. It is stated therein that "before making any rules under the provisions of section 60, the Provincial Government shall publish by a notification a draft of the proposed rules for the information of the persons likely to be affected thereby, at least thirty days before a meeting of the Punjab Legislative Assembly. The Provincial Government shall defer consideration of such rules until after the meeting of the Punjab Legislative Assembly next following the publication of the draft, in order to give any member of the Assembly an opportunity to introduce a motion for discussing the draft." But according to clause 10

of the Bill now before the House Government want to reserve to themselves the right to frame new rules to carry out the purposes of this Act including rules to modify the procedure for assessment, collection, and enforcement of payment under the Punjab Land Revenue Act, 1887. In other words it means that the Government would be entitled to frame new rules as was as to modify the existing rules framed under the Punjab Land Revenue Act. I think to some extent the Government are justified in making rules laying down the procedure of assessment. But my submission is that as under section 60-A of the Punjab Land Revenue Act it is provided that before making any rules the provincial Government shall publish a draft of the proposed rules to enable the members of the Punjab Legislative Assembly to discuss them similarly when those rules are modified it is but fair that they should also be placed before the House for the approval of the Punjab Legislative Assembly. It is just possible that the Honourable Minister may say that as those rules would apply to a new Act therefore it is not necessary for him to follow the procedure which has been laid down in Section 60-A of the Punjab Land Revenue Act. Even if the Honourable Minister of Revenue is not prepared to follow these rules, let him at least keep the general principle of this Bill in view. It appears, Sir, that the Honourable Minister of Development has had a hand in the framing of section 60-A of the Land Revenue Act and the provision that Government "may make rules subject to Assembly discussion", has been included on his initiative. Fairness demands, Sir, that before making such rules the Government should give an opportunity to this Assembly to discuss the draft rules before they are actually adopted. In such an important matter, when crores of rupees have to be collected in the form of tax, and the Government has got wide powers of taxing, making assessment, and allotment of land, it is only fair that the Assembly should have the opportunity to discuss them.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I am also of the opinion that all the rules that are going to be framed under this important Act should be placed before this Assembly, discussed and approved and then notified. During the passage of this Bill for the last few months we have heard and discussed very important suggestions. Even at the Committee stage the Honourable Premier admitted that he would incorporate some provisions suggested and some of the small clauses suggested in the rules. Even on the floor of the House he has been saying that he would do this and that with regard to these rules. I think some of these rules would be as important as some of the clauses we have not taken into the Act, simply because we can easily deal with them in the rules. The very importance of the rules cannot be exaggerated and I think it would be only fair if these rules are discussed by this House before they are notified, so that public may take advantage of these rules as best as they can.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh, Majithia) : Sir, I could not very well follow what my honourable friend Munshi Hari Lal said. Does my honourable friend think that under the rules that are going to be framed under this Act, the Government is going to give trouble to the people or going to give some concession to others? I may

[Minister of Revenue.]

tell my honourable friend that Government is not vindictive and that we are not going to give any trouble to any body at all.

As regards the suggestion made by my honourable friend opposite, that these rules should be placed before the House and that they should be promulgated after the House has expressed its opinion and passed them, my honourable friend knows that the rules after they are framed are published for criticism and after considering the public criticism the rules are adopted by the Government finally. Do my honourable friends realize that this House which has been sitting now for more than 7 months would always be available or do they expect that this House should go on sitting from day to day till the whole year? Supposing the House is not sitting at the time when the rules are promulgated. Do they wish that these rules should not be adopted or we must wait till the House is in session or wait till we call the House to pass these rules? I think such a proposition nobody would like to press forward in this House.

The second point is the question of having any confidence in this Government or not. I will not dilate on this subject, because the Premier has just said that everybody judges others according to his own standard and sees others from the coloured spectacles which he is wearing. I can only say that according to the Punjabi proverb

جن نے نکل جاندا ہے پر جن نہیں نکلا

It is possible to exercise the *jin* but it is impossible to remove the *jan*. I may assure the honourable member that in framing the rules and adopting them finally, the discussion that has taken place in this House or any objection raised by anybody outside the House, will be kept in view. So at this stage I would oppose my honourable friend's motion.

Diwan Chaman Lall (East Punjab, Non-Union Labour): My honourable friend has raised two objections to the procedure that has been suggested by my honourable friend the mover of the amendment. One of the objections is this. Suppose the rules are ready at the time when the Assembly is not in session, then what will you do? Will you wait till the Assembly is in session? Now the answer to this is a very simple one. Look at the Bill itself. The purposes for which these rules are going to be made, are such purposes as will come into existence after my honourable friend is able to give the first instalment of the water to that area. And what are the rules? The rules relate to assessment; the rules relate to collection and enforcement of payment under the Punjab Land Revenue Act for the purpose of adapting it to the requirements of this Act, and for gradation of the tax with reference to the character of the soil or the size of the holding. Is my honourable friend in a position to say when he is going to give water to this area? I take it and that even according to the experts, who are very optimist about it, the first instalment of the water is not likely to be given for a period of two years. I do not think that even the magicians of our Public Works Department will be able to give water to this area before two years. If that is so, I take it that my honourable friend is not suggesting that the Assembly should not meet for the next two years.

Revenue Minister : No, no.

Premier : Some of us may not be here.

Diwan Chaman Lall : Yes, some of us may not be here. Then the task of my honourable friend will be much easier. Instead of dealing with amendments from this side, my honourable friend may not have to deal with any amendment at all.

Revenue Minister : I may not be here.

Diwan Chaman Lall : Then it would be robbing the House of the great experience possessed by my honourable friend. I would not say that.

Sir, there will be time enough for my honourable friend to place these rules before the House. I submit, Sir, this is democratic procedure which is being adopted. Let the world know what the rules are, and let the representatives of the people also know the secret of the rules before they are adopted finally. I submit, Sir, that it is right that the rules affecting revenue matters and affecting the payments to be made by the people, who are going to be benefited as a result of this measure, should come before the Assembly and be dealt with by the members of this House and that the Assembly should not be left in the dark as to the significance of these rules.

My honourable friend the Premier was good enough a short while ago to say 'leave this matter to me : I will see that appeals would be provided for in the rules'. May I ask why the matter should not come before the Assembly ? I think my honourable friend will be doing justice to this Assembly if he were to accept so sensible an amendment proposed by my honourable friend. I do not think there will be any loss of time in framing the rules or giving effect to them if this amendment is accepted. My honourable friend said something—I cannot read his mind, although I can see him making a gesture with two fingers. Does he mean that it will take two years. . . .

4 p. m.

Minister for Revenue : Several months of the Assembly.

Diwan Chaman Lall : That does not make any difference as far as rules are concerned. My honourable friend can go ahead with the scheme and he can go ahead with the project without having to wait for the rules to be brought into effect ; and those rules, which relate to matters of assessment and tax collection and so on, can be brought in at the next session of the Assembly and the decision of the House taken. I submit that is as far as we can go. Now my honourable friend has drawn my attention to Section 60-A of the Punjab Land Revenue Act wherein it is stated that before making any rules these rules shall be adopted according to certain procedure to be laid down and that procedure was laid down in Section 21 of the Punjab General Clauses Act. Further these rules have to be published by a notification and a draft of the proposed rules has to be published at least 30 days before the meeting of the Punjab Legislative Assembly. The Provincial Government shall defer the consideration of such rules until after the meeting of the Punjab Legislative Assembly following the publication of the draft, in order to give an opportunity to a member of the Assembly to introduce a motion for discussing the draft rules. If the procedure that is adopted is of this nature it is in consonance with the amendment proposed by my honourable friend. I notice my honourable

[Diwan Chaman Lal.]

friend the Minister for Revenue is quite willing to accept the amendment and I do hope that my honourable friend the Premier will not prevent him from accepting the amendment which is in consonance with the law of the land at the present moment and wish what is contemplated by the Land Revenue Act itself. I submit that the House ought to be given an opportunity to discuss the rules which may vitally affect the procedure to be adopted in the collection or levying of taxes.

Premier : I have heard the very eloquent speech made by my honourable friend and I can assure him that so far as my honourable colleague is concerned he is perfectly willing to accommodate my honourable friend provided some unforeseen technical difficulty does not arise. The rules will be published in any case. If there is time and no other unforeseen contingency arises which may debar us from doing it, we will follow the procedure already laid down.

Mr. Speaker : Question is—

That in line 1, between the words, "rules" and "to" the words, "subject to the approval of the Punjab Legislative Assembly" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 10 stand part of the Bill.

The motion was carried.

New clause

Sayed Mohy-ud-Din Lal Badshah : Sir, I ask leave of the House to move—

That after clause 10 the following new clause be added :—

11. Any area of land which was mortgaged before receiving irrigation from the Thal canal may, after being irrigated for one year be redeemed without payment of the mortgage money at any time by the mortgagor on making an application to the collector and proving that the mortgagee has received the principal plus an equal amount of profits.

Sir, the soil of that area at present is mostly unculturable or barren, the amount of mortgage loan is paid on present output which will mostly increase after the irrigation.

Mr. Speaker : The honourable member's new clause is out of order, as it goes beyond the scope of the original Act and strictly speaking, is not relevant to the subject matter of the Bill now before the House. The Bill relates to irrigation, while the honourable member's new clause relates to mortgages, etc.

Sayed Mohy-ud-Din Lal Badshah : Sir, my clause relates to irrigation.

Mr. Speaker : The honourable member's clause is out of order.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, beg leave to move the following new clause :—

No land-owner possessing more than 50 acres of land shall be permitted to purchase any more land in the area covered by this Act and if any such purchases have been effected after December, 1938, these shall be declared to be null and void.

Mr. Speaker : In my opinion this clause also goes beyond the scope of the Bill.

Mian Muhammad Nurullah : May I explain, Sir, how this clause is relevant to the Bill? If you will kindly read the preamble of the Bill, you will find that this Bill 'provides for the levy of a tax on lands the value of which will be enhanced by irrigation from the Thal canal'. We are discussing the levying of tax on the land, every bit of which is bound to increase in value because of irrigation. In order to be able to pay that tax some of the land-owners are likely to part with their lands, at any rate a portion of their lands. That was discussed at the committee stage where I suggested that they should be able to give a portion of their lands to be able to pay the tax. By this clause I want to avoid any lands being purchased by capitalists from outside. It is, therefore, clearly within the scope of this Bill.

Mr. Speaker : The main object and purpose of the Bill is to tax and not to restrict or enlarge the powers of alienation of land. It is not meant to be another Alienation of Land Act.

Diwan Chaman Lal : I wish to make a submission. Had the original proposition, namely, that Government should take over portions of these lands from the owners, been incorporated in the Bill, the position would have been, firstly, that the Government could levy a tax, and secondly that in addition to the tax they could also take a portion of the land. What my honourable friend seeks to do is to restrict the taking over of the lands whether by the Government or by private individuals.

Mr. Speaker : Another objection against this new clause being allowed to be moved is based on section 299 (3) of the Government of India Act, which lays down :—

No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein..... shall be introduced or moved..... in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

People who have purchased lands have acquired certain rights, while this new clause proposes to declare those purchases as null and void. Therefore, it appears to fall within section 299 (3) of the Government of India Act.

Premier : I think, Sir, that section 298 (1) applies in this case. It lays down—

No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for..... or be prohibited on any such grounds from acquiring, holding or disposing of property.....

Mr. Speaker : No. That section does not apply.

Malik Barkat Ali : I believe, Sir, that section 299 (3) does cover a part of this new clause. The clause says—

No land-owner possessing more than 50 acres of land shall be permitted to purchase any more land in the area covered by this Act and—
this is important

—and if any such purchases have been effected after December, 1938, these shall be declared to be null and void.

As this clause seeks to declare null and void purchases which are perfectly valid under the law, section 299 (3) certainly applies in this case.

Diwan Chaman Lall: I have great respect for my friend Malik Barkat Ali both for his legal acumen and for his fair-mindedness. But unfortunately, he went completely off the track. Subsection (3) of section 299 of the Government of India Act refers to land transferred to public ownership. It goes on—

No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein....

Malik Barkat Ali: "Therein" means land.

Diwan Chaman Lall: Yes, land which is being transferred to public ownership and nothing else. You cannot possibly go beyond that. The best thing would be to put it to the vote of the House.

Mr. Speaker: As the point is declared doubtful in the opinion of the learned lawyers of the House, I leave it to the House to decide whether leave to move this new clause should be given or not.

Mian Muhammad Nurullah: Where is the Advocate-General? He might throw some light on it.

Mr. Speaker: Question is—

That leave be given to move the following new clause after clause 10:

No land-owner possessing more than 50 acres of land shall be permitted to purchase any more land in the area covered by this Act and if any such purchases have been effected after December, 1938, these shall be declared to be null and void.

The Assembly divided: Ayes 29, Noes 79.

AYES.

Abdul Aziz, Mian.	Kartar Singh, Sardar.
Balbir Singh, Rao Bahadur Captain Rao.	Kishan Singh, Sardar.
Baldev Singh, Sardar.	Krishna Gopal Dutt, Chaudhri.
Bhim Sen Sachar, Lala.	Mazhar Ali Azhar, Maulvi.
Chaman Lall, Diwan.	Mohy-ud-Din Lal Badshah, Sayed.
Dev Raj Sethi, Mr.	Muhammad Hassan, Chaudhri.
Faqir Chand, Chaudhri.	Muhammad Hussain, Sardar.
Girdhari Das, Mahant.	Muhammad Nurullah, Mian.
Gokul Chand Narang, Dr. Sir.	Muhammad Wilayat Hussain Jeelani.
Hari Lal, Munshi.	Makhdumzada Haji Sayed.
Jalal-ud-Din Amber, Chaudhri.	Mukand Lal Puri, Rai Bahadur Mr.
Jugal Kishore, Chaudhri.	Muni Lal Kalia, Pandit.
Kabul Singh, Master.	Rur Singh, Sardar.
Kapoor Singh, Sardar.	Santokh Singh, Sardar Sahib Sardar.
Kartar Singh, Chaudhri.	Shri Ram Sharma, Pandit.

NOES.

Abdul Hamid Khan, Sufi.	Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Haye, The Honourable Mian.	Abdul Rahim, Chaudhri (Gurgaon).
Abdul Rab, Mian.	Ahmad Yar Khan, Chaudhri.

Akbar Ali, Pir.	Muhammad Hussain, Chaudhri.
Ali Akbar, Chaudhri.	Muhammad Jamal Khan Leghari,
Amjad Ali Shah, Sayed.	Nawab Sir.
Anant Ram, Chaudhri.	Muhammad Qasim, Chaudhri.
Ashiq Hussain, Captain.	Muhammad Saadat Ali Khan, Khan
Balwant Singh, Sardar.	Bahadur Khan.
Bhagwant Singh, Rai.	Muhammad Sarfraz Khan, Chaudhri.
Chhotu Ram, The Honourable	Muhammad Shafi Ali Khan, Khan
Chaudhri Sir.	Sahib Chaudhri.
Faiz Muhammad, Shaikh.	Muhammad Yasin Khan, Chaudhri.
Faqir Hussain Khan, Chaudhri.	Muhammad Yusuf Khan, Khan.
Farman Ali Khan, Subedar-Major	Mushtaq Ahmad Gurmani, Khan
Raja.	Bahadur Mian.
Fateh Khan, Khan Sahib Raja.	Muzaffar Khan, Khan Bahadur Cap-
Fateh Muhammad, Mian.	tain Malik.
Fateh Sher Khan, Malik.	Nasir-ud-Din, Chaudhri.
Fazl Ali Khan Bahadur Nawab,	Nasir-ud-Din Shah, Pir.
Chaudhri.	Nasrullah Khan, Rana.
Fazal Din, Khan Sahib Chaudhri.	Naunihal Singh Mann, Lieutenant
Ghazanfar Ali Khan, Raja.	Sardar.
Ghulam Mohy-ud-Din, Khan Baha-	Nur Ahmad Khan, Khan Bahadur
dur Maulvi.	Mian.
Ghulam Samad, Khan Sahib Kha-	Pir Muhammad, Khan Sahib Chau-
waja.	dhri.
Gopal Singh (American), Sardar.	Pohop Singh, Rao.
Gurbachan Singh, Sardar Bahadur	Prem Singh, Chaudhri.
Sardar.	Ram Sarup, Chaudhri.
Haibat Khan Daba, Khan.	Ranpat Singh, Chaudhri.
Hans Raj, Bhagat.	Ripudaman Singh, Rai Sahib Tha-
Hari Chand, Rai Sahib Rai.	kur.
Harnam Singh, Captain Sodhi.	Roberts, Sir William.
Het Ram, Rai Sahib Chaudhri.	Sadiq Hassan, Shaikh.
Indar Singh, Sardar.	Sahib Dad Khan, Khan Sahib Chau-
Jafar Ali Khan, M.	dhri.
Jagjit Singh Man, Sardar.	Shahadat Khan, Khan Sahib
Joginder Singh Man, Sardar.	Rai.
Karamat Ali, Shaikh.	Shah Nawaz, Mrs. J. A.
Khizar Hayat Khan Tiwana, The	Shah Nawaz Khan, Nawab Sir.
Honourable Major Nawabzada	Sikander Hyat-Khan, The Honour-
Malik.	able Major Sir.
Kishan Das, Seth.	Sohan Lal, Rai Sahib Lala.
Manohar Lal, The Honourable Mr.	Sumer Singh, Chaudhri.
Muhammad Akram Khan, Khan	Sundar Singh Majithia, The Honour-
Bahadur Raja.	able Dr. Sir.
Muhammad Amin, Khan Sahib	Suraj Mal, Chaudhri.
Shaikh.	Tara Singh, Sardar.
Muhammad Ashraf, Chaudhri.	Tikka Ram, Chaudhri.
Muhammad Faiyaz Ali Khan, Na-	Ujjal Singh, Sardar Bahadur Sar-
wabzada.	dar.

The Assembly then adjourned till 2-30 p.m. on Friday 19th April, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 19th April, 1940.

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

OATH OF OFFICE.

The following member was sworn in :—

Mr. P. H. Guest, Punjab Commerce and Industry.

STARRED QUESTIONS AND ANSWERS.

CANCELLATION OF GUN LICENCES OF SARDAR GAJJA SINGH, BANTA SINGH AND OTHERS OF DISTRICT HOSHIARPUR.

***6516. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state whether gun licences of (i) Sardar Gajja Singh, Rais, Jagirdar of village Satiana, (ii) Banta Singh, Jagirdar of village Pandori Khajir, (iii) Chaudhri Sant Ram of village Muradpur Khunkhun, (iv) Sardar Randhir Singh of village Ghorabaha, district Hoshiarpur, have recently been cancelled ; if so, the reasons for the cancellation of licences in each case ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The order in the cases of Banta Singh, Sant Ram and Randhir Singh stated simply that it was necessary for the licences to be cancelled in the interests of the peace of the district. The order against Gajja Singh was made in consequence of his failure to take proper precautions for the safe custody of the weapon.

COMMANDED AREA ON BAHALBA MINOR OF THE WESTERN JUMNA CANAL.

***6534. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) when the Bahalba minor on the Hansi branch of the Western Jumna Canal in the Rohtak division was constructed and how many *chakbandis* and on what dates these *chakbandis* were formed after the construction of the said minor ;
- (b) whether since then there has been any decrease or increase in the commanded area on this minor and if there has been any such decrease or increase, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) The Bahalba Minor was constructed in 1923 and a *chakbandi* was prepared at the same time which is still in force.

(b) There has been no change in the commanded area except that 92 acres were transferred to another channel for improving irrigation facilities for that area.

Pandit Shri Ram Sharma: May I know whether this particular area which is receiving water from this Minor, received this water before the year 1923 also?

Parliamentary Secretary: I should like to have notice.

Pandit Shri Ram Sharma: May I ask whether this Minor was opened for the first time in 1927?

Parliamentary Secretary: Yes.

Pandit Shri Ram Sharma: May I take it that this Minor was not in existence before that? I want to know, if this area was receiving water from a different minor previously, or from this very minor which was known by a different name at that time?

Parliamentary Secretary: When you have taken for granted that it was opened in 1923, then how does this question arise?

Pandit Shri Ram Sharma: Since the time it has been opened, has there been any increase or decrease in the area under irrigation?

Minister of Revenue: This has already been stated.

Parliamentary Secretary: The question related to this particular channel and I have given the reply. If my honourable friend wants information as to some other channel, I require notice for that.

TEACHING OF HINDI IN GOVERNMENT AND LOCAL BODIES' SCHOOLS.

***6535. Pandit Shri Ram Sharma**: Will the Honourable Minister of Education be pleased to state—

- (a) whether any change has been effected in the practice of teaching of Hindi in the Government schools and also in schools under the control of the local bodies in the province since 1st April, 1937;
- (b) whether he will be pleased to lay on the table of the House the two circulars issued by the Education Department with regard to the medium that the examinees may use for answering questions in the Vernacular Final Examination and denoting some change in the previous practice of using any medium;
- (c) whether he is aware of the feeling of the Hindi-loving people against this change as expressed by them by observing 10th March last as the "Hindi Day"; if so, the action intended to be taken in the matter?

The Honourable Mian Abdul Haye: (a) No.

(b) Copies of the circulars issued are laid on the table.

(c) Yes. The matter is under consideration.

Education Department, Notification, No. 18423-X., dated the 7th September, 1938.

The following amendments made in the revised regulations for the Vernacular Final Examination published with this Department notification No. 14222-X., dated the 30th July, 1934, are notified for general information :—

AMENDMENTS.

1. In rule 4 delete the paragraph about military scholarships from the foot-note against the dagger mark.

2. For rule 9 substitute the following :—

“ The examination may be taken through the medium of Urdu, Hindi or Punjabi, at the option of the candidate, but the medium of examination must invariably be the same as the vernacular offered by a candidate ”.

W. H. F. ARMSTRONG,

Director of Public Instruction, Punjab.

Memorandum from the Director of Public Instruction, to the Heads of Institutions which have sent up candidates for the Vernacular Final and Middle School Examination, 1940, No. 1348-X., dated the 22nd January, 1940.

Under rule 9 of the Regulations for the Vernacular Final and Middle School Examination as amended by this Department notification No. 18423-X., dated the 7th July, 1938, candidates are required to take the examination through the medium of the vernacular which they have elected as their first vernacular. Accordingly a candidate who has taken up Urdu as his first vernacular shall answer his question papers in the ensuing examination through the medium of Urdu and a copy of the Urdu version of each question paper will be supplied to him. Similarly, a candidate whose first vernacular is Hindi or Punjabi shall answer his question papers through the medium of Hindi or Punjabi, respectively, and copy of the Hindi or Punjabi version of the question paper will be supplied to him.

But as the technical terms in Mathematics, Geography, Elementary Science, etc., used in some of the books written in Hindi and Punjabi are not identical, candidates who have adopted either of these vernaculars as their medium of examination may experience some difficulty in following the technical terms used in the Hindi and Punjabi versions of the question papers in the said subjects. If a candidate having any doubt on this score desires to consult the Urdu version of a question paper, he will on signifying his intention to the Superintendent of the Centre, be supplied with a copy of the Urdu version as well.

Candidates who have adopted Hindi or Punjabi as their medium of examination but are not very conversant with the technical terms used in Hindi and Punjabi are permitted to use in their answer books Urdu terms in the Devnagri or the Gurmukhi script, as the case may be.

It is requested that the contents of this letter may be made known to all candidates sent up by you. Private candidates should be informed at the time when they present themselves for the attestation of their signatures on the Roll No. cards.

Pandit Shri Ram Sharma : May I know whether there is any difference between boys and girls schools, so far as the teaching of Hindi is concerned ? Is the practice the same in the Government Schools and those managed by the local bodies ?

Minister : I have referred to the practice in this connection already. Ordinarily the medium of instruction is Urdu, but in special cases, we have allowed any other language to be used as medium of instruction, and such schools are mostly girl schools.

Pandit Shri Ram Sharma : What are the instructions regarding the medium of instruction, and which are these schools in which these instructions have been enforced ?

Minister : The question does not relate to the medium of instruction. It is on the other hand regarding the two circulars which I am placing on the table.

Pandit Shri Ram Sharma : Will the Honourable Minister be pleased to state whether these circulars are about the medium of instruction ?

Minister : No, these circulars are not regarding the medium of instruction. The facts of the matter are that in the Final Middle Examination, boy and girl candidates have the option to answer the questions in the vernacular, but as certain students, after once declaring a particular language as their principal language used a different language in their answer books, a circular was issued to the effect that they should answer questions only in that language which they had declared as their principal language. The result of this circular was that the Government received protests from several organisations and individuals complaining that there is dearth of scientific terms in Hindi, and Punjabi language specially with regard to arithmetic. It was stated that the scientific terms did not exist at all. The suggestion made was that such students should be allowed to answer questions in Urdu.

Lala Duni Chand : Is it true that the teaching of Hindi in schools has been very much discouraged since the Honourable Minister assumed the portfolio of Education ?

Minister : I have already stated in reply to part (a) of the question that the answer is in the negative.

Lala Deshbandhu Gupta : May I request the Honourable Minister to read the circular ?

Minister : The circular reads :—

“The examination may be taken through the medium of Urdu, Hindi, or Punjabi at the option of the candidate, but the medium of examination must invariably be the same as the vernacular offered by a candidate.”

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that the question of Urdu and Hindi has stopped the teaching of the boys belonging to the minority community in Hissar schools ?

Minister : I have no knowledge.

Pandit Shri Ram Sharma : May I know whether one circular has been issued or two ?

Minister : The first circular that was issued I have read out in the House. After that, representations were received from certain Hindu and Sikh organisations that the students were experiencing great difficulty in answering arithmetical questions in Punjabi, as there is a dearth of scientific terms regarding this subject ; thereupon the orders were issued that students can use Urdu scientific terms when answering questions in Punjabi.

Sardar Sohan Singh Josh : Is the Honourable Minister aware of the fact that there are scientific terms about arithmetic in the Punjabi language ?

Minister : What I said was that representations were received from certain Sikh and Hindu organisations that there was lack of scientific terms about arithmetic in the Punjabi language and the students were consequently experiencing difficulty.

Sardar Sohan Singh Josh : Will the Honourable Minister be pleased to mention the names of the Sikh associations or organisations ? May I know whether it is the Chief Khalsa Diwan or some other organisation ? I ask this as I am certain about the fact that Sikh organisations are on the other hand clamouring since a very long time for the adoption of Punjabi as medium of instruction in schools.

Minister : Can the honourable member tell me the equivalents of **ਸ਼ਾਬਦ** and **ਸ਼ਾਬਦ** in the Punjabi ?

Sardar Sohan Singh Josh : I require notice of it.

Minister : I know you cannot. When my honourable friend Sardar Sohan Singh Josh is himself ignorant of equivalents of **ਸ਼ਾਬਦ** and **ਸ਼ਾਬਦ** in Punjabi, how can he blame the Sikh associations for expressing these views ?

Lala Duni Chand : Is it a fact that a large number of Hindi schools have been closed on account of the policy of the Minister of Education ?

Minister : Not a single Hindi school has been closed on account of any policy pursued by the present Government.

Pandit Shri Ram Sharma : Will the Honourable Minister take the trouble of reading out the second circular as he did in the case of the first ?

Minister : As the circular is a lengthy one I had only given the gist of it. The first circular stated that those students who had declared a certain language as their principal language shall have to give answers in the same language. As complaints were received from the students that they found it difficult to answer certain questions in their declared language, a second circular was issued to the effect that they should answer questions in their first language but were permitted the use of Urdu terms.

Lala Deshbandhu Gupta : What difficulty does the department feel in giving them the option of answering in whatever language they like ? What is at the bottom of these restrictions ?

Minister : No policy is working at the bottom of it. It is only proper that the students should give answers in the language which they have declared as their principal language.

Lala Deshbandhu Gupta : May I know from the Honourable Minister as to why the department should insist upon their giving answers in their first language and why should they not be given the option of employing any language they like ? Why are you imposing this restriction ?

Minister : This restriction was imposed by the department on the assumption that all the three languages had a vocabulary of scientific terms. Now they have asked for facilities in the matter of answering the questions and I have stated that the required facility has been given.

Lala Deshbandhu Gupta : When your assumption is wrong and when in spite of the fact that those who have declared other languages than Urdu as their principal language and prefer to give answers in Urdu, why do you not give them the option of answering in whichever language they like ?

Minister : I fail to understand that at first it is claimed that scientific terms exist in these languages and that they are genuine languages, and now it is insisted that the answers will be given in Urdu.

Lala Deshbandhu Gupta : Why does the Government insist ?

Minister : Because they have declared that they will give answers in Hindi or Punjabi.

Lala Deshbandhu Gupta : It is clear that the Government does not want any one to declare Hindi or Punjabi as his first language because so long as one is not capable of answering in those very languages one cannot declare either of them as his principal language ?

Minister : Does the honourable member mean that this circular should be cancelled and the students should be allowed to give answers in any language except Urdu ?

Rai Bahadur Mukand Lal Puri : What objection has the Honourable Minister of Education got to permit all Punjabis to answer in any vernacular that they like ?

Minister : I have already answered this question.

Rai Bahadur Mukand Lal Puri : This question is not answered. May I put another supplementary question ? Why does the Honourable Minister want to restrict the choice of Punjabis in selecting any vernacular that they like ?

Minister : I am not restricting the choice. The choice is restricted by the student who makes a certain declaration.

Rai Bahadur Mukand Lal Puri : What is the object of restricting a particular student to a declaration once made ? Unfortunately this circular is being used rightly or wrongly, to attribute to this Government the definite policy of discouragement of Hindi on communal considerations. Why does not the Government get rid of the ground for this criticism by permitting every Punjabi to choose whatever medium that he or she likes ?

Minister : My learned friend has entirely misunderstood the object of these two circulars. If the object had been to discourage Hindi and Gur-mukhi the Department would have readily agreed to the use of Urdu. Education Department on the other hand now requires that in such case the answers should be given in Punjabi or Hindi. (*Hear, hear.*)

Sardar Sohan Singh Josh : Do I understand that it is the intention of the Honourable Minister to introduce Urdu terminology in Hindi and Punjabi ?

Minister : Absolutely not. When according to themselves terms do not exist in their own language what will they use in place of them ?

Sardar Sohan Singh Josh : These terms have been coined.

Minister : What are the Punjabi equivalents for *عادات* and *عرف* ?

Sardar Sohan Singh Josh : I do not carry them in my pocket, but I am positive that these terms do exist in the Punjabi language.

Premier : Sir, I would like to ask a question from my honourable friend through you. We seem to be at cross purposes. I have not been able to understand so far what my honourable friends opposite want. At first they said that Hindi and Punjabi were their mother tongues and we allowed them to answer questions in those languages. It was in the best

interests of the students themselves. Supposing I declare Hindi as my first language ; it is natural that I should give answers in that very language. If my honourable friends were to consider this matter after clearing their minds of all sentiments and without making it a subject of political exploitation, would they be justified in questioning the soundness of the Government's point of view that those who declare Hindi or Punjabi as their first language should make use of that language in giving answers ?

Lala Deshbandhu Gupta : This question should be directed to the Honourable Minister.

Premier : The Honourable Minister's reply is that those who declare Urdu as their first language should give answers in Urdu and those who adopt Hindi as their principal language should give answers in Hindi. To remove this restriction would mean putting more burden on the shoulders of the children.

Minister : That is what I have been saying all the time.

Captain Sodhi Harnam Singh : The Honourable Minister had stated that representations were received from certain institutions. May I know if any representation was received from the Shiromani Gurdawara Parbandhak Committee, any of the Singh Sabhas, Chief Khalsa Diwan or the Khalsa Nationalist Party ?

Minister : No representation has been received from these bodies although representations from many others have been received.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that the option of language would adversely affect the interests of the minorities in a school where there is only one teacher ?

Lala Deshbandhu Gupta : If it is a fact that the students experience some difficulty in answering in Punjabi and Hindi due to absence of suitable technical terms, may I ask the Honourable Minister whether his Department has taken any steps to remove the difficulty, that has been pointed out by the Punjabi or Hindi-knowing students, of providing technical terms in Punjabi ? I do not know about Punjabi but I can say about Hindi that in this language any number of technical terms are available. Has the Department taken any steps to remove the difficulty if that is the real difficulty ?

Minister : The difficulty is not pointed out by those who know Punjabi and Hindi. The difficulty is pointed out by those who claim to know Punjabi and Hindi but do not know these languages.

Diwan Chaman Lall : Is the Honourable Minister aware of the fact that there is a gentleman of the name of Sir Shahab-ud-Din who is an exponent of the Punjabi language ?

Premier : Sir, I suggest that if any member has any doubt about Punjabi, he can go to your Chamber, Mr. Speaker, and ask—(Interruption.)

PUNITIVE POLICE POST IN VILLAGE ROHAT IN ROHTAK DISTRICT.

***6536. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether he and the Deputy Commissioner, Rohtak, received a representation, a few days ago, from the inhabitants of village Rohat, tahsil Sonapat, in Rohtak district, against the quartering of Punitive Police Post in that village in the last week of February last ; if so, the action taken thereon ;

(b) whether he will be pleased to lay a copy of the representation on the table of the House ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) Yes. The representation did not reveal any sound reasons for reconsidering the orders.

(b) A copy is appended.

Representation of the inhabitants of village Rohat, to the Honourable the Minister-in-Charge, Police Department, Punjab, Lahore, dated 23rd March, 1940.

We, the inhabitants of village Rohat, beg to lay down the following facts for your kind perusal and favourable consideration :—

- (1) That a punitive police force has been imposed on our village since the 1st January, 1940, for a period of one year, the cost of which to be recovered from us, has been assessed at about Rs. 4,500.
- (2) That we are at a loss to understand as to what led the authorities to arrive at this decision, which came to us like a bomb-shell and that we were not given any opportunity to say anything in our defence.
- (3) That there have been no cases of dacoity whatsoever nor any person from the village was ever charged on this account.
- (4) That there are no absconders nor they are sheltered in the village.
- (5) That nobody in the village deals in illicit liquor and manufactures counterfeit coins.
- (6) That in the past we have been most law-abiding and peace-loving.
- (7) That the ostensible reason of the imposition of this police appears to be the murder of one Jai Lal at the end of the year 1935. It is stated in this connection that the deceased was burnt to death in his hut in the fields, a distance of about one mile from the village at night. Two persons were challaned from the village who were later on acquitted by the Sessions Court at Rohtak.

As it is already known to you that we have suffered a lot due to the acuteness of the famine prevailing in the district and this extra charge of the police in question is nothing but a last straw to break the camel's back. When we cannot even make both ends meet it is well nigh impossible for us to bear this heavy charge.

In view of the above circumstances we request your honour to revise your previous decision and to withdraw the police at as early a date as possible and thereby save us from starving.

Hoping to receive favourable consideration.

6357. Cancelled.

GRANT OF LAND TO CERTAIN PERSONS BELONGING TO SCHEDULED CASTES AND INDIAN CHRISTIANS.

***6538. Bhagat Hans Raj :** Will the Honourable Minister for Revenue be pleased to state the names of the persons belonging to scheduled caste,

and also of the Indian Christians who have recently been selected for the grant of land reserved for them at Yusafwala ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :

Persons belonging to Scheduled castes.

1. Didar Singh, son of Nanak Singh.
2. Guran Ditta Mal, son of Sant Ram.
3. Banta, son of Labhoo.
4. Pala Ram, son of Gahia Ram.
5. Wahab, son of Waryam.
6. Fazal, son of Hassoo.
7. Jowaya, son of Hassoo.

Indian Christians.

1. Sardara, son of Sawan.
2. Lal, son of Hira.
3. Kissu, son of Hira.
4. Buta, son of Gandhi.
5. Sundar, son of Umra.
6. Phaggu Mal, son of Chetu.
7. Dittu, son of Maghar.

Chaudhri Prem Singh : Is it not likely to harm the interests of the scheduled castes ?

Parliamentary Secretary : It is a question of opinion.

Pandit Shri Ram Sharma : May I know as to whether the Government intends to establish any Achhutistan in Yusafwala ? (*Laughter.*)

Premier : That has already been established.

AUCTIONING OF MONOPOLY RIGHTS OF DISTRICT BOARD ROADS BY THE DISTRICT BOARD, AMRITSAR.

***6542. Sardar Sohan Singh Josh** : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether his attention has been drawn to a poster issued by the District Board, Amritsar, in the second week of March, 1940, declaring their intention to auction monopoly rights in certain District Board roads in the district ;
- (b) whether this declaration has been made with the approval of the Government ;
- (c) whether he is aware of the public resentment in regard to the auctioning of the monopoly rights in roads ; if so, the action intended to be taken to satisfy the public ?

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

(b) These roads were scheduled in 1938 and the approval of Government to any specific arrangements made subsequently was not necessary.

[Sh. Faiz Muhammad]

(c) There has been some criticism of the system of scheduling roads in the past. It is hoped that under the new form of control much of this will disappear. Even if this does not prove to be the case objectors will have plenty of opportunity of placing their views before the controlling authority.

Sardar Sohan Singh Josh : For how many roads have these monopoly rights been auctioned ?

Parliamentary Secretary : If my honourable friend wishes me to read the names of the roads I am prepared to do so, but these rights relate only to those roads about which information has been asked.

Sardar Sohan Singh Josh : Under what rules has that been done ?

Parliamentary Secretary : Under the Motor Vehicle Act, 1931.

Diwan Chaman Lall : Is that valid now ?

Parliamentary Secretary : Why not ?

Diwan Chaman Lall : Then the new Act would not be valid.

Parliamentary Secretary : The new Act will not invalidate all those notifications issued and rules framed under the previous Act.

Sardar Sohan Singh Josh : But will it not be a source of inconvenience to the public ?

Parliamentary Secretary : If in the opinion of my honourable friend, 'public' means only the lorry drivers, then they are sure to suffer, but if public means the poor passengers who travel by lorries then they are sure to gain by these arrangements.

Sardar Sohan Singh Josh : Will the lorry passengers not have to pay more ?

Parliamentary Secretary : I do not think it very expensive if they are called upon to pay 2 pice more.

RAI BAHADUR MAN MOHAN, DEPUTY DIRECTOR, PUBLIC INSTRUCTION,
PUNJAB.

***6543. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state whether Rai Bahadur Man Mohan, Deputy Director, Public Instruction, is proceeding on leave ; if so, what arrangements are in contemplation for filling the vacancy which will be thus caused ?

The Honourable Mian Abdul Haye : Yes. Mr. S. M. Sharif, M.A. (Cantab.), Inspector of Schools, Lahore Division, has been appointed to officiate as Deputy Director of Public Instruction, Punjab.

Chaudhri Muhammed Hasan : Is it a fact that Mr. Man Mohan consulted the Honourable Minister for Education before applying for leave ?

Minister : The answer is in the negative.

Chaudhri Muhammad Hasan : On what date did he apply or grant of leave to him ?

Minister : I am unable to state the exact date. If the honourable member is very anxious to know the date he has to give notice.

Chaudhri Muhammad Hasan : Is it a fact that he applied in January, 1940, and the leave was granted in March, 1940 ?

Minister : The information of the honourable member may be correct.

Lala Duni Chand : Will the Honourable Minister give us an assurance that his application for leave was normal and that he wanted leave for normal reasons and not for any abnormal reasons ?

Minister : I have absolutely no doubt that he wanted leave for normal reasons.

MURDERS AND DACOITIES IN AMBALA DISTRICT.

***6544. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of murders and dacoities, respectively, committed during the months of February and March, 1940 in Ambala district ;

(b) the number of persons murdered and the value of the property looted ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Murders—4.

Dacoities—10.

(b) Persons murdered—9.

Value of property looted—Rs. 6,062-14-0.

TRANSFER OF SUBORDINATE JUDGES TO THE EXECUTIVE BRANCH OF P. C. S.

***6545. Lala Duni Chand :** Will the Honourable Premier be pleased to state how many subordinate judges have recently been transferred on deputation to the Executive Branch of the P. C. S. with the reasons leading to these transfers ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Eight.

Owing mainly to agrarian legislation the volume of work on the executive side has recently increased, while there has been a decrease in the work of civil courts.

Lala Duni Chand : May I know why the burden of the province was increased by appointing a large number of subordinate judges who were not required in recent years ?

Parliamentary Private Secretary : As a matter of fact, if my honourable friend looks at his question he will find that these gentlemen have been taken on deputation and no new appointments have been made. I do not see how my honourable friend's contention is correct.

Lala Duni Chand : Is it not a fact that these gentlemen were sent on deputation to the executive branch of the provincial service because there was no work to be done by them on the judicial side ?

Premier : There was less work on the judicial side and more work on the executive side, owing to the agrarian legislation.

Lala Duni Chand : Is it not true that the magistrates have not got sufficient work to do ?

Premier : No, that is not true.

Khan Sahib Khawaja Ghulam Samad : May I know as to whether the staff of sub-judges is also transferred along with their transfer to the executive branch ?

Parliamentary Private Secretary : I want notice.

Chaudhri Muhammad Hasan : On what criterion have these gentlemen been transferred from the judicial side to the executive side ?

Premier : What does my honourable friend mean by 'criterion' ?

Chaudhri Muhammad Hasan : Is it on account of their length of service or on account of their ability and experience that these gentlemen have been transferred from the judicial side to the executive side ?

Premier : We merely suggest to the High Court that certain officers whom they consider suitable, might be spared and they spare them.

Lala Duni Chand : Is it within the knowledge of the Honourable Premier that a large number of magistrates in his province have not got more than half a dozen pending cases each ?

Mr. Speaker : That question does not arise.

Lala Duni Chand : I want to know whether, according to the information available to the Honourable Premier, there is not much work for the magistrates to be done.

Mr. Speaker : It does not arise out of the answer given.

Lala Duni Chand : I want to know why the subordinate judges have been transferred to the category of magistrates who already have not got sufficient work to do.

Premier : My honourable friend's information is hopelessly incorrect.

Chaudhri Muhammad Hasan : Is it a fact that when these judicial officers were transferred to the executive branch, the Honourable Judges of the High Court were consulted ?

Premier : How can you possibly transfer judicial officers to the executive branch without asking the Honourable Judges of the High Court ?

Chaudhri Muhammad Hasan : Is it a fact that these officers, who have been transferred to the executive branch, were not the persons who were recommended by the Honourable Judges of the High Court ?

Premier : My honourable friend is now trying to give the Honourable Judges of the High Court a kind of function which is not their duty. We merely ask them that we want a certain number of judges and if they can spare them they agree to spare them and we take them.

Lala Duni Chand : Has the Honourable Premier had an opportunity to go into the return of cases decided by the magistrates ?

Mr. Speaker : Disallowed.

APPLICATION FOR GRANT OF SUBSIDY BY THE PROPRIETORS OF A GLASS
FACTORY IN NEW DELHI.

***6546. Lala Duni Chand :** Will the Honourable Minister for Development be pleased to state whether the proprietors of a glass factory whose head office is in New Delhi, submitted a representation to him and to the Honourable Finance Minister applying for subsidy for the glass industry as carried on in their works offering at the same time to supply excise bottles for all the distilleries of the province ; if so, the action taken on that representation ?

The Honourable Chaudhri Sir Chhotu Ram : Yes. An application has been received from Messrs. Malak Ram-Daulat Ram of New Delhi whose glass factory is situated at Shahabad Markanda, district Karnal. Government have not yet come to a decision on the question whether any subsidy should be given to an existing or a new glass factory for the manufacture of excise bottles. The question involves many difficult issues and it will be some time before a decision is made.

Lala Duni Chand : Is it true that this firm offered to supply all the excise bottles required for all the distilleries ?

Minister : This question does not arise out of the original question. I require notice for it.

Lala Duni Chand : Notice is already there. Will you kindly read my question ? It runs as follows :—

Will the Honourable Minister for Development be pleased to state whether the proprietors of a glass factory whose head office is in New Delhi, submitted a representation to him and the Honourable Finance Minister applying for subsidy for the glass industry as carried on in their works offering at the same time to supply excise bottles for all the distilleries of the province ; if so, the action taken on that representation ?

Minister : As I have already stated, an application was received, but the matter required a very careful consideration.

Lala Bhim Sen Sachar : Has Government entrusted this representation to any particular officer for report ?

Minister : This matter will be considered by the Honourable Finance Minister.

Lala Bhim Sen Sachar : When was this representation received ?

Minister : I do not remember the exact date.

Lala Bhim Sen Sachar : Is it a month or so ?

Minister : I do not know.

Lala Bhim Sen Sachar : Is the Honourable Minister for Development taking any interest in the representation and has he sent it to the Finance Department ?

Minister : To some slight extent I am taking interest as Development Minister.

Lala Bhim Sen Sachar : May I know the meaning of the expression "to some slight extent".

Mr. Speaker : This cannot be asked.

Lala Bhim Sen Sachar : I simply wanted to know if this representation is really such as would require or deserve the immediate attention of the Government.

Minister : So far as the industrial aspect is concerned, I am interested.

Lala Duni Chand : In view of the assurance of the Honourable Minister for Development, will he be prepared to encourage this particular concern?

Minister : Certainly.

Sardar Sohan Singh Josh : What are the difficulties involved? Are these difficulties financial or technical?

Minister : Both financial and technical.

DAILY PAPERS SUPPLIED BY JAIL AUTHORITIES TO PRISONERS IN
DISTRICT JAIL, FEROZEPORE.

***6547. Sardar Sohan Singh Josh :** Will the Honourable Minister for Finance be pleased to state—

(a) the daily papers supplied by the jail authorities to the prisoners in the district jail, Ferozepore;

(b) whether it is a fact that the papers are given to them after important items of news are clipped out of them by the jail authorities;

(c) if the answer to (b) above is in the affirmative, the reasons therefor;

(d) the action, if any, he contemplates taking in the matter?

The Honourable Mr. Manohar Lal : (a) The following daily papers are supplied to prisoners confined in the district jail, Ferozepore :—

1. The *Tribune*.
2. The *Inqilab*.
3. The *Vir Bharat*.
4. The *Khalsa Sewak*.

(b) and (c) Only such items of news as are calculated to undermine jail discipline are removed before these papers are issued to prisoners.

(d) No action is necessary.

Sardar Sohan Singh Josh : Will the Honourable Finance Minister please say if the proceedings relating to the adjournment motion about the Khaksar clash with the police were cut from the papers supplied to the prisoners?

Minister : I have no knowledge of this. If the honourable member will give me notice, I will find out.

Sardar Sohan Singh Josh : What was there in it to spread indiscipline?

Minister : I have no knowledge of this.

Lala Duni Chand : Is it not a cruel joke to cut the portions of a paper and then supply the paper to the prisoners ?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : May I know who works as a censor in jails ?

Minister : The Superintendent of the particular jail.

Sardar Sohan Singh Josh : Does that officer use his discretion or are there some rules for him to follow ?

Minister : I do not know anything about the rules, but he exercises his discretion.

Sardar Sohan Singh Josh : Does the Honourable Minister realize that Sub-Assistant Jailor is not competent to exercise this right of censor ?

Minister : There is no question of a mere Sub-Assistant Jailor in the Ferozepore District Jail.

Diwan Chaman Lall : Are all the reading matters from the papers removed and only advertisements supplied to the prisoners ? (*Laughter.*)

Mr. Dev Raj Sethi : Do the "C" class prisoners also get an opportunity to read these papers ?

Pandit Shri Ram Sharma : On what basis are these papers selected ?

Minister : The Government can select only a limited number of papers; and all these papers have been duly selected after careful consideration.

Pandit Shri Ram Sharma : What kind of papers are selected ? Is there any fixed decision ?

Minister : All these papers are supplied to all the jails in the Punjab. The *Civil and Military Gazette* is also supplied to the jails.

Pandit Shri Ram Sharma : On what principle are these papers selected ?

Minister : *Inqilab*, *Khalsa Sewak* and *Vir Bharat* were considered suitable for supply to Jails.

Lala Desbbandhu Gupta : What particular objection Government has to include *Milap* and *Partap* in that list ?

Mr. Speaker : Disallowed.

COMPLAINT BY PRISONERS OF FEROZEPORE JAIL ABOUT ADMIXTURE
OF GRIT IN BREAD.

*6548. **Sardar Sohan Singh Josh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether the prisoners confined in the District Jail, Ferozepore, have complained to the Superintendent of the jail from time to time about the admixture of grit in the bread served to them ;

[S. Sohan Singh Josh.]

(b) whether the civil surgeon sent a piece of bread containing grit to the Inspector-General of Prisons in the month of March for his examination ;

(c) whether he proposes to take any action in the matter ?

The Honourable Mr. Manohar Lal : (a) and (c) Prisoners confined in the District Jail, Ferozepore, complained to the Superintendent on two or three occasions of slight grit in their bread. This was found to be due to a defect in the new hand mills. Action was taken and since then there have been no complaints.

(b) No.

ALLOTMENT OF FREE RESIDENTIAL HOUSE TO THE PRINCIPAL, VETERINARY COLLEGE, LAHORE, IN ADDITION TO A MONTHLY ALLOWANCE OF RS. 150.

***6551. Malik Barkat Ali :** Will the Honourable Minister for Development be pleased to state—

(a) whether it is a fact that the Principal, Veterinary College, Lahore, has a free house and is also in enjoyment of Rs. 150 as monthly allowance although he has no night duty and no other hospital duty to perform ;

(b) whether the Principal, Medical College, Lahore, has any free house within the premises of the College or is granted allowance in lieu of residential quarters or any other allowance ;

(c) if the answer to (b) be in the negative, the reasons for this distinction in the treatment between the Principal of the Medical College, Lahore, and the Principal of the Veterinary College, Lahore ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Yes, the Principal of the Punjab Veterinary College has been provided with a rent free bungalow in the terms of rule 7-87 (a) of the Subsidiary Rules, Second Edition (Punjab Financial Handbook No. 2, Volume II), which permits the grant of free quarters to educational officers when a substantial proportion of the students of a college are resident in a hostel adjoining or near the college building. The case of the Principal of Veterinary College is covered by this rule. He is liable to be called out at any time of the night or during the early hours of a morning to attend to an urgent case. Moreover, he frequently visits the hospital section, the Dog Ward, and the Contagious Ward, as also the hostel premises before and after college hours.

An allowance of Rs. 150 per mensem is granted to the Principal of the Veterinary College for performing administrative duties in addition to teaching work, under Fundamental Rule 9 (25).

(b) No rent free house has been provided for the Principal, King Edward Medical College, Lahore, nor is he given any allowance in lieu of free quarters. A bungalow has been allotted to him in the gazetted officers residences' estate

for which usual rent is charged from him. A professor of the Medical College is appointed Principal and gets an allowance of Rs. 150 per mensem.

(c) The cases of the Principal of the Veterinary College and of the Principal, Medical College, are not parallel as regards the grant of rent free-house to the former.

Khan Sahib Chaudhri Sahib Dad Khan : How many urgent cases was the Principal, Veterinary College, required to attend during the last three years ?

Minister : I require notice for that question.

Khan Sahib Khawaja Ghulam Samad : May I know if the present incumbent of the post enjoys the same privileges which the previous incumbent enjoyed ?

Minister : If the honourable member will give notice of a fresh question I will find out the facts for him.

Lala Duni Chand : Does the Honourable Minister know that even Stalin, who is the head of the Russian Government, does not enjoy all these comforts ?

Minister : I do not know.

DAMAGE TO CROPS IN CERTAIN VILLAGES IN MUZAFFARGARH DISTRICT.

***6552. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that severe hailstorm visited the zails of Kot Adu Pattol, Kot Adu and Sheikh Umar of Tahsil Kot Adu, district Muzaffargarh, causing severe damage to the standing Rabi crops and the fruit trees on the 14th and 15th March, last ;

(b) whether it is also a fact that the zamindars of the *ilaga* have informed and asked the Deputy Commissioner of the district for remissions in land revenue and help for relief in other forms ;

(c) if the answers to (a) and (b) be in the affirmative, what action is he prepared to take in the matter to help the zamindars ?

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

(b) Yes.

(c) The assessment is fluctuating and relief where due will be granted according to rules. Other relief measures are also under consideration.

COMMUNAL REPRESENTATION IN THE STATIONERY DEPARTMENT OF THE GOVERNMENT PRINTING, PUNJAB.

***6553. Sardar Ajit Singh :** Will the Honourable Minister for Development be pleased to state—

(a) the proportionate representation of different communities among the employees of the Government Printing, Punjab ;

[S. Ajit Singh]

- (b) whether a new section by the name of Stationery Department has recently been opened and added to the Press ; if so, the proportion according to which members of each community have been recruited for this section ?

The Honourable Chaudhri Sir Chhotu Ram : 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 with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable members may bring to my notice in a more informal way.

Sardar Ajit Singh : May I know whether the Honourable Minister has refused to answer this question because great injustice has been done to Sikhs ?

Minister : No body dare do any injustice to Sikhs ?

Lala Duni Chand : May I know if the Minister for Development is not estopped from denying to reply questions on the ground that it savours of communalism because he himself is an advocate of sub-communalism ?

REMOVAL OF LIQUOR SHOPS FROM MUNICIPAL LIMITS IN THE PUNJAB.

***6554. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether resolutions have, from time to time, been passed by Ludhiana, Ambala and several other municipal committees in the province recommending the removal of liquor shops from respective municipal limits ;
- (b) if so, the names of such municipal committees and the dates on which such resolutions were adopted ;
- (c) the action taken by the Deputy Commissioners of the respective districts on these resolutions ;
- (d) whether it is a fact that in all cases the resolutions were not given effect to; if so, the data such controlling authorities had in their possession for negating these resolutions ?

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

(b) , (c) and (d) A statement showing the desired information in respect of the period since the present Government assumed office from the 1st April, 1937, is laid on the table.

Statement showing action taken on the resolutions passed by various municipal committees since 1st April, 1937.

District.	Name of municipality.	Date of resolutions passed.	Action taken by Deputy Commissioners on the resolutions.
Karnal ..	Ladwa ..	27th August, 1939.	Is under the consideration of the Deputy Commissioner.
Ambala ..	Ambala ..	15th February, 1939.	The resolution was disregarded under section 6 of the Punjab Local Option Act, 1923.
Hoshiarpur ..	Hoshiarpur ..	January, 1940 ..	The matter is under the consideration of the Deputy Commissioner.
Ludhiana ..	Ludhiana ..	4th October, 1938 and 11th July, 1939.	The proposal in the first resolution was not confirmed by two-third majority of the total number of registered electors as required by section 5 (b) of the Punjab Local Option Act, V of 1923. In the second resolution the committee asked for prohibition of the sale of wine and they have been advised to pass a fresh resolution about the sale of country liquor only.
Lahore ..	Kasur ..	20th November, 1937.	The country liquor shop was moved outside the municipal limits with effect from the 1st April, 1938.
Gurdaspur ..	Gurdaspur ..	7th October, 1937.	The resolution was subsequently cancelled by the municipal committee.
Gujranwala ..	Gujranwala ..	4th October, 1937, 8th January, 1940.	The resolutions were disregarded under section 6 of the Local Option Act for the reasons that change of locality would have led to increase in the transport of licit and illicit spirit from rural areas and unlicensed sale thereof in the city.
Jhelum ..	Pind Dadan Khan.	28th May, 1937	No action could be taken as the municipal committee was not then an empowered local body under section 3 of the Punjab Local Option Act, V of 1923.
Rawalpindi ..	Rawalpindi ..	30th October, 1939.	The committee has been informed that Government have no objection to a referendum under section 5 (1) of the Punjab Local Option Act, V of 1923.
Lyalpur ..	Jaranwala ..	24th January, 1938 and 21st April, 1938.	No action was taken as the municipal committee subsequently requested postponement of the matter.
Dera Ghazi Khan	Dera Ghazi Khan	25th August, 1937 and 20th August, 1938.	As the local body was not at the time empowered under section 3 of the Local Option Act and no valid reasons have been advanced for the action proposed, no action has been taken.

COMRADE CHANAN SINGH.

*6596. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Comrade Chanan Singh, a state prisoner, as present confined in Central Jail, Lahore, is ill ; if so, the nature of illness ;
- (b) for how long he has been ill ;
- (c) the medical treatment that is being afforded to him ?

The Honourable Major Sir Sikander Hyat-Khan : Early this year the state prisoner had two very mild attacks of appendicitis, which passed off with treatment. His condition is being carefully watched and if there is a further attack the advisability of operating will be considered. In the meantime the general health of the prisoner can be described as good.

SHORT NOTICE QUESTIONS AND ANSWERS.

UNEMPLOYMENT COMMITTEES' REPORT.

Sardar Hari Singh : Will the Honourable Minister for Development be pleased to state whether discussion on the Unemployment Committee's Report which commenced in the first week of February last will be resumed during this session, if so, on what date ?

The Honourable Chaudhri Sir Chhotu Ram : Government have much important business pending and unless there is likelihood of this being completed before the end of the session, it will not be possible to allot another day for the discussion of the Unemployment Committee's Report.

Sardar Hari Singh : May I know if it is the intention of the Government to have a discussion on the Report on the floor of the House ?

Minister : Government did allot a day for its discussion, and a second day may be allotted if necessary.

Premier : My honourable friend does not remember that it came up at the very end of the day because we started a discussion, or rather my honourable friends opposite started a discussion of some technical questions on which they made long speeches and on which the whole day was spent. Therefore we could not make much progress. Now another suitable day will be found when it is available.

Diwan Chaman Lall : Does not my honourable friend consider this subject to be equally, if not more, important than other subjects which were discussed ?

Minister : It is a very important subject but I should not like to institute comparisons.

Diwan Chaman Lall : May I ask whether it is not desirable to allot another day to continue the discussion in the House of the voluminous report presented to this House ?

Minister : Yes. It is desirable.

Diwan Chaman Lall : How many days will be allotted for its discussion?

Minister : If time is available one day.

Diwan Chaman Lall : Do I take it that the subject is important only if time is available?

Minister : My honourable friends did not recognise the importance of this subject when they were making very long speeches on very unimportant matters.

Diwan Chaman Lall : Is my honourable friend aware that all matters of constitutional nature are of prime importance affecting the rights and privileges of the members?

Minister : If the matter was of importance then my honourable friends opposite should have realised it earlier.

Diwan Chaman Lall : Do I take it that the Government is satisfied with the discussion that has already taken place?

Minister : I am not at all satisfied with the manner in which the time of the House was taken up by long and unnecessary and most irrelevant speeches.

Mian Abdul Aziz : That was for the Speaker to control and not for you.

Lala Bhim Sen Sachar : Looking to the official business that has yet been transacted, may I take it that it is not likely that the report may be taken up?

Premier : There is no likelihood in this session.

PLOT TO BLOW UP MINISTERIAL BENCHES IN THE ASSEMBLY CHAMBER.

Sardar Hari Singh : Will the Honourable Premier be pleased to state whether his attention has been drawn to the allegation appearing in the Press only recently of a plot to blow up the Ministerial benches in the Punjab Assembly as disclosed on the arrest on 4th April, 1940, of one Muhammad Hussain Saifi, at Lahore; if so, whether he will be pleased to give fuller details of the alleged plot so far ascertained by the Government?

The Honourable Major Sir Sikander Hayat Khan : If my honourable friend expects me to divulge the whole investigation, I am afraid that it is not possible for me to do so. I will try to answer his question in a general way and as briefly as possible:—

Information was received by the Police on the 30th March, 1940, that Muhammad Hussain Saifi, Kashmiri, son of Amir Bakhsh of Khizri Mohalla, Lahore, contemplated throwing a bomb in the Punjab Legislative Assembly, to signify his indignation at the attitude of Government towards Congress and Kisans. He was, therefore, arrested the same day under rule 129 of the Defence of India Rules and lodged in the Lahore fort. A search of his house revealed what was later on found to be a live country-made bomb. The police investigation of the case is still in progress.

Lala Deshbandhu Gupta : Has Government satisfied itself that the arrested person was not an agent provocateur?

Premier : My honourable friend is now touching a very delicate subject.

Lala Deshbandhu Gupta : You have yourself raised that point. Where was the necessity of dragging the Congress and the Kisans into it ?

Premier : What I said was that he wanted to signify his indignation at the attitude of Government towards the Congress and the Kisans. Is this democracy that you want your political opponents to be blown up by bombs ?

Diwan Chaman Lall : Is it possible for anybody to blow up the ministerial benches without blowing the opposition benches as well ? I say that on the basis of my personal experience of what happened in the Central Assembly.

Premier : I entirely agree with my honourable friend that it is not possible to blow up only one side.

Lala Deshbandhu Gupta : What is the basis of the allegations contained in the reply of the Honourable Premier that the arrested person was in any way connected with the Congress and the Kisans ?

Premier : I refuse to go into the details.

Lala Deshbandhu Gupta : Because you are not in a position to substantiate what you have said.

Premier : I have given as much information as I possibly could. I have merely stated that "he contemplated throwing a bomb in the Punjab Legislative Assembly to signify his indignation at the attitude of Government towards Congress and Kisans". I did not want to implicate—

Lala Deshbandhu Gupta : Has the arrested person given any written statement to that effect ?

Premier : How else could I make my statement ?

Lala Deshbandhu Gupta : Your police is very ingenious. They are capable of doing everything.

Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether the arrested person occupies any position in the Congress or in the Kisan organisations ?

Premier : Now my honourable friends have started asking questions which in my opinion they should not have asked. Still let me tell them that he does hold a position in the Congress ; he took part in the Kisan *morcha* and was arrested during that agitation and frequently came into contact with my honourable friends opposite. I may add that his own statements in this connection are recorded. But this certainly does not mean that the Congress as a whole is involved in this matter.

Chaudhri Kartar Singh : Will the Honourable Premier be pleased to make inquiry whether the present Superintendent of Police in the Criminal Investigation Department has hatched this scheme in order to get one year's extension ?

Premier : I would say that it is very improper on the part of my honourable friend to put such a question, and this certainly reflects on his mentality. Is my honourable friend prepared to say that no member of the Congress knows this man (whether inside or outside this House) ?

Lala Bhim Sen Sachar : Is it not within the knowledge of the Honourable Premier that some members who were sometimes members of the Congress are now members of the Unionist Party ?

Premier : Yes, and this gentleman is now a member of the Congress, formerly he was a member of some other association.

Sardar Sohan Singh Josh : Is the Honourable Premier aware of the fact that this information was given to the police by Khalil Sabiri, who has tendered an apology and is a police agent ?

Premier : I have no knowledge of such a person. I have never had any concern with him. It is possible my honourable friends may know him.

Lala Deshbandhu Gupta : It is all a made-up affair.

Lala Duni Chand : In view of the fact that all of us are extremely particular and anxious about the safety of the Ministerial benches, will the Honourable Premier please satisfy himself personally that all this is not a mere propaganda in order to excite the sympathies of the people of the province ?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : May I know whether this gentleman who has been arrested was ever in the pay of the Government ?

Premier : Not to my knowledge.

Lala Deshbandhu Gupta : Will he please make inquiries into the matter ?

Premier : The case is under investigation and will eventually come before a court of law and my honourable friends will know everything.

Lala Deshbandhu Gupta : That is a different matter. I want the Government to make enquiries about that particular allegation.

Pandit Shri Ram Sharma : May I know whether the police has found anything written which goes to prove that the person wanted to throw the bomb in this Chamber ? Was there something written on the bomb itself which led to this conclusion ?

Premier : I cannot go into the details of the investigation.

Chaudhri Kartar Singh : Is the Honourable Premier aware of the fact that this person Muhammad Hussain helped a Unionist candidate a great deal during the last election ?

Premier : No, this is absolutely wrong.

Chaudhri Kartar Singh : Is it not a fact that Muhammad Hussain participated in the Zamindara Conference held at Lyallpur as a Government reporter ?

Premier : Does my honourable friend mean to say that whosoever is working under the Unionist Government has a right to throw bombs ?

Mr. Speaker : No more supplementary questions please.

Lala Deshbandhu Gupta : I want to ask one definite question, Sir. Is the Honourable Premier aware that this gentleman was sent by the Government as a police reporter in the Non-agriculturists Conference held at Lyallpur ?

Premier : My friends should not accept all rumours as gospel truths.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION AMONG JAMADARS IN CRIMINAL TRIBES SETTLEMENT OF KASUMSAR.

1106. Makhdomzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that the population of Hindus and Muhammadans is 50 per cent in the Criminal Tribes Settlement of Kasumsar in the Multan district ;
- (b) whether it is a fact that there are two Hindu and two Muhammadan Criminal Tribe Jamadars posted at Chak 23-W. B. Kasumsar, district Multan ;
- (c) whether he is aware that out of the two Muhammadan lambardars one has been dismissed and it is intended to post a Hindu in his place ; if so, why ?

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

(b) There are no jamadars posted at the Settlement.

(c) Yes. The two parties of Muhammadan Sansis could not come to an agreement in nominating one man of their community for the vacant post. The Deputy Commissioner for Criminal Tribes, therefore, decided to allow all the tenants to select the most suitable man. A Hindu who secured more votes than the two Muhammadan Sansi candidates was appointed.

COMMUNAL PROPORTIONS IN DISTRICT OFFICES.

1107. Dr. Sir Gokul Chand Narang : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether any orders or instructions were issued by the Punjab Government in August, 1938, fixing communal proportions in the district offices as under :—

Muslims 50 per cent, Sikhs 20 per cent, Hindus and others 30 per cent ;

- (b) whether the orders in question were to apply for future appointments only or whether it was desired therein that the deficiency of the community under-represented should be made up by making cent per cent appointments of the members of that community till it reached its maximum strength ;
- (c) whether it is a fact that the Muslims were specially and unduly benefited in some districts of the Ambala Division especially Karnal, irrespective of the fact that their population in almost all the districts of the said division was not more than 30 per cent and that the orders referred to in (a) above were applicable to fresh recruitment only ;

- (d) whether on further consideration or on receipt of various representations the Government held in abeyance the orders referred to in (a) above in June, 1939 ;
- (e) whether it is a fact that even after the receipt of orders mentioned in (d) the claims of the Hindus of the Karnal district were ignored by the appointment of Muslim outsiders to the posts of junior clerks and leave reserve clerks ignoring the legitimate claims of the Hindu candidates of long standing, and by enlisting fresh Muslim candidates on the waiting list ;
- (f) if the reply to (e) be in the affirmative, what action does the Government propose to take in the matter to redress the grievances of the Hindus in the light of the recent orders of the Punjab Government fixing revised communal proportion in the Ambala Division ?

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

(b) Future appointments only. This was not to apply to existing appointments.

(c) The communal proportions fixed for the Ambala division are Muslims 30 per cent, Hindus 55 per cent, Sikhs 10 per cent and others 5 per cent, but their distribution to districts in the division has been left to the Commissioner.

(d) Yes.

(e) No. Two Muslims and one Hindu were appointed as leave reserve clerks in consideration of the family services of the candidates.

(f) Does not arise.

APPOINTMENT OF A MUSLIM AS CHIEF BOILER INSPECTOR OR AS A BOILER INSPECTOR.

1108. Shaikh Sadiq Hasan : Will the Honourable Minister for Development be pleased to state—

- (a) the number of Boiler Inspectors (including the Chief Boiler Inspector) with the name, qualifications and age of each one of them ;
- (b) whether it is a fact that no Muslim has ever been appointed as Chief Boiler Inspector or even as a Boiler Inspector ; if so, why ;
- (c) whether it is intended to consider the claims of a suitable Muslim for the post of Chief Boiler Inspector, or of a Boiler Inspector, Punjab, on the retirement of any one of the present incumbents of these posts ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement is laid on the table.

(b) For want of a suitable Muslim candidate, no Muslim has yet been appointed as Chief Inspector of Boilers or as Boiler Inspector. In 1925, when two new posts of Boiler Inspectors were created, one of the posts was kept vacant for about 6 months for a Muslim candidate but as no suitable Muslim could be found, a non-Muslim was appointed.

[Minister for Development].

(c) The claims of qualified Muslims will certainly receive due consideration when a vacancy occurs.

Statement showing names, etc., of Boiler Inspectors in the Punjab.

Serial No.	Name and designation.	Age.	Qualifications.
1	Sardar Indar Singh, Chief Inspector of Boilers, Punjab.	48 years	Qualified as Mechanical Engineer, from the Bengal Technical Institute, Calcutta, in 1915 after 4 years' training. Served in the Irrigation Department and Military Engineering Service, North-West Frontier Province from 1915 to 1922 and since 1922, working as Chief Inspector of Boilers. A full member of the American Society of Mechanical Engineers and Institute of Fuel, England. Associate Member of the Institution of Engineers (India), a chartered institution. Holds First Class Engineer's Certificate under the Boilers Act.
2	Pandit Sant Ram Kalia, Boiler Inspector.	42 years.	Has worked in various capacities in different mills as incharge of steam plants. Holds First Class Engineer's Certificate under the Boilers Act.
3	Sardar Asa Singh, Boiler Inspector.	42 years	Has studied up to B.A. and has worked in various capacities in various mills and factories as in charge of steam plants. Holds First Class Engineer's Certificate under the Boilers Act.

MONOPOLY BY HINDU JATS OF THE POST OF DEPUTY SUPERINTENDENT, VETERINARY.

1109. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Development be pleased to state whether it is a fact that since 2nd May, 1930, a Hindu Jat has always been posted as Deputy Superintendent, Veterinary, at Hissar ; if so, why ?

The Honourable Chaudhri Sir Chhotu Ram : Yes, but postings are normally guided by the ordinary exigencies of service, not by communal or class considerations.

APPLICATIONS FOR *benami* TRANSACTIONS PENDING BEFORE COLLECTOR, FEROZEPORE.

1110. Captain Sodhi Harnam Singh : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of applications (i) to set aside *benami* transactions,
- (ii) under Restitution of Land Mortgage Act ; (iii) under section 68, Criminal Procedure Code pending before the Collector, Ferozepore ;

- (b) whether the above-named Collector has asked the Government to appoint a special officer to deal with these applications ;
- (c) if the reply to (b) is in the affirmative, when that officer would be appointed to deal with those applications ; and in case the appointment of that officer is not contemplated, the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia :

(a) (i) 2,217.

(ii) 694.

(iii) 186.

Up to the 1st March, 1940.

(b) Yes.

(c) The question of appointing a special officer in the Ferozepore district is under consideration.

**COMMUNITY-WISE PERCENTAGE IN FEROZEPORE DISTRICT BOARD,
VOTING STRENGTH.**

1111. Captain Sodhi Harnam Singh : Will the Honourable Minister for Public Works be pleased to state—

- (a) the community-wise percentage in the Ferozepore District Board voting strength ;
- (b) the community-wise percentage of the elected members of the District Board, Ferozepore ;
- (c) the community wise percentage of the local rates paid to the District Board ;
- (d) the community-wise percentage of the employees of the District Board, permanent and temporary ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :

(a) Muslims	..	..	..	82.69
Sikhs	..	..	..	52.19
Hindus and others	..	..	..	15.12
(b) Muslims	..	..	..	82.43
Sikhs	..	..	..	59.46
Hindus	..	..	..	8.1

(c) Information is not available and the labour involved in collecting it will not be commensurate with the result likely to be achieved.

			<i>Permanent.</i>	<i>Temporary.</i>
(d) Muslims	..	..	41.87	65.87
Sikhs	..	..	28.08	14.90
Hindus and others	..	..	80.10	19.22

FORMATION OF A CONSTITUENCY FOR GURDWARA PANCHAITI AT
PINDI GHEB.

1112. Sardar Sampuran Singh : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that three Gurdwaras, namely, Gurdwara Bhai Dasu Ramwala, Dharamsala Sri Guru Singh Sabha and Gurdwara Panchaiti (Wadda Gurdwara) at Pindi Gheb, tahsil Pindi Gheb, district Attock, have been notified to be Sikh Gurdwaras under the provisions of the Gurdwaras Act ; if so, the dates of notifications according to which these Gurdwaras were notified as Sikh Gurdwaras ;
- (b) whether it is a fact that two of these three Gurdwaras, namely, Bhai Dasu Ramwala and Dharamsala Sri Guru Singh Sabha have already been placed under the management of one and the same committee of management ;
- (c) whether any constituency for the committee of management for the Gurdwara Panchaiti (Wadda Gurdwara) has so far been formed or not, if not, why not ;
- (d) whether it is a fact that the Shiromani Gurdwara Parbandhak Committee, Amritsar, in its general meeting held on 20th October, 1935, recommended under section 89. (2) of the Sikh Gurdwaras Act, to the Government to place the said Gurdwara Panchaiti under the committee of management for Gurdwara Bhai Dasu Ramwala and Dharamsala Sri Guru Singh Sabha and that this decision of the Shiromani Gurdwara Parbandhak Committee was duly communicated to the Government, for approval and necessary action,—*vide* Shiromani Gurdwara Parbandhak Committee's letter No. 4452/15-E., dated 26th November, 1935 ;
- (e) if reply to (d) above be in the affirmative, whether Government has so far accorded its approval to the said proposal of the Shiromani Gurdwara Parbandhak Committee or not, if not, why not ;

The Honourable Mian Abdul Haye : (a) Yes. The dates of notifications declaring these gurdwaras to be Sikh Gurdwaras are given below against the name of each gurdwara :—

<i>Name of Gurdwara.</i>	<i>Date of notification.</i>
1. Gurdawara Bhai Dasu Ramwala ..	24th August, 1931.
2. Dharamsala Siri Guru Singh Sabha ..	24th August, 1931.
3. Gurdwara Panchaiti (Wadda Gurdwara.)	17th May, 1935.

(b) Yes. By notification No. 2122, dated 20th September, 1931.

(c) No. The original proposal of the Shiromani Gurdwara Parbandhak Committee for the formation of a constituency could not be approved and no revised proposal has been received so far.

(d) Yes.

(e) Approval could not be accorded to the Shiromani Gurdwara Parbandhak Committee's proposal as the local Sikhs do not agree to the constitution of one committee for all the three aforesaid gurdwaras.

FORMATION OF A CONSTITUENCY FOR GURDWARA DHARAMSALA
BAHARWALA AT KHURD IN JHELM DISTRICT.

1113. Sardar Sampuran Singh : Will the Honourable Minister of Education be pleased to state—

- (a) whether the Government is aware of the fact that Dharamsala Baharwala at Khurd, tahsil and district Jhelum, has been declared to be a Sikh Gurdwara,—*vide* notification No. 27-G., dated 29th May, 1936 ; if so, whether any committee of management for the said Gurdwara has been constituted, so far under the provisions of the Sikh Gurdwaras Act ; if not, why has no such committee been constituted for the said Gurdwara for such a long time ;
- (b) whether it is a fact that the Shiromani Gurdwara Parbandhak Committee, Amritsar, in its general meeting held on 12th November, 1936, recommended to the Government police station areas of Jhelum Khurd and Jhelum city as constituency for the election of the Committee for the said Gurdwara and communicated the said decision to the Government for approval,—*vide* Shiromani Gurdwara Parbandhak Committee's letter No. 5846/15-E., dated 2nd January, 1937 ;
- (c) whether Government has accorded its approval to the said recommendation of the Shiromani Gurdwara Parbandhak Committee so far, if not, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Yes. A committee of management has not been set up so far as the constituency for election of members has not been settled.

(b) Yes.

(c) Government have not been able to accept the proposal of the Shiromani Parbandhak Committee as inquiry shows that the constituency should be restricted to villages Khurd and Chutala only. It is the inhabitants of these two villages who are solely concerned with the welfare of this Gurdwara. The Shiromani Gurdawara Parbandhak Committee was informed accordingly more than two years back ; but no revised proposal has been submitted for the approval of Government.

HOURS OF SITTING.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I move :

That the proceedings on the Punjab Pure Food (Amendment) Bill be exempted at this day's sitting from the provisions of the rule "Sitting of the Assembly".

I hope that my honourable friend, the Deputy Leader of the Opposition, is aware of the agreement arrived at between the Leader of the Opposition and myself.

Diwan Chaman Lall : Since my honourable friend has referred to me, I must submit that I have no knowledge of any consultation that has taken place between the Leader of the Opposition and my honourable friend, the Premier. As a matter of fact, no member sitting now here on these benches has any knowledge of any arrangement arrived at, but if my honourable friend says that an agreement has been arrived, I take it that it has been arrived at. May I know what arrangement it is that has been arrived at between the Leader of the Opposition and my honourable friend ?

Premier : I believe that the Leader of the Opposition wants to move a certain amendment which my honourable colleague is prepared to accept and my honourable colleague here also accepts that when rules are framed, experts both from the Government side and also from the non-official side, will be consulted before prescribing the colour or the device which is necessary to distinguish this particular ghi. That is what we have decided. He also suggested that in case some of the members care to discuss this measure at greater length, they should not be stopped but allowed to go on with the discussion, but we are to finish this Bill to-day even if we have to sit till a late hour, beyond 7 o'clock.

Diwan Chaman Lall : May I take it that the Leader of the Opposition also agreed to this, that we may sit indefinitely until this Bill is passed ?

Premier : If later on we find that it does not finish till 10 o'clock or midnight and members go on making speeches which are relevant to the Bill even after midnight then perhaps we may have to sit till the morning. But I hope that we will finish this Bill by 7 o'clock. There is only one operative clause.

Diwan Chaman Lall : The only question is, has the Leader of the Opposition agreed to this indefinite sitting of the Assembly for the purpose of passing the Pure Food (Amendment) Bill ?

Premier : That is what I understood from him. He also suggested other matters which I have told my colleague to consider.

Pandit Muni Lal Kalia : On a point of order. This motion cannot be taken up. There are two motions, one for circulation of the measure and the other for reference to a select committee. Supposing either of them is carried, this Bill cannot be finished to-day or even for a number of days, what about this motion then ?

Mr. Speaker : If either of the two motions is carried, the proceedings shall be finished so far as this Bill is concerned. Question is :

That the proceedings on the Punjab Pure Food (Amendment) Bill be exempted at this day's sitting from the provisions of the rule 'Sitting of the Assembly.'

The motion was carried.

Khan Sahib Khawaja Ghulam Samad : I request that we may be supplied with copies of this measure because the motion was not on to-day's agenda and we have no copies with us.

FACTORIES (PUNJAB AMENDMENT) BILL.

Minister of Development (The Honourable Caudhri Sir Chhotu Ram) : I beg to present the Report of the Select Committee on the Factories (Punjab Amendment, Bill.

THAL (INCREASE IN VALUE) BILL.

Preamble.

Mr. Speaker : The Assembly will now resume discussion of consideration of the Punjab Thal (Increase in Value) Bill. 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.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I move—

That the Punjab Thal (Increase in Value) Bill be passed.

I do not want to inflict a speech at this stage. I simply move that the Bill be passed.

Mr. Speaker : Motion moved is—

That the Punjab Thal (Increase in Value) Bill be passed.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I would like to make a few observations regarding the passage of this Bill. I am very glad that the Government has accepted the principle of levying a tax on lands the value of which is enhanced by irrigation from the Thal canal. I hope that it will extend this principle in future so that every project is paying from the business point of view. I would like to request the Government that the Haveli project should be made no exception. One of the arguments advanced was that because there was less of Government land in this area, therefore it was necessary to make it up by levying this tax. I think that was the case in respect of the Haveli project also. If so, I am at a loss to understand why this exemption was made, in the case of the Haveli project. Government should levy some tax on those who are benefited or who have got a wind-fall in the shape of the Haveli project. I hope in future this principle will be applied without exception.

Our main concern has been that this Bill should be passed as quickly as possible so that the Government may start in right earnest the construction of the Thal Project and expedite it so that the people of that *ilaga* might get the benefits of irrigation as soon as possible and flourish as the old colonists are flourishing. It was, therefore, wrong on the part of one of the honourable members sitting on the other side, I mean Khan Bahadur Mian Mushtaq Ahmad Gurmani, to have said that we were obstructing or delaying the passing of the Bill and that we did not want the money to be raised. We are anxious that money should be raised, but we are equally anxious that the poor people, the very poor people who own only one or two or three acres of land or own uneconomic holdings up to 12 acres should be exempted because they are not in a position to pay and in order to raise the revenues and to see that there is no big fall in the estimates, we suggest

[Mian Muhammad Nurullah.]

that bigger landholders should pay more. But that suggestion has not been accepted. My amendment was that those people who have been scrambling for these lands and who have been rushing in as speculators and profiteers to make money in this new scheme of irrigation, should be charged double the rate of what is being levied otherwise. (*Hear, hear.*) If a person who owns land in that *ilaga* is charged Rs. 5, a person who is going there simply to make profit should be charged ten rupees, but within the limit of Rs. 80. Even now that can be done by the Government. It has been admitted in reply to one of the questions that in Leiah tahsil alone 11 to 12 thousand acres of land were bought by outsiders who rushed in as speculators and profiteers. I am told the Government realized the difficulty and the Honourable Premier went to the spot and made speeches. He warned the people. He said, beware of the profiteers, beware of the speculators and do not sell your lands to them. That was in December, 1938. We were informed by the Revenue Minister that a notification was issued to this effect. But even after the notification my information is that people from outside as well as from inside have been buying lands. By an amendment I wanted that people from inside or outside should not be allowed to buy more than 50 acres in that area, because that is the only way of redressing the grievances of the poor and saving them from selling their lands. Now that we are imposing this tax it is necessary that this restriction should have been imposed, because the land-owners in that area, the poor land-owners in that *ilaga* would be forced to part with their lands in order to be able to pay the tax that has been imposed and also to pay land revenue and abiana. In order to prevent people from buying land it is necessary that this penalty should be imposed. But my amendment was not admitted. My amendment was that the people who after the notification have bought lands should be made to return that land just as you did in the case of benami transactions. It would have been very good if you had penalized those persons who after the declaration of the Honourable Premier and after the notification bought lands to make money out of it. I think it is only fair that this land should be returned and they should be paid back their money. I speak of both agriculturists and non-agriculturists. The landholder has to pay so much. He has to pay all that within a certain time and he would be forced to part with his land to be able to pay that, because you are imposing this tax. It will not be easy for a new irrigator there to pay even by instalments as conveniently as you think. A clause like this would have been very essential to protect the interest of the people. I am told that only in January, 1939, an association known as the Gharib Zamindara Association was formed to protect their rights. It may have been bogus, as it has been alleged, but when the court has held that it was not a bogus association, I am compelled to assume that the grievances of the gharib zamindars were there and these people realized that they must safeguard their interests from outsiders—speculators and profiteers whom you are helping by not allowing my amendment. I have only a few minutes more but I must say a few things about the rule-making power of the Government. I think it would be a very wholesome convention that all such important rules should be discussed in the Assembly in future, because they concern the poor zamindars and affect matters of assessment and other important matters and

probably some of the rules are going to be more important than some of the provisions of the Act. Some of the provisions of the Act would probably be dead letter. But these rules are to be enforced by small officials in the districts every day. These rules can be the cause of great trouble to the people. I, therefore, think that the rules should always be discussed here.

Mr. Speaker : At this stage the honourable member should restrict his arguments and speech to the matters contained in the Bill.

Mian Muhammad Nurullah : Our only interest is to save the poor people from selling off their lands and getting rid of all that they have got and thus inviting hardships later. That is why we request that smaller land-owners should be exempted. Sir, the next point that I would like to press is that the rules should be discussed here, just as the motor rules are to be discussed. If the motor rules can be discussed then why not the rules which are going to affect thousands of poor zamindars of that *ilaga* also be discussed here? Another point is that land should be given to small, landless people there. My honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani said that I discussed about grants and grants-in-aid. I never said a word about grants-in-aid to committees and district boards; and I do not follow what our friend wanted to lay stress upon. Land is a very precious thing that the Crown possesses and should be utilized only when the Crown is compelled to utilize it. It should not be given to those big people who have big tummies and who always go *jholi chuking* about certain officials in the locality simply at the cost of the national spirit of the country and against the interest of the community probably to please certain officials who are of that whim or who want to be flattered. If the land is to be sold it should be sold by auction or given to the poor land-owners of the *ilaga* and not like the lands that were given away in the Lyallpur colony. There the *tinni guzars*, the deserving people of Pir Mahal area are still suffering and I am aware that they approached the Revenue Minister several times and have also sent in a typed representation, a copy of which I possess even now. I mean deserving people are still suffering and the undeserving have got lands. Do give lands to those who do not own any but who are really poor and deserving. We want to safeguard by rules or by any other method, the interests of the really poor and deserving people in that *ilaga*. We are anxious that this Bill should be passed and the project should not be delayed and if it is only a question of money, the money should be raised as soon as possible. But I must submit that in the erection of that project, the Punjabi contractors should be given their due share and not like the Haveli project where outsiders were preferred (*hear, hear*).

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, I raised several important objections to the Bill which is at present undergoing the third reading, but it is a pity that nobody cared to satisfy the House by giving a suitable reply to them. In 1935 the Governor gave his final approval of the project but Mr. Bedford slept over the orders for full five years.

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

Mr. Dev Raj Sethi : Sir, what I want to drive at is that keeping in view the character and quality of the soil of the *ilaga* I can safely assert

[Mr. Dev Raj Sethi]

that it would be extremely difficult for the Government to collect the proposed tax at the rate of Rs. 80 per acre. This project is being started without a proper survey of the *ilaga*. Moreover, the estimates are absolutely incorrect.

A scientific survey must be carried on. The proposed canal will not be able to provide water for kharif crop. Out of the meagre proceeds of one crop the zamindars will not be able to pay one rupee per acre every six months. That is why I say that the rate of the tax should be a graded one. The rich and the poor should not be subjected to the same rate of tax. It is very strange that the Unionist party is trying to evade the real issue in the name of unity. The Unionists say that there is no difference between the small holders and the big landlords. In fact there is a great difference between the two.

Again, a zamindar who owns three acres can hardly be expected to pay a half-yearly tax of one rupee. His land may be sandy and thus not fertile at all. But the Honourable Minister of Development and Mr. Gurmani refuse to recognize any difference between the petty agriculturists and the rich zamindars. They want to drive everybody with the same stick. I would like to register a stern warning that if a sliding scale is not introduced, the poor agriculturists will be extinguished. The cost of bullocks, the agricultural implements, seed and labour cannot be borne by the small holders of land. How will they be able to pay the additional tax? I would appeal to the Government to do justice to the poor agriculturists. The Unionists have all along been professing to be the greatest benefactors and supporters of the poor agriculturists. But their profession has melted away at the very touch of reality. We have asked them to inform us as to how much total area will be irrigated by this canal. But they have evaded an exact reply. We have asked them as to how much total area is owned by those big zamindars who are alleged by the Government to constitute only 6 per cent of the land-owners of the Thal area. But a reply is not vouchsafed to us. Then we asked the total area that would be irrigated. But here too we find that the Government are not clarifying the correct position. They say 16 lakhs acres will be irrigated. As a matter of fact the canal will supply only 6 thousand cusecs of water, and one cusec can irrigate only 60 acres of land. According to this calculation, the total area that can be irrigated by this supply of water will be 360,000 acres. That will be the maximum area that can be irrigated by this canal. But the Government claim that 16 lakhs of acres will be irrigated. How will that be possible? There must be some strong reason for this silence of the Government. Something must be wrong somewhere. The position ought to be clarified by the Government so that all these misgivings may be removed. The Honourable Minister of Revenue has got so many experts and engineers both on his right and left. Why can he not get the whole position clarified? Let it not be supposed that I am against this project. Far from it. We are very anxious for the early completion of this project. The poor district of Mianwali should be supplied canal irrigation at the earliest possible moment, so that the sufferings of that district may be removed forthwith. But there must be some method of doing things. With these words, Sir, I resume my seat.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*) : My honourable friends sitting on the Opposition benches say that owners of 25 acres should be exempted from the payment of the proposed tax. I wonder with what object they have made this proposal. If we were to accept this principle, the big land-owners will divide their land into small tracts of one square each and distribute the same among their relatives such as sons, brothers, sisters and cousins. The result will be that even the big land-owners will evade the payment of this tax. If things went on like that, the estimated income of 2½ crores from this tax will never be collected. This method will multiply troubles and sufferings of the people.

Supposing a zamindar owns 20 acres of land which yield him little income. But when the canal water will be supplied, his income will increase. Now, will it not be proper for the zamindar in question to surrender a small portion of his additional income to the Government by way of thanks-giving for having made these irrigation arrangements? I wonder if any reasonable person can deny the justness of this claim.

As to the question of fixing different rates for different areas, say 5 acres, or ten acres or more, for exemption from the tax, I may point out that this will tie the hands of the Government. Why cannot my honourable friends trust the popular Government to do the needful? It quite behoves my honourable friends to repose their confidence in the democratic Government of the day.

Now let me come to the proposal of a friend of mine who says that the landless persons should be given free grants of land in the Thal project area. My honourable friend should have known that 15 thousand acres have been reserved for those who would render meritorious services in the war. Similarly the Government will reserve some land for the poor persons as well. All these details should be left with the Government to be decided later. The Government will bear these matters in mind at the time of making the rules. If the Government go wrong, honourable members can bring in a censure motion against them. There must be several other methods of discussing this matter in the House. But I think it would be highly unfair to impose such hard and fast restrictions and thus put obstacles in the enactment of this measure. In the circumstances my suggestion is that the Government should make it a point to see that this Bill is enacted and enforced as soon as possible.

Premier (The Honourable Major Sir Sikander-Hyat Khan) (*Urdu*) :

4 p.m. Sir, I must at the very outset congratulate the House for carrying through this Bill in all its stages most efficiently and expeditiously and I am confident that it will pass through its last stage with equal efficiency and expedition. During the course of the debate on this Bill two points were given special prominence by some of the honourable members and I should like to place before the House the point of view of the Government regarding these matters. I was not present in the House yesterday but I understand that some of my honourable friends in the course of their speeches observed that the object underlying the Bill, namely, the imposition of a small levy on the large unearned increment accruing to owners whose lands receive irrigation for the first time, was not sound in principle and that if

[Premier.]

this principle is accepted, the burden of the tax will naturally fall on the poor proprietors. So far as this aspect of the question is concerned, I want to make it clear that I know the feelings of the landholders of Muzaffargarh district on the subject. During my recent tour in that district I had an opportunity of discussing this matter with the representatives of the owners who frankly told me that they were prepared to agree to the principle of this Bill and expressed the hope that while imposing this tax the Government would give them all possible facilities. Let me assure them that Government would certainly consider their request most sympathetically and would provide facilities for them in respect of payment of this tax by instalments or by gradation of the tax with reference to the character of the soil and the size of the holdings. In fact while determining the rate of this tax, Government would keep in view all these points. But if the people of districts other than Muzaffargarh, through which this canal will pass think, as has been urged by their representatives in this House, that they would stand to lose by this measure, they should come forward and say openly that they do not want it. Let me tell them that there is yet time for them to do so because they would stand to lose, if they cannot see their way to agree to the principle of the Bill. The Government do not like to force this Act on people who regard it as detrimental to their best interests. I, therefore, say that if the people of tahsil Khushab or any part of the Mianwali district want that the provisions of this Bill should not be extended to their *ilaga*, it is time for them to say so. The Government instead of supplying water to Khushab or any part of the Mianwali district can divert the canal to other parts of the province where people are clamouring for canal water. In fact the Government have no intention of going against the will of the people. Let me also point out that we do not subscribe to the views expressed by honourable members representing Shahpur and Mianwali districts that this Bill will adversely affect the interests of the landholders. On the contrary we think that if this canal had not been passing through their *ilagas* the prices of their lands would not have risen to more than Rs. 2 per acre. But when canal water is made available to them the prices of those lands would go up to Rs. 150 or Rs. 200 per acre. Now the Government will have to spend something like 8 crores of rupees on the construction and completion of this project and I fail to see how my honourable friends stand to lose by paying Rs. 30 per acre to Government by way of taxes when the prices of their lands would rise to Rs. 150 or Rs. 200 per acre. If they pay Rs. 30 per acre to Government even then they would stand to gain to the extent of Rs. 170 per acre. It will, however, be open to them later on either to sell their lands or enjoy the income accruing from them. This in short is the principle of this Bill. There is nothing strange about it. This principle was made applicable in certain cases in the past and in future too we will have recourse to it in respect of schemes that are now under contemplation and are likely to be taken in hand very soon, because we do not want that they should prove a burden on the provincial Exchequer. I may add that while acting on this principle all possible facilities would be afforded to assesses. If even now my honourable friends say that they are not willing to accept this principle and are ready to forego a profit of Rs. 170 per acre and that they would be content with the present condition of their lands, I assure them on behalf of the Government that they will

not be coerced into acceptance of this principle against their will, provided they immediately intimate to Government their decision about this matter. If they do so now I will ask the Irrigation Department not to supply water to Khushab or some parts of the Mianwali district, but to carry this water farther on to other districts. I may add that if the people of Pind Dadan Khan also do not want canal water they should let us know of their intention at once and I will ask the department concerned not to supply water to that *ilaga* as well. (*Raja Ghazanfar Ali Khan*: We never objected to it.) I may point out to my honourable friends that the demand for canal water is very great indeed. If they do not want it we cannot compel them against their will to have it. They should also bear in mind the fact that Khushab tahsil, through which this canal is being taken, if irrigated, will produce gold in the real sense of the word. Although the area is not very vast the canal water would make it extremely fertile and productive. If the people do not want water, we cannot and will not compel them to have it.

The next point which I want to make pertains to the realization of this tax. It has been urged that this tax will prove a heavy burden on the poor and needy people, who are already on the verge of starvation. So far as this question is concerned, I have already assured the House and I repeat my assurance that before determining the rate of taxation both the financial position of the zamindars and the quality of the land would be taken into consideration. My honourable friends would see that we have already fixed the maximum limit of taxation at Rs. 30 per acre beyond which the Government will not go. But within that limit it will be open to them to impose any reasonable rate of tax. This is not all. The tax will be imposed on a graduated scale according to the character of the soil or the size of the holdings.

There is yet another point upon which great stress was laid by my honourable friends. It was said that it was just possible that Government may start realizing the proposed tax at once which the zamindars may not be in a position to pay because they have no money at their disposal. So far as this question is concerned I may point out that it is possible that that assessment may take place even now, but I assure my honourable friends that its realization will start only when the people get their supply of water. Let me also point out that the Government will not realize this tax unless and until water is actually made available to the people. It is also probable that in some cases Government might grant remissions in the beginning to small landholders or to those who possess lands of inferior quality. Any way before imposing this tax the Government would certainly take into consideration all relevant matters. In view of the circumstances stated above I assure my honourable friends that they should have no fears on that score. As a matter of fact the object of the Government is two-fold, viz., to supply water to the people of these *ilagas* as soon as possible and to provide all possible facilities for them.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) (*Punjabi*): Sir, I do not propose to take much time of the House but would only say a few words in reply to the criticism that has been levelled by my friends against the Bill. My honourable friend, Mian Muhammad Nurullah, pointed out that there was no need of enacting this measure just now when as a matter of fact the tax which it

[Revenue Minister.]

sought to impose would not be realized from the zamindars in the near future. I request him to very kindly let us know any other way by which we can impose this tax. So far as I know we cannot impose this levy without enacting this measure. Again the honourable member was pleased to observe that we would be charging double the rate of this tax from the zamindars. That is, once we will realize this tax just now and then we would again realize it a second time as well. I am at a loss to understand his argument. Besides, he remarked that after the year 1938 many Unionists have purchased lands in that *ilaga*. I do not know anything about it myself. May be that my honourable friend possesses a Criminal Intelligence department of his own which has supplied him this information. So far as I am aware I have no knowledge of this, beyond that which has been supplied to the House by Khan Bahadur Mian Mushtaq Ahmed Gurmiani that outsiders have purchased something like 12,000 acres of land in this *ilaga*.

Mr. Speaker : I request the Honourable Minister to confine his speech to the motion now before the House.

Minister of Revenue : I think it is necessary for me at this stage to reply to certain points raised by my honourable friend opposite. Some of them have remarked that the Government has not done anything for the tenants. Regarding this matter, it would be sufficient for me to say that this is due to their ignorance of facts, and perhaps Sardar Ajit Singh will be able to tell my honourable friends what we have been doing in this connection, but so long as the colonization scheme is not considered thoroughly it is not possible for us to say anything definite on the subject. At present I can only say that the case of those who have been cultivating land and also those who have acquired land on temporary cultivation will receive due consideration. My friend Mr. Dev Raj Sethi has been pleased to remark that under this scheme only 60 acres can be irrigated by one cusec of water. In this connection, I have merely to repeat what I said yesterday that no doubt, during kharif 60 acres can be irrigated by one cusec of water, but during Rabi about 120 acres can be irrigated by that amount of water. The trouble with my friends is that they would not pay attention to what is stated here, but base their observations on previous reports. It would not be out of place, if I lay before the House the information regarding the 1940 proposals, which run as follows :—

Total estimated cost without including the cost of lining of distributaries	7,71,68,000 rupees.
Approximate discharge available at distributary heads	5,850 cusecs.
Approximate area that would be irrigated in kharif on full development	3,51,000 acres.
Approximate area that would be irrigated in rabi on full development	781,000 acres.
Probable area of annual irrigation on full development	1,082,000 acres.
Total gross commanded area in which water-courses can be constructed and maintained	16.6 lakhs acres.

While my honourable friends have stated that not more than 60 acres would be irrigated with one cusec of water, our experts are of the opinion that in full development more than a million acres will be irrigated annually.

I have nothing more to say for the present, except one thing to which I may refer. My honourable friend Mian Muhammad Nurullah stated on the floor of this House, though his statement is misleading, that 800 squares of land have been allotted to tirmi tax payers elsewhere but nothing has been provided in the Thal scheme.

Mian Muhammad Nurullah : Have you not allotted ?

Minister of Revenue : Yes we have given nearly 800 rectangles to tirmi guzars. Some time back I received a representation from tirmiguzars who quoted wrong figures. Why worry about 800 squares ? Whatever we do, we always keep in view the betterment of the poor.

Mr. Speaker : Question is—

That the Punjab Thal (Increase in Value) Bill be passed.

The motion was carried.

PURE FOOD (AMENDMENT) BILL.

Minister for Education (The Honourable Mian Abdul Hays) : Sir I introduce the Punjab Pure Food (Amendment) Bill.

Sir, I move—

That the Punjab Pure Food (Amendment) Bill be taken into consideration at once

Sir, this Bill is being introduced in this House in pursuance of an undertaking given by the Government only the other day when a private Bill called the Artificial Ghi Colourisation Bill, was under discussion. During the proceedings, on behalf of the Government I made a declaration that the Government was entirely in sympathy with the principle of the Bill, but instead of having a separate Bill of the type introduced by an honourable member, Chaudhri Sumer Singh, it was desirable that the present Punjab Pure Food Act, which was in force in the Punjab, should be properly amended. The complaint about adulteration of ghee, that pure ghee is mixed with artificial ghee and made available to the people, who consider it to be pure ghee and purchase it at a very high price, has been in existence in this country for several decades. Since the artificial ghee was placed in the market it became increasingly easy for the dealers in ghee to mix it with pure ghee. So far as the Government are concerned, if they were assured that the artificial ghee would be manufactured and sold as artificial ghee and that nobody would be cheated and that persons who desire to consume artificial ghee as a substitute for pure ghee will be at liberty to do so, the Government would not have brought a measure of this nature. But as I have submitted, since the advent of the artificial ghee, it has become very easy for the dishonest dealers to mix it with pure ghee and place it in the market and sell it as pure ghee at a heavy price. The artificial ghee in all respects resembles pure ghee so far as its outward appearance is concerned. Artificial scent and colour is given to it and when mixed, it resembles entirely the pure ghee, but it has got less food value. Expert opinion is that artificial ghi is wanting in vitamins A and D. This question was mooted in the Punjab in the old Legislative

[Education Minister.]

Council and a resolution was moved in 1927. Several honourable members of this House, who were then members of the Council, participated in that discussion and all of them desired that something should be done to stop adulteration of ghee. The then Minister in charge of this Department, one of my predecessors, Sir Firoz Khan Noon, pointed out that this was a matter in which the Government of India should move in the first instance and he promised that the matter would be brought to the notice of the Government of India. It was suggested that the Government of India might be requested to stop the import of artificial ghee from outside into India. It appears that at that time perhaps there was no factory in India that manufactured artificial ghee or there were very few factories of this kind. To-day there are about 5 or 6 factories, and one of them is situated at Lyallpur. In pursuance of that assurance given by Sir Firoz Khan Noon, the Government of India was addressed and it was suggested that the manufacture or import of this substance should be prohibited unless the substance was coloured, so that if it was mixed with pure ghee, it would be apparent to the naked eye. The Government of India circularized that letter to other provincial Governments and after obtaining their views—it appears that the majority of the other provincial Governments opposed the suggestion made by the Punjab Government—pointed out to us that the situation in India was similar to one that arose in the British Isles when margarine was placed in the market and when it was suggested, in order to protect the trade of butter in England and British Isles, that steps should be taken by the British Government in the form of certain legislation. So this procedure was followed in this country also. And in pursuance of that suggestion in 1929, the present Pure Food Act was enacted. It was based mainly on the lines of the English Act called the Margarine Act. Our experience is that the Pure Food Act, which has been in force for over 12 years now has failed to check the evil of adulteration, so far as the adulteration of ghee is concerned.

In 1937 the question was again raised, this time in the Council of State by a prominent Punjabi, the Leader of the Opposition in that House, I mean the Honourable Rai Bahadur Lala Ram Saran Das. The question was mooted and after discussion, the resolution moved by the Rai Bahadur was withdrawn. The third time it was raised by Chaudhri Sumer Singh in this House, in the form of a Bill. Although it was a Bill from a private member Government did not oppose the introduction of the Bill. Later on when the next stage came for consideration I made the position of the Government clear, namely, that we were in full sympathy with the object which the honourable member had in view. But as we had come to the conclusion that the Bill put forward by him not only provided for colourisation of the artificial ghee but it had also certain other provisions which already existed in the present Pure Food Act, it was not thought desirable to encumber the present statute book, but that it would be more appropriate to amend the Pure Food Act if we could make a provision by an amendment to the effect that artificial ghee be coloured. In spite of the assurance it appears that a vast majority of the members were very keen, and although the Government did not issue any whip the motion was carried. That having been undertaken, the present Bill has been drafted and it is now before the

House. I may also submit to the honourable members that certain tests have been carried out in the Punjab. As I have already pointed out, this artificial ghee although it is to a certain extent wholesome food, has not got the same food value as the pure ghee inasmuch as it is wanting in certain vitamins. I do agree with those who say that it is injurious to health, but I do not agree with those who say that it encourages certain diseases. Suggestions have been made—irresponsible suggestions—that it causes sore throat and some people have gone to the extent of saying that it even causes tuberculosis. Experiments have been made in the Punjab only a short while ago on two kittens of the same litter, practically of the same age. One was fed for a certain number of days on pure milk and the other was fed on skimmed milk plus certain quantity of artificial ghee. The result was that the kitten which was fed on pure milk gained in weight, whereas the other lost in weight first and then the position was reversed. The kitten which was fed on artificial ghee was given pure milk and its weight increased. Under these circumstances the Government, after very careful and mature consideration and in deference to the wishes that obtain in this province outside the House and in deference to the wishes of a vast majority of the honourable members evidenced the other day when the private Bill was under discussion, has decided to bring forward this Bill. It is a very short Bill. One clause tries to define what we mean by artificial ghee. It is a very wide definition and will include every such substance as may be used for the purpose of adulteration and which in appearance resembles pure ghee. The other clause says that it shall not be sold or possessed unless it is coloured in the manner prescribed. The colour will be prescribed. Rules will be framed under this Act and care will be taken to ensure that so far as possible the colour should not be aesthetically offensive and that it should not make the substance unpalatable and that it should not also be injurious to health. It would be of vegetable colour. When it is mixed with ghee it would be clear to the naked eye that pure ghee has been adulterated. It would be of deep colour so that even if 5 per cent artificial ghee is mixed with pure ghee it would be apparent to the naked eye. I also propose to have a demonstration made before such members of the Assembly who might care to be present on that occasion. I also hope that before these rules are framed, prominent members who are interested in this question will be taken into confidence, and the rules when they are framed will not be final. They will be published and an opportunity will be afforded to the honourable members of this House so that if any member wants to raise some questions on the floor of the House he will have an opportunity to do so before the rules are finally published. Sir, I move the motion.

Mr. Speaker : The motion moved is—

That the Punjab Pure Food (Amendment) Bill, be taken into consideration at once.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu) : Mr. Speaker, we whole-heartedly agree with the remarks made by the Honourable Minister in the course of his speech in support of the Bill. But there is one thing which I want to know from the Honourable Minister in connection with the Pure Food Act which he intends to amend by means of this amending Bill. Can he inform this House, on the basis of his personal

[Pt. Muni Lal Kalia.]

experience, what difficulties have had to be faced in the enforcement of this Act in the municipality of his home-town? How many municipalities have, without any extraneous influence having been brought to bear upon them, enforced this Act within their limits? How many district boards have agreed to operate this Act in their respective spheres of influence? Let me make it clear to my honourable friend opposite that even the incorporation of this amendment in the original Act would not assure its application and would not make it operate. The Government has no doubt a right to undertake measures for ensuring the purity of articles of food but no useful purpose will be served if it is not specified in the Bill as to what part of the province it will apply. Even the Honourable Minister of Education, who was the President of the Ludhiana Municipality, would bear me out that the local bodies have failed to give proper effect to the provisions of the Punjab Pure Food Act, 1929, in their respective municipal limits. I can assert on the strength of my personal knowledge that when after the enactment of the said measure several municipal commissioners of the Ludhiana Municipal Committee brought pressure to bear upon their president for enforcing the provisions of the Act in the Ludhiana Municipal area, he for fear of incurring the displeasure of confectioners, ghee dealers and milk sellers, did not consent to shoulder the responsibility of taking such a step. These people sent representations and memorials under the signature of thousands of people to the President as well as the Government requesting them not to interfere with their trade by resorting to the provisions of the Act. Their fear was that even the slightest interference with their trade would bring them to the verge of ruination. In short, for years together this Act remained ineffective in Ludhiana. Similarly the Amritsar Municipality also refused to take any drastic action against the dishonest ghee dealers carrying on their business within the municipal limits. In fact ever since its enactment this Act has remained a dead letter in the Punjab. But now we are told that the Government has introduced this amending Bill in deference to the wishes of this House as well as the public at large. We are told that since there had been a standing complaint for several years that owing to the manufacture of hydrogenated oils substances resembling ghee have been introduced into the market, the Government wants to put an effective check on the sale of artificial ghee under the guise of pure and genuine one. But let me tell my friends that this Bill, if accepted, would also remain ineffective and prove a dead letter like the original Act of 1929. Since wide powers are being given under the measure to the Public Health Officers and Public Analysts they are open to abuse. They may or may not approve of any sample brought to their notice. In fact this amending Act would also fail to check the evil of adulteration of ghee. I am sure that the Government would soon realize the advisability of further amending this Act. The other day when the Bill introduced by Chaudhri Sumer Singh was undergoing the second reading stage, the Honourable Minister gave an assurance to the effect that the Government would meet his demand by amending the Pure Food Act. I think it would have been much better if the Government had accepted that private Bill after making necessary amendments therein. I am perfectly sure that that measure must have proved effective in preventing the sale of adulterated ghee under the guise of pure ghee.

Sir, my motion regarding the reference of the present Bill to a select committee is not at all a dilatory motion. I have not suggested any remote date. In order to accommodate the Government and expedite the enactment of the measure I request that the Bill be referred to a select committee with instructions to report by Monday next. Let it be clear that I am not opposed to the principle underlying the Bill but if I am pressing my motion it is simply because I want the Bill to be further improved upon. The Government should know that the public demand is twofold : firstly, that proper facilities should be offered to those who are anxious to use pure and unadulterated ghee and, secondly, that an effective check should be placed on the sale and consumption of the artificial ghee. But I can assert without fear of contradiction that the present Bill, as it stands, would totally fail to meet these popular demands.

Then, Sir, there are two kinds of people who are interested in the subject. The first group comprises of those people who require pure, genuine and natural ghee derived solely from milk fats. They are not prepared to use banaspati, charbini, tallow, artificial ghee or any animal fat. The second group consists of ghee dealers and others who are interested in this trade. They are responsible for creating this general impression among the people that any interference on the part of the Government in this connection would ruin this trade and strangle the artificial ghee industry in her infancy. They further say that the colourisation of artificial ghee would fail to remedy this long standing complaint of the public, as the uncoloured artificial ghee would be bought and sold as usual. Their point is that the Government is competent to enforce the provisions of the measure in the Punjab but it cannot impose any such restrictions on the import of artificial ghee from other provinces as under section 297 of Government of India Act, the Punjab Government cannot adopt any discriminatory policy in this connection. Supposing there is a factory in Delhi, Ghaziabad, or in any Indian State which sends its manufactured artificial ghee to the Punjab. May I know as to how the Government can compel the manufacturer to give the prescribed colouring to his product ? If he refuses to comply with the wishes of the Government how can it effectively stop the import of his ghee, especially when the Government of India stands in its way ? In fact the idea that has prompted me to move this amendment is this that I want to thrash out all these points in the select committee, so that there may not remain any loophole in the proposed measure. We have before us only this object that the consumers may easily and freely obtain pure and natural ghee. But in order to achieve that object you will have to do two things. Firstly, you should help and encourage those people who produce ghee from milch cattle owned or supervised by them. In that case the consumers would be willing to buy their product either from the bazar or from the villages without the least hesitation. And secondly you should impose restrictions on the dealers in banaspati, charbini and artificial ghee.

This method will ensure the genuineness of the article and people will be satisfied about the source of their supply. It will be really a great satisfaction to the consumers that they are using things prepared under the direct control of the Government. Moreover, it will be conducive to the health of the people. The use of harmful articles will be avoided and genuine articles will be consumed. Another amendment sought to sponsor

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the view that certain vitamins which are not present in artificial ghee, should be added to it by experts and thereby the artificial ghee made as useful as the natural ghee is. But let us not ignore the psychology of the people. We must keep in view the sentiments of the population of the Punjab. The inhabitants of the province will never like the idea of using artificial articles. The natural ghee will always find favour with them. I admit that the addition of a certain vitamin will scientifically make the ghee as nutritive as the natural ghee is. But the people will never be able to overcome the force of their sentiments. There will be in their heart of hearts the lurking idea that they are using something unnatural and harmful. It is hard to remove sentiments that have been firmly rooted in the minds of the people for the last so many centuries. As a matter of fact the complaint against the use of artificial ghee is as old as 1919. A law of the kind of the present measure but far better than this, is already in force in Bombay since 1925. That enactment is certainly on better lines than those on which our Bill is based.

The Honourable Premier is right in saying that he too is faced with certain difficulties which are agitating the public at large. All that I want is that these difficulties should be removed at an early date. But as I am not allowed to take more time of the House over this question, I propose to pass on to other points.

The artificial ghee is taken into villages where people buy it and mix it with their milk in order to get more ghee than they would get otherwise from their milk. My object in mentioning these things is that all these points can be considered in a select committee. The Committee can find out ways and means to check and eradicate these defects. In short we want to ensure that pure, unmixed and natural ghee should be supplied to the Punjabis. Mere colourisation will not do. It will prevent, of course, 70 or 80 per cent of artificial ghee from passing into the hands of innocent people. But 25 per cent of it will continue to be used as if it was a genuine one. If the Government is bent upon stopping it cent per cent, then our amendment should be accepted. The Select Committee will reconsider the ways and means for stopping all the loopholes. Then of course the Bill can be passed in a few minutes without necessitating any lengthy debate in the House. The select committee can submit its report by Monday next, and the Bill can be passed the same day, in this very session. With these words, I beg to move—

That the Punjab Pure Food (Amendment) Bill be referred to a select committee with instructions to report by Monday next.

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

That the Punjab Pure Food (Amendment) Bill be referred to a select committee with instructions to report by Monday next.

Sir William Roberts (European) : Sir, I beg to support the principle of referring this Bill to a select committee. I base my support on the following grounds. The first is that under the Government of India Act, Section 297 :

No provincial legislature or Government shall—

By virtue of the entry in the provincial Legislature List relating to trade and commerce within the Province, or the entry in that list relating to the production, supply, and distribution of commodities have power to pass

any law or take any executive action prohibiting or restricting the entry into, or export from, the province of goods of any class or description.

It seems to me that the clear intention of this section in the Government of India Act is to take away the power from provincial legislatures, of passing restrictions on trade in food articles or any other articles which are pure, which are not obnoxious in any way. I should like to have the ruling of the honourable Speaker on this point, whether this Bill does not contravene this provision of the Government of India Act.

Mr. Speaker : What is the honourable member's own opinion ?

Sir William Roberts : My opinion is, it does contravene. Apart from that, I object to the Bill because it tackles the question in the wrong way. Anyone reading this Bill would think that a manufacturer of artificial ghee is a criminal, he has done something wrong. You can apply exactly the same argument to the producer of Desi cotton. Japan, for example, is a big buyer of desi cotton and that country could say that because this cotton could be used for mixing with better cotton, therefore you must colour it pink or colour it black because otherwise we won't know whether it is mixed or not. This is exactly the same argument as that used over vegetable ghee and it is the wrong way of looking at the problem. After all, this problem is not new to India. We have it in Europe, in every country in the form of margarine and butter and there had been opposition from the farmers to the introduction of margarine because they thought that it affected the price of butter. But the countries which were mostly interested in this butter, countries like Holland and Denmark, are now the biggest centres in the production of margarine or vegetable ghee. Then again, this Bill is going to affect the food of the poorer people, because it will make it so unsightly and unpalatable. I do not think that anybody will eat this coloured ghee, whatever the colour is. So it will become unpalatable and you are therefore affecting the food supply of poorer classes of the population who are able to get this cooking article now at about half the price of natural ghee.

In the report published by the Chemical Examiner in 1926 as a scientific paper he has made a very careful study of the artificial vegetable ghee and according to that it is a perfect food, except that it lacks in vitamins and I have suggested in conjunction with my honourable friend Rai Sahib Lala Sohan Lal two amendments to get over this defect. One is that vitamins A and D should be introduced, that vegetable ghee should not be sold in this province without the introduction of these two vitamins. We think in this way even those people who rely on this as a food as well as cooking material, cannot suffer in health. The second amendment which we have suggested is intended to enable the Government to tackle this problem in a way in which it should be tackled, and that is by putting something in the artificial ghee which can be easily detected, and the advice I have received from technical experts is introduction of sesamum oil. Five per cent of sesamum oil is sufficient to enable anybody by a simple chemical test to detect even one per cent mixture of vegetable ghee in the natural ghee. This is the system adopted on the continent.

Mr. Speaker : Is the honourable member speaking to the motion before the House ?

Dr. Sir Gokul Chand Narang : He is opposing the motion made by the Minister.

Sayed Amjad Ali Shah : May I ask a question from the honourable member who is in possession of the House ? He has just stated that five per cent of sesamum oil would be easily detected. My question is whether it will be detected by the naked eye.

Sir William Roberts : No. It cannot be detected by the naked eye. Nor will the palatability or the usefulness of the artificial ghee be affected in any way. In fact sesamum oil is one of the chief vegetable ghee ingredients. But the chemical test will show very easily whether it has been mixed with any natural ghee and this is the method used all over the continent. Apart from this fact, that you can detect it easily, this system would afford to you a constructive way of meeting the adulteration of ghee.

Another point that I wish to make clear is if this colourisation of vegetable ghee is made a law it will hit the manufacturers in the province much more than people outside. A firm like Lever Bros. in Bombay, who are manufacturing this in Bombay, have the rest of India to send their products to. They can have depôts, or the people selling this can have depôts all round the Punjab in Bahawalpur, in Sind, in the Frontier Province and in Patiala from where they can send out this ghee as Bahawalpur ghee or Patiala ghee which may contain 80 per cent of vegetable fat. This will ultimately give the natural ghee such a bad name that it will be difficult to sell it. To start with, if this Bill is passed, natural ghee will become very expensive, but it will not last more than a few months and that is why this kind of legislation is not well thought out and I think it should be referred to a select committee to consider this question and to take proper advice. I would like to see in writing the advice of the Chemical Examiner and the advice of the Health Department and of all the really qualified and important people who can give us effective guidance. This is not a measure to be rushed into in this manner without any select committee sitting over it and without any public opinion having been received. (*Hear, hear.*)

Mr. Speaker : The honourable member has raised the point whether section 297 (1) (a) of the Government of India Act debars this Assembly from passing the Bill. I do not think that his objection is tenable, but all the same it has been taken.

Diwan Chaman Lall : This particular matter arose, as far as I can remember now, in connection with the question of marketing charas and at that moment, I remember this matter was gone into very carefully. If you look at section 297 (1), it relates to export and import of any particular commodity that is manufactured in a province. The object of this subsection was that there should be no discriminatory legislation passed in any one province militating against the import or export of a particular manufactured article in another province or prohibiting or restricting its entry into or prohibiting or restricting its export from one province. The whole object was that there should be no discrimination. The fear in the minds of the framers of this Act was that it is possible that Indian manufacturers of certain commodities in the provinces might so utilize the machinery of Government as to prevent the entry into that province of some articles manufactured

elsewhere, or if there is a monopoly as in the case of Bengal,—Bengal has practically a monopoly in jute,—so utilise it as to prevent the manufacture of the monopolist article in another province. That was the essential basis of section 297 (1). The words are quite clear—

No Provincial Legislature or Government shall—

- (a) by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the province, or the entry in that list relating to the production, supply and distribution of commodities, have power to pass any law or take any executive action prohibiting or restricting the entry into or export from the province of goods of any class or description.

The whole subject matter of section 297 (1) is that in spite of the fact that trade and commerce are entered in the provincial list or in spite of the fact that that entry relates to production, supply and distribution of a commodity, nevertheless, in spite of the power given to the provincial Governments in respect of these matters, no provincial Government shall have this further power of prohibiting the export or the entry into the province or into another province of any class of goods or any description of goods. That prohibitory power of utilising the authority of the Government by rule-making power or by executive action or by means of legislative action is taken away by the provincial Government and we cannot pass a law prohibiting, for instance, the entry of any class of rubber goods into the province or prohibiting the export of wheat out of this province, but what we can do is this, that we can colour the ghee. (Voices : No, no.) The point that arises in respect of this matter is this. If you colour the ghee, you take further power into your hand of saying that if no person sells artificial ghee which is not coloured, then he shall be penalised. The question is, if you are going to penalise, thereby prohibiting the entry into this province of a commodity which is being manufactured in Bombay and you say that unless that article is coloured it shall not enter into that province, would that contravene section 297 (1) or not ? (Malik Barkat Ali : It would certainly.) It is a most important point to consider. The point that I am putting before you is a most interesting point. What would be the effect of the passing of this measure ? The effect of the passing of this measure would be that no ghee, which is known as artificial ghee, shall, henceforth, sell in this province and if any person contravenes the order of selling artificial ghee without the necessary colourisation, the result will be that, under the Pure Food Act, for the first offence he can be fined Rs. 250, for the second offence Rs. 500 and if he continues the offence later on he can be fined one thousand rupees or the person concerned can be imprisoned for six months. That is the position regarding the penalty clause section. But suppose a man imports artificial ghee from outside. Is there a prohibition regarding the entry ? There is none, no prohibition regarding the entry, but there is prohibition regarding the sale of that commodity without colouring it. (Interruption) Section 297 (1) does not talk about possession. It only talks about.....

Mr. Speaker : How does section 297 debar this Assembly to pass the Bill ? (Interruptions.)

Diwan Chaman Lall : I have not finished.

Mr. Speaker : The honourable member may finish.

Diwan Chaman Lall : I thought you had called my hon friend—

Mr. Speaker : I called him to explain how section 297 precluded this Assembly from passing this Bill.

Sir William Roberts : If he is right in importing it, he cannot be wrong in having done something which.....(*Interruption*). If he is right in importing pure ghee, he cannot say he is wrong when he has done it.

Mr. Speaker : The Bill does not say that. What the Bill says is that no one shall sell or keep in his possession artificial ghee unless it is coloured. It does not restrict import of ghee from any other province or country.

Malik Barkat Ali : May I, with your permission, draw attention of the House to another aspect of the matter ? I perfectly agree with my learned friend Diwan Chaman Lall that section 297 is primarily confined to the export and import of articles and that the object of the legislature is that as between the provinces there shall be no such thing as trade barriers. Therefore, section 297 enacts that any Provincial Legislature cannot prohibit or restrict the entry into or export from the province of goods of any class or description. Just consider this situation. Suppose that artificial ghee is manufactured in all the provinces of India except the Punjab.

Mr. Speaker : It is manufactured even in the Punjab.

Malik Barkat Ali : It can only be manufactured in this province provided that the artificial ghee is given a definite colouring as prescribed by the rules. But this Act, when passed, cannot prevent manufacturers in other provinces from manufacturing artificial ghee in any manner they like. They can manufacture uncoloured artificial ghee. After having manufactured that uncoloured artificial ghee, the manufacturer in Bombay or the United Provinces sends any number of tins to the Punjab to his local agent here. My respectful submission is that under this Act no person either by himself or through any servant can sell, offer or expose, for sale or have in his possession for the purpose of sale any artificial ghee. It comes to this that if a manufacturer from Bombay sends to his agent in the Punjab for the purpose of sale these uncoloured artificial ghee tins, he exposes himself as an abettor and his agent to the risk of prosecution, as the possession of such uncoloured ghee in the Punjab for the purpose of sale is penalised by this Act. This penalisation of the possession of artificial ghee for the purpose of sale which is not coloured but which has entered the Punjab from Bombay or from places outside, I respectfully submit, would come within the definition of prohibition or the expression "restricting any entry". Confining myself to the word "prohibition", my argument is that it is not necessary that the Act should say in so many words that no artificial ghee, which is not coloured, shall enter the Punjab. If the Act in the Punjab makes the possession for sale of uncoloured artificial ghee, which has come to the Punjab from manufacturers outside, an offence, then I respectfully submit that—

Mr. Speaker : Unless it is for sale, as it is, but if the object is that one should not keep it in his possession for sale unless it is coloured, it is no offence.

Malik Barkat Ali : My respectful submission is if a person sends uncoloured artificial ghee from Bombay or from places outside the Punjab to his local agent here, it must be for the purposes of sale.

Mr. Speaker : It is not for sale as it is ; but it shall become fit for sale when it is coloured.

Malik Barkat Ali : No, Sir. My respectful submission is this ; that uncoloured artificial ghee can be sold in provinces other than the Punjab. At the present moment.....

Mr. Speaker : Then it will be an offence.

Malik Barkat Ali : My respectful submission is that it is a perfectly legitimate trade to manufacture artificial ghee or to possess uncoloured artificial ghee in all the provinces but the Punjab.

Mr. Speaker : Why ? You may keep any quantity of artificial ghee in your possession provided it is not for sale as it is.

Malik Barkat Ali : You are perfectly right but kindly.....
.....(Interruption).

Mr. Speaker : Where is the restriction and prohibition of ghee being imported into the Punjab ? If anybody does import, he does so at his risk with eyes open.

Malik Barkat Ali : My answer to this question is that if a manufacturer, who is outside the Punjab, finds that the sending of this ghee to his local agent in the Punjab for the purpose of sale is made punishable by this Act, then that very knowledge will certainly operate to restrict him from sending his goods. This is an offence.

Mr. Speaker : It would be an offence for him who imports and keeps it in his possession for sale.

Malik Barkat Ali : I am trying to explain it. You will be pleased to see that the question whether a thing is being sent or offered or exposed for sale is a question of fact and it will be for the courts to consider. Now consider a circumstance like this : supposing a manufacturer from outside the Punjab sends thousands and thousands of tins of uncoloured ghee to the Punjab, the inevitable inference is there ; there cannot be any other inference than that he is sending the thing for the purpose of food and sale and not for any other purpose. If it is for the purpose of food and sale then it comes to this that the Act penalises the man for being in possession of that article. Therefore, this Act, in the first place prohibits and in the second place it restricts—

Mr. Speaker : Even the remotest interpretation cannot mean this.

Malik Barkat Ali : It is not necessary that the Act should say in so many words that no artificial ghee shall enter the Punjab. The same object can be achieved otherwise without the use of the word "prohibit".

Dr. Sir Gokul Chand Narang : Sir, I think that the objection taken by Sir William Roberts is perfectly valid and I entirely agree with him. If you will permit me, I shall try to point out how it is valid. The provision in the Government of India Act is to the effect that by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the province, or the entry in that list relating to the production, supply, and distribution of commodities, no Provincial Legislature or Government shall have power to pass any law or take any executive action prohibiting or restricting the entry into, or export from, the province of goods of any class

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or description. Now, the question is whether the provision in this Bill, if carried, would in any way contravene the provision of the Government of India Act? My submission is that it would. If a law is laid down that no person either by himself or through any servant or agent shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any artificial ghee unless it has been given the prescribed colour and so on, and any person who contravenes the provisions of this section shall be punished with this thing or that thing. It would have the effect not only of restricting the import but also of restricting the export. (*A voice* : Prohibiting.) I am saying that this would be the least effect that would accrue. The provision, if not entirely prohibiting, would restrict the entry of uncoloured vegetable product in the province and would also at least restrict the export of the vegetable ghee without colourisation. Supposing there is a meeting going on and the entry is made public but on the condition that no one shall be allowed to enter that meeting, unless he wears a certain kind of head-dress or has a certain kind of badge. That means that the entry to that meeting or to that place is restricted and that it is not free. I shall point out to you how in the first place the import is prohibited or restricted. The very knowledge that if any uncoloured vegetable product is imported into the Punjab it will expose the agent of the manufacturer to penalty would have the effect of preventing him from importing his produce into this province. This is obvious and there cannot be any other inference from this provision. If I know that if I enter somebody's house, I will be put into jail or would be punished otherwise, it means that I should not enter that man's house. There is a proclaimed offender and if he takes shelter in a person's house, then the person who gives him shelter is also liable to penalty under the law. So it means that a bar is imposed upon him preventing him from entering a particular place. In the same way, if this provision is passed and enforced, then it would mean that the import of uncoloured vegetable produce from outside will be prohibited and in any case it would be restricted because it would not be allowed to enter into the Punjab unless it bears some kind of mark. Suppose there is a fancy dress ball and there is a condition that no one can enter that ball or no one can participate in that ball unless he comes in fancy dress of a certain kind or wears a certain kind of head-dress or mask, it means that his entry is restricted. In the same way the import of uncoloured vegetable produce from outside would be practically prohibited and would in any case be restricted. In the same way the export from this province will also be prohibited or restricted. You will see that no one wants to run a machinery or a factory simply for the sake of amusement but to take advantage of the machinery that he has erected. It must be assumed as a perfectly clear hypothesis that whenever a factory is set up, the produce of that factory is intended for sale.....

Mr. Speaker : I think the honourable member is aware that the House has agreed to sit to-day till the Bill is disposed of.

Dr. Sir Gokal Chand Narang : It means that we can speak at length because we are sitting till midnight. I expect that you would agree with me—

Mr. Speaker : I am not in a position to express any opinion without hearing the other side.

Dr. Sir Gokul Chand Narang : Let me say a few words more. The produce which will be produced in any particular factory must be assumed to be for sale. You were pleased to remark that the man will not be punished without being in possession of the thing. That fact makes me apprehensive and I crave your indulgence for a minute or two to make that position clear. Unless you put an oil pipe, say, from Lyallpur right up to Delhi and the oil converted into vegetable produce is shot into Delhi through that pipe without touching the soil of the Punjab it will have to be possessed as it has to be produced, it has to be tinned, it has to be sealed and some labels have to be put on it. All this process means that the manufacturer will be during that time in possession of that produce for the purpose of sale. I go further. Even if the manufacturer wants that it should be at once transported to Delhi, then it means that it is being offered for sale and that is also being penalised under this Bill. So that you may look at the case from any point of view, you will find that if these words in the Bill stand, they certainly contravene the provisions of section 297 of the Government of India Act.

Mr. Speaker : Which words ?

Dr. Sir Gokul Chand Narang : These are the words, "No person either by himself or through any servant or agent shall sell, or offer or expose for sale, or have in his possession for the purpose of sale".

Sayed Amjad Ali Shah (Parliamentary Private Secretary): Sir, I am not a lawyer but according to my light this section 297 of the Government of India Act does not apply in this case and in support of it I would only state an instance. My honourable lawyer friends will decide how they would meet the question I am raising. As you are aware, Sir, there is prohibition in Bombay. There are breweries in India that are producing beer. To export beer to Bombay from this province from Murree or Solan has been prohibited by the Government of Bombay. If this section does not apply in that case, I do not see any reason why it should apply here in the case of artificial ghee.

Diwan Chaman Lall : I would only ask two questions from my honourable friend. First what would be the position of a man in the Punjab who wishes to import uncoloured artificial ghee from the United Provinces for the purpose of sale after the passing of this Act ? The second question is : Is it not a fact that as far as prohibition is concerned, the High Court ruled that orders passed executively by the Bombay Government were *ultra vires* and that the Government has utilized its own power ?

I dare say they will take the next step and go to the Federal Court and get the position cleared with regard to this matter, whether Government can or cannot restrict or prohibit ?

Minister for Education (The Honourable Mian Abdul Haye): Sir, my submission is that the present Bill does not in any way contravene the provisions of section 297 of the Government of India Act. There is not a word in this Bill which says that the import or the export is prohibited or restricted.

Mr. Speaker : Not directly, but indirectly.

Minister : Neither directly nor indirectly. Nowhere it is said that the artificial ghee, which is not coloured shall not be allowed to be brought to the Punjab or that so much of that quantity can be brought to the Punjab. My honourable friend Diwan Chaman Lall had put a question. What would be the position of a man who brings in artificial ghee? I said that so far as the import is concerned, there is no restriction and *the person concerned has no liability*. But if after import he keeps it or offers it for sale and it is coloured, then too he has no liability. I will give a concrete example. Supposing my honourable friend Diwan Chaman Lall imports from Cawnpore one tin or 10 tins or 100 tins of artificial-ghee for consumption, for his personal use. He is at liberty to keep it for his personal use, but the only limitation we have put is that he shall not be allowed to sell it. So long as he does not import it for sale, so long as he does not exhibit it for the purpose of sale, and so long as he does not offer it for sale, he is absolutely immune. My honourable friend Diwan Chaman Lall can import artificial ghee for his personal use. There is no prohibition as far as its import is concerned. The prohibition is when it is offered for sale. Therefore, I submit, Sir, that this Bill does not contravene the provisions of section 297 of the Government of India Act.

Diwan Chaman Lall : My honourable friend says that I cannot import artificial ghee into the Punjab for the purpose of sale. Does that mean that there is restriction to the entry of a particular class of goods?

Minister : My position is that everybody would be at liberty to import artificial ghee. During the course of importation he incurs no liability. He commits no offence.

Mr. Speaker : But after the import?

Minister : After the import if it is coloured, then there is no liability. If you import artificial ghee from outside, and after colouring it in the manner prescribed offer it for sale, you will be at perfect liberty to sell it.

Dr. Sir Gokul Chand Narang : Is the Honourable Minister serious?

Minister : More serious than you were. If a company, which imports artificial ghee keeps it in its possession and does not offer it for sale, unless coloured in the manner prescribed, that company would not be liable. This Bill does not prohibit import or entry; it does not restrict the entry of artificial ghee in any manner.

I may mention for the information of this Honourable House that Bills for the colourisation of artificial ghee have been introduced and allowed to be introduced in various other provinces in India. A similar Bill has been referred to the select committee in the Central Provinces, and it has been allowed to be introduced in the United Provinces.

It has been allowed to be introduced in the North-West Frontier Province and passed into law and it is now on the statute book (*hear, hear*). Then I may also submit that this legislation has not been brought before the House under entry 27 of the provincial legislative list. I bring it under entry 14 which means Public Health and I am bringing it under entry 80 which deals with adulteration of foodstuffs. The object of this Bill is not to restrict commerce but the object is to put a stop to adulteration and it is under entry 80 and entry 14 of the provincial legislative list that I am bringing forward this Bill. (*Hear, hear.*)

Sir William Roberts : May I know from the Minister whether, if this Bill becomes law, people could import any class of ghee or vegetable fat?

Minister : If they want to import they are at liberty ; no restrictions will be placed and they will not be liable to be punished merely because of their having brought un-coloured ghee into this province. If they sell it without colouring it, they would of course be liable.

Pandit Muni Lal Kalia : Mr. Speaker, the objection under section 29, of the Government of India Act does not stand in our way for the reason that that section lays down :—

(1) No Provincial Legislature or Government shall—

(a) by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the province, or the entry in that list relating to the production, supply, and distribution of commodities, have power to pass any law or take any executive action prohibiting or restricting the entry into, or export from, the Province of goods of any class or description.

I submit that the two items given in subsection (a) of sub-clause 1 relate to items 27 and 29 of the provincial list. I will read it out. In entry No. 27 the words used are "trade and commerce within the province". These are the very words used in section 297. In item 29 the words used are 'production, supply and distribution of goods'. It comes to this that section 297 puts restrictions on a legislative measure moved by a provincial legislature if it deals with items 27 or 29. So that section 297 does not interfere with or put a check to the legislative authority of the Assembly if the item before consideration comes directly under any other item of the list. The item under this list, as has been pointed out by the Minister, is under item 30 and not 14—adulteration of foodstuffs—

Minister : I have mentioned that item also—adulteration of foodstuffs.

Pandit Muni Lal Kalia : This Bill is an amendment to the Pure Food Act. Item 14 deals with public health and sanitation, hospitals and dispensaries, registration of births and deaths and not with pure food. It has nothing to do with food. You cannot insist on them. There is only one item and that is item 30 under which it can come and that is with regard to adulteration of foodstuff and other goods. So that the Bill comes under item 30 and as it stands the objection under section 297 cannot be raised on that account. The point raised by the other side whether it is imported or restricted we are not concerned with it. We are not concerned as to what will be, to quote the words of Malik Barkat Ali, the virtual effect and the real effect or indirect effect. What we are concerned with is the introduction of the Bill which puts a check to the adulteration of foodstuffs. (*Malik Barkat Ali :* No.) Please read the head note of the Bill. It is "Punjab Pure Food Amendment Bill". The effect will be that pure ghee will not be adulterated.

Dr. Gopi Chand Bhargava : The question is that the clause as it stands lays down that any person who possesses or exposes adulterated ghee for sale shall be punishable. It is an offence to possess this thing. It is not an offence to adulterate it. Therefore mere possession is an offence simply because it is put in the Pure Food Act ; but under the law, as it stands, adulteration is not an offence. (*Interruptions.*)

Minister for Education : We are amending the Pure Food Act and under the existing provisions of the Act adulteration is an offence : it forms part of the Act.

Diwan Chaman Lal : Is it not a fact that you are legalising adulteration by this Act ?

Minister for Education : No.

Pandit Muni Lal Kalia : This point can be answered by reference to the definitions already given in the Punjab Pure Food Act. I am referring to the definitions given in section 3 of the Punjab Pure Food Act. One is—

“ Banaspatine ” means any article of food, whether mixed with ghee or not, which resembles ghee but is derived from vegetable fat and contains no animal fat other than milk fat.

The other one is—

“ Food ” includes every article used for food or drink by man other than a drug and any article which enters into the composition or is used in the preparation of any such article and also includes flavouring and colouring matters and condiments.

My submission is that the artificial ghee about which there is a proposal that it should be colourised comes within the definition of “ banaspatine ”.

Dr. Sir Gokul Chand Narang : May I ask one question of the Honourable Minister ? There is certainly a sharp difference of opinion on the matter. Is he prepared to refer the matter to the Legal Remembrancer ?

Munshi Hari Lal : My submission is that I agree neither with the interpretation that has been put by my friend Pandit Muni Lal Kalia nor with the Honourable Minister for Education. You will read in section 297 : “ No Provincial Legislature or Government shall ‘ By virtue of the entry in the provincial legislative list. . . . ’ ” “ By virtue of ” and “ shall ” will mean—in spite of the entry in the Provincial legislative list, notwithstanding an entry in the provincial legislative list, no provincial legislature is competent to pass any law which prohibits the entry or restricts the export for the purpose of sale. That is one point.

My second point is this. The Honourable Minister was pleased to say that we can import as much as we like but then there are in the proposed clause the words : “ have in his possession for the purpose of sale ”. If I import 200 tons or tins of artificial ghee from Bombay, it is not for my consumption. The moment I take possession of the ghee from the railway station or of the railway receipt even, I come into possession of it for the purpose of sale, and the moment it is in my possession for the purpose of sale, I am a vendor according to the amendment Bill. Entry in the province is thus prohibited. Therefore, I submit that this Bill is *ultra vires*.

Mr. Speaker : The point raised by the Honourable Sir William Roberts is an important one. I wish he had given me notice before hand and I would have come prepared with my ruling. Will the honourable members, especially the lawyer members, please refer to section 100 of the Government of India Act ? It is under that section that three Legislative lists have been prepared. According to that section the three Lists, prepared under it, contain the various matters in respect of which legislation can be passed.

Dr. Sir Gokul Chand Narang : But Section 297 comes after section 100 and restricts these powers.

Mr. Speaker : Yes. But those powers are with respect to certain matters enumerated in List II. Please refer to items 27 and 29 in that List. Some, not all, matters, contained in these two items, are reproduced *verbatim* in section 297 (1) (a). Out of the matters, enumerated in item 27, the matters of "*trade and commerce within the province*", and out of the matters, enumerated in item 29 the matters of "*production, supply and distribution of goods*" are the only matters which are mentioned in section 297 (1) (a). So, the first question is, whether the Bill under discussion contains any clause or clauses, which prohibit or restrict the entry of manufactured ghee into the Punjab. In my opinion it contains no such provision ; but assuming for the sake of argument that it does, the next question would be whether the manufactured ghee is a matter of "*Trade and commerce within the Province*" or of "*Production, supply and distribution of goods*", which matters are specified in items 27 and 29 of List II and reproduced in section 297 (1) (a). If it is, then this House has no power to pass the Bill. But if it is not, there is no bar to the Bill being considered and passed by this Assembly. So far as I can see, no provision of the Bill relates to any of the matters mentioned in items 27 and 29 of List II and reproduced in section 297 (1) (a). Therefore, the Legislature is competent to pass the Bill, even if it be assumed to prohibit or restrict the import of manufactured ghee into the Punjab.

Dr. Sir Gokul Chand Narang : What is sale ? Sale is supply, sale is distribution.

Mr. Speaker : My interpretation may not be correct ; but I hold that this House is not debarred or precluded from passing the Bill.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban), (Urdu) ; Sir, the motion now before the House requires that the Punjab Pure Food (Amendment) Bill be referred to a select committee. In this connection I would like to make it clear, that my intention is neither to support this Bill as such nor to push this amending Bill through so hurriedly. No doubt I wanted that a Bill of this nature ought to be passed into law and in this connection what I want to stress is that the non-official Bill should have been allowed to be moved, considered and passed on the non-official day. On that particular day the Honourable Minister in charge remarked that the Government intended to amend the Pure Food Act in order to make necessary provision in it for the purpose in view. The circulation motion was moved and rejected by this House. The Honourable Ministers are in a position to do such things, because they have an absolute majority at their back. Anyhow the motion and the amendment have been moved to-day with a view to get an opportunity to discuss and see if the purpose for which this amending Bill has been brought forward can be served. It has been said that all substances resembling ghee which are not derived from milk should be given a distinctive colouring, and that this matter should be examined by a select committee to be appointed for this purpose.

Now, Sir, this problem has been before the public for a long time. The people have been raising hue and cry over the import of the vegetable ghee. When a resolution recommending to Government to stop the import of artificial ghee was moved in the last Council, it was opposed on the grounds that if a ban were imposed on its import, it would be tantamount to depriving

[Dr. Gopi Chand Bhargava.]

the poor of a necessity of life, and thus doing them immense harm. B. now the Government have taken a different stand altogether. They have realised that while allowing use of artificial ghee to the poor nobody should be permitted to resort to adulteration which, as they say, has since been on the increase. May I ask if the Government by adopting measures like this would be able to achieve their object? It is wrong to say that this "artificial ghee" is prepared for consumption as such. As a matter of fact, it is imported into this country with a purpose different from this. This you will see from an article written by Babu Satish Chandar Das Gupta in the 'Harijan' and which runs as follows :—

It is common knowledge that makers of vegetable product or vegetable ghee cater for the requirements of those who adulterate ghee. In fact it may be said that their primary object is to supply a suitable material for the fabrication of ghee. Mr. Wright mentions in his report that—

"It is the opinion of some of the manufacturers that about 90 per cent. of the total supplies are used for the adulteration of ghee."

No doubt it is true that adulteration is resorted to for the purposes of sale. Then again in Paper No. I on Ghee, circulated for the Ghee Conference, we find a statement of what is a matter of common knowledge to those who are acquainted with the ghee market :

The synthetic products are carefully manufactured so as to resemble the physical properties of ghee, as required in different times of the year. For instance, it is possible to purchase tins of vegetable product which have in them, at the bottom a hard and well solidified mass, in the middle a semi-solid but granular mass, and at the top a 2 or 3 inches layer of liquid matter to resemble the cross section of a tin of pure ghee. Appropriate colours and ghee essences are used as a further disguise.

The article says further :

There was a non-official suggestion at the Ghee Conference arranged by the Central Government in September, 1937, to the effect that all hydrogenated oil products should contain at least 10 per cent. of sesamum oil. But this suggestion was not accepted on the ground that it would not be proper to discuss it without having the views of vegetable product manufacturers. Since then one year has elapsed. If the Central Government has not moved, Governments of the Congress Provinces should take up the matter in right earnest and take suitable measures to provide that vegetable ghee or hydrogenated oil imported in the province or manufactured within should have a percentage of sesamum oil in it. Such a measure followed by extensive ghee examination and prosecutions will certainly minimise ghee adulteration.

This clearly means that the "artificial ghee" is imported, for adulteration which is carried out at the time of grading. It would have been better if pure ghee had been defined as "fat extracted out of milk." We are keen that adulteration should be stopped and anybody who wants to use artificial ghee may use it with a full knowledge that he is doing so and also fully realize the necessity of making up for the deficiency of vitamins that are lacking in this "artificial ghee." Instead of discouraging this business, we only want that people should consume this artificial ghee knowing full well that they are doing so. We want that in this province the dairy industry should thrive and flourish, and that no hindrances should be placed in the way of honest dealers to pursue their trade. We want both these things and we also want that the Government should take the authority in their own hands to stop, if need be, the sale of "artificial ghee."

It is a well-known fact that even after the enactment of the Pure Food Act, there has been no decrease in the adulteration of edibles. The Honourable Minister has himself admitted that adulterated ghee is still being sold in the market. Under the Pure Food Act so long as the authorized food inspector does not send the sample of such adulterated articles to the Public Analyst and take it to the court with the findings of the analyst, the offender cannot be punished and who does not know that it is a long and tardy affair and many a time can be easily circumvented?

As opposed to colorisation, I shall again refer you to the above quoted words from *Harijan* and shall place for your consideration the proposal to mix sesamum oil with vegetable ghee so as to make adulteration wholly impossible. I regret that the proposed measure will not be of much avail; it does not go to the proper length and am afraid can be very easily circumvented. I fear it may become a dead letter.

So far as giving colour to artificial ghee is concerned the Honourable Minister stated that his experts had informed him that there are colours which do not adversely affect the health and are fast enough to resist the effects of boiling. In this connection I beg to submit that if a person who eats a coloured article does not die the next day, it does not necessarily follow that a continuous use of such article for a number of years would not have an adverse effect on his health. It has been found that by constantly using coloured articles people have contracted cancer, and sometimes their tissues are enlarged. Every medical man knows that if a wound does not heal, a certain ointment—the Scarlet Red Ointment,—is used which promotes the growth of tissues. A colour may be innocuous to health to-day, but its constant use over a number of years will ultimately prove injurious. It will not be out of place to mention here what Dr. Katju wrote in this connection. He says—

We considered the question of compulsory admixture of vegetable oils with some edible colour or flavour, but the difficulty is to discover some such harmless colour or flavour. In the hot climate of India there is danger of injury to health by the use of such fast colour (*Harijan*, February 17, 1940).

I cannot say why he said that, but it is presumed that he must have done so after taking the advice of his experts.

In the end, I beg to submit that the Government ought to have referred this Bill to the Select Committee even if it was for only 3 days, so that this matter might have been settled and the Government would not have to bring a further amendment for setting right this mistake. I personally do not think that there would be any harm if this measure is enacted two days hence, i.e., on the 22nd. Besides providing the Government with the satisfaction of seeing this Bill through in this very session it would also serve our purpose.

Honourable Members : Question be now put.

Mr. Speaker : Question is—

That the question be now put.

The motion was carried.

Mr. Speaker : Question is—

That the Punjab Pure Food (Amendment) Bill be referred to a select committee with instructions to report by Monday next.

The Assembly divided: Ayes 21; Noes 51.

AYES.

Chaman Lal, Diwan.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Few, Mr. E.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopi Chand, Bhargava, Dr.
Mr. Guest, P. H.
Hari Lal, Munshi.
Kapoor Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.

Mukund Lal Puri, Rai Bahadur Mr.
Muni Lal, Kalia Pandit.
Roberts, Sir William.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Sita Ram, Lala.
Sohan Lal, Rai Sahib Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Muhammad, Mian.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Ghulam Samad, Khan Sahib Khawaja.
Jafar Ali Khan, M.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Jogindar Singh, Man, Sardar.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Manohar Lal, The Honourable Mr.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Amin, Khan Sahib Shaikh.
Muhammad Ashraf, Chaudhri.

Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Qasim, Chaudhri.
Muhammad Sarfraz Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Nasir-ud-Din, Chaudhri.
Nasrullah Khan, Rana.
Naunihal Singh Mann, Lieutenant Sardar.
Nawazish Ali Shah, Sayed.
Pir Muhammad, Khan Sahib Chaudhri.
Pohop Singh, Rao.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Ranpat Singh, Chaudhri.
Ripudaman Singh, Rai Sahib Thakur.
Sahib Dad Khan, Khan Sahib Chaudhri.
Shah Nawaz, Mrs. J. A.
Sikander Hyat-Khan, The Honourable Major Sir.
Sumer Singh, Chaudhri.
Sunder Singh Majithia, The Honourable Dr. Sir.
Suraj Mal, Chaudhri.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—

That the Punjab Pure Food (Amendment) Bill be taken into consideration.

The motion was carried.

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

Clause 1.

Pandit Muni Lal Kalia : I beg to move—

That in line 2, for the words "Food (Amendment)" the words "Ghee (Protection)" be substituted.

Instead of naming this Bill as The Punjab Pure Food (Amendment) Bill it should be called as The Punjab Pure Ghee (Protection) Bill so that it should be a specific Bill in itself.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 2, for the words "Food (Amendment)" the words "Ghee (Protection)" be substituted.

Diwan Chaman Lall : How can this be part and parcel of a separate measure when it is amended?

Mr. Speaker : This amendment is out of order. The question is—

That clause 1, stand part of the Bill.

The motion was carried.

New clause.

Sardar Kapoor Singh : I beg to move—

That after clause 1, the following new clause be added:—

"(a) For subsection (2) of section 1 of the Punjab Pure Food Act, 1929, the following shall be substituted:—
'It extends to the Punjab.'

(b) in subsection (3) of section 1 of the said Act the words 'in each area to which it is extended' shall be omitted."

Mr. Speaker : The honourable member must first ask for leave to move the new clause.

Sardar Kapoor Singh : If they want to make this Bill effective then it is necessary that the Bill should apply to the Punjab as a whole. If this Act is applied to certain areas, then there shall be—

Mr. Speaker : The honourable member cannot make a speech at this stage. There is one point to which I wish to draw the attention of honourable members. There is a provision in the original Bill of 1929, if I remember aright, to the effect that the Bill shall extend to such areas as the Government may fix. If those words, so far as this Bill is concerned, are omitted, they shall be virtually omitted from the parent Act as well and that shall go beyond the scope of this Bill.

Clause 2.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): Sir, I beg to move—

That at the end, the following words be added:—

"But shall not include any such substances as are sealed in distinctive containers and labelled with descriptive names giving constituents by their original manufacturers according to rules framed under this subsection by the Local Government."

[S. Lal Singh.]

Sir, the purpose of this amendment is that there is a large body of people who cannot afford and in future will not afford, as the prices rise, to get ghee or to use ghee and they will have to fall back upon this produce which, after all, comes out of a very important industry both the ingredients of which are found in the Punjab, I mean, the oils and the electric supply. If these people have got to use that substance, I mean the hydrogenated oils so to say, and if these oils are scientifically sealed and if it is notified that these containers contain hydrogenated oils and that the constituents are so and so and that they are not exposed for sale in the open vessels, I think, there should be no objection to anybody buying one pound, 2 pounds, 10 pounds or one maund tins. Adulteration will be impossible because as soon as they are exposed for sale, the person is liable to punishment. Then there is the question of colouring. I beg to differ from the Honourable Minister in this respect who has taken his cue, I dare say from doctors and chemists. Ultimately the matter will have to be given the vegetable colour or mineral colours or colours manufactured from coal distillation. The vegetable colours are very costly. According to the Honourable Minister the quantity used will be so much that even if 5 per cent of this substance is mixed with ghee, they will be able to detect it. It means that a good quantity of colour will have to be utilised.

Minister for Education : Are you opposed to colouring ?

Sardar Lal Singh : I am not opposed to colouring, but my point is that the people who want to use these hydrogenated oils in a straightforward manner, should be able to do it.

Minister for Education : I say I can help them.

Sardar Lal Singh : That is all. I am not against the principle of preventing adulteration. Ultimately after some time this colouring matter will act as poison because it is a well-known fact that diluted doses are more potent and it will be something like homœopathic doses. If this matter is used in a diluted form, it will ultimately have more deleterious effect than the strong colouring. The object is that the people who want to use this artificial ghee in a straight forward manner should be able to go to market and get it. Even in villages on marriage occasions, poor zamindars, who want to make a show of using ghee, use this substance in a straightforward way. (A voice : No). That is my experience that a lot of people use this artificial ghee. The result of this new Act will be that those who cannot afford genuine ghee for such occasions will have to buy the coloured matter and expose themselves to the odium.

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

That at the end, the following words be added :—

"but shall not include any such substances as are sealed in distinctive containers and labelled with descriptive names giving constituents by their original manufacturers according to rules framed under this subsection by the Local Government."

Minister for Education : Sir, this is a very clever device to torpedo this particular measure and it comes from the honourable member who admits that he is opposed to adulteration and that he is in favour of artificial ghee being colourised. Clause 2 (a) simply defines "artificial ghi,"

which means any article of food, whether mixed with ghi or not, which resembles ghi and is not derived solely from milk fats. That being the definition, why should such a substance, if it is contained in containers and is sealed, not be described as artificial ghi? Then my submission briefly is that it would give opportunities to a dishonest dealer to purchase a sufficient number of such sealed tins containing artificial ghi, take them to his premises and adulterate that substance with pure ghi and place it on the market. It will defeat the object that we have in view in bringing forward this measure. I regret that I am unable to accept this amendment.

Mr. Speaker : The question is—

That at the end, the following words be added :—

“but shall not include any such substances as are sealed in distinctive containers and labelled with descriptive names giving constituents by their original manufacturers according to rules framed under this subsection by the Local Government.”

The motion was lost.

Pandit Muni Lal Kalia : Sir, I beg to move—

That leave be granted to move the following new clause :—

That after the proposed clause (a), the following be added :—

(b) ‘Ghee’ means unadulterated ghee or butter derived solely from milk fats by any methods, whatsoever.

(c) ‘Producer of ghee’ means any person who produces ghee from milk cattle owned or supervised by him.

(d) ‘Prescribed Authority’ means any Sarpanch or in his absence, a Naib Sarpanch, a Secretary of a local body or any other person, authorised under the Rules to issue certificate of purity of ghee to the person purchasing or securing purchase of ghee from a producer of ghee residing in the jurisdiction of such Sarpanch, Naib Sarpanch, Secretary or person, as the case may be.”

The motion was lost.

Pandit Muni Lal Kalia : I beg to move—

That leave be granted to move the following new clause :—

That after the proposed clause (a), the following new sub-clause be added :—

(c) ‘Ghee dealer’ shall include every person or corporation who deals in ghee, banaspatine, oharbini, artificial ghee or any similar vegetable or animal fat and purchases all or any of these commodities for being sold.

The motion was lost.

Mr. Speaker : The question is—

That clause 2, stand part of the Bill.

The motion was carried.

Clause 3.

Sardar Kapoor Singh : I beg to move—

That in the proposed subsection (5) of sub-clause (b), line 3, between the words “shall” and “sell,” the words “manufacture or” be inserted.

The motion was lost.

Chaudhri Sumer Singh : I beg to move—

That in the proposed subsection (5) of sub-clause (b), line 6, between the words “sale” and the sign “,” the words “or consumption” be inserted.

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

That in the proposed subsection (5) of sub-clause (b), line 6, between the words "sale" and the sign "," the words "or consumption" be inserted.

Minister for Education : I accept this amendment.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, the Honourable Minister has been pleased to say that he will accept this amendment. But has he considered what the effect of the acceptance of this amendment would be ? In the first instance ill-considered legislation is brought before this House, then it is rushed through without eliciting public opinion thereon or without reference to select committee and further ill-considered amendments are allowed to be moved by members of the ministerial party and passed by this House without due consideration. If this amendment is accepted, any person who happens to possess say *pakaura* or *withai* or any article of food that is prepared with artificial ghee, will be liable to conviction. Is that the object of this legislation ? According to the definition of "artificial ghee" as it is given in the original Bill, "artificial ghee" means any article of food, whether mixed with ghee or not, which resembles ghee and is not derived solely from milk fats. Now, the proposed clause runs as follows :—

No person either by himself or through any servant or agent shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any artificial ghee unless it has been given the prescribed colour by the addition of such quality and quantity of such colouring matter as may be prescribed.

Now, Sir, during the discussion which was raised on the constitutional point, the Honourable Minister for Education was pleased to remark that it was not the intention of the present measure that any person who possesses artificial ghee, manufactured in the other province, for his own use or consumption, should be penalised. Supposing a person has got a tin of cocogem for personal consumption because he prefers cocogem to ordinary ghee ; another person may possess margarine or some other mixed article used as a substitute for butter either manufactured abroad or manufactured in another province and uses it for his table—some people, as you know, Sir, use margarine as a substitute for butter—they would all be liable to be convicted under this law if this amendment is accepted. I hope the Honourable Minister will reconsider the matter once more before accepting this amendment.

Sayed Amjad Ali Shah : May I ask a question, Sir ? My question is this, supposing a hotel keeper imports 20 tins of artificial ghee and cooks all his food which he sells with this artificial ghee, would it not be in public interest to have artificial ghee coloured also so that the people who eat that food may know that it is not cooked with pure ghee, but with artificial ghee ?

Rai Bahadur Mukand Lal Puri : No public hotel keeper can keep artificial ghee for sale.

Minister for Education : I am in agreement with my honourable friend Mr. Mukand Lal Puri and I would request the mover of the amendment to withdraw it.

Chaudhri Sumer Singh : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Sir William Roberts (European) : Sir, I beg to move—

That in the proposed subsection (5) of sub-clause (6), lines 6-7, between the words "artificial ghee" and "unless," the words "which does not contain vitamins A and D, and which does not contain 5 per cent of sesamum oil" be inserted.

The object of this amendment is to allow uncoloured artificial ghee to be sold without any restrictions if it conforms with these two rules, (i) the condition of vitamins to make it a perfect food, and (ii) the insertion of sesamum oil, so that it may be very easily detected. This is the method which has been adopted on the continent of Europe where there is a large number of expert chemists. They have found by this method that artificial ghee can easily be checked, when used as a mixture in natural ghee by a simple test. That is the only way in which you can check it in the Punjab. I feel that sufficient emphasis has not been put on the danger of mixed ghee coming into the province. If this Bill is passed I am convinced that there will be a great increase in the import of mixed ghee coming here. In 999 out of 1,000 it will escape prosecution. Further I would like to emphasise again one point. The Honourable Minister said that hotels can import from outside the province while they cannot get it in the province itself. That seems to me to condemn the general principle of the Bill and favour outside manufacturer as compared to Punjab men in that one could import it from outside but could not buy it as made here.

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

That in the proposed subsection (5) of sub-clause (6), lines 6-7, between the words "artificial ghee" and "unless," the words "which does not contain vitamins A and D, and which does not contain 5 per cent of sesamum oil" be inserted.

Diwan Chaman Lall (East Punjab non-Union, Labour) : May I ask my honourable friend what he has to say in regard to this particular method, because the effect of the amendment is going to be that a particular type of artificial ghee which contains 5 per cent of sesamum oil and which contain vitamins A and D will be exempted from the prohibition regarding colourisation? The effect will be that two classes of artificial ghee will be exempted from the prohibition sought to be imposed on artificial ghee. These two classes need not be coloured and they can be sold without colourisation. The point is whether it will be easy to detect or whether it will not be easy to detect. It is undoubtedly a very sensible suggestion that Sir William Roberts has made. It is a suggestion which my honourable friend, if he will read the "Harijan," will find, has been made in that paper under the authority of Mahatma Gandhi, that some method be adopted to distinguish artificial ghee from pure ghee. The question is, can you come to a decision in regard to this matter, whether an average man who goes to bazaar to buy ghee will be able to find out whether there is 5 per cent sesamum oil in it or not or whether he will be able to tell us because we are considered to be more scientifically trained than other provinces, whether it may be expected from an average person to decide, whether it contains vitamins A and D. The question for my honourable friend to decide is whether the method which he has suggested will be the most sensible and workable method in view of the rough and ready method that he himself is adopting in regard to this measure. His method is to colour artificial ghee and that once you colour the ghee all our trouble will be at an end. I have grave doubt if all our trouble will be at an end in this province if his amendment

[D. Chaman Lall.]

is passed or whether all our troubles will still continue as they have continued in the past in the matter of adulterated ghee. It may be that in a certain measure my honourable friend will be able to prevent the sale of artificial ghee. Supposing the suggestion which Sir William Roberts has made is accepted, has my honourable friend considered its implications and taken the expert advice as to its feasibility or practicability? That is a matter about which my honourable friend should tell the House. If he has considered it then let us have some information as to what the effect of that amendment is going to be; but if he has not considered it even now it is not too late to find out what is the expert opinion in regard to this matter so that all the difficulties that have been pointed out by my honourable friend may be avoided. Therefore, I merely rise to ask for some light from my honourable friend the Minister for Education.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Mr. Speaker, the amendment moved by my honourable friend Sir William Roberts consists of two parts: one relating to vitamins A and D, and the other to the detection of vegetable ghee with the aid of 5 per cent sesamum oil. I have gone through this question and I feel that it is the most important part of the question, which is now before the House, and which unfortunately has not been discussed on its merits. There is a difference of opinion. I do not know whether it is honest or dishonest, but there is a difference of opinion on the method to prevent adulteration. Since there is a difference of opinion on this point it is very essential that we should be very cautious while legislating and that we should discuss the *pros* and *cons* of this matter. It is rather unfortunate that most of the members of the House do not take into account the medical aspect of the question, and if they take into account the medical aspect, it is my opinion that quite a large number of members would have held an opinion different from that which is held at present. My honourable friend Diwan Chaman Lall has raised a very important issue, whether there are any facts before the House which justify the opinion that by adding 5 per cent sesamum oil adulteration will be detected, and whether the average man in the street will be able to detect adulteration by the addition of 5 per cent sesamum oil. On the other hand there is a crystal clear method of detection of adulteration through giving colour. Although the word generally used is "colourisation" yet in my opinion there is no such word in the English language. By giving colour or by colouring the artificial ghee it is claimed that adulteration can be detected in the clearest and safest manner. But the question is whether this would not be worse than the evil which we want to eradicate. That is the question before the House and that is the question which should be considered, and facts should be collected in regard to the evil results of giving colour to artificial ghi. In my opinion, the first and foremost thing which Government should do is that the expression "artificial ghee" should not be allowed to be used for the vegetable product or for any other animal product. The word "ghi" should be used only for that product, for that fat which is derived from the milch cattle, from cows or buffaloes, and not for the artificial vegetable product. I believe, Mr. Speaker, that in this question there are two kinds of politics which are playing their part and in the interest of fairness and honesty it

is most essential that this matter should be known to the House that power politics and party politics are influencing the fate of the Bill which is most controversial and which in my opinion is not being considered on its merits. There are the vested interests which are against the Bill. (*An honourable member*: On the other side). That is wrong. If it means the other side of the House, then it may be right. But first let me answer this charge, since it has been made. Does it lie, Mr. Speaker, in the mouth of this Government which moved for the circulation of the Bill which was called the Colourisation of Artificial Ghee Bill, to lay that kind of charge against us? Is it not a fact that the present Bill which is before the House and particularly this clause before the House, is the result of intimidation? This is not an honest measure, Mr. Speaker.

Mr. Speaker: May I request the honourable member to speak to the motion?

Chaudhri Krishna Gopal Dutt: Mr. Speaker, a charge has been laid. You know it and you should give me an opportunity to clear the position. There was a time when the Parliamentary Secretary moved for the circulation of that Bill.

Mr. Speaker: Does the honourable member wish to explain or clear himself or does he want to make this—

Chaudhri Krishna Gopal Dutt: I have to make it clear that this Bill is not being considered on its merits.

Mr. Speaker: The whole Bill is not under consideration. Only an amendment is before the House.

Chaudhri Krishna Gopal Dutt: If you are going to be so strict then instead of the word "Bill" I will use the word "clause." What difference does it make? The clause is the spirit of the Bill. The clause before the House which we are discussing and to which Sir William Roberts has moved an amendment is the spirit of the Bill, that is whether artificial ghee should be coloured or not. Sir William Roberts has raised a very important point, that is to say, that instead of colouring the ghee an addition of five per cent of sesamum oil should be provided for the purpose of detection of adulteration. Now the question is that there are two methods before the House. One is of giving the colour. The other method is of mixing 5 per cent of sesamum oil in the artificial ghi. Now the question is whether the giving of colour is the proper method. Mr. Speaker, as a student of health and as a student of medicine, I make bold to say even at the cost of being misunderstood, that colouring will prove harmful to the health of the people. I warn the House and I warn the Honourable Minister for Education who unfortunately is not interested in medicine, against colouring of vegetable products. If he knows what experiments and researches are being carried and have been carried on dyes and colours and with what results, he will realise that colour has got a marked and pronounced effect upon the human constitution. (*An honourable member*: There are colour blind people also)! (*Laughter*). The honourable member takes this subject very lightly, but I am afraid that after some time when the atmosphere is clear, when the mists of power politics and the party politics have cleared away and when he receives reports from his health officers that people have

[Ch. Krishna Gopal Dutt.]

developed certain specific, clear and marked symptoms of diseases as a result of using coloured *ghee*, then Government will realise that the colouring of artificial *ghee* has proved very ruinous to the health of the people and then he will repent. But it is time that we should consider this matter. I have nothing to do with the people who are interested in this Bill one way or the other (*Interruptions*). Mr. Speaker, you know I am interested in the subject of medicine and it is not only to-day that I have got interested but for years I have been interested in the study of the effect of dyes on human constitution not from the point of view of—

Mr. Speaker : Will the honourable member please speak to the amendment? No one can question his efficiency.

Chaudhri Krishna Gopal Dutt : This colour—any kind of colour—has produced cancer and even diseases resembling venereal disease. (*Interruptions*). As my honourable friend suggests, the Honourable Premier and themembers of Government are colour blind. I did not know that I had to speak to-day on this subject, otherwise I would have quoted chapter and verse from medical books to prove what I am stating. I will, however, give one instance. In all modern hospitals in Europe in the treatment of small-pox, bed covers and all the clothes that are required for the patient are of red colour. Why so? Because it is a stimulating colour and at soon as a patient develops small-pox, he is provided with all sorts of clothes of red colour, so that it might have a stimulating effect upon the body and there might be full eruptions of small pox and it is for that purpose that red colour is used.

Premier : We have been using red colour in this country for the last three thousand years for small-pox cases.

Chaudhri Krishna Gopal Dutt : You are right. You should therefore realise that colour has got an unquestioned effect on human constitution. But unfortunately you do not know much about this subject. Not only that, but you will remember that when King George V was on his sick bed and all the doctors had given up hope, a specialist in treating diseases with colour was called from Paris.

Mr. Speaker : I request the honourable member to speak to the amendment.

Chaudhri Krishna Gopal Dutt : I am not at all irrelevant. The question before the House is whether giving a colour to *ghee* will be harmful or not. That is the question before the House, and I was telling this to the Minister for Education who made a very wrong statement the other day when he said that some of his experts had advised him that there was a certain colour which was absolutely safe and which was harmless, and I challenge him to go into the question, to study the medical books and to study the subject thoroughly as Germany and Russia have done and he will come to the conclusion that no colour whatever in this world is harmless. All the colours have got pronounced and marked effect on the human constitution and therefore from that point of view, I say that the second part of Sir William Roberts amendment should be accepted. I may point out to you that this question came up before the United Provinces Legislative Assembly and a similar measure

was moved in that Assembly. The Government referred that Bill to a committee of experts and the experts said that there was no colour which was safe, there was no colour which was harmless. Not only that, but Dr. Katju who was the Minister in charge, wrote a letter to Mahatma Gandhi which he published in the columns of the Harijan. Dr. Katju said that he was anxious to prevent adulteration and that they had come to the conclusion that giving a colour to the artificial ghee is not the proper or desirable method and there should be some other method. So far as the first part of his amendment is concerned, it is in my humble opinion useless, that is the addition of vitamin A and D. May I ask Sir William Roberts by what process these vitamins A and D will be added? If he knows anything of vitamins, he will know that the addition of stock vitamins from other sources to a particular thing has no effect at all and the other day Dr. Gopi Chand Bhargava also maintained that vitamins cannot work upon the human body without the addition of mineral salts and I ask my honourable friend whether he is also going to add mineral salts because devoid of them, no vitamins, either A, B, C, D or E or any other vitamin which is going to come hereafter, can act or can have any therapeutic effect on the human body. This is not only my opinion but the opinion of many experts who are well-known dieticians. They have conducted experiments on animals and human beings and they have come to the conclusion that stock vitamins are worse than useless. Therefore I appeal to Sir William Roberts to withdraw the first part of his amendment. With these words I oppose the first part of the amendment and support the second part.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural): am really surprised to hear capital being made—

Diwan Chaman Lall: Who made the capital? (*Laughter*).

Sayed Amjad Ali Shah: Out of the fact that colour is injurious.

Chaudhri Krishna Gopal Dutt: On a point of order. You prevented me from expatiating on this point but now you are allowing the honourable member to do so. I wanted to expose the Government as to why they are in a hurry, because a false charge of bribery was brought against the Government for not pushing through such a measure. In order to prove that the charge of bribery was false, Government have come forward with this measure with an indecent haste.

Sayed Amjad Ali Shah: I am not trying to criticise my honourable friend over there who has just spoken because he seems to be an expert in vitamins A and B. But I would only refer him to one fact which I am sure my honourable friend, Sir William Roberts, knows and will endorse it. As you are aware, we have in this country a large number of British troops.

Diwan Chaman Lall: Whom you supply. (*Laughter*).

Sayed Amjad Ali Shah: And if any of my honourable friends here has come in contact with them, he will know that a soldier during the summer drinks in the course of a day as many as three or four bottles of mineral water which in the majority of cases is coloured, for instance, lime juice, raspberry, strawberry, etc. I ask Sir William Roberts whether the colour which those British soldiers consume in the shape of aerated water which, as you know, is contained in bottles of 14 ozs. is harmful. I would challenge my honourable friend, Chaudhri Krishna Gopal Dutt, to compare the

[Sayed Amjad Ali Shah.]

statistics of health of the British soldiers with that of anybody else in India and find out whether the health of the British soldier is not far better than anybody else, including my honourable friends, the aristocrats and the doctors.

Chaudhri Krishna Gopal Dutt: You yourself are proof of the fact that colour is dangerous (*laughter*).

Sayed Amjad Ali Shah: What I wish to say is that people drink mineral waters manufactured in the various factories and they are all coloured. As I have said there is no harm when they are consumed in such large quantities and the artificial ghi which is taken in such small quantities can have no harmful effect if it is coloured. As regards the sesamum oil, it cannot be detected by the naked eye; hence it is useless from our point of view. Because Government is bringing this Bill forward to help every individual to find out which is artificial ghee, one should be able to detect with the naked eye whether he is purchasing ghee or artificial ghee.

Minister for Education (The Honourable Mian Abdul Haye): Chaudhri Krishna Gopal Dutt has made a lengthy speech, but most of it was irrelevant. There is one thing however which he said and with which I am in complete agreement. He said that no food which is not solely derived from milk fat should be allowed to be described as ghee. May I remind him of the present provisions of the Punjab Pure Food Act? Subsection (e) of section 13 of the present Act provides what the honourable member had in his mind. It says—

No person shall sell—

(e) any food under the name of 'ghi' or any equivalent term with or without the addition of any other word to such name unless such food is derived solely from milk fat.

So the provision is already there. There was absolutely no need for the Government to make any additional provision in the Bill which is now before the House. So far as the amendment of my honourable friend Sir William Roberts is concerned, it has got two portions. The first portion seeks to make up the deficiency which I said earlier in this debate exists in the artificial ghee, namely, the absence of vitamins A and D. If these vitamins, provided it was possible to add synthetically-prepared vitamins, A and D were provided, it goes without saying that the food value of the artificial ghee will certainly increase, though it will not come on par with the pure ghee. Under these circumstances, I am unable to accept the amendment suggested by my honourable friend. The addition of five per cent sesamum oil is being provided to do away with the objection that is frequently raised that artificial ghee if it is adulterated with the genuine ghee cannot be detected except through a cumbersome and costly process. If this oil is added, then I agree it would be easier to detect it, but certainly that detection could not be made by a layman nor with the naked eye. We shall have to take samples through the inspectors and send them to the Analyst for analysis and it is only after this analysis is made that we can come to the conclusion that the particular stuff was artificial ghi or not. Under these circumstances, the object that we have in view would not be served if we accept the amendment of the honourable member. I therefore oppose it.

Rai Bahadur Mukand Lal Pari (Rawalpindi Division, General, Rural): I wish to be as brief as possible. I have no desire to take the time of the House. We are sitting overtime and it is only the sense of responsibility for good legislation that is keeping us all here with a view to assist, if we are permitted to do so, to prevent definitely bad legislation being passed, through lack of consideration or understanding by the Government. The main difficulty is that the matter has not at all been examined by any experts. If I could accept the opinion of the Honourable Private Parliamentary Secretary that colourization of food matter and its constant use in the morning and evening daily extended over fifty years is not likely to do any harm to the constitution or health of the persons who consume that article, I would certainly raise no objection to the colourization especially when the Honourable Minister for Education has promised that the colour that he will recommend will be such that it does not conflict with the æsthetic sense of the people and does not make the article unpalatable. But unfortunately the opinion of the honourable member on that point is not the opinion of all of us and I am very doubtful if all the members of the Government, even confining it to the members of the Cabinet, are prepared to endorse his view. Fancy making a generalisation from the health of certain soldiers who spend their lives here in good condition! How does he know as to what happens to them when they return to England? The real difficulty is that in this House we are expected to do the work which under any system of good legislation is really done in the select committee. Is there any expert opinion available to us? As much expert opinion as was available in this province should have been obtained, Punjab is not devoid of experts. There are well known chemists and doctors in the province. You may obtain the opinion of the Professor of Chemistry of the Punjab University, the opinion of the Analyst at the King Edward Medical College or any or all of a large number of experts employed in the Medical and Health Departments. Has the Government before accepting this principle of colourization obtained any expert advice as to the good or bad effects of colourization? (*An Honourable member*: Yes). My honourable friend here who claims to know the secrets of this Government may possibly be in possession of that information, but the Government has not so far been pleased to take the House into its confidence as to that information and has not even stated that they tried to obtain such information or that it has any definite information at all in its possession. There is not the slightest doubt that all sides of the House are agreed that adulteration of ghee, one of the principal items of food of almost every Punjabi in this province, should be prevented by all means possible. On that point, I submit, there is absolutely no difference of opinion. We are here as legislators to devise ways and means of preventing that adulteration. One of the means which is suggested is that adulteration can be prevented if its detection is made easy. Now I wish to enquire from the Government whether they have made any enquiries and whether their experts have failed to suggest to them any method of easy detection of adulteration except by colourization by a deep colour? If the expert opinion has suggested colourization as the only remedy, the House will readily accept it from the Government that colourization is the only method of preventing adulteration. But we have no information on this point. We asked the Government to let this matter be examined by a select committee.

[R. B. Mukand Lal Puri.]

to which experts may be summoned to give evidence. But that has not been done. We are therefore not in a position to give our assent to colourization as the only method of preventing adulteration or facilitating its detection. I congratulate Sir William Roberts, one of the important members of the Unionist Party and one who appears to have given some thought and time to the matter, for bringing forward this amendment which carries out the policy of the legislature whilst assuming that no harm is done to the health of the people or to any particular industry or interest in this province. He assumes that the House wants to prevent adulteration and make it capable of detection by colourization. He says, have colourization by all means, but instead of having patent colourization, have latent colourization. What he says is that instead of providing an article of diet in a colour which is repugnant to sight and distasteful to palate, have colourization in a latent manner which can be detected by some simple method. I do not know whether Sir William Roberts read out the process which is employed for detection of sesamum oil, but I find in this Book "Oils, Fats and Fatty Foods" by Bolton the test that is carried out for its detection. It is as follows :—

Ten ml. of the melted fat are placed in a test-tube and two drops of a 2 per cent alcoholic solution of furfural added, together with 10 ml. of concentrated hydrochloric acid. The tube is then well shaken, when in the presence of sesame oil a crimson colour will be developed." The test is generally sensitive to 1 per cent of sesame oil.

Sesamum oil has been made an obligatory ingredient of margarine in most continental countries owing to the ease with which it may be detected by this test.

I do not think that it will necessitate the sending of the specimen to the laboratory. As I read it, all that is required is that any person who goes to buy ghee from the bazaar has to take it in a spoon and put little acid in it and it will give crimson colour. I am not an expert but this is a matter which might very well be examined by the Honourable Minister of Education with the help of experts when he is making the rules. If the question of colouring whether by the latent process or by the patent process is still open to him in spite of this clause, then I hope that he will examine this process and see that if by a latent colouring he can make detection of adulteration possible, he will adopt latent colouring of such a type rather than patent colouring which should be avoided as far as possible. My learned friend said that the detection should be possible to the naked eye but we all know that sesame oil although not open to detection by naked eye, is certainly very easy of detection by the smell. In any case, I was submitting that these are the methods which ought to have been considered by the select committee and these are matters which I hope the Honourable Minister of Education will even now consider while framing the rules and when he makes a selection of any particular colour. Therefore, I submit that by accepting this amendment the object of the legislation will not at all be defeated. Supposing that a particular mixture, which is stated in this book, is not obtainable or a particular mixture is required which makes it capable of having any easy test. Under the rules it can be laid down that every person selling ghee shall keep the mixture with him so that every person who goes to buy ghee can test it before purchasing it. (Voices : Question be now put).

Nawab Sir Shah Nawaz Khan : A suggestion from a man like you—
(*Interruption*).

Rai Bahadur Mukand Lal Puri : What I was pointing out was that an amendment like this does not defeat the object of the House. I have no desire to participate in the debate at any other stage and, therefore, I hope the House will grant me the indulgence of speaking for just two minutes although I know that the members on the Government benches, especially the Parliamentary Secretary and others, have decided to stifle all discussion. We are here to assist the Government if we can. If the Government.....

Mr. Speaker : Please do not waste your time.

Rai Bahadur Mukand Lal Puri : I must reply to the persistent interruptions.

Mr. Speaker : Why should you reply? It is not your business.

Rai Bahadur Mukand Lal Puri : With these words I support this amendment.

Premier : I merely wanted to say two sentences in reply to the very learned and well studied speech by my honourable friend, Rai Bahadur Mr. Mukand Lal Puri. I do not want to cross swords with him for the simple reason that I cannot speak as a lawyer, but I want to point out one or two things. He says, "If you mix colour of a particular type to the product which is called artificial ghee, you will be doing immense damage to the health of the people."

Rai Bahadur Mukand Lal Puri : I have not said so.

Premier : He said, "You must have these tests because colour is injurious and you should have something else which is not injurious." That is what he was trying to argue but now he says that he did not say so. That shows that he was not speaking from conviction but merely from a laboured brief which probably made him speak. However, I was pointing out that you have to choose between two evils. We admit that this colour might be harmful for human beings but you have to choose between two evils. Is my honourable friend prepared to say that artificial ghee as such is not injurious to the health of the people? If anybody wants to use it as artificial ghee he is welcome to do so. If anybody wants to mix vitamins A, B, C and D, we have no objection. Why can they not produce a brand with the following words on the tin, "This is Banaspati ghee with vitamins A and D or E. Guaranteed to contain vitamins A, B, C, D, and E". Then everyone will have free choice to buy that product and use it in place of ghee. My honourable friend said that we wanted detection to be possible for the naked eye, while the process suggested by my honourable friend Sir William Roberts requires expert testing, and that was the difference. If my honourable friend went to a village as a villager and not as a lawyer (because I am sure that he gets his ghee from a reliable place and I am sure he does not buy it in Lahore) would he prefer to say "All right, give me samples, so that I can go to Lahore and get them tested," or, would he prefer to say, "This red coloured ghee is artificial ghee, and this other is

[Premier.]

pure ghee" ? That is the problem before us. If my honourable friend can suggest some simpler device, we will be glad to consider it. We said that when the rules are prepared, they will be brought before this House. During the rule-framing stage we will consult official and non-official experts and then, after considering all these various facts, we will decide on the particular colour which is least injurious from every point of view. Therefore, I will not say that my honourable friend's speech was a waste of the time of this House. A buyer in the village should know whether he is getting a pure article or an adulterated article, and if he wants to eat Banaspati ghee, he should have the right to eat it and he should know that Banaspati ghee is not sold as pure ghee. (Voices : Question be now put.)

Lala Bhim Sen Sachar : May I be permitted to put a question to the Honourable Premier ? The question that I want to put is, is the Pure Food Act applicable also in villages ? What is the method adopted for detecting adulteration of ghee by other methods ?

Premier : My honourable friend is aware that the Pure Food Act can be made applicable to any part of the province. Artificial ghee will be given a certain colour and anybody will be able to detect it.

Lala Bhim Sen Sachar : What about adulteration by other methods ?

Premier : My honourable colleague has already replied that there is section 13, subsection (3) of the Act itself in which it is laid down—.

Lala Bhim Sen Sachar : It is not detectable by the naked eye.

Premier : Bring forward another Bill.

Sir William Roberts : There are three points which I have to make. One is that the Honourable Premier has said that we must see the mixture. There is nothing in this Bill that would prevent anybody from selling ghee imported from outside the province which may contain 10, 15 or 20 per cent of vegetable ghee or fat of animals or other things and it cannot be detected without proper analysis. Therefore, this Bill does not cover the point which the Honourable Premier mentioned. In my opinion, adulteration will increase tremendously after the introduction of this Bill. My honourable friend said something about the British soldier. I know that British soldiers drink beer and poison of mineral water twice or more a day, but still they are keeping good health. But my honourable friend or I would not be able to maintain our health if we have to eat colour. My honourable friend over there said that the first part of my amendment relating to vitamins A and D, should be omitted. I have put this in on the advice that I could get from a technical expert in the vegetable ghee trade. They follow this practice in Europe. Therefore, I would prefer not to withdraw my amendment. I am not an expert myself in these things and I would prefer to leave this thing to the advice of experts.

Mr. Speaker : Question is—

That in the proposed subsection (5) of sub-clause (b), lines 6-7, between the words "artificial ghee" and "unless", the words "which does not contain vitamins A and D, and which does not contain 5 per cent of sesamum oil" be inserted.

The Assembly divided: Ayes 18, Noes 41.

AYES.

Bhim Sen Sachar, Lala.
Chaman Lal, Diwan.
Dev Raj Sethi, Mr.
Gopal Das, Rai Bahadur Lala.
Guest, Mr. P. H.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.

Mukand Lal Puri, Rai Bahadur Mr.
Roberts, Sir William.
Santokh Singh, Sardar Sahib Sardar.
Sita Ram, Lala.
Sohan Lal, Rai Sahib Lala.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqr Hussain Khan, Chaudhri.
Fateh Muhammad, Mian.
Fazal Din, Khan Sahib Chaudhri.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Habib Ullah Khan, Malik.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
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 Qasim, Chaudhri.

Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Nasir-ud-Din, Chaudhri.
Pir Muhammad, Khan Sahib Chaudhri.
Pohop Singh, Rao.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Ranpat Singh, Chaudhri.
Ripudaman Singh, Rai Sahib Thakur.
Sahib Dad Khan, Khan Sahib Chaudhri.
Shah Nawaz, Mrs. J. A.
Shah Nawaz Khan, Nawab Sir.
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.

Diwan Chaman Lal (East Punjab, Non-Union Labour): Sir, I beg to move—

That at the end of the proposed subsection (5) of sub-clause (b), the following words be added:—

“or unless it is mixed with such a prescribed article as to distinguish it from pure ghee.”

I am moving this amendment in order to leave a loophole for my honourable friend. If he could come to any arrangement with his experts to find some substitute, a better substitute, then he will have the authority of

[D. Chaman Lall.]

this measure to use it. This amendment of mine does not rule out colourisation. The use of colour is not ruled out. We are giving further power to you, apart from utilization of colour for distinguishing artificial ghi from pure ghi and a further power to utilize any other prescribed article also to distinguish artificial ghi from pure ghi. I hope the Honourable Minister will accept this amendment.

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

That at the end of the proposed subsection (5) of sub-clause (b), the following words be added:—

“or unless it is mixed with such a prescribed article as to distinguish it from pure ghee.”

Minister for Education (The Honourable Mian Abdul Haye): Sir I regret that I cannot accept my honourable friend's amendment; simply because my honourable friend is not in a position to state precisely or specify the prescribed article, which if mixed with artificial ghi, will distinguish it from pure ghi. When he will be in a position to specify the prescribed article we will certainly consider his proposal. But at this stage when he himself is unable to specify the prescribed article, I regret that we cannot incorporate in the Bill an amendment of this nature.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban): Sir, the Honourable Minister wants to have both ways. He rejected the proposal for referring the Bill to a select committee, where these important matters were to be thrashed out, and now when an amendment is proposed which will give other powers to Government, he does not accept it. One cannot understand this unreasonableness of the Government. There is no criterion for ascertaining any colour.

Minister for Education : It is groping in the dark.

Lala Bhim Sen Sachar : It is not groping in the dark. My honourable friend is not an expert and the mover of the amendment is not an expert; unless perhaps the Premier is an expert in this piecemeal legislation, there is no other expert in this House. Even the Premier is not in a position just at present to give his expert opinion. Why not keep it there and consult your experts if there is any substitute and you can make use of it?

Diwan Chaman Lall : May I reply, Sir? My honourable friend unfortunately gave only one ground for objecting to this amendment. The ground he gave was this that I have not definitely prescribed the other article, which might be used. I deliberately did not prescribe that article. What I wanted to do was to give my honourable friend the necessary power, since he has not consulted any experts, he has not taken the trouble to submit this measure to the scrutiny of the select committee, since he has not taken the advice of anybody, who could have advised him with regard to this matter, I gave him necessary authority even under the rules to lay down a particular prescribed article, which may be used for the purpose of distinguishing artificial ghi from pure ghi. Why should he object to this. The main point is that we want to stop the utilization of artificial ghi or the sale of artificial ghi as pure ghi. My honourable friend knows perfectly well that the measure he is striving to put forward and the

restrictions that he is placing, will not result in the disappearance of those devices that are employed in selling artificial ghi and passing it off as pure ghi. He knows perfectly well that in spite of this particular measure, still the Punjabis will go on eating artificial ghi and will go on selling artificial ghi as pure ghi. I am giving him further power that if there is a particular article which he can prescribe under the rules, it may be used for the purpose of distinguishing artificial ghi from pure ghi, and that he should not be prevented from doing so.

Minister for Education : No.

Diwan Chaman Lall : My honourable friend says, "no" merely because I did not specify that particular article, therefore he is not going to accept this amendment. There is science. Science is not barren and it is progressing day after day. There may be some real expert, who may be able to discover certain prescribed article, which may be employed and which would result in the easy detection of artificial ghi or differentiation of artificial ghi from pure ghi. Why does not my honourable friend accept the suggestion that is made to enable him to come to a decision of this nature? Why does he want to tie his hands down to the only method, the rough shod method that he has himself suggested. My honourable friend interjected that we are groping in the dark. Of course this groping might lead you to the discovery of some light and you may find some other prescribed article, which you may use or utilize for distinguishing artificial ghi from pure ghi. Why do you shut your mind completely? Why do you want to keep yourself in this sticky wooden position which enables you to arrive at that one solitary proposition, that is the colourization. Nothing else, but colourization will suit my honourable friend. My honourable friend should not forget that his object, the only object is to distinguish artificial ghi from pure ghi, and to prevent the sale of artificial ghi as pure ghi and if any method can be discovered to distinguish artificial ghi from pure ghi, it should be followed by my honourable friend.

Minister for Education : It is not correct, Sir, that Government has not consulted any experts. This matter has now been under the consideration of the Punjab Government for over two years. This matter has been under the consideration of other provincial Governments for a number of years and the expert opinion is that there is no other stuff which if mixed with artificial ghi will enable a layman to detect the adulteration. The Punjab Government has come to this conclusion that colourization was the only remedy. As I pointed out earlier in the debate similar measures, providing the colourization of artificial ghi, have been placed on the statute books in two other provinces and it is before the select committee in another province. My honourable friend has criticized the Government for not taking this measure, for consideration, to a select committee. I may inform the honourable member that the private Bill, which was moved by Chaudhri Sumer Singh, was exactly on these lines, and it provided for colourization; and when a similar motion was moved by one of the back-benchers on our side, for referring the Bill to a select committee, it was opposed tooth and nail by the members now sitting on the opposition benches, including my honourable friend Diwan Chaman Lall. Did he say then that colourization

[Education Minister.]

was no remedy? I found my honourable friend very jubilant. He thought that he was going to secure a victory against Government by taking some of the members to the same lobby to which he was going. (*Interruptions and uproar.*)

Mr. Speaker : Question is—

That at the end of the proposed subsection (5) of sub-clause (b), the following words be added :—

“or unless it is mixed with such a prescribed article as to distinguish it from pure ghee.”

The motion was lost.

Mr. Speaker : The 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 the passage of this clause which is in fact the real soul of the whole Bill. I am free to admit that this clause has been discussed at great length but I think it my duty to deal with it according to my humble lights. I feel constrained to say that the attitude adopted by the Government in this connection reminds one of the well-known phrase “ignorance sitting in judgment.” The Honourable Minister was pleased to make a reference to the opinion given by an expert, but I am sorry to say that he had avoided to mention his name and to give expression to his opinion. My honourable friend opposite has stated that the Frontier Government had passed a similar measure into law, but I would like to read out the opinion recently expressed by the Inspector-General of Hospitals, Frontier Province, for the guidance of the Honourable Minister. He says :—

The colourization of the oils is highly undesirable. The colouring of foodstuff is not a good policy.....in these days.

This is an expert opinion expressed by a high official of a responsible Government like the Frontier Government. But it is a pity that our Government is not prepared to divest its mind of prejudices. Unlike us it does not possess an open and receptive mind. In fact it is not willing to change its ideas in the light of any expert advice. What we demand to-day is that pure, genuine and natural ghee derived solely from milk fats be made available to the average consumer. But I have reasons to believe that the present measure is not going to meet this popular demand of the province. The Honourable Minister was pleased to remark that the Government had been considering the matter for the last 2 years and now the Director of Public Health has assured him that chocolate or mahogany colour can be given to artificial ghee without adversely affecting its properties. But our submission is that only such a colouring should be given as may not look offensive and disgusting to the ordinary consumer. The colour that has been suggested by the Director is likely to spoil the taste and relish of curry. Such a food would have a vomiting effect on the consumer. If it is true that there is one and only one dye that can possibly be given to artificial ghee I would most emphatically urge upon the Government the advisability of giving further consideration to the matter. I would like to sound a note of warning to the Government that this Bill should not be enacted in indecent haste. I am perfectly certain that under the present circumstances and in view of the probable difficulties the speedy enactment of the

measure would necessitate the introduction of another amending Bill in the near future.

References have been made on the floor of the House to the passage of similar measures in other provinces. I am free to admit that the United Provinces legislature considered a similar Bill in 1938 but when I discussed the matter with the Honourable Speaker of the United Provinces Assembly he was pleased to remark that great many difficulties had cropped up as a consequence of the consideration of that Bill. The United Provinces Government soon came to know that the colourization of artificial ghee had failed to prove an effective solution of the problem. Apart from this there were several other difficulties which stood in the way of the Government.

Minister of Education : For instance ?

Mr. Dev Raj Sethi : I am coming to that. In September, 1937, an All-India Ghee Conference was held at Simla, wherein the Punjab Government was represented by its Marketing Officer and other experts on the subject. The Conference was of the opinion that colourization would not prove a sure cure of the malady. Even the addition of 5 per cent sesamum oil by any chemical process will not serve the purpose. Now, we are told that the Bombay Government has also passed a Bill on these very lines, and that it has been successfully operating there. But let me tell my friend opposite that the Act, thus referred to, does not at all provide for the colourization of artificial ghee. On the other hand it strikes out quite a novel method. Only labels dyed with different colours are pasted to the tins containing products of different kinds. For instance red label is pasted to a tin of margarine and green to that of butter. In fact all these methods have proved ineffective to weed out the evil of adulteration. I am at a loss to understand as to why the Government fights shy of acquainting us with the expert opinion obtained by it. Let me assure it that the Bill can be passed in no time if it takes us into its confidence by telling us the opinion held by experts in the matter. If the Government is prepared to do this, there will be no need for

8 p. m.

any one to beat about the bush or threaten with resignation. The Bill will be passed in no time. As the matter is very important and the health of the nation depends on its correct handling, we must ask the Government to obtain expert opinion on it. We do not want the Government to play with the health of the nation.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : My honourable friend the Minister for Education went out of his way in regard to this particular clause to say one or two things which require a very brief reply. I am not going to keep the House too long. No. 1 : he charged me with some sort of inconsistency in regard to what he was pleased to describe as the select committee motion on a previous occasion. I am afraid my honourable friend's memory is very, very short. My charge against him was that he had not taken this measure to a select committee, a select committee which could have easily reported within the next two or three days, before at any rate this session stopped. He could have had a very good select committee to which all the experts could have been summoned and then he could have passed this measure in this very session if he so desired it. In referring to that he said that on that occasion I opposed the select committee motion.

[D. Chaman Lall.]

moved by one of the members opposite. My honourable friend was a little more humorous than the situation warranted it, because he was not telling us the exact sequence of events that took place. What had happened was this. I supported a motion for the consideration of a Bill moved by my honourable friend Chaudhri Sumer Singh who moved a particular motion. My friend's colleagues opposed that measure. They wanted a circulation motion. A dilatory motion was brought before the House and we on this side of the House were not in agreement with a dilatory motion of that nature, and we voted for the immediate consideration of that measure. We were not against the consideration of that measure and we are not objecting to it even now. (*Interruptions.*) I wish he would only listen to the debate instead of imagining all sorts of things that never happened. We were in favour of the measure brought forward by my friend, namely that that measure should be considered immediately. We were not in favour of any dilatory motion as proposed by my friend, and he will realize that we on this side of the House and I think every member of this House will be grateful to my friend Chaudhri Sumer Singh for having taken the courage into his own hands and got this measure brought before this Assembly which had been waiting for the consideration of this Assembly for three solid years. My friend knows that this measure was originally proposed in 1937 and then my honourable friend's enthusiasm for this measure had eked out and he had been warned about it until this House carried the motion for the consideration of Chaudhri Sumer Singh's motion against the wishes of my honourable friend sitting over there. That much in regard to the charge which has been wrongly made against me and I hope my honourable friend will realize that it was wrongly made against me, of any inconsistency in regard to this matter.

Minister for Education : Why wrongly ?

Diwan Chaman Lall : The Honourable Minister does not realize what a dilatory motion is. He does not realize that I was against his dilatory motion trying to postpone the consideration of this measure by finding out what public opinion had to say about it. The result would have been that this measure which has already been before this House for three years would have been postponed for another two years and we would not have had this measure before this House in this shape passed by this House.

The second point that I have to refer to is this. My honourable friend having been adequately disposed of by me in regard to the charge that he has made will realize that we are not against this measure. We on the floor of this House thank my honourable friend Chaudhri Sumer Singh who, as I have already said, has brought this measure before this House. He is to be congratulated for having forced this measure to the attention of this House and deserves to be supported by us in every step that he wishes to take to differentiate artificial *ghi* from pure *ghi*. But what we are up against is this : First of all the motion of a dilatory type wanting to postpone the consideration of this measure. Secondly, when there has been an opportunity to consider this motion dispassionately, to consider it carefully, to take the advice of experts and to take it quickly, when there is no necessity to wait for months or even for weeks or even for many days to take that advice, to come before this House without taking

that advice and say we are not open even to conviction regarding an intelligent matter and to shut such independent amendments which will help in solving the difficulties that will be met by those amendments. The difficulties are of a very serious nature. We have not yet been able to put an end to the sale of adulterated *ghi*. The suggestions we make would help my honourable friend, but he shuts his mind and says: No, I am not open to any suggestions at all. That is what we are against. That is the mentality that we are against. I would like my honourable friend to remember that it is no question of propaganda. We are all wanting to arrive at a measure which will benefit the people of this province. My honourable friend must remember that it is the poor classes that are going to be benefited by the measure. It is they who cannot afford to buy pure *ghi*. Therefore we are most anxious that the poor classes should get artificial *ghi* in such form and with such protections that the administration may employ, that there is no injury done to their health by the artificial *ghi* that they eat. Those are the objects that we have in view. If he looks at it from that point of view, I am sure he will dispel all controversy from his mind and apply himself only to the solution of the difficulties that confront us.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

New Clause.

Chaudhri Suraj Mal (Hansi, General, Rural) : Sir, I beg to move—

That leave be granted to move the following new clause :

That at the end the following new clause be added :

In subsection (4) of section 22 of the said Act, line 3, for the word "twelve" the word "six" be substituted.

The motion was carried.

Chaudhri Suraj Mal : I beg to move—

That the following new clause be taken into consideration :

That at the end the following new clause be added :

In subsection (4) of section 22 of the said Act, line 3, for the word "twelve" the word "six" be substituted.

Mr. Speaker : Motion moved—

That the following new clause be taken into consideration :

That at the end the following new clause be added :

In subsection (4) of section 22 of the said Act, line 3, for the word "twelve" the word "six" be substituted.

Chaudhri Krishna Gopal Dutt : May I say one word? My honourable friend should have at any rate explained his amendment to the House. He has not explained it. But I take it the intention is this. According to the Pure Food Act, the period given is 12 months to clear the stocks that you might hold and my honourable friend wishes to reduce the period to six months. That is, whoever is holding any stocks, they should be cleared in six months.

Mr. Speaker : Question is—

That the new clause be taken into consideration.

The motion was carried.

Mr. Speaker : Question is—

That the new clause be adopted.

The motion was carried.

Title.

Mr. Speaker : Question is :

That the title be the title of the Bill.

The motion was carried.

Minister of Education (The honourable Mian Abdul Haye) : I move—

That the Punjab Pure Food (Amendment) Bill be passed.

Mr. Speaker : Motion moved is :

That the Punjab Pure Food (Amendment) Bill be passed.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Ghee is adulterated either by vegetable product or some other ghee or by oils or by fat which generally resembles ghee. The present Bill is designed to prevent adulteration of ghee by mixing it with vegetable product or other products which resemble ghee, but it does not contain any provision to prevent adulteration or even detect adulteration if the adulteration is made by mixing it with fats or with other oils. There are no statistics before the House to show as to what is the proportion of adulteration with vegetable product to the total amount of adulteration. My own opinion is that the adulteration with vegetable product resembling ghee would not be more than 20 per cent of the total adulteration of ghee. (*Minister of Education* : It is 89.5 per cent.) We have not been supplied with any figures. I take it that the adulteration of ghee with vegetable product is 89.5 per cent of the total amount of adulterated ghee in this province. Now I should like to know the basis of the Honourable Education Minister's calculation. What is the total amount of adulterated ghee sold in this province and how does he come to the conclusion that there is only 10 per cent adulteration with crude oils and fats? It is only an *ipsi dixit* of the Honourable Minister which, in the absence of proper data, I am not prepared to accept. In vain have I asked the honourable Minister of Education to give me his source of information as to who is the person responsible for this information which could only be the result of a statistical enquiry of a very detailed character which, to my knowledge, has not been conducted in this province and of which, at any rate, the public is not aware. Therefore, this Bill only aims at preventing partial adulteration. What happens? You have prevented the adulteration of ghee with vegetable products. The result will be that ghee will continue to be adulterated with other products and the ghee which used to be adulterated with vegetable product will now be adulterated with fats and other crude oils. This Bill does not at all aim at remedying that evil and I draw the attention of the Honourable Minister of Education to this serious defect in the Bill and ask him whether he would not, simultaneously with the coming into force of this Act, take steps to prevent adulteration.

of ghi with other articles. If he does not do that, this Act will be a mere waste paper. (*Hear, hear.*) Also he shall have to see that this ghi sold in this province is not adulterated with vegetable product imported from other provinces. You have not passed any legislation with respect to the colourization of this vegetable product produced by half a dozen of factories which exist in other provinces. What is there in this legislation to prevent adulteration of the ghi with the vegetable product produced in the Central Provinces or Bombay or Madras? Unless that is done, I submit the only effect of this Bill is to put the Punjab factories at a discount or disadvantage as compared with the factories which may be set up at Sahranpur or the factories which exist in other provinces. How is this Bill calculated to achieve the very salutary object which my honourable friend, Chaudhri Sumer Singh, has in view, and whose opinion and sentiments are shared by all members of the House? This is a measure which is conceived in haste and passed in haste. It is a matter to which this House should have devoted its very best attention. It is not a small matter. It is a matter which, as I have already pointed out, affects the health and well-being of the entire province and no amount of time and labour should have been spared in giving detailed and careful consideration to this matter. It is not a problem which is unique. It is a problem which exists equally in the United Provinces, in the Central Provinces, in Madras, in Bengal and other places and it is really a problem of an all-India character. Would it not have been advisable if the Bill had gone to the select committee or this Government should have insisted upon the Imperial Government passing an all-India legislation or at any rate arrived at a legislation which would have been in keeping with legislation in other provinces, so that any effective remedy of an all-India character might have been achieved? Again this Government has thrown to the winds the experience of the western countries, the experience of England and of Europe and the experience of America. This problem is not new. It already exists in the form of a rivalry between margarine and butter in the countries of Europe and this Government, for reasons best known to itself, has not chosen to avail itself of that experience. They are no doubt actuated with the best of intentions, their object is to prevent adulteration of a very necessary article of diet and I wish them the best of success in their attempt. But the way in which they have been pleased to attempt the prevention of adulteration of pure ghi by an article which is not injurious, by an article which is produced in the Punjab without taking any steps to prevent or even to facilitate detection of adulteration of ghi with other articles, which unfortunately is carried on on an extensive scale, adulteration with fats and crude oils or adulteration with vegetable products imported from other provinces is incomprehensible and is not at all likely to check effectively the evil which admittedly exists. I would therefore ask the Government to take immediate steps, almost concurrently with this legislation to prevent adulteration with other articles, otherwise this legislation will have entirely failed in its object.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Mr. Speaker, the form in which the Bill is going to be passed is, in my humble opinion, open to most serious objection and I consider it my duty to raise my humble and feeble and ineffective voice against this measure particularly against the form in which it is going to be rushed through the

[Ch. Krishna Gopal Dutt.]

Punjab Legislative Assembly. We have given various cogent reasons for the dispassionate consideration of the Government and the methods to be adopted for the prevention of adulteration, but it is a pity that the House and particularly the ministerial benches were in no mood to listen to the counsel of moderation and reasonableness. In my opinion it augurs ill for the future of democracy in this province that such an important measure is going to be passed in this House with the most indecent haste and it will give a weapon in the hands of those students of political science who want a check on unicameral system of legislature, who want a second chamber in this province where there is only one. The indecent haste with which this Bill is going to be rushed through is really a reflection upon the good and effective working of democracy in this province. Mr. Speaker, I believe that the Honourable Minister of Education was originally and even now very sincere in his intentions and the only hope that now lies is this, that if the Honourable Minister continues to be sincere in his intentions with regard to this matter, the time may come when this particular Bill will remain for ever a dead-letter in this province. Why? Because when he refers this matter again to those people who are competent to express an opinion on this matter, they will advise him regarding the futility, the inadvisability and the harmful nature of the present measure because I believe that by the present measure we have given a fillip to the Government to create a process in the province by which slow and gradual poisoning of the mass of the poor people in this province will take place, because in my opinion due weight has not been given to that view which I expressed, that is that the colours are harmful. It is really a pity that the Honourable Premier dealt with this matter in a most flippant and frivolous manner and when he consults his own experts on this matter, he will come to realize that the systematic in-take of colours, whatever colours they are, is harmful and it will lead to the gradual and slow poisoning of the masses of the poor people in this province. I do not want to say much. But in my opinion, if one clause had been added providing for other methods of prevention of adulteration, then the Bill would not have been open to so much objection because if the matter had come before the experts they would have come to one conclusion and that is that the door of science is not closed, that there are other remedies which exist or might exist for the prevention of adulteration. I maintain that the door of science is not closed and experiments are going on daily and I request my honourable friend to look into these experiments which are being conducted by eminent physicians all over Europe and America and then it is possible, not only possible but very likely, that he will form a view that there are better methods of achieving the same object which is near and dear to all sections of this House, that is the prevention of adulteration of pure ghee. (Interruption.) Sometimes the Honourable Premier, who is the head of the Government and who is the Leader of the House, creates unnecessary obstacles in the way of proper discussion and hearing of the discussion in this House. When something important is going on, he is carrying on certain undesirable forms of talks with other members in the House. Not only that but son etimes he tries to throttle discussion by undesirable remarks or by whispering in the ears of other gentlemen and this process of whispering goes on. What is the result of that?

Sayed Amjad Ali Shah : He is repeating the same thing over and over again.

Chaudhri Krishna Gopal Dutt : Are you hearing what I am saying ? (*An honourable member :* No, no one.) This is the greatest insult to this House, if you permit me to say so.

Mr. Speaker : Please proceed.

Chaudhri Krishna Gopal Dutt : He made a remark which was absolutely unfounded. He said he was hearing my speech and he was actually not hearing and I was charging the Premier with not attending to the debate. This is not the way in which responsible legislators should behave and it is a pity that even the Honourable Premier is a party to this.

Mr. Speaker : I have more than once ruled from this chair that at this stage the debate has to be restricted to matters contained in the Bill and not matters which are not contained in the Bill.

Chaudhri Krishna Gopal Dutt : This was by the way and in fact it was your business to point out to the Premier and to the other members of the House not to carry on conversation as you sometimes do when members on this side carry on conversation and whisperings. I was charged with repetition. I did not repeat a single thing. I said that I had to raise my voice against the Bill in its present form and I want to clear this fact again, that I am not to be influenced and I will never be influenced by any interested people or by any vested interests. I oppose the present Bill, to tell you very sincerely and honestly as a student of medicine, particularly of homœopathy, because the present form of the Bill is bad, knowing that in homœopathy colours have been proved to be very harmful. As a homœopath it is my duty to oppose the Bill. As one interested in the public and social health of the province, I oppose the Bill in its present form.

Mr. Speaker : Question is—

That the Punjab Pure Food (Amendment) Bill be passed.

The motion was carried.

The Assembly then adjourned till 12 noon on Monday, 22nd April, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 22nd April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

DEARNESS ALLOWANCE DEMANDED BY WORKERS IN AMRITSAR AND CHHEHARTA FACTORIES.

***6539. Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state whether he received any communications from the Labour Federation, Amritsar, in December, 1939, in regard to dearness allowance demanded by the workers from the owners of the Amritsar and Chheharta factories and whether he moved in the matter to satisfy the demand of the workers ; if so, with what result ?

The Honourable Chaudhri Sir Chhotu Ram : No such communication appears to have been received by Government.

EXTRA PAYMENT BY ZAMINDARS OF TAHSIL PHILLAUR FOR WAR PURPOSES.

***6540. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that the zamindars of villages Nann Majara, Ladian, Chak and Anihar, etc., of tahsil Phillaur, district Jullundur, have been asked by beat of drum by the zaildars and patwaris concerned in the month of February and March to pay annas 11 extra per head along with land revenue for the purposes of War ; if so, the action he proposes to take to stop this unlawful levy ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—No.

Second part.—Does not arise.

HAILSTORM AND DESTRUCTION OF CROPS IN CERTAIN VILLAGES IN SHEIKHUPURA DISTRICT.

***6550. Lieutenant Sardar Naunihal Singh Mann :** Will the Honourable Minister for Revenue be pleased to state whether it has been brought to his notice that recently, on account of the severe hailstorm, crops in many villages in district Sheikhpura have been totally destroyed ; if so, what action Government proposes to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Crops have been damaged in 25 to 30 villages. The question of granting remissions will be considered in due course according to rules after the results of the girdawari are known.

The questions of grant of gratuitous relief and taccavi are under consideration.

ADMISSION OF MUSLIM STUDENTS INTO MEDICAL, CENTRAL TRAINING
AND GOVERNMENT COLLEGES, LAHORE.

***6555. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Education be pleased to state—

- (a) the proportion fixed for Muslim students for admission into the Medical College, the Central Training College and the Government College, Lahore;
- (b) whether any proportion is fixed for the admission of Muslim girls into the colleges mentioned above; if so, the nature of that proportion;
- (c) whether in the absence of a sufficient number of Muslim girls applying for admission into these institutions, their seats are filled in by Muslim male students or by non-Muslim girls?

The Honourable Mi'n 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 give him the information.

ARREST OF *KHAKSARS*.

***6556. Sardar Hari Singh:** Will the Honourable Premier be pleased to state—

- (a) the total number of *khaksars* arrested so far throughout the province and also the number of those convicted so far and the offences for which they have been convicted;
- (b) whether any of those arrested and convicted belong to other provinces and if so, their number;
- (c) whether any of the *khaksars* who have been arrested so far have given undertaking not to participate in this movement in future; if so, their number?

The Honourable Major Sir Sikander Hyat-Khan: (a) Up to and including 10th April, 1940, the total number of *Khaksars* arrested was 695. Of this number 81 were convicted under Rule 58 (2) of the Defence of India Act and section 17 (1) of the Criminal Law (Amendment) Act.

(b) Yes, 349 *Khaksars* belonging to other provinces were arrested, of whom 56 are reported to have been convicted.

(c) 197.

Lala Deshbandhu Gupta: May I know how many *Khaksars* have given up the *Khaksar* organisation since the organisation was declared unlawful?

Mr. Speaker : This question does not arise.

Lala Deshbandhu Gupta : The Honourable Premier has given the figures that so many Khaksars have been arrested. I am asking whether there have been any special instructions as to the particular type of Khaksars who should be arrested or whether there is a general order that all persons belonging to unlawful organisations should be arrested.

Premier : All those who are liable under these sections will be arrested.

Lala Deshbandhu Gupta : May I know if all persons belonging to the unlawful organisations are not to be arrested under the present orders of the Government ?

Mr. Speaker : That is a hypothetical question.

Lala Deshbandhu Gupta : What is the number of Khaksars on roll according to the information of the Government ?

Premier : I am afraid I do not keep the roll, so I cannot answer the question.

Lala Deshbandhu Gupta : Is the Government absolutely in the dark as to the number of Khaksars ?

Premier : You must have seen what was published in the press during the enquiry, but that information was given as a result of enquiries and we have not got any definite roll.

Lala Deshbandhu Gupta : Is it a fact that some of the Khaksars even to-day are parading the streets of the town and they are not being arrested ?

Mr. Speaker : It does not arise.

Lala Deshbandhu Gupta : It does arise.

Mr. Speaker : No. It does not.

Lala Deshbandhu Gupta : It does. I am pointing out that the Government has not been doing its duty.

Mr. Speaker : The honourable member's attention is invited to Rule 31. Supplementary questions can be asked only to elucidate doubts or ambiguities, etc., in the answer given to the original question.

Lala Deshbandhu Gupta : May I know if there are confidential instructions issued by the Government, since the issue of the order declaring the Khaksar organisation as an unlawful organisation, that the police should not arrest Khaksars even if they parade the streets in contravention of that order ?

Mr. Speaker : It does not arise.

Mr. Dev Raj Sethi : How many Khaksars belonging to the United Provinces and the North-West Frontier Province have been arrested ?

Premier : I cannot tell the exact number because in all 349 Khaksars belonging to provinces other than the Punjab have been arrested. Most probably there are some who come from the United Provinces and the North-West Frontier Province.

Mr. Dev Raj Sethi : Is the Honourable Premier aware that a certain number of Khaksars belonging to the United Provinces are still hiding themselves in the local mosques ?

Mr. Speaker : That does not arise.

Pandit Muni Lal Kalia : May I know if the Honourable Premier is in a position to give the approximate percentage of the persons arrested to the total number of Khaksars in the province ?

Pandit Shri Ram Sharma : May I know whether the Khaksars are arrested on account of their being members of an unlawful assembly or when they hold demonstrations ?

Premier : It is not indicated on peoples' faces that they belong to the Khaksar organisation. It is only when they wear uniforms that we come to know that they are Khaksars, and in the circumstances they are arrested. Naturally they put on uniforms to hold demonstrations.

Pandit Shri Ram Sharma : May I know whether a member of an unlawful assembly is arrested only when it is indicated on his face that he is so ?

Mr. Speaker : Disallowed.

Mr. Dev Raj Sethi : Will the Honourable Premier please state whether the Punjab Government has asked the United Provinces Government to stop the Khaksars of that province from coming over here ?

Mr. Speaker : It does not arise.

Mr. Dev Raj Sethi : It does arise from reply to (b).

Mr. Speaker : Part (b) of the question is—

(b) whether any of those arrested and convicted belong to other provinces and, if so their number;

This question has been answered. Is there any ambiguity in the answer ?

Pandit Shri Ram Sharma : Will the Honourable Premier please state whether in connection with these arrests the Government have issued any instructions that the Khaksars hiding in the mosques should not be arrested ?

Mr. Speaker : That question also does not arise.

Pandit Shri Ram Sharma : As we have been told the number of Khaksars arrested so far I have thought it fit to ask this question.

Mr. Speaker : This supplementary question is clearly based on answer to the supplementary question and, therefore, cannot be asked.

Lal Deshbandhu Gupta : Will it not be in order if I ask whether the Government took any steps to see that Khaksars belonging to other provinces did not invade this province ?

Mr. Speaker : This does not arise out of the question.

Lal Deshbandhu Gupta : When reply to (b) is given that so many outsiders have been arrested, we want to know what steps were taken by the Government to see that this number does not go up.

POLITICAL PRISONERS CLASSIFIED AS HABITUAL PRISONERS.

***6558. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) the number and the names of the political prisoners belonging to Hoshiarpur district who have been classified as habitual prisoners with the reasons for which they have been classified as such ;
- (b) the total number of political prisoners in the province who are at present being treated as habitual prisoners ?

The Honourable Mr. Manohar Lal : I am afraid I must ask the honourable member to give me a clearer indication of the information he desires before I could answer this question. There is a very large number of prisoners in the jail, and in many cases it would be difficult to say without an elaborate scrutiny of judgments which of them would fall within the class in the mind of the honourable member.

REALIZATION OF FEES FOR RENEWAL OF DRIVING LICENCES.

***6559. Sardar Ajit Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the total amount realised, district-wise, from the motor drivers throughout the Punjab on account of fees for the renewal of driving licences of public motor vehicles from 1st July to 31st December 1939 ;
- (b) whether any instructions were issued to the district registering authorities to charge fees for the renewal of motor driving licences according to the provisions of sub-section (8) of section 11 of the Motor Vehicles Act of 1939 and if so, the date when these instructions were issued and also the date from which the registering authorities in the various districts actually began to act according to these instructions and to realise such fees not according to the old rates but according to the rates provided in the Act of 1939 ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) To extract these figures from those of the total receipts under the Punjab Motor Rules would involve an expenditure of time and labour which I do not think that I can reasonably ask the districts to undertake, especially at this time when the licensing and registration authorities are coping with the first rush of work entailed by the introduction of the new system of control.

(b) A reference is invited to the reply given to question *6119¹ recently put by the honourable member for the Kangra and Northern Hoshiarpur (Sikh) Rural Constituency and the copy of the circular letter which was laid on the table with that reply. So far as Government are aware, the instructions in the letter were acted on immediately in all districts ; but if the honourable member has reason to believe that this was not so in any district I shall on receiving particulars from him, be glad to make enquiries.

Sardar Ajit Singh : My question is how much money has been realised in excess by way of renewal of licences from the motor drivers after the 1st July, 1939.

Mr. Speaker : This does not arise out of the answer, which in effect is that the Parliamentary Secretary or the Minister concerned declines to answer the question in the public interest.

Sardar Ajit Singh : I want to know whether the money has been actually realised in excess by way of fees for the renewal of licences and whether it will be refunded to the drivers concerned or not ?

Mr. Speaker : That does not arise out of the answer given.

Lala Duni Chand : May I know if it is not a matter of public interest whether the Government is withholding certain money or not ?

Mr. Speaker : Because it is not in the public interest.

COPYISTS.

***6560. Chaudhri Jugal Kishore :** Will the Honourable Minister for Revenue be pleased to state whether the Punjab Government has issued a circular No. 4285, to all the Deputy Commissioners in the province instructing that in future copyists should also be taken on the permanent establishment of the offices of the Deputy Commissioners ; if so, the proposed pay and grades of the copyists ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—No.

Second part.—Does not arise.

PAY AND ALLOWANCES TO PATWARIS.

***6561. Chaudhri Jugal Kishore :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the patwaris in the Ambala Division are paid any allowance for stationery in addition to their salary ;

(b) whether these patwaris are required to stay at their headquarters with their families ; if so, whether they are given any increased pay or extra allowance for this purpose ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No.

(b) Yes, where a patwarkhana exists the patwari is required to live in it with his family. Where a patwarkhana does not exist or the patwarkhana provided is unsuitable, the patwari has to make his own arrangements. No extra allowance is given for this purpose.

Mr. Dev Raj Sethi : Why is no allowance given to the patwaris for stationery used for public work ?

Parliamentary Secretary : The reason is that Government has not got enough money to spare for it.

Pandit Shri Ram Sharma : May I know from the Parliamentary Secretary whether any allowance is paid to the patwaris for the stationery which they require to note down the speeches of public men ?

Parliamentary Secretary : How does it arise out of the answer given ?

Pandit Shri Ram Sharma : It has been pointed out that no stationery is given to the patwaris. In lieu of that I want to know whether they get any allowance.

Parliamentary Secretary : When the answer is "no," then, where does the question of providing stationery arise?

Pandit Shri Ram Sharma : Do Government expect the patwaris to make arrangements for the stationery from their own pockets?

Parliamentary Secretary : I cannot add anything to what I have already stated.

Pandit Muni Lal Kalia : May I know whether patwaris are expected to use stationery?

Parliamentary Secretary : Why not? They are. But they mainly fill up printed forms which are supplied to them by Government.

Pandit Muni Lal Kalia : Then I take it that they are expected to use no stationery in addition to the printed forms.

Khan Sahib Khawaja Ghulam Samad : May I know whether patwaris are given stationery by the Government for Government work?

Parliamentary Secretary : I have said no.

Pandit Shri Ram Sharma : In view of the fact that the patwaris are not given any allowance for stationery or house, does it not in a way encourage corruption?

Parliamentary Secretary : It is entirely incorrect.

Mr. Dev Raj Sathi : May I know when in other departments stationery is supplied to Government servants why it is not supplied to patwaris?

Parliamentary Secretary : I cannot say which department gets stationery and which department does not?

Pandit Muni Lal Kalia : Have some representations been made by the patwaris that they should be given stationery?

Parliamentary Secretary : I am not aware of any such representations having been made.

Pandit Muni Lal Kalia : Do Government propose to give them stationery?

Mr. Speaker : That is a request for action.

Pandit Shri Ram Sharma : May I know when the patwaris are not supplied stationery and house allowance why a similar treatment is not meted to the Honourable the Revenue Minister?

Parliamentary Secretary : I must inform the honourable member that the patwaris are not Government servants.

Pandit Muni Lal Kalia : Has the Government any objection in giving stationery to these people?

Mr. Speaker : It does not arise. The next question.

DESIGNATION OF POSTS FOR WHICH PATWARIS ON PROMOTION ARE ELIGIBLE FOR APPOINTMENT.

***6562. Chaudhri Jugal Kishore :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number and designation of the posts on the permanent establishment of the office of each of the Deputy Commissioners in the Ambala Division for which the Patwaris on promotion are eligible for appointment under Article 10-E of the District Offices Manual ;
- (b) the number of the Patwaris, district-wise, in the Ambala division, who are at present occupying such posts ;
- (c) the number of such vacancies as occurred during the years 1937, 1938 and 1939 district-wise and the number of those out of these which are given to the patwaris ;
- (d) whether during the last three years any of the vacancies mentioned above was offered to an Achhut, if not, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The labour involved in preparation of the material to reply to this question will not be commensurate with the result obtained. Government, therefore, regrets they are unable to comply with the request.

Pandit Shri Ram Sharma : May I know whether there are any posts in the office of the Deputy Commissioner for which patwaris are eligible for appointment ?

Parliamentary Secretary : I have said that I am unable to collect these figures. How can I answer any supplementary question ?

Pandit Shri Ram Sharma : If you cannot supply figures let it go. What I want to know is whether there are any posts on the permanent establishment of the office of the Deputy Commissioners in the Ambala Division to which the patwaris are eligible for promotion ?

Parliamentary Secretary : I have said that I cannot collect the figures. How can I give any answer without collecting these figures ?

REMOVAL OF SLAUGHTER-HOUSE SITUATED BETWEEN KRISHAN NAGAR AND PREM NAGAR.

***6563. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether persistent representations have been made to the Government by the residents of Krishan Nagar for removing the slaughter-house from its present situation between the Krishan Nagar and Prem Nagar abadis ; if so, the action taken thereon ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Government have not received any representations recently. They feel that the question is one which should be left for the consideration of the new Corporation when it comes into being.

Pandit Shri Ram Sharma : May I know whether the fact that the Government has not received any representations recently is due to the reason that the grievance has been removed, or is it that the people are tired of making representations ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary aware of the fact that the slaughter house is close to the human dwellings ?

Parliamentary Secretary : My information is that human dwellings have sprung up in the vicinity of the slaughter-house.

Pandit Shri Ram Sharma : How far are the human dwellings now from the slaughter-house ?

Parliamentary Secretary : I have not measured the actual distance.

Pandit Shri Ram Sharma : Is it not a fact that the slaughter-house which is situated in the vicinity of the human dwellings is a source of nuisance to the inhabitants of that locality.

Parliamentary Secretary : Sir, I have stated that this slaughter-house was already in existence, when the people started building their houses.

Pandit Shri Ram Sharma : Is the Government aware of the fact that the population of Krishan Nagar and Prem Nagar is predominantly Hindu ? If so, may I know why cow slaughter is being allowed to go on in that locality ?

Parliamentary Secretary : How can I say that ? If such people start building their houses with full knowledge of the existence of the slaughter-house close by, how is the Government to be blamed ?

Pandit Shri Ram Sharma : I want to know whether the Government is aware of the fact that the population of that locality is predominantly Hindu ?

Parliamentary Secretary : I cannot enlighten my honourable friend regarding this point.

Pandit Muni Lal Kalra : May I know whether the existence of the slaughter-house in that vicinity is a nuisance to the neighbouring abadi ?

Parliamentary Secretary : This is a question of opinion.

Pandit Muni Lal Kalra : What is the opinion of the Government ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I know why the Government is unable to remove this grievance ? Or may I take it that there is no special difficulty and the Government is merely trying to evade the issue ?

Parliamentary Secretary : Sir, it has often been stated in reply to this question that this matter is fraught with difficulties. The main difficulty that confronts the Government is where to shift this slaughter-house to ? It existed long before this locality was ever populated, and now it is not an easy task to find another place, where it could be shifted.

Pandit Shri Ram Sharma : Is there no place, away from the populated areas ? If there is, why do you not shift this slaughter-house to such localities ?

SUB-CASTES OF BRAHMINS DECLARED AS AGRICULTURISTS.

***6564. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the sub-castes of the Brahmins, with their respective areas, who have been declared agricultural tribes of the general and special group ;
- (b) the remaining sub-castes of the Brahmins, with their respective areas, who have not been declared as such and the reasons therefor ;
- (c) which of the Brahmin sub-castes have applied to the Government since 1st April 1937 for their inclusion as agriculturists and with what result ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (c). A statement is laid on the table.

(b) There are numerous sub-castes of Brahmins. The collection of this information would require an amount of time and labour out of all proportion to the results obtainable. If the honourable member will inform me of any particular sub-tribe about whom he desires information, efforts will be made to collect the same. I may add that there are three conditions now insisted on in connection with applications for notification of an agricultural tribe, namely, that the tribe or group as a whole are dependent mainly on agriculture for their livelihood, that they are sufficiently important both as regards numbers and the area which they own, and that they are losing land to an extent and at a rate which would justify the extension of protection of the Alienation of Land Act to them.

Pandit Shri Ram Sharma : As I have not received a copy of this statement so far, will the Honourable Minister be pleased to enlighten me regarding the facts contained in the statement.

Mr. Speaker : Was not a copy of the statement sent to the honourable member?

Secretary of the Assembly : This statement has not been received by the Assembly office.

Parliamentary Secretary : On this particular occasion I regret to say, Sir, the answer was prepared at the last moment and an advance copy of the reply could not be supplied to the Assembly Office for supplying to the honourable member.

Mr. Speaker : I request the Honourable Premier to see that advance copies of replies, placed on the table of the House, are supplied to the Assembly Office in time, so that they may be sent to the honourable members concerned.

Minister of Education : Whenever possible.

Pandit Shri Ram Sharma : May I request the Parliamentary Secretary to read the reply to my question ?

Mr. Speaker : I have no objection.

Parliamentary Secretary : The statement runs as follows :—

Information regarding sub-castes of Brahmans notified as agricultural tribes.

(a) Description of Brahmans—	Area held. (Acres.)
Gaur Brahmans (excluding Bohras) in Ambala district	23,664
Saraswat Brahmans in Ambala district	13,201
Brahmans (excluding Brahmans of Lahaul and Spiti) in the Kulu and Seraj tahsils of the Kangra district entered as land owners or occupancy tenants in the settlement of 1891, and their descendants.	3,731
Brahmans (excluding Bujra, Acharaj, Bhat, Saniasi, Gujrati, Bhojki Brahmans) in the Dera, Hamirpur, Palampur, Kangra and Nurpur tahsils of the Kangra district.	190,096
Taraich Brahmans in Pathankot tahsil of Gurdaspur district.	3,806
Baractra Brahmans in Shakargarh tahsil of Gurdaspur district.	2,021
Dat Brahmans in the Gurdaspur district	7,357
Dat Brahmans in Shahdara tahsil of Sheikhpora district.	360
Gaur Brahmans (excluding Bohras) in Rohtak, Karnal and Gurgaon district and Hissar, Hansi, Fatehabad and Bhiwani tahsils of Hissar district.	} Not readily available.
Brahmans in Kotgarh ilaqa of Kot Khai tahsil of Simla district.	
Brahmans in Una tahsil of Hoshiarpur district	
Muhial Brahmans in Jhelum, Attock, Gurdaspur and Gujrat districts.	} Applications rejected as the requisite conditions were not fulfilled.
Brahmans in the Rawalpindi district	
(c) Brahmans of Gujranwala district	
Jangi Brahmans of Ambala division	
Brahmans of Lyallpur district	
Khandelwal Brahmans of Hissar	} Asked to justify their claim.
Sawal Brahmans of Gurdaspur district	
Saraswat Brahmans of Karnal district	} Cases under consideration.
Chaurasia Brahmans of Hissar, Rohtak, Gurgaon and Karnal districts.	
Saraswat Brahmans of Hissar district	
Saraswat Brahmans of Ambala district	
	Notified as an agricultural tribe.

Pandit Shri Ram Sharma : May I ask the Parliamentary Secretary as to whether any one or any class who can be declared as an agriculturist according to the conditions prescribed by the Government, wants to be declared an agriculturist has to apply or whether he is automatically declared an agriculturist ?

Parliamentary Secretary : The instructions regarding this question are fairly clear.

Lala Deshbandhu Gupta : Are the cases of those agriculturists who have taken to business also considered by the Government with a view to withdraw from them the privilege which they enjoy as statutory agriculturists ?

Mr. Speaker : Disallowed.

Pandit Muni Lal Kalia : Is it a fact that representations are being made from time to time by Brahmans of different districts that in view of their being in possession of land, they should be declared agriculturists ?

Parliamentary Secretary : I am not aware of any representation. How can I answer this question which concerns the whole of the Punjab ?

Pandit Muni Lal Kalia : Let me know about Jullundur, Sheikhupura, and Ludhiana districts.

Parliamentary Secretary : If the honourable member will give me notice I will try to collect the information required by him.

STRICTURE AGAINST POLICE BY A DIVISION BENCH OF LAHORE HIGH COURT
IN A MURDER CASE AT SIKANDERABAD, IN MULTAN DISTRICT.

*6575. **Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that recently a Division Bench of the Lahore High Court consisting of the Honourable Chief Justice Sir Douglas Young and the Honourable Mr. Justice Ram Lal acquitted one Jinda sentenced to death in connection with a murder committed last July near Sikanderabad, district Multan, on the ground that his confession of guilt had been extorted from him by torture and inducement ;

(b) whether it is a fact that the medical evidence in that case showed that the back parts of thighs and buttocks of the said Jinda were almost black with bruises ;

(c) whether it is also a fact that the said case has been referred to the Government for proper action and if so, what action has been taken thereon ?

The Honourable Major Newsbysda Malik Khizar Hayat Khan Tiwana : The judgment has been brought to the notice of Government and the District Magistrate has been asked to institute enquiries.

Lala Duni Chand : What is the nature of the enquiry ?

Minister : The usual enquiry that is made in such cases.

Lala Duni Chand : May I know what is that usual enquiry ?

Mr. Speaker : Disallowed.

Lala Duni Chand : May I know whether the facts found by the High Court are not sufficient to deal with the men ?

Minister : When such cases are brought to the notice of the Government, enquiries are made.

Lala Duni Chand : May I know whether the judicial finding given by the High Court is not sufficient for the purpose of enquiry ?

Minister : My honourable friend is a lawyer and he should know that the judicial finding is a judicial finding so far as it concerns the person on trial. Whenever a stricture is passed against any other person, an enquiry is made and that person is given an opportunity to give his explanation. So, in this case also an enquiry is being made.

Lala Duni Chand : I want to know from the Honourable Minister whether the finding given by the High Court is not sufficient for the purpose of dealing with those people who are responsible for torture ?

Minister : Whether that enquiry was sufficient or not I am not in a position to say anything, but before dealing with these persons and for taking action against them, further enquiry is necessary.

Mr. Speaker : Will the honourable member point out the law or rule under which action can be taken against these persons without holding a departmental enquiry and giving them an opportunity to give their explanations ?

Lala Duni Chand : I want to know from the member of the Government, whether that finding which was given by the High Court, was not sufficient ?

Minister : May I answer the question by an illustration ? Supposing unfortunately tomorrow the honourable member, who is now asking the question, was involved in some strictures by a court of law, that would not automatically result in his name being removed from the roll of legal practitioners ; he will be given an opportunity of explaining his conduct and defending himself before action is taken.

Lala Duni Chand : Is it not true that the High Court has discussed all the evidence bearing on the question ?

Minister : That was not the issue in the case. Now a fresh issue will be gone into.

Lala Duni Chand : Do you not know that the defence of the accused was that confession was taken by torture ?

Mr. Speaker : Whatever may be the defence of a person involved in a case, it cannot be conclusive against a third person who has not been given an opportunity to state his point of view.

Pandit Shri Ram Sharma : Will the Honourable Minister please state who are those police officers against whom these remarks have been made ?

Minister : I could not give names, they would be given in the judgment.

Pandit Shri Ram Sharma : Has the Honourable Minister any knowledge of the persons against whom the remarks were made ?

Minister : I have seen the judgment but will not be able to give the names ; but what benefit will names do ?

Pandit Shri Ram Sharma : I am not asking their names but I want to know the positions held by these officers, that is, whether they are head constables or sub-inspectors.

ADMISSION INTO KING EDWARD MEDICAL COLLEGE, LAHORE.

***6577. Khan Haibat Khan Daba :** Will the Honourable Minister for Education be pleased to state—

- (a) the minimum qualifications required for admission into the King-Edward Medical College, Lahore ;

[Khan Hail at Khan Daba.]

- (b) whether it is a fact that the 3rd division F.Sc. non-Muslim girls were admitted during the years 1934 to 1937 ;
- (c) whether it is a fact that the 2nd division non-Muslim girls were refused admission in 1939 ;
- (d) the difference in the standard of educational qualifications for the admission of women students into the above-named college during the years 1934 to 1937 and in 1939 ;
- (e) what steps the Government propose to take in view of the increasing demand of the non-Muslim female doctors ?

The Honourable Mian Abdul Haye : (a) Intermediate Examination (Science Faculty—Medical Group) of the Punjab University, the Delhi University, the Muslim University, Aligarh, or the Board of Examinations, United Provinces.

(b) Yes.

(c) For the 6 seats available, two candidates who had passed in the first division and 4 who had passed in the second division were selected. Three candidates who had passed in the second division were refused admission for want of accommodation.

(d) There was no difference in the standard of educational qualifications required for admission. But in the years 1934 to 1937 the number of first and second division candidates was not sufficient to absorb all the vacancies.

(e) As the supply does not fall short of the demand, Government do not consider that any action is necessary.

Pandit Shri Ram Sharma : May I know from the Honourable Minister if it is not a question of communal nature ? Sometimes the Government dubs such questions as communal and at others they proceed to give replies to them.

Minister : Certainly not. The question is as to why girls passing in third division were admitted to King Edward Medical College in one year and the girls who had passed in the second division were refused admission the next year.

Pandit Shri Ram Sharma : Does not this question concern non-Muslim girls ?

Minister : I am afraid the honourable member is labouring under a misapprehension. The question has nothing to do with communalism.

ADOPTION OF MEASURES FOR ARREST OF OUTLAWS LIKE KURA.

***6578. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the notorious outlaw Kura, who has been responsible in recent months for several murders and dacoities in certain districts and states of the Punjab has been recently captured as a result of the measures adopted and approved of at a recent conference of police chiefs held at Rupar in Ambala district ;

- (b) the reasons why the same or similar measures have not been adopted and pursued for the purpose of capturing other outlaws in the Punjab and whether Government intends to move in the matter now that the efficacy of these measures has been proved?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana: The honourable member is invited to see the reply given to part (e) of Question *6479¹, describing the special measures which have been taken to deal with the outbreak of dacoity in Ambala and the neighbouring districts. It is satisfactory that the arrest of one notorious outlaw has been effected, and we hope to be able to report other successes shortly. I am glad to say that other successes have followed since.

Lala Duni Chand: May I know if this dacoit was allowed to remain at large and carried on depredations for about two years and after two years he has been arrested?

Mr. Speaker: That does not arise out of the question.

Lala Duni Chand: He takes pride in the fact that he has been arrested. I want to get further information as to when he was arrested, how long after starting depredations he was arrested. The question arises out of the answer given by him.

COMPLAINT OF CORRUPTION AGAINST A SUB-INSPECTOR
OF POLICE, DISTRICT LUDHIANA.

***6579. Chaudhri Muhammad Hasan:** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that one Chaudhri Ahmad Hussain Khan, resident of village Rahwan, Police Station Khanna, Ludhiana district, recently made a complaint of corruption against a sub-inspector of police;
- (b) if the reply to (a) be in the affirmative, the name and designation of the officer who was deputed to make enquiry into the allegations;
- (c) how many witnesses were examined by the said officer;
- (d) whether the complainant was asked to produce his evidence in support of the allegations made by him;
- (e) the names, parentage and places of residence of the witnesses produced;
- (f) how many days the said officer took to complete the inquiry;
- (g) the date when the complaint was made and the date when the inquiry was completed;
- (h) whether it is a fact that the complainant was not satisfied with the inquiry inasmuch as the witnesses were not examined in the presence of the complainant;

[Cb. Mohd. Hasan.]

- (i) whether it is also a fact that the complainant took objection to the behaviour of the officer who conducted the inquiry ;
- (j) whether any action has been taken by the Superintendent of Police against the sub-inspector in question ;
- (k) If the reply to the above be in the negative, the grounds for not taking any action so far ;
- (l) whether it is a fact that documentary evidence has not been collected by the officer inquiring into the complaint mentioned above ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) Yes, on the 18th February, 1940. The complaint was directed against a sub-inspector who had been transferred from the Khanna police station in February 1939 and has since left the Ludhiana district.

(b) An inquiry was made by the District Inspector, under the orders of the Superintendent of Police. It is not the usual practice to give names.

(c) and (e) The application mentioned nine witnesses (apart from the applicant himself). The statements of all these were recorded. Only one of them supported the allegations in the complaint.

Here, again, I do not think that it is necessary to give names.

(d) The complainant was given repeated opportunities to produce evidence in support of his allegations but failed to do so, and on the 3rd April he presented an application to the inquiry officer definitely stating that he was unable to produce any evidence in support of his complaint.

(f) The recording of the evidence mentioned in the reply to part (c) was completed in eight days. The inquiry has been kept open in order to obtain the statement of a resident of Ambala city whose evidence appears also to be necessary.

(g) The complaint bears the date 18th February, 1940. It was entrusted to the District Inspector for inquiry on the 21st February. As indicated above the inquiry is still proceeding.

(h) and (i) The complainant was informed of the time and place fixed for the inquiry. He did not appear until late, when the statements of all the witnesses except one had already been recorded. No complaint seems to have been made by him to the Superintendent of Police or any one else in regard to the methods adopted in the inquiry.

(j) and (k). No ground has so far been shown for action against the sub-inspector.

(l) No documentary evidence has been produced by the complainant or any other person, nor has any reference been made to any relevant documents in any of the witnesses' statements.

**CHARGING OF LEVY FROM PETITION-WRITERS FOR PRISONERS'
AID SOCIETY.**

***6582. Dr. Satya Pal :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that the petition-writers sitting outside the jail compound at Ferozepore are, under orders of the local jail authorities, not allowed to charge more than one anna for each petition they write ;
- (b) whether it is also a fact that out of the one anna which they are permitted to charge, they are, under orders of the local jail authorities made to contribute half-an-anna to the funds of the Prisoners' Aid Society ;
- (c) whether a regular list is maintained wherein a jail official puts down the amount received from each petition-writer every day and gets the same signed by him ;
- (d) whether he will please lay on the table of the House a copy of the entries respecting the said contributions received in the month of March, 1940 ;
- (e) the provision of law under which the said contributions are being collected ;
- (f) in case no such provision of law exists whether he intends to stop this unlawful levy ?

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

(d), (e) and (f). Do not arise.

**ALLEGATIONS MADE BY SECRETARY, PUNJAB MOTOR UNION, LAHORE
AGAINST TRAFFIC POLICE, LAHORE.**

***6583. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to lay on the table of the House—

- (a) the nature of the allegations made by the Secretary, Punjab Motor Union, Lahore, against the traffic police, Lahore, under letter No. 1749, dated 25th October, 1939, to the Senior Superintendent of Police, Lahore ;
- (b) whether any inquiry was made into the matter mentioned in part (a) above ; if so, the result thereof and the reasons justifying the actions of the police officers concerned ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : A copy of the letter mentioned by the honourable member is laid on the table, together with a copy of the reply sent by the Senior Superintendent of Police, Lahore. As the honourable member will see, the Senior Superintendent of Police, after investigating the complaints, came to the conclusion that no action was required.

Mr. Dev Raj Sethi : What were the allegations ?

Minister : They have not been substantiated : I would have been prepared to read them out if they had been substantiated.

Pandit Muni Lal Kalia : Was any opportunity to adduce evidence given to the Punjab Motor Union (Registered) on whose behalf the complaint was filed ?

Minister : A complete enquiry was made.

Pandit Muni Lal Kalia : Is it not a fact that in their letter No. 1749, photos were also attached to substantiate allegations ? Was any enquiry made into it ?

Minister : I have nothing more to add.

Pandit Muni Lal Kalia : May I know on what date and for how long a period and through whom that enquiry was conducted ?

Minister : I have nothing more to add.

Copy of a letter No. 1749, dated the 25th April, 1939, from the Punjab Motor Union (Regd.), 52-A, Circular Road, Lahore, to the Assistant Superintendent of Police, Traffic.

I beg leave to draw your attention firstly to the method adopted by Mr. A. Smith, Police Sergeant, in impounding driving licences from the lorry drivers, which not only goes beyond the instructions of the Government, but causes unnecessary hardship to the drivers also. I beg to submit the following two examples that recently came to our notice—

- (1) He impounded the driving licence of one Gian Chand on 8th July, 1939, and gave him a chit on a piece of paper stating the validity of the chit without giving any particulars of the offence, etc.
- (2) Driving licence of one Saraj Din was impounded by him on 3rd September, 1939, and was given a chit on a piece of paper stating the validity of the chit up till 8th September, 1939. The driver wandered the whole day of the 8th and 9th in the Court and the Police Station to know the whereabouts of his licence and challan. His challan was registered in the traffic challan register on the 9th September under No. 2476 and the chit was extended to 14th September, ordering him to appear on the said date in the Court of the Traffic Magistrate, but even then the commission and particulars of the offence were not written on the chit.

Secondly, with great regret I beg to remind you to the unchecked practice of loading and unloading of passengers and goods by the buses of Nishat Bus service on the footpath adjoining the Circular Road and from an unapproved stand outside Lohari Gate.

I am at a loss to understand that when the buses of Paris Bus service were checked from loading passengers from the adjoining stand, why the Nishat Bus service have been given full freedom to do the same thing.

In proof of my allegations I attach three photos for your perusal and request for an immediate necessary action.

Copy of a letter No. 13552, dated the 9th November, 1939, from the Senior Superintendent of Police, Lahore, to the Secretary, The Punjab Motor Union (Registered), 52-A, Circular Road, Lahore.

Please refer to your letter No. 1748, dated the 25th October, 1939.

I have had detailed enquiries made into the matters you mention. Sergeant Smith's action which you bring to notice was in both cases justified owing to the peculiar nature of the cases concerned.

Regarding the Nishat Bus Stand, an inspection of the site has shown that the land is specially rented by that Company and has now been fenced. No encroachment on any foot-path is being committed.

MOTOR ASSOCIATIONS AND SUPPLY OF DRAFT RULES.

***6584. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state the names of the Motor Associations to which the copies of the draft rules proposed to be made and published under notification No. 486-H. (G.)-40,4259 were officially supplied by the Home Department on the 27th January, 1940 ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (1) The Automobile Association of Northern India.

(2) The Indian Roads and Transport Development Association. Limited (Punjab Motor Branch).

(3) The Punjab Organised Bus Services Association.

(4) The Punjab Motor Trade Association.

Mr. Dev Raj Sethi : May I know why a copy was not supplied to the Punjab Motor Union ? It is a registered body.

Minister : Copies were supplied to persons interested in the matter ; moreover, the notification was published in the Gazette and was made available to the general public.

Pandit Muni Lal Kalra : May I know whether any distinction was made between the associations to whom copies were sent and others to whom copies were not supplied ?

Minister : No distinction was made. As I have already said, the notification was published in the Gazette and copies were sent to certain associations and to interested persons only as a matter of courtesy.

Mr. Dev Raj Sethi : Is there any black and white lists of the Unions ?

Minister : No.

JUDGMENT OF HIGH COURT IN A CRIMINAL REVISION NO. 121 OF 1939.

***6585. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether his attention has been drawn to a judgment of the High Court, Lahore, delivered by Mr. Justice Din Muhammad in Criminal Revision No. 121 of 1939 ;

(b) if the answer to part (a) above be in the affirmative, the action taken by the Government in this connection ; if not, the reasons therefor ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) A copy of the High Court order has now been obtained.

(b) It was not suggested in the order that any action on the part of Government was required, and the matter being now more than a year old Government do not think that any useful purpose would be served by enquiries.

APPOINTMENT OF TAHSILDAR, HOSHIARPUR, AS MEMBER OF SMALL TOWN COMMITTEE, HARIANA.

***6588. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the seat of a member of the Small Town Committee, Haryana, district Hoshiarpur, elected from Ward No. 4, had fallen vacant due to death last summer ;
- (b) date on which it fell vacant and date on which vacancy was notified ;
- (c) whether it is a fact that no by-election has been held to fill the vacancy ; if not, why not ;
- (d) whether it is a fact that the Tahsildar, Hoshiarpur, has been nominated to fill the vacancy, if so, under what provision ?

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

(b) The seat fell vacant on the 24th June, 1939.

(c) No by-election has been held to fill the vacancy due to a misunderstanding. A by-election will be held in the near future.

(d) The Tahsildar of Hoshiarpur was appointed to fill the vacancy, but appointment has since been cancelled.

COMPLAINT AGAINST MEDICAL OFFICER IN CHARGE OF VACHHOA DISPENSARY, DISTRICT AMRITSAR.

***6589. Sardar Sohan Singh Josh :** Will the Honourable Minister for Education be pleased to state—

- (a) whether Bhai Sewa Singh, son of Gurdit Singh, of village Gaure Nangal, police station Ramdas, district Amritsar, made a complaint on 7th February, 1940, against the Medical Officer in charge of Vachhoa dispensary to the District Medical Officer of Health, Amritsar, stating that his minor son whose right hand fingers were cut off with a fodder cutter, was not attended to in spite of repeated requests and waiting for about two hours ;
- (b) whether any inquiry was made into the complaint ; if so, who made the inquiry ;
- (c) whether any action was taken against the Medical Officer concerned ; if so, what ;
- (d) whether the Government proposes to take any action against the above-named officer ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The District Medical Officer of Health made an enquiry.

(c) His increment has been stopped for one year.

(d) Government do not consider that any further action is required on their part. The officer concerned is an employee of the District Board.

Sardar Sohan Singh Josh : May I know as to whether enquiries were made from the person against whom the complaint was made ?

Minister : I am afraid it does not arise out of the original question.

Sardar Sohan Singh Josh : Will the Honourable Minister be pleased to state whether he received any complaint from the person mentioned in the question ?

Minister : I no doubt received a representation in this connection, but I am not aware of the name of the person who made it.

Sardar Sohan Singh Josh : Was any reply given to the complainant ?

Minister : I cannot say offhand.

INCLUSION OF AMBALA DIVISION IN EIGHT-YEAR ROAD PROGRAMME.

***6590. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether any eight-year road development programme has been prepared and decided upon by the Punjab Government ;

(b) the main features of the programme ;

(c) the place that has been given to the six districts of Ambala division in this programme and the new roads which are proposed to be constructed according to this programme in these districts ?

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

(b) The main features are to develop roads in areas which are at present backward in communications, to metal important unmetalled roads, to recondition neglected metalled roads and to maintain in proper condition the road system of the province.

(c) No order of priority has been fixed. A list, however, of the roads in Ambala Division which have been and are likely to be improved in accordance with the programme is placed on the table.

Lala Duni Chand : May I know if before preparing the whole construction programme, six districts of the Ambala division were consulted ?

Minister : It does not arise out of this question.

Lala Duni Chand : How can you say, it does not arise ?

Minister : How can you say it does arise ? (Laughter) ?

Lala Duni Chand : May I repeat my question ? My question is whether the six districts of the Ambala Division were consulted before this programme was prepared ?

Parliamentary Secretary : What do you mean by consulting the districts ?

Lala Duni Chand : I mean consulting the representatives of the people of the districts. May I know if any amount is going to be spent during the coming 8 years on the roads in the Ambala Division ?

Minister : I would require notice for that question.

Lala Duni Chand : May I know if the Parliamentary Secretary is in a position to point out what roads are proposed to be constructed according to this programme ?

Parliamentary Secretary : I have placed a long list on the table of the House.

Lala Duni Chand : May I know if Ambala district finds any place in that long list?

Parliamentary Secretary : Here is the list. The honourable member can see for himself.

List.

A. Roads or portions of roads in Ambala Division which have been or are being provincialized and improved under the 8-year road development programme commencing April, 1937, and to 31st December, 1939.—

1. *Rohtak District.*—

1. Rohtak-Jhajjar.
2. Najafgarh-Bahadurgarh.
3. Jhajjar-Rewari.
4. Gohana-Sonepat (under District Board).

An experimental cement concrete trackway is being constructed on this road for bullock-cart traffic.

2. *Gurgaon District.*—

5. Jhajjar-Rewari.
6. Nuh-Palwal.
7. Sohna-Palwal.

3. *Karnal District.*—

8. Karnal-Indri.
9. Pipli-Pehowa.

4. *Ambala District.*—

10. Rupar-Chandigarh.
11. Ambala-Shahzadpur.

B. Roads or portions of roads in the Ambala Division which are likely to be provincialized and improved or metalled under the 8-year road development programme—

1. *Hissar District.*—

1. Hissar-Tosham.
2. Hansi-Tosham-Bhiwani.

1. *Hissar District.*

3. Hansi-Bawani Khara-Bhiwani.
4. Sirsa-Dabwali.

This is already under Public Works Department and is being metalled. A bridge over Ghaggar near Sirsa is to be built on this road.

2. *Rohtak District.*—

5. Jhajjar-Bahadurgarh.
6. Jhajjar-Jahazgarh.
7. Kharkhanda-Sampla.
8. Dighal-Beri-Chuchakwas.
9. Rohtak Circular Road.

3. *Gurgaon District.*—

10. Gurgaon-Qutub.

4. *Ambala District.*—

11. Adoba-Kala Amb.
12. Abdullahpur-Buriya.
13. Shahzadpur-Kala Amb.

(Note: The list is liable to change.)

CONFINING IN CELLS AND CANING CERTAIN PRISONERS IN DISTRICT
JAIL, AMBALA.

*6591. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Finance be pleased to state—

(a) whether there are at present any prisoners in the Ambala District Jail who are kept confined in solitary cells for all the 24 hours ; if so, their number and rules under which and the offence for which this punishment is being meted out to them ;

(b) the number of prisoners in the said jail who have been caned during the last six months, the number of cuts of cane administered to each, the offence for which this punishment was awarded to them ?

The Honourable Mr. Manohar Lal : (a) No. But there are certain prisoners confined in cells under paragraph 575 of the Punjab Jail Manual.

(b) Seven prisoners were awarded 30 stripes each for serious jail offences.

Pandit Shri Ram Sharma : Is it not a fact that under the rules convicts confined in cells have to be taken out for walking both in the morning and in the evening ?

Minister : I will read out the rule to you :—

A convict who would ordinarily come under the operation of any of the preceding rules relating to the separation of prisoners, but cannot be confined in a cell by day, by reason that he is required for some jail service, shall be confined in a cell by night.

Pandit Shri Ram Sharma : Is the Honourable Minister aware that certain convicts are kept in their cells for full 24 hours in direct contravention of the Jail Rules ?

Minister : I have no reason to think that the rules are not followed.

Pandit Shri Ram Sharma : May I know the nature of the offences committed ?

Minister : I will give you some cases. One prisoner was dismantling the outer wall of his cell and making a tunnel through it to come out at night. Another prisoner was found beating convict Namdar. In another case a prisoner behaved rudely before the Superintendent of the Jail and abused the Deputy Superintendent. Another prisoner was found dismantling berth of his cell and using abusive language towards the jail officials. Another prisoner used filthy language towards the Deputy Superintendent. Yet another prisoner was found dismantling the bricks of his cell. These are all very serious offences.

Pandit Shri Ram Sharma : May I know if the statement read out by the Honourable Minister was prepared after consulting the Superintendent of Jail, Ambala ?

Minister : I did not visit the place myself and cannot be expected to make personal inquiries. Naturally these inquiries were made from the Superintendent of Jail.

Pandit Shri Ram Sharma : Is it or is it not open to objection that that very officer is called upon to furnish a reply who in fact has been responsible for taking such drastic actions against the convicts ?

Minister : I had no other machinery of inquiry but the Jail Superintendent. All these offences are about dismantling portions of jail in order to effect escape. Why should the Jail Superintendent manufacture these cases? He has got thousands of other prisoners under him.

Pandit Shri Ram Sharma : May I know as to whether there is no officer higher than the Superintendent of Jail in the administration of Jails?

Lala Duni Chand : If the position is as has been given by the Honourable Minister, does it not come to this, that an accused person sits in judgment in his own case?

Premier : Sir, is it not wasting the time of the House that my honourable friends should ask all kinds of irrelevant questions?

Pandit Muni Lal Kalia : May I know from the Honourable Minister-in-charge whether all these offences attributed to the prisoners took place at one and the same time and on the same day?

Minister : The honourable member may give me notice for this.

SCHOLARSHIPS FOR WOMEN FOR STUDY IN DORABJI TATA GRADUATE SCHOOL OF SOCIAL WORK.

***6593. Shrimati Shanno Devi Sehgal :** Will the Honourable Minister of Education be pleased to state whether his attention has been drawn to resolution No. 1 (b) passed by the Central Punjab Branch of the All-India Women's Conference at its echo meeting held at Lahore on 31st March, 1940, containing a suggestion for the provision of two scholarships to women graduates for study in the Sir Dorabji Tata Graduate School of Social Work as a first practical step to better the wretched lot of the children in this province; if so, the action taken or proposed to be taken on that resolution?

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

ANNUAL GRANT FOR LADY IRWIN COLLEGE FOR DOMESTIC SCIENCE AT DELHI.

***6594. Shrimati Shanno Devi Sehgal :** Will the Honourable Minister of Education be pleased to state whether his attention has been drawn to resolution No. 4 passed by the Central Punjab Branch of the All-India Women's Conference at its echo meeting held at Lahore on 31st March, 1940, requesting the Government to give an annual grant to the Lady Irwin College for Domestic Science at Delhi or to grant a few scholarships to deserving women students of the province studying in the said college; if so, the action taken or intended to be taken thereon?

The Honourable Mian Abdul Haye : No. Government has already decided to pay an annual grant of Rs. 2,000 to the Lady Irwin College, Delhi, for a period of three years commencing from the year 1940-41.

Lala Deshbandhu Gupta : Does the Government want to increase the amounts of the grants in view of the fact that this institution is the only one of its kind and many girls from the Punjab are deriving benefit from it?

Minister : We have allotted these grants without being requested.

Lala Deshbandhu Gupta : Very niggardly.

Minister : This point should also be borne in mind that we have started our own institute.

ADJOURNMENT MOTION.

ARREST OF SARDAR TEHL SINGH.

Sardar Sohan Singh Josh (Amritsar North, 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 action of the police in arresting Sardar Tehl Singh—a prominent Kisan leader of village Bhangali, District Lahore, under the Defence of India Rules on 19th April, 1940, in the compound of Sessions Court, Lahore.

Mr. Speaker : Are the persons, arrested under the Defence of India Rules, tried by courts of Law or are they detained in jail without any trial?

Sardar Sohan Singh Josh : I take it that this Sardar Tehl Singh has been taken to the Fort at Lahore and after two months he will be transferred to jail without any trial. If there is any doubt you may ask the Honourable Premier.

Mr. Speaker : What has the Honourable Premier to say?

Premier : Those arrested under rule 129 (2) can be arrested by policemen because the offences are cognisable under the Act and thereafter they report the matter to Government and then Government considers whether a regular trial should be held or they should be detained under some other rules.

Sardar Sohan Singh Josh : I may point out that in 90 cases out of 100 they are never tried; they are simply locked up in jails. This person particularly has been a victim of the excesses by the police. I think he is an important person. I am also willing to give you information on other points if any.

Mr. Speaker : But he has been arrested under the law in force.

Sardar Sohan Singh Josh : It is an executive action.

Mr. Speaker : May be, but it has been taken under the law in force.

Sardar Sohan Singh Josh : Every action is taken under the law. In that sense no adjournment motion is admissible.

Mr. Speaker : According to Parliamentary practice, an adjournment motion must raise a larger issue than merely an individual grievance. In this case only one individual is concerned.

Sardar Sohan Singh Josh : He is a leader.

Mr. Speaker : May be. The point is whether the motion raises a larger issue than merely an individual case. Besides, the matter on which the motion is based must involve official action beyond the ordinary administration of the law. Has he not been arrested under the law in force?

Mian Abdul Aziz : Ordinarily.

Mr. Speaker : The matter on which the motion is based must involve official action beyond the ordinary administration of the law. The rule does not say "beyond the administration of the ordinary law".

Dr. Sir Gokul Chand Narang : Is it ordinary for the Punjab Government to send people to the Fort? The defence of India Act is itself an extraordinary law. We do not know whether it is now to be the ordinary practice.

Mr. Speaker : According to rule 129 an arrested person can be detained by the police for more than 15 days, and in the meantime the case has to be submitted to Government and the Government cannot detain him for more than 2 months.

Diwan Chaman Lal : We are back again to the days of Charles I. (*Laughter*). (*An honourable member :* War-time). This is how we are working the democracy.

Sardar Sohan Singh Josh : It is a question of principle involved. In other similar cases you were pleased to allow adjournment motions and I do not think there is anything that can be said against this motion. The whole of the Kisan party is interested in this.

Mr. Speaker : I sympathise with the honourable member, but the motion as worded does not concern more than one individual and does not relate to a wider grievance. Besides, whatever is done is done under the law in force. No violation of the law is involved.

Pandit Shri Ram Sharma : Lawless law.

Mr. Speaker : Have it repealed or amended.

Lala Deshbandhu Gupta : Then, is it that the administration of Government cannot be questioned?

Mr. Speaker : Why not?

Lala Deshbandhu Gupta : I wish to submit that it is open to the House to question it even through an adjournment motion.

Sardar Sohan Singh Josh : Do I understand that my motion has been ruled out of order?

Mr. Speaker : I have not held it to be in order.

THE CODE OF CRIMINAL PROCEDURE (PUNJAB AMENDMENT) BILL.

Minister for Finance (The Honourable Mr. Manohar Lal) : I beg to introduce the Code of Criminal Procedure (Punjab Amendment) Bill.

I also beg to move—

That the Code of Criminal Procedure (Punjab Amendment) Bill be taken into consideration.

In commending this motion to the House it is not necessary for me to enter upon any elaborate excursus on the law of evidence as relating to confession or allied subjects. The matter is exceedingly simple and the honourable members are aware

of the immediate occasion for the introduction of this Bill. The honourable members know that the law of confession as contained in the Indian Evidence Act, excludes certain types of confessions and the provision therefor is made in sections 25-26 of the Indian Evidence Act. They are short sections and I will refer to them. Section 25 says—

No confession made to a police officer shall be proved as against a person accused of any offence.

And similarly section 26 says—

No confession made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a magistrate, shall be proved as against such person.

And the reason for this is obvious, because confessions or statements made under these circumstances cannot be relied upon to be voluntary, and it may be, and in some cases it may be probable, that they may be induced by police influence or made under pressure. Therefore, it has always been recognized in all systems of jurisprudence that statements of that character are not admissible as against any accused person. But these two provisions of law are subject to a provision contained in section 27 of the Indian Evidence Act which runs thus :—

Provided that when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

This provision is based on a well understood principle of jurisprudence in connection with the law of evidence, because when a statement relates definitely to the discovery of a given fact there is the guarantee of its being true; no inducement need be spelt in these cases. There is no risk attached to statements which have this particular guarantee with them. Now, Sir, this section 27 has been the law of the land for something like 70 years. There has never been any doubt on the question. There may have been doubts as regards the exact interpretation and scope of this section, but the section itself, has been fully operative. In the year 1928, there was an amendment of section 162 of the Code of Criminal Procedure and yet during all these many years no manner of cloud was cast upon section 27. But recently their Lordships of the Privy Council in a judgment, reported in the All-India Reporter of 1939, made certain observations which cast some doubt on the validity of this section. I will give the words of Their Lordships of the Privy Council—

The words of section 162 are in their Lordships view plainly wide enough to exclude any confession made to a police officer in course of investigation whether a discovery is made or not. They may, therefore, *pro tanto* repeal the provisions of the section which would otherwise apply. If they do not, presumably it would be on the ground that section 27 of the Evidence Act is a special law within the meaning of section 162 of the Code of Criminal Procedure and that section 162 is not a specific provision to the contrary.

These words of their Lordships of the Privy Council have been interpreted recently in a Full Bench ruling of the Punjab High Court by a majority of Judges as meaning that the legislature in 1928 when it changed the language of section 162 of the Code of Criminal Procedure apparently deliberately omitted to save section 27 from repeal. The pronouncement of their Lordships of the Privy Council has been considered by at least three High Courts

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in India, the High Court of Madras, the High Court of Patna and the High Court of Nagpur and all these came to the decision that the validity of section 27 has not been impaired by the observations of the Privy Council.

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

But the High Court in Lahore have come to the conclusion by a majority of 5 to 2 that the observations of their Lordships of the Privy Council must be so interpreted as to hold that section 162 as amended in the year 1923 has the effect of repealing section 27 of the Evidence Act. Now, Sir, the Honourable Chief Justice of our High Court when delivering his recent judgment in the Full Bench on this subject—and it is his judgment that has been followed by other learned Judges—came to the conclusion that section 27 having been thus repealed it will be for the legislature to consider the effect of this decision and to amend section 162 if this is thought to be advisable. As I submitted, section 27 of the Indian Evidence Act which is so essential for the purposes of investigation, has been the law of the land for 70 years, and it is still regarded as unaffected by section 162 of the Code of Criminal Procedure by a number of High Courts. But recent pronouncement of the Privy Council has thrown doubt on the validity of this section and our court has held that the section must be regarded as repealed. It is in these circumstances that we have brought forward this extremely simple measure in order that the position as it has been hitherto for seventy years may be restored. It is not that we are seeking to add anything to the law of evidence or seeking in any manner to strengthen the hands of investigating authorities in their work. We are simply proposing to have the original position restored, to have the same position here as it is in the rest of India. This is the short scope of the Bill which has been set forth very clearly in the Statement of Objects and Reasons. I commend this Bill to the House.

Mr. Deputy Speaker : Motion moved—

That the Code of Criminal Procedure (Punjab Amendment) Bill be taken into consideration.

Chaudhri Muhammad Hasan (Ludhiana, Muhammadan, Rural): Outwardly it seems that this amendment, which is sought to be introduced, is very innocent, but if you very carefully consider the implications of this amendment, you will come to the conclusion that this is likely to lead to very mischievous results. If you look at the interpretations of section 27 for the last twenty years by different High Courts, you would come to the conclusion that even the Honourable Judges of different High Courts have interpreted the section in a different way. Some of the High Courts have come to the conclusion that this section is so mischievous that even a police officer, who intends to abuse the provisions of section 162, can use it in his own way. I would, in this connection, refer to the torture case of Jinda about which my learned friend Lala Duni Chand asked a question to-day. In that case the Honourable Judges have said that they are not prepared even to accept the statement of the accused person which amounts to a confession, even if it is conceded for the sake of argument, that there

were some recoveries in pursuance of the statements of the accused that were made to the police officer while he was in custody of the police. The Honourable Judges, and particularly the Honourable Chief Justice, have held in very clear terms that if the police officer is so dishonest as to extort a confession by means of torture, then there is every possibility that that police officer will go to the length of fabricating false evidence, and, therefore, the conclusion is that this confession, even if it is followed by recoveries by the police, should not be admissible. I would like to refer you to a few portions of the judgment of the High Court wherein it is said that confession produced by torture is not admissible and then I would like to take you to the concluding portion of the judgment where the Honourable Judges have said that if that confession is valid by certain recoveries, even then this is a question which needs special consideration and they are not prepared even to accept that confessional statement under section 27. The Honourable Minister of Finance has referred to a ruling of the Privy Council and that of a Judge of our High Court where the Judges have come to the conclusion that section 27 stands repealed in view of the provisions in section 162, because they say that according to section 162 the statement of a person recorded during the investigation includes the case of an accused and, therefore, that statement cannot be brought into evidence and it cannot be proved against that particular accused in that particular case. Our learned friend wants to save the provision of section 27. I would submit to my honourable friend that he should see whether section 27 does not stand in the way of sections 24, 25 and 26 of the Indian Evidence Act. If it amounts to contravening the provisions of sections 24, 25 and 26 of the Indian Evidence Act, it means that this confessional statement—even if the confession is extorted through inducement, threat or beating but is followed by recovery—according to the law, as it stands, will be relevant and it can be proved. In a case *Crown versus Allahdin* it was held in the year 1928 by Justice Jai Lal and Justice Fford that so far as section 27 was concerned, the entire statement of removing the kara from the person and throwing him in the well was relevant for purposes of section 27. Sir Shadi Lal held that only so much of the statement would be relevant and could be proved which distinctly related to that recovery which was made in pursuance of the statement of the accused. This is not an easy matter which the Honourable Minister of Finance, who is a legal luminary, has thought fit to introduce. Apparently it seems that it is a short amendment but it is an amendment which concerns the administration of justice and particularly the working of police in the province. What he should have done was to elicit public opinion on this matter. He should have invited opinions of various Bar Associations in the Punjab on this amendment and he should have invited opinions of experienced officers of law and then he should have introduced this amendment if he had found that the majority of the opinion had agreed with him. For making this point clear I would like to take you through different rulings of our High Court as well as of the Allahabad High Court in which it has been held that section 27 has been interpreted in different ways. I start first with reading section 27 which is as follows :—

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

[Chaudhri Muhammad Hasan.]

If you read sections 24, 25 and 26 you will come to the conclusion that this provision under section 27 sets at naught the provisions of sections 24, 25 and 26. What are the conditions for the application of this law? The condition is, never mind under what circumstances a confessional statement has been made, but if it is followed by recovery of some weapon or some other article, it becomes relevant. I will read to you section 24 :—

24. A confession made by an accused person is irrelevant in a criminal proceeding if the making of the confession appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

This is the provision under which a confessional statement is altogether ruled out. The prosecution is not authorised to prove this confessional statement when it is made under such circumstances as are given under section 24. I will now read to you section 25 :—

25. No confession made to a police-officer shall be proved as against a person accused of any offence.

This is a provision under which a confession made to a police officer and which cannot be proved, is inadmissible. Section 26 reads as follows :—

26. No confession made by any person whilst he is in the custody of a police officer unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

Even if it is made to a person who is a third person, still they say that it cannot be proved unless it be made in the immediate presence of a magistrate, when it shall be proved against such person. Section 27 is a proviso to this section. Some High Courts say that it is a proviso to this section while some other Honourable Judges of Indian High Courts say that this provision is controlled by sections 24, 25 and 26. It comes to this that this provision alone sets at naught the provisions of sections 24, 25 and 26. If a police officer is bent upon doing mischief or if he is very anxious to involve an innocent person, as particularly happened in the case of Pir Lal Badshah, he will go to the length of fabricating false evidence about the recovery of different articles or different things or different facts. In that case confession, which has been ruled out under sections 24, 25 and 26, will be admissible under section 27, provided, as I have already said before, it is followed by some recovery. It had been better if this section would have been removed from the Indian Evidence Act and would not have been allowed, as has been done during the last 25 or 26 years, to control the provisions of sections 24, 25 and 26. I quite agree with the Honourable the Finance Minister that in certain cases this section has been rightly interpreted; while in other cases it is not. On account of the writings of the police or the investigating officer, that has not been correctly interpreted. In that case there is a grave danger of injustice coming out of the entire case. For your information, Mr. Deputy Speaker, I would like to read out a few cases where it has been held that such and such statement under section 27 is relevant and admissible and such and such statement

under section 27 is inadmissible and irrelevant. I would like to read to you the underlying principle of this particular section 27—

It has already been noticed that the fundamental theory upon which confession becomes inadmissible is that when made under certain conditions they are untrustworthy as testimonial utterances. A very slight probability of untruth, to be sure, is sufficient to exclude (a probability much less than that which supports other testimonial exclusions) and the tests worked out are often more or less artificial; but the principle underlies the whole body of rules. If now a circumstance appears which indicates that the law's fear of untrustworthiness is unfounded and counteracts the significance of the improper inducements by demonstrating that after all it exercised no sinister influence, the confession should be accepted. This is the theory of confirmation by subsequent facts, which has been in vogue ever since there has been any doctrine about excluding confessions. That theory is that where, in consequence of a confession otherwise inadmissible search is made and facts are discovered which confirms it in material points, the possible influence which through caution had been attributed to the improper inducement is seen to have been nil, and the confession may be accepted without hesitation. *Vigmore § 856.*

But it should seem, that so much of the confession as relates strictly to the fact discovered by it may be given in evidence; for the reason of rejecting extorted confessions is the apprehension that the prisoner may have been there by induced to say what is false, but the fact discovered shows that so much of the confession as immediately relates to it is true. Even in those cases (of improper confessions) the confession of a theft is received if the property be found in consequence. In the same *Denman L. C. J.* states the reason for such admission thus: "Because it leads to the inference that the party was not accusing himself falsely." So "so much of the confession as relates, strictly to the fact may be received in evidence, and this is on the principle that so much of the confessions is established to be true; and the foundation of the whole doctrine is that the jury ought to hear whatever is true, and are entitled to look for truth through any and every medium that may be calculated to reveal it."

Therefore, I was submitting very respectfully before the honourable members that so far as section 27 is concerned, it follows that even in America and in English courts a sort of provision was provided. There the circumstances are different from the circumstances here. (*Interruptions*). The Honourable Minister of Public Works is fully aware of the activities of the department which falls under his portfolio, I mean the Police Department. He knows that there are several pronouncements on this fact alone as to how the confessions are extorted. As I have said before, and I still emphasise this point, our own High Court says that if a police officer is bent upon doing mischief or is bent upon involving an innocent person for reasons best known to him, he can certainly fabricate evidence about recovery and he can make the inadmissible part of the statement of the accused admissible under section 27. It has been so held in that particular ruling to which the Honourable Finance Minister has referred. Nowhere have the Judges said that the Punjab Legislature or the Punjab Government should bring in or should amend this section so as to assist the criminal administration in this province. I want to read out different remarks made by different judges. Mr. Justice Per Oldfield in *Queen-Empress versus Babu Lal*, 6. A 509 (F.B.) at pages 513, 514, said—

It is manifest that the prohibition laid down in these two sections (25 and 26) must be strictly applied, and any relaxation of it.....

These are the words of which you, Mr. Deputy Speaker, as a criminal lawyer, should take note and they mean that any relaxation is bound to result in mischief to the criminal administration—

..... and any relaxation of it in accordance with the proviso of section 27 should be sparingly admitted, and only to the extent of so much of the accused's

[Ch. Muhammad Hussian.]

statement as directly and distinctly relates to the fact alleged to have been discovered in consequence of it.....

Then the Honourable Judges felt doubtful at the time whether the provisions of section 27 were correctly applied by lower courts and they have, times out of number, given warnings to lower courts that they should very sparingly apply the provisions underlying or the principles underlying section 27. In the same case at page 541, Mahmood J. said—

I hold that the rule laid down by the Legislature in section 24 (read with section 28) of the Evidence Act, is a rule absolutely independent of the question of discovery or on discovery to which section 27 relates; that the state of things in India has induced the Legislature, to frame in section 25, an equally absolute rule in regard to confessions made to police officers which are presumed to have been made under conditions prohibited by section 24; that the Legislature, going further in the same direction, has prohibited the admission of even such confessions as are made to third persons by the accused while in the custody of a police officer; that not the first two rules, but only the last rule so enunciated, is made subject to the saving clause contained in section 26 rendering confession admissible, if they are not made to the police officer but to a third person, "in the immediate presence of a Magistrate, which affords a guarantee that the confession was not extorted; that the proviso contained in section 27 is not intended to qualify the absolute rules contained in sections 24 and 25, but only the rule contained in the immediately preceding section 26, which relates to confession made, not to the police officer, but to third persons, whilst the person making the confession is in the custody of the police. In short I hold that the law of India as to confessions improperly obtained is the same as the rule laid down by Lord Esher in *Harvey's Case* 2 East, P. C. 633 and that confessions to a police officer are conclusively presumed to have been improperly obtained so as to be subject to the same rule, unaffected by the question of discovery." The test of the admissibility under section 27 of the Evidence Act of information received from an accused person in the custody of a police officer, whether amounting to a confession or not, is:—"was the fact discovered by reason of the information and how much of the information was the immediate cause of the fact discovered, and as such a relevant fact?" *Queen Empress versus Commer Sahib*, 12 M. 153. Under section 27 of the Indian Evidence Act not every statement made by a person accused of any offence while in custody of a police officer, connected with the production or finding of property, is admissible. Those statements only which lead immediately to the discovery of property, and, in so far as they do lead to such discovery are properly admissible. Whatever be the nature of the fact discovered that fact must, in all cases, be itself relevant to the case, and the connection between it and the statement made must have been such that that statement constituted the information through which the discovery was made, in order to render the statement admissible. Other statements connected with the one thus made evidence and this immediately but not necessarily or directly, connected with the fact discovered, are not admissible.....

Bald evidence introduced through the mouth of a prosecution witness to prove the confession of an accused under cover of section 27 ought to receive every little credence by the Court, more especially when the accused stands charged with grave offence, as an attempt to murder and particularly, when more direct evidence to prove the same points are available to the prosecutions and which they do not take care to produce before the Court.

So, the point which I am emphasising is this that very often the provisions of this section have been abused by the police and have been put before a court in the garb of section 27 of the Indian Evidence Act. For example, if a person comes forward and says that he has murdered such and such a person, buried him in such and such a field and that there were five persons, A, B, C. and so on with him, all these will be relevant under section 27 of the Indian Evidence Act. Therefore, I submit that the mischief that will be done by section 27 is considerably greater than the advantages that are going to be obtained by this amendment. Now, nowhere in the

rulings of the Privy Council it has been said that this repeals section 27 ; nor is it the intention of our own High Court that it has been repealed by implication. It means only this that on very rare occasions this section will be availed of by the prosecution. For example, I will give you several instances where this section has been abused by the police. I know of a case under section 397, of which you are also aware, Mr. Deputy Speaker, that such and such persons pursued and attacked such and such persons and the weapon or sword by which the attack was made, was buried in the field of C and the police got it recovered at the instance of the khoji. So, in this way, Mr. Deputy Speaker, I say that the provisions underlying section 27 are likely to be abused and the result that will follow will be not in the interest of public justice. The criminal justice will suffer through the hands of the police. The Honourable Minister says that this is a very innocent amendment, it covers about one line of this paper book, but in the statement of Objects and Reasons two rulings are given, one of the Privy Council and the other of our own High Court, where it has been held that section 162 (2) also repeals section 27 of the Indian Evidence Act. Now this is a matter which has taken very long for the Honourable Judges to interpret the section correctly, and I would say that the Honourable Finance Minister, as the Head of the Department, should have forwarded this amendment to different Bar Association in the province, to different district judges and sessions judges in order to find out, whether in the interest of public justice, according to the circumstances prevailing in the province and the attitude of the police against the public, it is desirable that this Bill should be pushed through or introduced on behalf of Government. I am sure that 90 per cent of the opinions would have been that the section should not be amended. This amendment is very mischievous and you are going contrary to sections 24, 25 and 26 of the Indian Evidence Act. My honourable friend the Minister in charge of the Police will welcome this amendment. He knows that his department is not working satisfactorily. This amendment of the Government is likely to prejudice public interest. The police will think that the Government is coming to their assistance and they are introducing this amendment for their benefit and to give them power to terrorise people. Justice Mahmood of the Allahabad High Court said that it is very difficult to apply strictly the provisions of section 27. For example he says, supposing a person comes forward and says that he has murdered A, B or C and that there were 4 persons with him and that he has buried the weapon or the sword in the field of such and such a person and that he has thrown the body of the person in such and such a well.

Mr. Deputy Speaker : The honourable member is repeating his own arguments.

Chaudhri Muhammad Hasan : Sir, I am giving you the facts of another case. The argument, unfortunately, is the same ; therefore I cannot help repeating it. I was submitting, Sir, that Justice Mahmood of the Allahabad High Court held that the mischief will be this. Supposing A robs a person with 20 others and kills him and throws the body into a well and buries the sword or the weapon with which he attacked or assaulted the man in a field. And then he says that along with such and such persons he murdered this man and placed the ornaments in the house of A, B or C.

[Ch. Muhammad Hasan.]

According to the Honourable Judge it all depends on the intelligence of the investigating officer whether to make that statement of confession relevant or irrelevant. Everything depends upon the intelligence of the police officer and it will lead to a greater corruption to leave these matters in the hands of the police.

Now what has been done in the ruling of the High Court, Lahore, and in the Privy Council ruling? I shall read to you a portion of the ruling of the Privy Council where the Honourable Judges have held that it is not necessary for them to go into details as to whether section 162, subsection 2, repeals section 27 or not, but they are clear enough in their conclusion that so far as they are concerned, the statement of any person includes the statement of an accused person. They say—

The word "confession" as used in Evidence Act cannot be construed as meaning a statement by an accused "suggesting the inference that he committed" the crime. A confession must either admit in terms the offence, or at any rate substantially all the facts which constitute the offence. An admission of a gravely incriminating fact, even a conclusively incriminating fact is not of itself a confession. A statement that contains self exculpation must not amount to a confession, if the exculpatory statement is of some fact which if true would negative the offence alleged to be confessed.

Further on the Judge says—

The word 'confession' is wide enough to exclude any confession made to a police officer in course of investigation whether a discovery is made or not. Section 162 is confined to statements made to a police officer in course of an investigation. Section 25, Evidence Act, covers a confession made to a police officer before any investigation has begun or otherwise not in the course of an investigation. Section 27 seems to be intended to be a proviso to section 26 which includes any statement made by a person whilst in custody of the police and appears to apply to such statements to whomsoever made, e.g., to a fellow prisoner, a doctor or a visitor. Such statements are not covered by section 162.

Their Lordships of the Privy Council held that statements of accused persons are not accepted: Section 162 will also apply to them, and these statements of accused persons, if they are followed by some articles, cannot be proved under section 162. Therefore they say that section 27 stands repealed, though previously this section was used very rarely and with great difficulty. Now, so far as these rulings are concerned this does not say that section 27 is repealed. In view of this judgment what they say is that as previously used, it ought to be used very sparingly and on rare occasions so that criminal administration may not suffer. The ruling of our High Court is to the same effect. My learned friend referred to the judgment of Mr. Justice Bhide where he dissents from the majority of the judges and says that by implication it has been held by the full bench of the High Court that this section stands repealed, but because it is a special law therefore the provisions of section 162 do not repeal section 27 of the Indian Evidence Act. Now so far as the present amendment is concerned, as I have said before, those rulings have not been considered either by the Finance Minister or by the Advocate-General. It is not so easy a point as he thinks, and this amendment ought to be introduced with great consideration and after careful thought and after getting the opinion of members of legal professions and even of outsiders if there is any need. I Therefore

oppose the amendment and submit that it should be circulated for opinion to different bar associations in the province, to different law officers and different experienced magistrates, and found out whether this amendment is likely to result in the betterment of the administration or not. With these words I beg to move—

That the Code of Criminal Procedure (Punjab Amendment) Bill be circulated for eliciting public opinion by the 15th October, 1940.

Mr. Deputy Speaker : The motion under consideration, amendment moved—

That the Code of Criminal Procedure (Punjab Amendment) Bill be circulated for eliciting public opinion by the 15th October, 1940.

Munshi Hari Lal (South-Western Towns, General, Urban) : We have not got the ruling before us. The ruling has not been published in any law report. When that is the case, a copy of the ruling ought to have been placed on the table of the House in order to enable the members to form an opinion as to whether the amendment now proposed by the Honourable Minister for Finance is justified or not. We only know that the point before the Full Bench was whether section 162 repeals section 27 of the Indian Evidence Act or not. We are told that the Full Bench has decided that under section 162 no statement made by an accused while in police custody will be admissible though it may lead to the discovery of fact relevant to the case, and therefore section 27 is hit off. The Statement of Objects and Reasons says—

In a recent Full Bench ruling the High Court at Lahore have held by a majority that the amendments made in section 162 of the Code of Criminal Procedure in 1923 have by implication repealed section 27 of the Indian Evidence Act, 1872 and that the above qualification has thus been done away with. Police work would be seriously impeded if it were no longer permissible for evidence to be produced regarding discoveries of weapons, property and the like on the basis of an accused person's confession, as has been done in the past.

Sir, it is the police work and not the administration of justice that is to be impeded which means that the methods that the police employ at present are to be impaired and affected by the implied repeal of section 27. What are the methods employed by the police? In the Statement of Objects and Reasons it is stated "Police work would be seriously impeded." As to the methods which the police employ in investigations I need not say anything. This honourable House and the Honourable Minister for Finance know fully well that there is a general complaint against the methods of investigation which are adopted by the police. Every year during the discussion of the Budget it is a subject of comment. There are so many questions put in the House. Slashing remarks are often made by the High Court, by the appellate courts and the lower courts with regard to the working of the police. The methods adopted by the police are very often the subject of severe criticism by the courts and the judges. The ruling of the High Court to which reference has been made in the Statement of Objects and Reasons must go a long way to purify the administration of justice. But it now appears that the solace which the people of the province will be getting on account of the ruling is now going to be taken away by the Ministry. It has been admitted by the Honourable Minister in his speech that section 27 of the Indian

[Munshi Hari Lal.]

Evidence Act is a proviso to section 26. Commenting upon section 27, I will quote the opinion of the Honourable Chief Justice of the Calcutta High Court, Mr. Justice Rankin. He says—

I agree. I would only point out that this case is a very good illustration of the necessity of sections 24 to 27 of the Evidence Act being redrafted.

Further on, he states—

As my learned brother has pointed out, it has been decided by the highest authority that section 27 is not a mere proviso to section 26 but cuts down the operation of sections 24 and 25 as well.

According to sections 24, 25 and 26 any confession made by an accused in the presence of a police officer or in the custody of the police is not admissible and section 27 was enacted as a proviso. The Lord Chief Justice goes on—

It is a curious section, because while it begins with a proviso, it is an independent section and it repeats some of the conditions mentioned in section 26. But though it is now well held that it is an exception to sections 24 and 25, there are elements of paradox in that contention.

This is the comment of the Chief Justice of the Calcutta High Court. He says that it is a curious section and requires redrafting. It did not find favour with the Chief Justice of the Calcutta High Court. The section is going to be saved from the operation of section 162 of the Code of Criminal Procedure. The ruling of the Lahore High Court which is referred to in the Statement of Objects and Reasons declares that section 27 is by implication repealed by amendments effected in section 162 of the Criminal Procedure Code in 1923. It is contended that when the amendments were passed in the year 1923, the legislators had no intention that the effect of section 27 should be taken away entirely. We submit on the other hand that the legislature had intended at the time that the sting should be removed, because they felt that in actual working section 27 was being abused. I submit that for the sake of pure administration of justice this amending Bill should be withdrawn. If the Honourable Minister is not willing to do so, he should at any rate invite public opinion and know the views of intelligentsia who are aware of the methods of the police. With these words I support the amendment for circulation of this Bill for the purposes of eliciting public opinion thereon.

Pir Mohy-ud-Din Lal Badshah (Attock South, Muhammadan, Rural) (Urdu): Sir, I rise to oppose the Bill under consideration. I am sorry to say that the present measure seeks to delegate such wide powers to the police as had never been enjoyed by the latter. In fact these powers would strengthen the hands of the police more than ever, and I am afraid it would immensely worry the public by abusing those powers. If it was found to-day that under the existing law the confessions or written statements made to the police could not be used, in certain cases, against the accused, the proper course open to the Government was to remove this particular lacuna in the law instead of introducing a separate measure which would indeed imperil the very rights and privileges of the accused. It is absolutely improper on the part of the Government to make such provisions as would render even those confessions admissible the making of which was caused by unfair means on the part of the police. I have reasons to believe that armed

with such powers the latter would very conveniently implicate even innocent people. I may be allowed to mention here a case which would acquaint the House with the underhand means generally adopted by the police in investigating criminal cases. A murder was committed within the jurisdiction of thana Makhad, and the police suspected a certain person to be the real culprit. The poor fellow instead of presenting himself before the police approached the court straight off and filed a petition to the effect that his person might not be handed over to the police. But the court rejected his petition and placed him in the custody of the former. On this the police managed to keep a gun in a cave and made certain lambardars tender a written and signed statement to the effect that the person in question had himself discovered that gun from that particular place. On this evidence he was sentenced to death, but he was released on appeal by the High Court and the reason for his release most probably was that the High Court did not

2 p.m. believe the evidence produced in connection with the discovery of arms. In fact the police got a gun purchased by a lambardar for Rs. 30 and concealed it in a certain place and hence made a false recovery and compelled the lambardar to give false evidence. The same lambardar told me this incident on oath. In my own case the police itself having written a false statement of an accused person showed a recovery of one pistol and one gun in his name and on the recovery list put down its signature and got those of its agents while in reality neither the accused gave a statement to the police nor gave them any arms which could be regarded as a recovery. By referring to all these incidents I want to say that under these circumstances it would not be wise on the part of the Government to give wide powers to the police which is already enjoying enough. I, therefore, respectfully beg to submit that the Government should hush up the Bill at this stage and I am sure the prestige of the Government would be increased by doing so. If the Government press the passage of the Bill at this time it would be sheer injustice and the feelings of the public at large would be injured. I am at a loss to understand why the Government, instead of decreasing the atrocities and irregularities committed by the police, is going to increase them by placing such a measure before the House.

Mian Abdul Aziz : May I say one thing before I speak on the subject? If it is acceptable to the ministerial benches to refer this Bill to a select committee, then perhaps it would be a waste of time to speak now any further. I would only add that it is not such a measure which should be rushed through; a very important point is involved which should thoroughly be discussed. So if the Honourable Minister is prepared to accept the suggestion that the Bill be referred to a select committee, I do not want to say anything further at this stage. Otherwise I would like to give my reasons as to why this Bill should not be rushed through in this way.

Khan Bahadur Nawab Muzaffar Khan : I fully support the suggestion of Mian Sahib.

Minister for Finance : I am prepared to accept the suggestion that the Bill be referred to a select committee. I thought that the measure was absolutely non-contentious, but since there is a certain amount of feeling in the House, we have no intention to force this measure through and I am prepared to accept the suggestion.

Diwan Chaman Lall : In view of my honourable friend's acceptance of the suggestion to refer the matter to a select committee, I hope my honourable friend, Chaudhri Muhammad Hasan, will withdraw his motion.

Chaudhri Muhammad Hasan : I beg leave to withdraw my motion.

The motion was by leave withdrawn.

Khan Bahadur Nawab Muzaffar Khan : I move—

That the Code of Criminal Procedure (Punjab Amendment) Bill be referred to a select committee.

Dr. Sir Gokul Chand Narang : I would make a suggestion that the Government should invite the suggestions of the Honourable Judges of the High Court and important bar associations informally.

Mr. Deputy Speaker : Question is—

That the Code of Criminal Procedure (Punjab Amendment) Bill be referred to a select committee.

The motion was carried.

Minister for Finance : I beg to move—

That the select committee do consist of the following members—

The Honourable Premier ;

Khan Bahadur Nawab Chaudhri Fazal Ali Khan ;

Khan Bahadur Nawab Muzaffar Khan ;

Khan Bahadur Chaudhri Riasat Ali ;

Khan Sahib Chaudhri Pir Muhammad ;

Chaudhri Suraj Mal ;

Chaudhri Anant Ram ;

Chaudhri Muhammad Hasan ;

Munshi Hari Lal ;

Rai Bahadur Mr. Mukand Lal Puri ;

and that the quorum be five.

The motion was carried.

Mian Abdul Aziz : May I suggest to the Honourable Minister in charge that in the meanwhile copies of the judgment of the Honourable High Court may be circulated amongst the members? It may consist of 7 or 8 or 10 pages and up to this time there has been no authorised copy of it.

Diwan Chaman Lall : May I make a suggestion to add one more name to the list? I understand that the Opposition is to get one-third representation on the select committee. Our share therefore is not three.

Minister for Finance : Is that not rather too late?

Diwan Chaman Lall : The understanding on which I gave three names was this that we will have one-third share of representation on the committee. Three is not one-third of the total eleven.

Chaudhri Tikka Ram : They are eleven including your three.

Diwan Chaman Lall : But three makes less than one-third.

Chandhri Tikka Ram : Three is more than one-third of the eight that we are nominating.

Diwan Chaman Lall : I was careful to take it in writing from the Parliamentary Secretary and he has written that the Opposition will get not less than one-third of the membership of the select committee.

Minister : Without admitting any particular principle about the proportion of members of various parties on the select committees, I am prepared to have another representative on the committee.

Diwan Chaman Lall : May I suggest Sardar Kapoor Singh's name ?

Mr. Deputy Speaker : Motion moved is—

That Sardar Kapoor Singh's name be added to the list of members of the select committee.

The motion was carried.

MOTOR VEHICLES RULES, 1940.

Mr. Deputy Speaker : The Assembly will now proceed to the consideration of amendments to the Punjab Motor Vehicles Rules, 1940.

Rule 1·2.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in sub-rule 1·2, part (h), line 1, between the article 'a' and the word 'place', the word 'public' be inserted.

The word 'stand' in part (h) has been defined as—

A place duly appointed as a stand under Chapter VII of these rules.

You will see that the word 'stand' has been defined as a public place in the Act itself. If you see the definition of the word 'public place' in the Act, you will see it means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which the passengers are set down or picked up by a stage carriage. From this it would be clear that when we know that passengers will be picked up from and set down at a stand, it would be a public place. Keeping in view the definition of the term 'public place' which includes a stand, this definition of the word 'stand' is *ultra vires* and is against the spirit of the Act itself. As stands shall always be public places according to the definition of the Act, it becomes necessary that the word 'public' be put before the word place so that the stands that are fixed by the Government may be public places and every motor owner may be able to come and pick up passengers and set them down. I do not want to take up the other question at this stage, for the present it is necessary that the word 'public' be put before the word 'place'.

Mr. Deputy Speaker : Amendment moved is—

That in sub-rule 1·2, part (h), line 1, between the article 'a' and the word 'place', the word 'public' be inserted.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : The amendment moved by my honourable friend Sardar Kapoor Singh is of some consequence. The Bill itself lays down what a particular place is in reference to a stand and it defines a public place in section 2 (24) as follows :—

“Public place means a road, street, way or other place whether a thoroughfare or not to which the public have a right of access and includes any place or stand on which passengers are picked up and set down by a stage coach.”

If this definition is taken then it is obvious that the intention of the fram er of this Act was that all places where the stage coaches are to take their stand should be those which belong to the public and which are not of private nature and it is right that it should be so, it is right that there should be only public stands and there should be no private stands available to private companies thereby damaging both the interests of those who do not enter a monopoly created by these interests and at the same time making it difficult for the authorities to supervise these places. Therefore the amendment that my honourable friend is making is in reference to this larger issue, namely, whether the stands are to be in future both public and private or whether there are only to be stands of one class, namely, public stands. In regard to this matter, I cannot say any more than this. I know exactly what my honourable friend the Minister is going to suggest in regard to a public or a private stand. I am, therefore, going to give way to him and will wait till he has spoken.

Minister for Public Works : Have you concluded ?

Diwan Chaman Lall : Only to listen to what you have to say.

Minister : Then I would like you to finish, because I may not be allowed a second opportunity to speak and give a reply.

Diwan Chaman Lall : May I suggest to my honourable friend that this matter can come up and will come up later on. I have just mentioned this matter to my honourable friend in order to give him an opportunity to tell the House what is his policy.

Minister for Public Works (The Honourable Major Khizar Hayat-Khan Tiwana) : I would in this connection suggest to the honourable member opposite that as far as the question of private stands or the so-called company stands as against general stands is concerned, it would be better to defer that till the proper chapter, that is Chapter VII is reached. There are amendments standing in the name of several members. So I need not raise the issue of general stands as against other stands on this amendment. So far as I have been able to see, this amendment is based on a certain amount of misunderstanding. It has been presumed that the word ‘public’ when added would perhaps leave no private stand. There is no clash with sub-section 24 of section 2 because every stand, howsoever managed, would be a public place. It is about the management that the question arises. We might take up that question later on when the relevant chapter is reached. Here we only say that all stands shall be stands that are duly notified under Chapter 7. The amendment is based on this misunderstanding and there is no clash between the Act and the Rules. I, therefore, hope that my honourable friend would not press the amendment.

Diwan Chaman Lall : I take it the Honourable Minister’s suggestion is to postpone the matter until we come to the appropriate section.

Minister of Public Works : I have not suggested postponement. I say the objection does not arise. There is misunderstanding as to the bigger issue and you can take it up when the relevant chapter comes.

Diwan Chaman Lall : May I say one word with your permission? Suppose we come to a decision, when we are considering the appropriate clause, that this particular amendment is essential, then surely my honourable friend would agree with me that if we agree that it is essential, this amendment will also be consequential. Therefore, I suggest that this matter may be taken up later on and only after we have decided this issue.

Minister of Public Works : This amendment is not affected. That is what I have been trying to explain and I do not see any object in deferring this amendment. It must be decided one way or the other. If a principle is laid down by the House later and the House comes to a certain conclusion, we can make the necessary consequential amendments even afterwards. The vote of the House is not necessary for any amendments that may be found necessary in the rules.

Diwan Chaman Lall : Any modifications in these rules, according to the Act itself, have to come before this House.

Minister of Public Works : I am afraid not.

Diwan Chaman Lall : My reading of the law is different from my honourable friend. We are now discussing these modifications. Any modification accepted by the House will necessarily be incorporated in the rules and that is the reason why this particular modification is suggested. My honourable friend should realise the difficulty. A public place means a road, street or other place whether a thoroughfare or not to which the public have the right of access. A private stand may be such to which the public may not have the right of access. Then what happens? My honourable friend knows the judgment reported in A. I. R. 1938 Lahore 817. That is relevant in reference to this particular matter. That is why I suggested that there is difficulty and we might postpone consideration of this amendment until we come to the relevant portion.

Mr. Deputy Speaker : The question is—

That in sub-rule 1-2, part (h), line 1, between the article 'a' and the word 'place', the word 'public' be inserted.

The motion was lost.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : I beg to move:—

That part (h) of sub-rule (3) be deleted.

Sir, before the enactment of the Motor Vehicles Act of 1939 certain doubts were expressed in regard to the legal validity of the definition of a motor vehicles stand by different authorities. Even the Punjab High Court in a well-known case A. I. R. 1938 Lahore 817 of Abdul Hakim *versus* the King Emperor, gave a decision that any place where a motor lorry halted could not be held a public place or stand as defined in section 2 of the Motor Vehicles Act, 1914. But I may point out that a provision was made in the Central Act of 1939 that any place where motor vehicles halted would be

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considered a public place or stand. I am at a loss to understand why in this connection the Punjab Government has thought fit to make a departure from the Central Act. As a matter of fact I fail to see the necessity of this iniquitous and invidious discrimination made by the Punjab Government in defining the stand in its present form. The word 'stand' needs no further definition. I may also add that in the rules framed by other provinces in regard to motor vehicles, no such new and radical definition of 'stand' has been incorporated. It is the Punjab Government which has done so. The other provincial Governments have adopted the definition of 'stand' as laid down in the Central Act. I, therefore, submit that I for one see absolutely no necessity of the new definition of 'stand' as given in the rules under consideration. I suggest that this part of the sub-rule be deleted. With these words I commend my amendment to the House for acceptance.

Mr. Deputy Speaker : Amendment moved is :—

That part (b) of sub-rule (1) be deleted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*) : Sir, I rise to support the amendment moved by my honourable friend Sardar Ajit Singh. I fail to understand what actuated the Punjab Government to change the widely accepted definition of a 'stand'. It is definitely laid down in the Central Act that any place where motor vehicles halt should be considered as a public place or a stand. There is no reason why the Punjab Government should not conform to this definition. It is a thousand pities that they have done away with the word 'public' which is very essential in regard to motor vehicle stands. I cannot help saying that they want to oust privately maintained motor vehicles stands. I may also point out that the absence of word 'public' before the word 'place' connotes that motor unions will have no right to use certain private stands where the motor vehicles could halt for the purpose of taking up or setting down the passengers. This clearly shows how the mind of the Government is working. By making this obnoxious discrimination in the definition of 'stand' they indirectly want to help their capitalist protagonists. I am strongly of the opinion that this invidious distinction should be removed forthwith. My honourable friend, who preceded me has told us that other provincial Governments have without exception adopted the definition of 'stand' as laid down in the Central Act. There exists no classification of stands as has been made by the Punjab Government. With these words I support the motion now before the House.

Minister of Public Works : I oppose the amendment and I need not take the time of the House on this matter. The expression 'stand' should be defined, otherwise it might give rise to certain doubts. To make matters clear we have defined 'stand' in the rules.

Mr. Deputy Speaker : The question is—

That part (b) of sub-rule (1) be deleted.

The motion was lost.

Rule 2-2.**Sardar Kapoor Singh :** Sir, I beg to move—

That sub-rule 2-2 be omitted.

Sir, you will find that according to section 9 of the Motor Vehicles Act, every driving licence granted to any person shall be valid throughout British India. But this rule wants to put certain restriction upon the owner of a driving licence that he shall not be entitled to drive on certain hill roads. You will find that in the first place it is against the spirit of the law itself because when a licence is valid for the whole of British India, then the Provincial Government has no right to put a check upon a person who has got this licence for driving on certain roads. In the second place, you will find that this restriction, which is placed upon a class of persons who have got driving licences, shall be placed on those drivers only who are driving public service vehicles. A distinction has been created between the drivers of private cars and the drivers of public service vehicles. In this case this distinction is invidious because this check will be put only on those persons. They simply want to see that any person may not be competent to drive on a hill road as he may be a raw youth or for any other reason. In that case if this is the reason, then it becomes necessary that this restriction should have been placed on him before. But this has not been done. But the restriction is put upon those persons who are plying public motor vehicles on hill roads. In form D of the Act itself, certain restrictions have been put down which apply to all the drivers, but for the drivers of public service vehicles they have put another condition that an authorisation shall be required from the district authorities that such and such person can be granted a driving licence because they have put down these words. In the end for the public service vehicles drivers they have put down one condition and that condition is that they must be authorised by the district authorities to drive vehicles. There is no such thing in the form itself which authorises the Government to put another item that such and such driving licence shall be valid for hill roads or shall not be valid for hill roads. My submission is that this popular Government has no right in any case to change the form which has been prescribed by the Central Government. So, under these circumstances I would say that the addition of these words in the form would be *ultra vires* because form D does not authorise this thing and at the same time it is against the spirit of the Act itself according to section 9. If the Government really want that none should ply on those hill roads, then they have got another method. At the time of issuing permit to a certain lorry owner, they can see whether the person who is driving a lorry is competent to drive it on a hill road. They can put this restriction in their permits. But, they cannot, as far as I can see, put this restriction on public vehicle drivers, specially when we know that there is no such restriction put on the drivers of private cars. With these words I would submit that the Honourable Minister should see whether these rules do not offend the spirit of section 9 and at the same time the spirit of form D which has been prescribed by the Central Government.

Mr. Deputy Speaker : Amendment moved is—

That sub-rule (2) be omitted.

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

Minister for Public Works (Honourable Major Malik Khizar Hayat Khan Tiwana): Sir, I am afraid I have not been able to follow the arguments of my honourable friend. I think it is pretty obvious that strict control must be exercised as far as the driving on the hill roads is concerned. There is nothing to bar the Government from laying down what is laid down in Rule 2 as under section 9, subsection (1), a Provincial Government can make rules for this purpose. What is being done is to know whether a person is fit or competent to drive on a hill road and if he is found fit and competent, then his driving licence shall be endorsed to that effect. If on a test it is found that he is not fit to drive on a hill road, his licence will not be endorsed. Suppose a driver has got high blood pressure, then why should you force him to drive on a hill road. If my honourable friend the Finance Minister's driver has got high blood pressure, I think he will not take him to Simla. So, I oppose the amendment.

Mr. Speaker : The question is—

That sub-rule (2) be omitted.

The motion was lost.

Rule 2-4.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural) (*Urdu*)
Sir, I beg to move:—

That in sub-rule (3), line 2, for the word 'five', the word 'two' be substituted.

As you will see, Sir, the object of my amendment is clear and simple enough inasmuch as it requires that instead of Rs. 5 only Rs. 2 be charged from people who apply for a licence. The necessity of my amendment will be better realised if it is considered that the amount paid is not refundable, whether the application for grant of permit is accepted or not. In cases where it is not certain whether the amount will be refunded or not, it is only fair that a nominal fee should be charged from the poor as is being done in other provinces of India. It will not be out of place, Sir, if I mention that in other provinces such as Bengal, Bihar and the United Provinces, the amount charged for this purpose is only Rs. 2. I would, therefore, request the Honourable Minister of Public Works to accept this amendment in view of the Government's well established policy of promoting the welfare of the poor.

Mr. Speaker : Amendment moved is—

That in sub-rule (3), line 2, for the word "five", the word "two" be substituted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir I rise to support the amendment moved by my honourable friend, Tikka Jagjit Singh Bedi. Let me draw the attention of the Honourable Minister of Public Works to the fact that the poor licence-holder of a motor vehicle is already over-burdened inasmuch as he has to make several payments, such as Rs. 5 as test-fee, another Rs. 5 as licence fee, Rs. 3 for his photograph, 3 or 4 rupees for medical examination and so on. In case he loses the copy of his photograph or the photo is somehow or other defaced, he has to get himself photographed once again, which means fresh expenditure. Again if he feels the necessity of appeal against any orders he has to pay the

prescribed fee. And further if he wants a copy of the orders, he has to pay the requisite fee and so on and so forth. All this goes to prove, that while making these rules, the object in view is not that motor vehicle service may be controlled and improved but that three or four lakhs of rupees be collected for the Honourable Minister of Finance. But you must at least consider the effect of this on the poor people who have to pay. Let me remind you that no province has so far charged such exorbitant fees. I would request my honourable friends to fix Rs. 2 only, and thereby give some relief to the poor, instead of robbing them of whatever they have. It may not be out of place for me to point out here that a lorry-owner has to pay not less than Rs. 200 in the form of various fees, etc. In view of what I have said I would ask my honourable friend to take pity on the poor people and accept this amendment. With these words, I wholeheartedly support the amendment moved by my honourable friend Tikka Jagjit Singh Bedi.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Urdu*): Sir, I rise to request the Honourable Minister of Public Works to accept the amendment moved by my honourable friend Tikka Jagjit Singh Bedi. Let me point out to my honourable friend that persons who ask for driving licences are extremely poor and he ought not take steps to ensure their wholesale slaughter. There is no need of levying any fee at all, but if he is so keen about it, he should at least have some mercy and reduce this fee to two rupees from five rupees. With these words, I support the amendment under consideration.

Minister for Public Works: First of all I should inform the honourable members that this fee will probably be realized once in one's life. The second point is that this fee is the same as it was under the old rules. Exactly the same fee has been put down in this rule. No extra burden has been placed on these people and there is no question of relief. I may remind the honourable members that this very House recently remitted the wheel tax which local bodies used to collect. I oppose this amendment.

Mr. Speaker: The question is—

That in sub-rule (3), line 2, for the word "five" the word "two" be substituted.

The motion was lost.

Rule 2·6.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir, I beg to move:—

That in sub-rule (4), line 4, between the words "copy of" and "any", the "comma" and the words "inspect free of charge" be inserted.

According to the rules when an aggrieved person has to prefer an appeal he has to get the copy of the orders passed by the authority, against whose orders he is appealing, by paying a fee of Re. 0-8-0 per page and though he has already spent a lot of money the appellant has to pay one rupee more as court-fee. By this amendment it is intended that such persons should be permitted to see those orders free of any charge. But the Government want to make it a source of income and if they do not wish to make it possible for him to inspect the orders *gratis* he should at least be allowed to copy

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it out by making a payment of Re. 0-2-0 only. The appellate authority can send for the file for examining it and the poor appellant need not spend so much on getting a copy of it. I hope that the Honourable Minister will accept my amendment.

Mr. Speaker : Amendment moved is :—

That in sub-rule (4), line 4, between the words "copy of" and "any", the "comma" and the words "inspect free of charge" be inserted.

Minister for Public Works : I oppose the amendment. No reply is necessary because copying fee is charged everywhere in the world where an appeal is preferred and a copy of the order appealed against has to be supplied. The rate itself is not excessive. There is no question of something novel being done. This is done everywhere. Every man who gets a copy has to pay for it. I can not accept the amendment.

Mr. Speaker : The question is :—

That in sub-rule (4), line 4, between the words "copy of" and "any", the "comma" and the words "inspect free of charge" be inserted.

The motion was lost.

Rule 2·9.

Sardar Kapoor Singh : Sir, I beg to move—

That in sub-rule (4), line 2, for the word "five", the words "two and a half" be substituted.

The motion was lost.

Sardar Kapoor Singh : Sir, I beg to move—

That in sub-rule (4), lines 2—4, the words "if the licence rupees" be omitted.

The motion was lost.

Rule 2·12.

Sardar Kapoor Singh : I beg to move :—

That in sub-rule (2), lines 7—11, the words "provided in court" be omitted.

As the purpose of the amendment is clear, I would not make a speech but would only make a submission to the Honourable Minister of Public Works that he should see for himself if the proviso is at all necessary. I am sure he will accept my amendment.

Mr. Speaker : Amendment moved is :—

That in sub-rule (2), lines 7—11, the words "provided in court" be omitted.

Minister for Public Works : I do not know why the honourable member is objecting to this rule. The obvious purpose is that as soon as the person concerned appears in court then the issue of the permit will be no longer necessary because we intend to supplement this rule by issuing instructions that licences will be returned to the drivers. No change is, therefore, necessary. I think that this explanation will meet his objection.

Mr. Speaker : The question is—

That in sub-rule (2), lines 7—11, the words "provided in court" be omitted.

The motion was lost.

Rule 2-13.

Sardar Kapoor Singh : Sir, I beg to move :—

That in sub-rule (1), line 13, for the word "four" the word "seven" be substituted.

This rule provides that in certain cases when a driver does not possess the licence or the licence is with a court he must within ten days hand it over at the police station. If he cannot comply with it within ten days then he should send it within four days of its receipt from the court. In this connection I beg to submit that sometimes it so happens that a driver is engaged in a very urgent business or has gone away somewhere and thus cannot possibly hand his licence over at the police station within four days. As the period of 4 days is not sufficient, it is requested that at least 7 days should be given to him, so that he may conveniently comply with these orders.

Mr. Speaker : The amendment moved is—

That in sub-rule (1), line 13, for the word "four" the word "seven" be substituted.

Minister for Public Works : Four days is ample period. I do not see why it should be extended.

Mr. Speaker : The question is—

That in sub-rule (1), line 13, for the word "four" the word "seven" be substituted.

The motion was lost.

New rules.

Parliamentary Secretary (Shaikh Faiz Muhammad) : On a point of order, Sir. This House is not competent to make new rules. I will quote the relevant section of the Motor Vehicles Act which lays down—

All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.

The rules are to be framed by the provincial Government and not by this House.

Mr. Speaker : I think the word 'modifications' does include 'additions'.

Sardar Kapoor Singh : I do not want to move the new rules.

Rule 8-10.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (Punjabi) : Sir, I beg to move :—

That in sub-rule (3), lines 4-9, for the words 'decision.....fitness', the following words be substituted :—

Members after recording their opinions refer the case to the appellate authority of that area, and the appellate authority shall decide the case under the provisions of Rules 3-4 and 3-5.

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Sir, in view of the lengthy procedure as has been contemplated in the Rules this amendment carries great importance. As you know, Sir, there shall be a Board of Inspection for ascertaining whether a particular lorry is fit for traffic purposes. Now the Rules provide that in the event of a difference of opinion between the two members the decision of the Board shall be deemed to be that the vehicle is not fit for traffic, and so the requisite certificate will not be granted. I am free to admit that right of appeal is being given under these Rules to the aggrieved persons, but the procedure proposed by the Government is so lengthy that it will take at least 3 months for the appellate authority to decide one way or the other. The aggrieved person will first obtain on payment the copies of the opinion recorded by the Inspection Board with regard to his vehicle. Then he will lodge an appeal with the appellate authority which would issue notice in due course. After that a date will be fixed for hearing the case. Now before giving its final verdict the authority is competent to refer the case to an expert for his opinion in the matter. Now, my submission is that if after all these long and tedious proceedings the case is to be finally decided in the light of an expert opinion, then why should not the Inspection Board be bound to refer the case to an expert at the very outset? I am perfectly sure that the procedure embodied in my amendment would considerably lighten the task of the lorry owners. The general practice at present is that the Police Inspector who is entrusted with the work of approving the motor vehicles, when he finds that the lorrywala is not prepared to grease his palms, unnecessarily finds fault with the body and engine of the lorry and orders the person concerned to bring his lorry again after a week or two for further examination. This time if the poor fellow manages to pay something to the Inspector he readily grants the certificate of fitness. Now, as you know, Sir, one of the members of the proposed Board would be an Inspector of Police. It means that the presence of such an officer on the Board would be responsible for perpetuating the evils of corruption even after the operation of these Rules. This officer on finding that a lorrywala is not prepared to offer any illegal gratification to him would vote against the grant of certificate. Now this difference of opinion created by the *mala fide* of one of the members of the Board would automatically result in depriving the lorry owner of the requisite certificate of fitness. Thus the dishonesty of a member would have the potentiality of invalidating the honest opinion and favourable decision of the other. I would impress upon the Government the advisability of providing it in Rules that in the event of any difference of opinion among the members of the Board the lorry owner should have the right of demanding that the matter should be referred to an expert. I am perfectly certain that my amendment if accepted would prevent a considerable waste of time and money on the part of the lorry owners. If it is turned down I would feel constrained to say that the Government wants to make money by providing a lengthy procedure which enjoins upon the aggrieved person to spend a lot of money in connection with court fee, copying fee and other Government dues. Moreover, this procedure enables the dishonest member of the Board to receive illegal gratification. They know where the shoe pinches and they also know what tactics they should adopt for getting permission from the officers because they have to ply their vehicles. I would

also point out that so far as other Acts are concerned every kind of power has been vested in Collectors and Deputy Commissioners, but when the matter of motor-drivers is under consideration the rule is silent in this respect. If the Government persist in receiving one rupee as fee for an appeal they may receive it but so far as my amendment is concerned the Honourable Minister should accept it as it is the most reasonable amendment.

Mr. Speaker : Amendment moved is—

That in sub-rule (3), lines 4—9, for the words “decision.....fitness”, the following words be substituted:—

“Members after recording their opinions refer the case to the appellate authority of that area, and the appellate authority shall decide the case under the provisions of rules 3·4 and 3·5”.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural) (*Urdu*) : A similar amendment is against my name and therefore I rise to support my honourable friend Sardar Kapoor Singh. But I beg to differ from him where he states that the Government is not as sympathetic towards the zamindars as he or his friends opposite claim to be. As this matter is not under consideration I leave it here. The question under discussion is, that the Inspection Board consists of two members and if there is difference of opinion between the two they should submit their opinions on behalf of the Board. But so far as Sardar Kapoor Singh's amendment and mine are concerned, both of them mean the same thing that is, that the members of the Board should send their opinions separately to the appellate authority so that he may know their individual opinions. I may also submit that if one single opinion is sent to the appellate authority it will be difficult for him to understand it. Besides, if opinions are separately submitted then it will provide financial facilities to lorry drivers to a great extent. With these words, Sir, I support the amendment moved by Sardar Kapoor Singh.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, I rise to support the amendment moved by my friend Sardar Kapoor Singh. In this rule it has been provided that a Board shall consist of two members which is very objectionable. A Board if it has to do justice cannot consist of two members. I want to bring this drawback to your kind notice and submit that unless a third member is taken the two members cannot function and in case of difference of opinions, preference cannot be given to one member unless and until a third member is on the Board. Besides, if there are two members no justice can be done. But if you are not prepared to take the third member on the Board then I would suggest that as it has been provided in rule 3·4 the appeals can be preferred to the appellate authority, if the members of the Board differ on certain points, their opinions should be submitted to the appellate authority separately and individually for decision under 3·4 and 3·5 to cut short the procedure and to save the poor lorry owner from unnecessary trouble and expenses. With these words, I strongly support the amendment under consideration.

Minister of Public Works (The Honourable Major Malik Khizar Hayat Khan Tiwana) : I would first of all like to say that the honourable members were arguing as if we were trying to make money out of these rules. That is not our purpose at all. No doubt certain fees for the control of motor traffic are realised but only to cover the cost that Government has to incur.

[Minister of Public Works.]

It is a question of public funds going from one pocket to the other and there is no question of Government trying to make money. Then it is argued as if two persons on a Board will not be able to function and there will generally be disagreement. That is not our experience. So far there is only one Board functioning, that is on the Kalka-Simla road. There are four members and I am glad to say that they generally agree. So I do not fear that there will be any difference of opinion among the members. I would concede that in the past when police officers were deputed to carry on these inspections, there had been some defects and there had been complaints. It is to set them right that we have now added in each case an extra assistant commissioner. I think the presence of a gazetted officer of the rank of an extra assistant commissioner as a watch dog would be sufficient to keep out corruption. The case would have been different if we had said that even if one man agreed the vehicle would be finally passed for in that case people might say that that member might have been bribed. But that is not the case now. We want to have strict control over inefficient and defective vehicles. We have laid down that if one man approves of the vehicle another does not then the vehicle will not be passed. Its owner will however, have right of appeal against such an order. If we have three people on the Board, it will mean extra cost.

Mr. Speaker : Question is—

That in sub-rule (3), lines 4—9, for the words "decision.....fitness", the following words be substituted :—

"Members after recording their opinions refer the case to the appellate authority of that area, and the appellate authority shall decide the case under the provisions of rules 3.4 and 3.5".

The motion was lost.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, I beg to move that :—

Sub-rule (3) be omitted.

When it has already been provided in rule 3.4 that they can make an appeal, I think this sub-rule is nothing but superfluous. It should, therefore, be omitted.

Mr. Speaker : Amendment moved is :—

That sub-rule (3) be omitted.

Minister of Public Works : I oppose it for the reasons that I have already stated.

Mr. Speaker : Question is :—

That sub-rule (3) be omitted.

The motion was lost.

Rule 3.17.

Sardar Kapoor Singh (*Punjabi*) : I beg to move—

That in sub-rule (2), line 7, between the words 'Police' and 'of', the words 'or automobile engineer' be inserted.

I think rule 3·17 is based on the presumption that there must be one Inspector of Police in every Inspection Board. But I may point out that the constitution of the Inspection Board does not bear out this presumption. In the constitution of the Inspection Board it is laid down that an Inspector of Police or an automobile engineer or somebody else, will be there. But the present rule pre-supposes that there must be one Inspector of Police in every Board. In order to remove any doubt on the point I want that my amendment should be accepted, which seeks to insert the words, "or automobile engineer" between the words "police" and "of". This will remove the ambiguity. As it is possible that the Inspector of Police may not be in a certain Inspection Board, I want to provide that automobile engineer should take his place. If, however, the Government will not accept this amendment, their intention will be exposed. It is said that the Government is not bent on having Inspector of Police in every Board. But now the Government objects to my amendment, which proves that it does want an Inspector of Police in every Board. The rule as it stands will tie down the hands of the Government and it will have to appoint Inspector of Police in every Board. If the Government is true in saying that it will not insist on appointing Inspector of Police, I accept its words. But supposing tomorrow another Government turns up and assumes power after defeating the present Ministry, what will be the position of that Government? That Government may insist on appointing—(Minister of Public Works: That Government will amend the rules if need be.) So it proves that the profession of the Government is false. As a matter of fact the Government wants an Inspector of Police for every Board of Inspection. In these circumstances, I must move this amendment which seeks that in the absence of the Inspector of Police, the papers should go up to the automobile engineer.

With these words, Sir, I move my amendment.

Mr. Speaker : Amendment moved is :—

That in sub-rule (2), line 7, between the words "police" and "of" the words "or automobile engineer" be inserted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, it is clearly laid down in rule 3·10—

An automobile engineer appointed by the Provincial Government or an Inspector of Police selected for the duty under the orders of the Inspector-General of Police Provided that a Board of Inspection will never consist of police officers only".

Now, may I ask, when there is an express provision in rule 3·10 (b) for an automobile engineer, why should the Government avoid the mention of an "automobile engineer" here in rule 3·17? I would like to make it clear that the amendment proposed by my honourable friend Sardar Kapoor Singh is only a consequential amendment and should, as it is, be accepted by the Government. There should be absolutely no hitch on the part of the Government, in accepting this logical and consequential amendment. With these few words I request the Government to accept this formal and consequential amendment.

Minister for Public Works : Our experience in the past has been that obtaining the services of suitable automobile engineers is very difficult. So we have provided in the rules that whenever they are available they will be put on these Inspection Boards, but since we have found that they are

[Minister of Public Works.]
 not available, they are not mentioned. If they are available, they will be employed in the Police and will hold a corresponding rank. I, therefore, consider that no change is necessary. If later on we find that automobile engineers are available, and not in police service, the word can be added by the Government. There is no question of amending it at present.

Mr. Speaker : Question is—

That in sub-rule (2), line 7, between the words " police " and " of " the words " or automobile engineer " be inserted.

The motion was lost.

Rule 3-22.

Sardar Ajit Singh (Punjabi) : I beg to move—

That sub-rule (4) be omitted.

In section 41 (2), sub-section (c) of the Motor Vehicles Act, 1939, it is laid down that the Provincial Government will be empowered to make rules for the following purpose—

" (c) the issue of certificates of registration and duplicate certificates of registration to replace certificates lost, destroyed or mutilated."

It is clear, therefore, that the registration authority can only issue a duplicate certificate when the original certificate has been lost or destroyed or mutilated. The Government cannot utilise this power beyond this. Therefore it will be against the provisions of the Act to issue duplicate certificate of registration to the hire purchase companies under the cover of these rules. In my view the sub-rule (4) is not necessary. Therefore, I hope the Government will omit it as it is beyond the scope of the Act. With these words I move my amendment.

Mr. Speaker : Amendment moved is —

That sub-rule (4) be omitted.

Minister for Public Works : I oppose the motion. The rule is identical with the other rules passed elsewhere and it is meant to provide reasonable facilities for certain companies who give vehicles on instalment system to the drivers. If the original company takes possession of the vehicle under the agreement and the driver or the purchaser escapes with the licence, then that company should not suffer. If the registering authority is convinced that the possession of a particular vehicle is restored under the law to the company concerned or the original lender in that case the new permit will be issued to the person. I think it is in the interests of the trade and business of lorry-wallas themselves that they should have these facilities, otherwise there might be difficulties. I, therefore, oppose the amendment.

Pandit Bhagat Ram Sharma : Had the Honourable Minister cared to go into the proceedings of the Central Assembly when the Act was being discussed, he would have found that it was made amply clear by the speaker while discussing that Bill that they did not like to give any powers to the registering authority to interfere in the transferring of ownership of lorries, as far as the lorries which are bought on hire-purchase system are.

concerned. The effect of this clause if passed will be this. People, who buy lorries on hire purchase system, go on paying instalments and if some misfortune happens and they are unable to pay the instalments and if they have paid say three thousand rupees and one thousand rupees remains to be paid, the company concerned comes forward and captures the lorry and gets the ownership of the lorry transferred to its name. What happens to three thousand rupees which have already been paid by that particular purchaser to the company? He has to resort to civil action. What should happen as a matter of right and justice is that the person who has already paid three thousand rupees should be in a position to hold possession of the lorry and the person who has to realise the balance of one thousand should be forced to go to a court of law. After all this is a matter which can be decided equitably by courts of justice. As a matter of fact it is clearly a civil action for which the civil courts have got jurisdiction. I do not see any reason why the Government is so anxious to give this right to the registering authority who is an executive officer and who practically does not know anything of civil law. I may point out to the members of this Assembly that in this particular matter there is a civil right involved and that civil right can be competently decided by a civil court and not by an executive authority like the registering authority who is a magistrate. He is not competent to decide such matters. That is all I want to submit and with these remarks I oppose this sub-clause.

Diwan Chaman Lall : The point that has been raised by my honourable friend is somewhat important. The first point is a constitutional one. Has my honourable friend the authority of the law in bringing forward this particular rule? This rule, I take it, has been framed under the provisions of section 41 (2) (c) of the Motor Vehicles Act, 1939 (*Interruption*). I want my honourable friend to pay some attention to what I am saying. I think it will be impossible for him to meet the argument if he is not in a position to listen to what I am saying. What I was saying was this, that this particular rule has been framed by him under the authority given to him by section 41 (2) (c) of the Motor Vehicles Act, 1939. Section 41 (2) (c) says :—

“ 41. (1) A Provincial Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(c) the issue of certificates of registration and duplicate certificates of registration to replace certificates lost, destroyed or mutilated ;”

The authority that my honourable friend has to issue a duplicate certificate goes only as far as these three points are concerned, namely, where the certificate has been lost, where it has been destroyed, and where it has been mutilated. Beyond that it cannot go. My honourable friend is importing an authority into the rules which he has not been given the right under the rules to do. What is it that he wants to do? He says, “No, I have the authority to issue a duplicate certificate not merely because it is lost or mutilated or destroyed, but because a particular officer appointed for this business having gone into the civil nature of the suit that might be brought by a company from whom a particular motor driver has taken on hire-purchase a motor car, says that that particular motor driver

[Diwan Chaman Lal.]

has not paid his instalments and he might go further and say that he has taken possession of that particular vehicle or if he has not taken possession of the vehicle the motor driver refuses to deliver the certificate of registration, that the hire-purchaser has actually absconded or that the hire-purchaser refuses to return the certificate of registration. I ask my honourable friend under what particular section of the Act he has got—(Interruption). It is not possible, Mr. Speaker, to have any intelligent discussion of this measure. Please ask the honourable member not to interrupt when I am speaking. How is it possible for my honourable friend to give an intelligent reply to what we are saying here if he is not listening to what I am saying? May I repeat for his benefit as to what I am saying? It is this, that the authority which is given to him is under section 41 (2) (c) of the Motor Vehicles Act, 1939. That authority only extends as far as a certificate is lost, destroyed or mutilated. It does not go beyond that. But the authority that my honourable friend is seeking under this particular rule goes much beyond. It is outside the scope of the section itself and it says that a new certificate may be issued by my honourable friend's authority set up under the Act under three conditions, namely, if the hire-purchaser has absconded, if the person, who has let out the vehicle for hire-purchase, has taken possession of it, or, if the hire-purchaser refuses to deliver the certificate of registration. I ask him whether he has the authority for doing all this which is sought to be done under the rules. The only authority he has is under section 41 of the Act. Has he any other authority? He may refer to section 30 or 33, he will not find any authority even under these sections and if there is no authority, even then my honourable friend is wanting to go beyond the scope of the measure in framing these rules. Who has to decide whether a particular hire-purchaser has absconded or not, and whether the licensing or registering authority, who is going to be set up for this purpose, is competent to decide a matter of this nature? It is a matter which can only be decided by the ordinary civil courts, it cannot be decided otherwise. But according to these rules the registering authority may, of its own accord, come to a decision *ex-parte* it may be that a particular hire-purchaser has absconded or the hire-purchaser refuses to hand over a certificate. This is a rule which is being incorporated for the purpose of making it easier for the company, which let out these vehicles on hire-purchase system, to get back those vehicles or to make it impossible for those hire-purchasers who have not complied with all the conditions, to ply that particular motor vehicle which is subject to registration. They can have the registration cancelled by getting a new registration certificate from the registering authority under this provision. I submit that neither under the law nor in equity should my honourable friend take this power into his own hands to declare that a registration certificate can be cancelled under the conditions laid down in the rule which is now before the House.

Minister for Public Works: I am afraid there seems to be a misunderstanding on the subject. As far as I am concerned this very rule is word for word a copy of the model rules framed by the Central Government after giving due consideration to all the interests concerned. I further stand advised that it is *intra-vires* of the Act. If anybody thinks that it is *ultra-vires*, he can challenge it when such a contingency arises. The registering-

authority has not to adjudicate as to the possession by one party or the other. That, as the honourable member said, will be decided by the civil courts. When possession has been decided upon—and by possession I mean the lawful possession—that person who is in lawful possession of the vehicle will be presumed to be the owner. The question arises whether such owner of that vehicle has a right to ply or not. When a particular person has refused to submit the documents in his possession and the court has delivered the possession to the company concerned, should that vehicle remain out of action? The rule only contemplates that when such a contingency arises, the registering authority can issue a duplicate certificate to the other party who will be in lawful possession of the vehicle. We are not altering the law or trying to adjudicate or do anything which we are not competent to do.

Mr. Speaker : The question is—

That sub-rule (4) be omitted.

The motion was lost.

Pandit Bhagat Ram Sharma : Sir, I beg to move—

That in sub-rule (5), line 4, for the word "sent", the word "served" be substituted. The amendment suggested by me is very simple. My suggestion is that the word "served" should be substituted for the word "sent". In certain cases when a notice is sent, it never reaches the person to whom it is sent. In all fairness to the party concerned, it should be served and then *ex parte* proceedings that are necessary for the district authority to take, can be taken. He must be served and he must know that certain proceedings are going to be held against him and if he does not appear on the due date then *ex parte* proceedings are justifiable. It is in all fairness that he should be served.

Mr. Speaker : The amendment moved is—

That in sub-rule (5), line 4, for the word "sent", the word "served" be substituted.

Minister for Public Works : Sir, I oppose this amendment. As I was saying just now, this contingency will only arise when somebody is intentionally absconding. If a notice is sent under a registered cover then there is a presumption of service. If the man takes into his head that it should not be served on him, he may go on driving in a motor car all over the province and he will never get it. If we wait till it is served then it will be till doomsday.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, I rise to support the amendment that has been moved by my honourable friend Pandit Bhagat Ram Sharma. I think it is a simple and harmless amendment and if it had been accepted it would have provided some relief to the motor drivers. But I am surprised to hear from the Honourable Minister that he is not even prepared to accept this simple and ordinary amendment. The attitude of my honourable friends reminds me of a verse which is very commonly quoted and which runs as follows :—

نکلتا خاند سے آدم کا سنگے آئے آئے لکے
پتہ ہے کہ ر ہو کو — کوہ سے ہم نکلے

(Laughter).

[S. Ajit Singh.]

I ask the Honourable Minister whether he considers these rules to be a revelation from God that even a comma cannot be changed in them. If he thinks so in that case I would request him not to waste Rs. 5,000 daily for holding the sittings of the Assembly but he should tell us straightaway that we should go away to our respective homes because he is not prepared to accept any of our amendments. Let me tell him that if he is not prepared to accept this simple and ordinary amendment we cannot expect that he would be prepared to accommodate any of our bigger demands. In the circumstances I would request him to accept this amendment.

Mr. Speaker : The question is—

That in sub-rule (5), line 4, for the word " sent " the word " served " be substituted.

The motion was lost.

Pandit Bhagat Ram Sharma : Sir, I beg to move—

That sub-rule (5) be omitted.

I had no intention to speak on this rule, but since the amendment, which was just moved by me, has not been accepted I want to say a word or two just to explain my position. We have no other alternative but to oppose this clause because it is going to do a lot of mischief as far as drivers are concerned. There is no principle of justice by which this thing can be justified. I want to point out and I appeal to the sense of justice of the Honourable Minister in charge that he should reconsider his opinion and agree with me that this clause is going to do substantial harm and injustice to the drivers. With these words I move my amendment.

Mr. Speaker : The question is—

That sub-rule (5) be omitted.

The motion was lost.

Rule 4'8.

Pandit Bhagat Ram Sharma : Sir, the amendment that stands in my name reads :—

That after sub-rule (2), the following proviso be added :—

" Provided that at least one of the three must be a non-official member "

Minister for Public Works : Sir, may I just to save the time of the House and point out that this amendment was approved by me some days ago and it has already been adopted ?

Pandit Bhagat Ram Sharma : Then I do not move the amendment.

Rule 4'9.

Pandit Bhagat Ram Sharma : Sir, I beg to move—

That in sub-rule (3), lines 6-7, for the words " inside of one of the doors used by passengers for gaining access to ", the words " interior of " be substituted.

This amendment is again very simple. The rule provides different forms of permits and directs that they are to be exhibited in a frame affixed to the inside of one of the doors of the vehicle. If the Honourable Minister

has ever got into a lorry he should know the construction of the lorry and he should be able to appreciate my amendment. I want to submit that there is no suitable place where the permit can be exhibited on the door unless it is affixed outside. If the intention of this rule has been that the permit should be exhibited outside the lorry, then I would have appreciated his point. But when he is making it obligatory for the owners of lorries to exhibit the permits inside the lorries, there must be some suitable place where they can be exhibited, so that the passengers and others can see them. There is no such place on the door. It will only facilitate the work of those people who are dealing in lorries and it will be sufficient if the permit is exhibited inside the lorry. It should not be obligatory to exhibit it on the door where there is practically no place. With these words I move my amendment.

Mr. Speaker : The amendment moved is—

That in sub-rule (3), lines 6-7, for the words "inside of one of the doors used by passengers for gaining access to", the words "interior of" be substituted.

Minister for Public Works : Sir, I oppose this amendment. It is just for the convenience of the persons concerned themselves that this rule has been made. The object is that the permit should be easily seen without any inconvenience to the passengers inside. A policeman or anybody who wants to inspect the permit can see it easily. That is the only object. I do not see that any difficulty is likely to be experienced as imagined by my honourable friend.

Mr. Speaker : The question is—

That in sub-rule (3), lines 6-7, for the words "inside of one of the doors used by passengers for gaining access to", the words "interior of" be substituted.

The motion was lost.

Rule 4-29.

Pandit Bhagat Ram Sharma : Sir, I beg to move—

That in sub-rule (2), part (iii), lines 3-5, the words "or has been deprived of possession.....agreement," be omitted.

Mr. Speaker : The amendment moved is—

That in sub-rule (2), part (iii), lines 3-5, the words "or has been deprived of possession.....agreement," be omitted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Urdu*) : Sir, I rise to support the amendment moved by my honourable friend Pandit Bhagat Ram Sharma. I have already pointed out to the Honourable Minister of Public Works that the companies doing business on hire-purchase system are very well known for their cruel dealings with their customers. The Honourable Minister may not be aware of these cruel dealings, but my honourable friend Pandit Bhagat Ram Sharma has already beautifully enlightened the House regarding this matter. According to the hire-purchase agreement the companies have transfer form certificates duly signed by the hirers in their possession which they can get executed any time and are thus authorised to take possession of the lorry and get it transferred to the company's name.

[S. Ajit Singh.]

Sir, whatever little facility the lorry-owner had according to the provisions of the Motor Vehicles Act, he is being deprived of now, by the proposed rule 4-29. It appears that the Government is out to undo what has been done previously and which was got done with the great efforts of the Punjab Motor Union, Lahore. I can say without fear of contradiction that when so many facilities have been provided to the companies doing business on terms of hire-purchase it is nothing short of injustice to reject the application on the ground that the holder of the permit has been deprived of the possession of the old vehicle under the provisions of a hire-purchase agreement, because if he is refused a permit under this rule it will be suicidal for him.

Mr. Speaker : The question is—

That in sub-rule (2), part (ii), lines 3—5, the words "or has been deprived of possession.....agreement," be omitted.

The motion was lost.

Rule 4-35.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural) (*Urdu*) : Sir I beg to move—

That in sub-rule (3), lines 6—10, the words "if in the opinion of the Regional Transport Authority the representation made by such person in respect of the issue or renewal of the permit was frivolous or vexatious or" be omitted.

The purpose of my amendment is to ensure that if anybody applies to the Regional Transport Authority for variation or renewal of permit the said authority may not vary the permit at its sweet will, unless the person concerned has been given an opportunity to represent his case properly. This is the only object of my amendment, and with these few words, I move it.

Mr. Speaker : The amendment moved is—

That in sub-rule (3), lines 6—10, the words "if in the opinion of the Regional Transport Authority the representation made by such person in respect of the issue or renewal of the permit was frivolous or vexatious or" be omitted.

Minister for Public Works : Sir, I understand and believe that Regional Transport Authorities are responsible bodies, and will act in a responsible manner. So far as my honourable friend is concerned, I think he must know better because he is a member of the Regional Transport Authority himself. I am sure that he will act in a responsible manner and will throw out frivolous or vexatious applications and not those that deserve some consideration. I oppose the amendment.

Mr. Speaker : The question is—

That in sub-rule (3), lines 6—10, the words "if in the opinion of the Regional Transport Authority the representation made by such person in respect of the issue or renewal of the permit was frivolous or vexatious or" be omitted.

The motion was lost.

Rule 4-40.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjab*) :
Sir, I beg to move :—

That after rule 4-40, the following proviso be added :—

“ Provided that a Regional Transport Authority may require any employer of drivers of transport vehicles for the purposes set forth in the second column of the sixth schedule to these rules to make to the satisfaction of the said authority such time-table, schedule or regulations as may be necessary to fix in advance the hours of work of such persons as are employed by him and it shall be deemed to be the record of the hours of work fixed for the persons concerned for the purposes of subsections (3) and (4) of section 65 of the Act.”

Sir, my amendment to be fully understood, should be read along with the sixth Schedule which is given on page 11 of the typed list. It reads :—

“The authority specified in the first column may call upon any employee specified in the corresponding entry in the second column and fix in advance the hours of work of drivers in his employ.”

The purport of this amendment is that under section 65 of the Indian Motor Vehicles Act, 1939, the provincial Government is authorised to require from these employers to fix the hours of work and to prepare a time schedule. It is in view of this fact that this proviso is sought to be added after Rule 4-40.

With these words Sir, I move my amendment.

Mr. Speaker : The amendment moved is—

That after rule 4-40 the following proviso be added :—

“ Provided that a Regional Transport Authority may require any employer of drivers of transport vehicles for the purposes set forth in the second column of sixth schedule to these rules to make to the satisfaction of the said authority such time-table, schedule or regulations as may be necessary to fix in advance the hours of work of such persons as are employed by him and it shall be deemed to be the record of the hours of work fixed for the persons concerned for the purposes of subsections (3) and (4) of section 65 of the Act”.

Minister for Public Works : I do not see the force of the objection. As you will see this exemption is applied to transport vehicles for military manœuvres and vehicles used in an emergency. How is the amendment going to help matters ? I oppose it.

Mr. Speaker : The question is—

That after rule 4-40 the following proviso be added :—

“ Provided that a Regional Transport Authority may require any employer of drivers of transport vehicles for the purposes set forth in the second column of sixth schedule to these rules to make to the satisfaction of the said authority such time-table, schedule or regulations as may be necessary to fix in advance the hours of work of such persons as are employed by him and it shall be deemed to be the record of the hours of work fixed for the persons concerned for the purposes of subsections (3) and (4) of section 65 of the Act.”

The motion was lost.

Rule 4-47.

Pandit Bhagat Ram Sharma : Sir, I beg to move—

That in sub-rule (6), line 1, for the word “eighteen” the word “sixteen” be substituted.

This again is a very simple amendment. No person under 18 is to hold a licence. I want to suggest that a boy of 16 should be authorised to hold

[Pt. Bhagat Ram Sharma.]

a licence. After all it does not involve any responsibility. He has only to act as a conductor. I do not see why the Government is enamoured of the majority limit. Boys of 15 are doing with efficiency this work at present.

Mr. Speaker : The amendment moved is—

That in sub-rule (6), line 1, for the word "eighteen", the word "sixteen" be substituted

Minister for Public Works : I oppose this amendment. There is a large list of duties laid down which the conductor will have to carry out. I have considerable doubt whether a person of 18 would be able to do it, but since that is the age limit laid down for majority in legal matters therefore we have fixed that age. I do not think younger persons would be competent to do or fit to be entrusted with these responsible duties. I oppose the amendment.

Sardar Ajit Singh : Sir, I would like to make a submission through you. The Honourable Minister does not fortunately or unfortunately travel by motor buses and therefore he does not know that invariably all the conductors in these buses are boys of 15 years. If the age limit is fixed at 18, a large number of these boys will be thrown out of employment. The Government which is a so-called zamindar Government should know that they will be enforcing this rule at the cost of swelling the ranks of the unemployed and the persons thus affected will be mostly zamindars.

Mr. Speaker : The question is—

That in sub-rule (6), line 1, for the word "eighteen" the word "sixteen" be substituted.

The motion was lost.

Rule 5-31.

Pandit Bhagat Ram Sharma : Sir, I beg to move—

That in sub-rule (3), lines 7—9, for the words "the number of..... not exceed ed", the words "that the number of passengers does not exceed the limit specified in these rules" be substituted.

That only clarifies the whole thing. I do not like to make any speech on this.

Mr. Speaker : The amendment moved is—

That in sub-rule (3), lines 7—9, for the words "the number of..... not exceed ed", the words "that the number of passengers does not exceed the limit specified in these rules" be substituted.

Minister for Public Works : Under the old rules a certain number was allowed. Now it is essential that specification should be enforced in order not to make any discrimination, and it is in the interest of the owner himself. Therefore I do not think that any useful purpose will be served by this amendment.

Sardar Kapoor Singh : There is another section under which it is put down that the number shall not exceed 25, that permit be given for a lorry for 25 passengers. It is put down there—

Provided that the seating arrangement satisfies the requirement.

In this case the arrangement for seating shall be specified. One lorry according to the space in the lorry will have more than 25 seats, due to its

length and width. The rule limits the number to only 25. In that case will that rule override this or not?

Minister for Public Works : I have already replied. I do not see any advantage in the amendment proposed.

Sardar Kapoor Singh : You fix the space. In one lorry according to the space for each seat the number can exceed 25. There is another lorry in which the number cannot exceed 25. I would like to know which rule would be applicable? Will the number not exceed 25 in any case?

Minister for Public Works : I have nothing more to add.

Mr. Speaker : The question is—

That in sub-rule (3), lines 7—8, for the words "the number of.....not exceed-ed" the words "that the number of passengers does not exceed the limit specified in these rules" be substituted.

The motion was lost.

Rule 7-12.

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

That in the last line of sub-rule (1), the words "D stands, company stands" be omitted.

This is a very important amendment. Before I make any submission in regard to this amendment, I want to draw your attention to the other types of stands that are prescribed under this rule. They are—

A Stands, being general stands administered directly by officials of the Provincial Government.

B Stands, being general stands entrusted for management, under arrangements made by the District Magistrate, to a private person or company.

C Stands, being general stands administered by a municipal committee or other local authority either directly or through the agency of a contractor.

I am sure all honourable members agree that the provision for these stands has been rightly made in the interest of public safety. Nobody opposes this provision. These three types of stands are perfectly in consonance with the spirit of the Act, but I fail to understand the necessity for this fourth type, namely, D Stands. By making a provision for this type of stands the Honourable Minister himself has violated and frustrated the real intention of the Act passed by the Central Legislature. The main idea of the legislators when this Act was on the anvil of the Central Assembly was to provide security for public safety so that there may not be unnecessary competition between the users of different stands and also to avoid racing on the public roads which results in so many accidents every day. That was why these stands were put directly under the control of a district magistrate or of a municipal committee. I do not think there is any other reason for making a provision for D Stands except to favour friends of the Honourable Minister and other members on that side of the House.

Mr. Speaker : That is an insinuation.

Pandit Bhagat Ram Sharma : I do not mean any insinuation, Sir, but there can be no other reason for making a provision of this nature.

Mr. Speaker : The honourable member should withdraw his remark and proceed.

Pandit Bhagat Ram Sharma : Very well, I withdraw and put it in another form. I do feel that this provision is made in order to show favour to certain section of people who are engaged in this trade. It is there indirect contravention to the spirit of the Act and will create unnecessary competition between pliers of motors at different stands and involve a grave danger to public safety. With these words, I move the amendment standing in my name.

Mr. Speaker : Amendment moved—

That in the last line of sub-rule (1), the words "D Stands, company stands" be omitted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, I rise to support the amendment moved by my honourable friend Pandit Bhagat Ram Sharma. When this measure was on the anvil of the Central Assembly the Punjab Motor Union and other organisations of the kind made strenuous efforts for bringing the outstanding defects of the said Bill to the notice of the honourable members of the Central Legislature. The general impression at that time was that the Government had a prejudice in favour of Railways, and that it intended to ruin the business of motor pliers. The result of these representations was that the Central Government felt constrained to improve upon the Bill. And now it is gratifying to note that the form of the present Act is decidedly better than the one in which it was originally introduced. In spite of the fact that this Act has been on the statute book for the last two years no attempt has been made to weed out the evils of private stands. It was repeatedly brought to the notice of the Government that these private stands were responsible for the evils of cut-throat competitions. After realizing this menacing feature of motor plying Mr. H. G. Russell tried to close several private stands and launched criminal proceedings against their owners. Although the Government contested these cases up to the High Court yet unfortunately in the light of the ruling given by the latter they escaped punishment. Besides the Honourable Minister of Public Works himself held out the following promise on the floor of the House. He remarked :—

The betterment of the motor trade is one of our concerns and I am anxious to set the motor trade on a stable footing and to bring about more earnings to the lorry-owners as well as to the drivers. This object will be achieved when the new control has been set up.

Besides, an adjournment motion was moved in the House with a view to bring pressure to bear upon the Government to eradicate the evil of private stands. In fact these stands have resulted in uneconomic and unwholesome competitions among the lorry-owners. Moreover, much of the over-speeding and rash driving is directly attributed to the competition and rivalry amongst the drivers of the rival lorry-stands. Under these circumstances the provision of 'D Class Stands' would, I am sure, prove detrimental to the best interests of those poor zamindars who are plying lorries after selling their agricultural lands.

Sir, I may be permitted to submit that this provision is being made for the sake of certain imperialists who are running some motor-transport services like that of Nanda Bus Service which owns no lorry but is working

as an agent. You might remember that the Government promised that no private or D. Stand will be opened. But in spite of the undertaking the Government is now going to provide facilities to private stands. As the matter regarding D. Stands is under consideration, I should like to refer to Rule 48 as framed by the Technical Committee of the Central Transport Advisory Council of Bombay. What more proof is needed in justification of what I have said above than a verbatim quotation by the Technical Committee of the Central Transport Advisory Council on Rule 48 of the Model Rules, made after its meeting in Bombay, which runs as follows :—

“ Rule 48 deals with stands and halting places and gives full power to regulate these by arranging for their maintenance by a contractor or a licensee or by making rules for their provision and maintenance. This question is of greater general importance in certain parts of India than would appear on the surface. Many of the difficulties in the way of co-ordinating existing bus services on certain routes in regard to time-tables, fares and so forth and of preventing rival buses racing on the roads, are aggravated by the buses starting from a multiplicity of stands both “private” and “public”. A bus union or Company is in a position to enforce its own rules or by-laws regarding time-table and the order in which vehicles are to start provided that all the vehicles are under its control on one or two stands. But persons on one stand do not know what those on other stands are doing and voluntary co-ordination of this sort becomes practically impossible if there are many separate stands.”

In the end I once again submit that the Government should think twice before allowing private stands to be established and I request them to save the public from the nuisance of private stands.

Minister of Public Works (The honourable Major Malik Khizar Hayat Khan Tiwana): It has been thought that there is no provision in the Act for the stands described as D in the rules. That is contrary to fact. First of all I would like to re-emphasise what has already been stated to be the policy of the Government and stated by me also on the floor of the House. That is still our policy and it is with that policy in view that we have come forward with these rules. The trouble with motor trade is that there are excess number of vehicles on the roads. There is cut-throat competition and uneconomical fares are charged and these vehicles ply without full quota of passengers. I am trying to remedy this evil and the Regional Authorities will lay down the requisite number for each road and this competition will to some extent be eliminated and they will be able to make more money out of the trade. That is what is being attempted to be done and I hope that with the functioning of these authorities the object we have in view will be realised. So far as companies are concerned, I have no special sympathy for them and I am all for the small man with a lorry or two. In pursuance of that view if you read the rules you will find that instead of driving the small man out of the trade, every effort has been made to help him and in this respect the Punjab rules surpass the rules passed or proposed so far anywhere else. Private stands have existed in the past. I know that wherever two lorries were stationed they called the place a private stand. We could not stop it then because the law did not permit us. It was at the instance of the Punjab Government that a provision for the control of these stands was included in the Act. It was at our specific request that this provision has been incorporated. We never promised that all private stands would be closed. But they are going to be strictly and rigidly controlled. Certain rules have been laid down which will apply to all stands universally. District magistrates will see that no special advantage is given to company

[Minister of Public Works.]

stands. As far as the question of these D stands is concerned, there is no country in the world and no province in India—I have got the draft rules of all the provinces with me—I have no time to read them, otherwise I would have read them—where such stands have not been allowed. The model rules also provide for these stands. The only difference is that in other provinces no special restrictions have been laid down for company stands, but we have laid down such restrictions. It is in the interests of the small man that we have laid down that nobody who has got less than five vehicles will be able to establish these stands. It is up to these people to combine now. The trouble in the past has been that numbers had not been restricted or prescribed. Whenever these people formed a combine somebody else came from outside and began to break the arrangement. Now the number has been fixed by law and there will be no fear of cut-throat competition. On the contrary my fear is that there may not be sufficient competition and for that reason fares may go up. We have to guard against that also. The interests of the small man are safe under the rules and if at any time we find that these rules hamper the growth of motor traffic, they will be amended suitably. We must give sufficient time for the rules to function. The results will be watched carefully and if any change is needed Government will certainly consider the question. With these words I oppose the amendment.

Sardar Kapoor Singh and other members wanted to speak and some honourable members moved closure.

Diwan Chaman Lall : As a matter of fact the whole day was not taken up by this business. Half of the day was taken up by the Criminal Procedure Code Amendment Bill. I suggest that we might continue this business to-morrow also and allow the members to have their say. An hour may be taken up to-morrow for this business. An hour would be sufficient.

The Assembly then adjourned till 12 noon on Tuesday, 23rd April, 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 23rd April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

DAMAGE TO CROPS IN AMRITSAR DISTRICT.

***6541. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state whether he has received information in regard to the damage done to crops in some villages in thanas Gharenda, Lopoke, and Ajnala in the Amritsar district, in the 8rd week of March, 1940, due to hailstorm; if so, the extent of the damage done to crops if so far ascertained, and the action that the Government has decided to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : Yes.

Information regarding extent of damage will be available after the special girdawari when the question of relief will be considered according to rules.

ENHANCEMENT OF REVENUE IN AMRITSAR DISTRICT.

***6549. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state whether his attention has been drawn to the general apprehension in the minds of the zamindars of district Amritsar that the Government is enhancing the revenue in the district in accordance with the new schedule adopted in the new settlement from the next harvest contravening the promise made by the Honourable Premier that the revenue would not be enhanced till after five years; if so, whether he has contemplated taking any steps to allay this apprehension on the part of the zamindars of the Amritsar district?

The Honourable Dr. Sir Sundar Singh Majithia : Government is not aware that any such apprehension exists: in any case any such apprehension is groundless. The Settlement Officer, Amritsar, made the position quite clear when announcing the new demands in tahsil Tarn Taran.

A relevant extract from the announcement made by the Settlement Officer is placed on the table.

Extract of announcement made by Settlement Officer, Amritsar.

Before announcing your new demands to-day I have to explain one or two matters on which there may be some misunderstanding.

[Minister for Revenue.]

2. The first of these is the sliding scale. Although it is difficult to explain the calculations it is easy enough to understand the general principles. The law requires the new assessment to be based on the average prices of the last twenty years. These are higher than current prices and Government, therefore, desire to give proportionate relief at each harvest and will not collect full paper demand announced by me until current prices are equal to commutation prices. As an example of how the sliding scale would have worked if the new assessment had been introduced last year an estate whose paper demand was a thousand rupees would have had to pay only Rs. 800. There may be some fear that remissions under the sliding scale depend on the whim of the patwari or other revenue official. This is not so. These remissions are the land-owners' right and do not depend on anybody's opinion of their necessity but entirely on market prices. Any revenue payer is entitled to see how the remission has been calculated at each harvest.

3. I have mentioned above that on recent prices only Rs. 800 would be collected out of a paper demand of a thousand rupees. But even if prices rise and remissions under the sliding scale consequently become smaller no estate will pay more than it now does for a period of five years from the introduction of the new demand. This will be done in the following way. From the Rabi instalment of revenue only remissions under the sliding scale will be allowed. In the following Kharif instalment the remission under the sliding scale will be calculated and if the balance payable together with the instalment already paid in the Rabi exceeds the current annual demand this Kharif instalment will be further reduced to make it no higher than the current demand.

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ARREST OF KISAN WORKERS SUBA SINGH, ASA SINGH, KEHAR SINGH, CHANAN SINGH AND BHOLA SINGH.

***6557. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that five Kisan workers Suba Singh, Asa Singh, Kehar Singh, Chanan Singh and Bhola Singh have recently been arrested at village Bhakna, district Amritsar ;
- (b) if so, reasons for their arrest and the law under which these arrests have been effected ;
- (c) the place where the persons arrested are being confined ;
- (d) the class in which they have been placed in the jails in which they have been confined ?

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

(b), (c) and (d). Do not arise.

DISPUTE BETWEEN SUNNI AND SHIA MUSLIMS AT TAXILA.

***6565. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the nature and brief facts about the dispute between the Sunni and the Shia Muslims at Taxila ;
- (b) the reasons for issuing prohibitory orders against entering the Inayat Shahi mosque ;
- (c) whether any arrests have been made in this connection or any other methods have been adopted by the Government to put an end to the dispute mentioned in (a) ; if so, with what result ?

The Honourable Major Sir Sikander Hyat Khan : (a) The dispute was over the claim of the Shias to say their prayers in congregation to which the Sunnis took objection on the ground that so far as local practice was concerned it was an innovation. It is not practicable to summarize the history of the dispute.

(b) Prohibitory orders were designed to prevent a breach of the peace during Muharram and the period immediately succeeding it.

(c) A number of Sunnis who attempted to defy the prohibitory orders were arrested. The district officers have made persistent efforts to effect an agreement between the parties and they were ultimately successful. The prohibitory orders were rescinded on the 30th of March.

DUSSEHRA PARK IN LYALLPUR.

***6568. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that a part of the *Nazul* land known as the Dussehra Park in Lyallpur has been given away for the building of the Muslim Girls' High School; if so, on what terms and why;

(b) whether this land was being used previously by the Hindus of Lyallpur for annual *Ramkila* purposes and other recreations;

(c) whether a great feeling of resentment prevails among Hindus of Lyallpur over this matter; if so, the action Government propose to take to allay those feelings?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No such allotment has been made.

(b) and (c). Do not arise.

DAMAGE TO CROPS IN CERTAIN VILLAGES IN AMRITSAR DISTRICT.

***6576. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the extent of damage due to the hailstorm done to the crops of the villages Baghe, Dhariwal, Dudhrae, Salempura, Jauns, Mohar, Othian, Odharian, Maure Kalan, Jaje Maure, Chak Kamal Khan, Kotli Sakke, Mamatpura, Chak Misri Khan, Bhilowal, Saurian, Vairoke, Kila Hetam, Lopoke and Bhullar, district Amritsar, in the month of March, 1940;

(b) the relief, if any, given or intended to be given to the zamindars concerned?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b). Information regarding extent of damage will be available after the special girdawari when relief where due will be granted according to rules.

TREATMENT OF SWAMI PURNANAND AS HABITUAL PRISONER.

***6586. Sardar Hari Singh :** With reference to answer to starred question No. 6395¹ asked in this session, will the Honourable Minister for Finance be pleased to state—

¹ Vide the debates of 28th March, 1940.

[8. Hari Singh.]

- (a) whether it is a fact that Swami Purnanand was for some time treated as a habitual prisoner when he was confined in Montgomery jail ;
- (b) if answer to (a) above be in the affirmative, the grounds on which he was treated as such and also the reasons responsible for the revision of the order for his being treated as a habitual prisoner ?

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

(b) Does not arise.

SARDAR DASAUNDHA SINGH, KISAN MORCHA PRISONER.

***6587. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) the previous convictions to the credit of Sardar Dasaundha Singh, a Kisan Morcha Prisoner, who is being treated as a habitual prisoner in Central Jail, Montgomery ;
- (b) law and section under which he was convicted in each of those cases ;
- (c) whether moral turpitude was involved in any of those cases ?

The Honourable Mr. Manohar Lal : (a) and (b)—

- (1) Six months' rigorous imprisonment under section 124-A., Indian Penal Code, in December, 1929.
- (2) Six months' rigorous imprisonment under section 5, Punjab Criminal Law (Amendment) Act, 1935, on the 11th July, 1936. Sentence subsequently reduced to 3 months' rigorous imprisonment.
- (3) Six months' rigorous imprisonment under section 117/188, Indian Penal Code, on the 11th December, 1939.
- (c) It is not possible to reply to this part of the question without examining the records of the cases and I have not been able to get these records yet.

UNAUTHORIZED BEATING OF PRISONERS IN JAILS.

***6592. Pandit Shri Ram Sharma :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether he is aware of the fact that in jails under him there is a practice of giving unauthorized beating by convict warders and other prisoners to certain prisoners confined in cells ; if so, what steps have been taken by the Government to put a stop to it ;
- (b) whether it is a fact that Waryam Singh and Ismail, prisoners in Ambala District Jail, were recently given such unauthorized beating ; if so, the action taken against those responsible for it ?

The Honourable Mr. Manohar Lal : (a) Government are not aware of any such practice.

(b) Inquiries are being made.

DESPATCH OF A BATCH OF PUNJAB POLICE TO DHAMI STATE.

***6598. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that on or about 23rd February, 1940, about 25 constables of police were sent to Dhami State from Simla ; and if so, the purpose for which they were sent ;

(b) the date of their return to Simla and the report, if any, submitted by them to the Superintendent of Police, Simla, as to the work done by them ?

The Honourable Major Sir Sikander Hyat-Khan : (a) On the 22nd February one Sergeant, one Assistant Sub-Inspector, two Head Constables and twenty Foot Constables of the Simla Police were sent to Dhami State as an escort to the Assistant Political Officer.

(b) They returned to Simla on the 1st March, 1940, and reported completion of escort duty.

ARREST OF DACOITS LOOTING THE MARRIAGE PARTY ON THE HIGH ROAD BETWEEN MUBARIKPUR AND MANIMAZARA.

***6599. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that on or about 6th March, 1940, a marriage party proceeding from Moranda to Ambala City was looted on its return journey on high road between Mubarikpur and Manimazara and in course of plunder guns were used by the dacoits ;

(b) what action was taken by the police to arrest the offenders and whether it has so far succeeded in making these arrests ?

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

(b) Does not arise.

FORCIBLE ENTRY OF DACOITS INTO THE PREMISES OF BHIL CHHAPPER POLICE STATION.

***6600. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that some dacoits entered forcibly the premises of Bhil Chhapper Police Station, Ambala district, and removed guns and other things from the Police Station a short time ago ;

(b) how the police force stationed at the Bhil Chhapper Police Station met the dacoits and with what results ?

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

(b) Does not arise.

FORMATION OF A CONSTITUENCY FOR GURDWARA PANCHAITI AT PINDI GHEB.

***6601. Sardar Kartar Singh:** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that three Gurdwaras, namely, Gurdwara Bhai Dasu Ramwala, Dharamsala Sri Guru Singh Sabha and Gurdwara Panchaiti (Wadda Gurdwara) at Pindi Gheb, tahsil Pindi Gheb, district Attock, have been notified to be Sikh Gurdwaras under the provisions of the Gurdwaras Act; if so, the dates of notifications according to which these Gurdwaras were notified as Sikh Gurdwaras;
- (b) whether it is a fact that two of these three Gurdwaras, namely, Bhai Dasu Ramwala and Dharamsala Sri Guru Singh Sabha have already been placed under the management of one and the same committee of management;
- (c) whether any constituency for the committee of management for the Gurdwara Panchaiti (Wadda Gurdwara) has so far been formed or not; if not, why not;
- (d) whether it is a fact that the Shiromani Gurdwara Parbandhak Committee, Amritsar, at its general meeting held on 20th October, 1935, recommended under section 89 (2) of the Sikh Gurdwaras Act to the Government to place the said Gurdwara Panchaiti under the committee of management for Gurdwara Bhai Dasu Ramwala and Dharamsala Sri Guru Singh Sabha and that this decision of the Shiromani Gurdwara Parbandhak Committee was duly communicated to the Government for approval and necessary action,—vide Shiromani Gurdwara Parbandhak Committee's letter No. 4452/15-E., dated 26th November, 1935;
- (e) if reply to (d) above be in the affirmative, whether Government has so far accorded its approval to the said proposal of the Shiromani Gurdwara Parbandhak Committee, or not; if not, why not?

The Honourable Mian Abdul Haye: (a) Yes. The dates of notifications declaring these gurdwaras to be Sikh Gurdwaras are given below against the names of each gurdwara:—

<i>Name of Gurdwara.</i>	<i>Date of notification.</i>
(1) Gurdwara Bhai Dasu Ramwala ..	24th August, 1931.
(2) Dharamsala Sri Guru Singh Sabha ..	24th August, 1931.
(3) Gurdwara Panchaiti (Wadda Gurdwara.)	17th May, 1935.

(b) Yes. By notification No. 2122, dated 20th September, 1931.

(c) No. The original proposal of the Shiromani Gurdwara Parbandhak Committee, for the formation of a constituency could not be approved and no revised proposal has been received so far.

(d) Yes.

(e) Approval could not be accorded to the Shiromani Gurdwara Parbandhak Committee's proposal as the local Sikhs do not agree to the constitution of one committee for all the three aforesaid gurdwaras.

**FORMATION OF A CONSTITUENCY FOR GURDWARA DHARAMSALA
BAHARWALA AT KHURD IN JHELM DISTRICT.**

***6602. Sardar Kartar Singh :** Will the Honourable Minister of Education be pleased to state—

(a) whether the Government is aware of the fact that Dharamsala Baharwala at Khurd, tahsil and district Jhelum, has been declared to be a Sikh Gurdwara,—*vide* notification No. 27-G., dated 29th May, 1936 ; if so, whether any committee of management for the said Gurdwara has been constituted so far under the provisions of the Sikh Gurdwaras Act ; if not, why has no such committee been constituted for the said Gurdwara for such a long time ;

(b) whether it is a fact that the Shiromani Gurdwara Parbandhak Committee, Amritsar, in its general meeting held on 12th November, 1936, recommended to the Government, Police Station areas of Jhelum Khurd and Jhelum City as constituency for the election of the committee for the said Gurdwara and communicated the said decision to the Government for approval,—*vide* Shiromani Gurdwara Parbandhak Committee's letter No. 5346/15-E., dated 2nd January, 1937 ;

(c) whether Government has accorded its approval to the said recommendation of the Shiromani Gurdwara Parbandhak Committee so far ; if not, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Yes. A committee of management has not been set up so far as the constituency for election of members has not been settled.

(b) Yes.

(c) Government have not been able to accept the proposal of the Shiromani Gurdwara Parbandhak Committee as inquiry shows that the constituency should be restricted to villages Khurd and Chutala only. It is the inhabitants of these two villages who are solely concerned with the welfare of this Gurdwara. The Shiromani Gurdwara Parbandhak Committee was informed accordingly more than two years back, but no revised proposal has been submitted for the approval of Government.

MOTOR VEHICLES RULES, 1940.

Rule 7-12.

Mr. Speaker : The Assembly will now resume the consideration of the Punjab Motor Vehicles Rules.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*) : Sir, the rules framed by the Government in regard to the stands appear to have been made under section 76 of the Motor Vehicles Act, 1939, or under section 91 of the same Act, which confers rule-making power on a Provincial Government. If we peruse section 76, we find that Government is no longer empowered to make any classification of stands. The section reads as follows :—

76. The Provincial Government or any authority authorized in this behalf by the Provincial Government may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

You will observe, Sir, that it is clearly laid down that Government is required to establish such stands wherein the motor vehicles may halt either indefinitely or for a specified period of time. No power under the Central Act has been vested in the Government to introduce any classification of or discrimination in the establishment of motor vehicle stands. It is nowhere laid down, nor even under section 91 is it provided, that Government would establish D stands or Company stands or General stands under the management of Government authority or private persons. In fact the Punjab Government have taken over this power of their own accord, without caring whether or not they were authorized to do so.

Again, I may point out that there exists no classification of stands in the Model Rules framed by the Government of India in this connexion. The Central Government has strictly conformed to section 76. I may also add that barring the province of Delhi all other provinces in India have acted upon this particular section and have refrained from introducing any invidious distinction between stands. I, therefore, cannot help saying that the Punjab Government have disregarded the provision simply with a view to affording protection to the vested interests and to safeguard the interests of rich bus-owners. The Honourable Minister for Public Works argued that he had created this distinction with the object of obviating competition among differently managed stands. This is far from truth. The fact of the matter is that this classification would result in a cut throat and much keener competition. You are aware, Sir, that the authority managing the public stands is required by law to append a time-table of the arrival and departure of the buses with its application on the prescribed form. But as regards general stands it has been left optional with them. They may or may not attach a time-table with their applications. Now, what would be the result ? The general stands people would be at liberty to set their motor vehicles in motion at any time as they would be under no obligation to observe the fixed or approved time-table. Suppose that two motor vehicles, one from A stand and the other from the D stand, leave for their destination

at the same time and on the same route. Now it would be the endeavour of both the buses to pick up as many passengers from the road as possible. But the temptation with the latter would be even greater as it could enhance its speed to any limit and thus outbid the former in the matter of picking up passengers. It is crystal clear that the private owners of stands are bound to derive more benefit. But there is every likelihood that this sort of competition would entail disastrous consequences in the form of increased number of accidents on the roads. In the circumstances I am of the opinion that firstly, all the stands should be brought on the same level and secondly, no special restrictions should be imposed on A, B or C class stands. The argument of the Honourable Minister in regard to the cessation or elimination of competition by classification of stands does not hold water. The private owners of stands would certainly deprive the poor lorrywallas of their legitimate livelihood.

Mr. Speaker : On which section is the honourable member relying ?

Sardar Kapoor Singh : Section 76 of the Central Act. I may point out at the risk of repetition that it has been made abundantly clear in this provision that the Government may determine places at which motor vehicles may stand either indefinitely or for a specified period of time. There is no mention of classification of stands in it. I would also like to invite your attention to section 68 (2) (r). It reads as follows :—

(r) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting places and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place.

It appears from this section that in the notified stands any motor driver can collect or disembark passengers. But my submission is that it is provided in the rules which would be enforced in the province that motor vehicles belonging to A, B and C class stands cannot enter D class stands, and *vice versa*. In view of this I am of the opinion that Government are going against the spirit of section 68 (2) (r) by making this invidious classification. I think these rules are *ultra vires* of section 68 (2) (r). With these words I support the amendment now before the House.

Mr. Speaker : What has the Government to say as to the legal objection?

Minister for Public Works : No legal objection has been raised by my honourable friend. He is only drawing inferences. I do not think he has raised any real legal point. At least that is what I have followed. He was using certain arguments. If you want to know the legal side of it, I would submit that a stand will be a public place and passengers will be able to come there. It does not necessarily follow that that piece of land should only be leased by a local body or by the Government for the purpose of a stand. The only two conditions laid down by the new Motor Vehicles Act are that the place shall be notified as such and the Provincial Government has got an authority under this Act to do this. We have framed our rules and so have other provinces framed their rules. They have got private stands also. The Central Government itself, after considering all these questions, had proposed Model Rules in which this category of stands is included.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, it appears as if some sort of conspiracy has been hatched with regard to D class stands. If we take into consideration the activities of the Indian Roads and Transport Development Association, Punjab Branch, we would find that, although all public bodies are opposed to the retention of private motor stands, still the officials or the semi-official members of this Association have been and at present are trying to keep the private motor stands intact. In this connexion I may point out that the Governor of the Punjab is the patron of this Association and some honourable members of this House, including Mian Ahmed Yar Khan Daulatana, for whose early recovery we are earnestly praying for, are its members. Now it has been the endeavour of the members of this Association to somehow or other keep private motor stands in existence. Previously they tried to achieve this object by influencing central legislation but their attempt failed. However, it has been their constant endeavour to press for the retention of the private motor stands and this thing they have themselves admitted in their report. It is stated in the said Association's report :

Needless to say that we shall press for the retention of private stands in case of all organized services.

Along with this, Sir, they have also taken great pains to point out the uses of private motor stands. I may add that Mr. Nanda of the Nanda Bus Service is also a member of this Association. Similarly, many other capitalists are on the membership of this Association, who are trying their utmost to keep the private motor stands intact so that their monopolies should not be in anyway affected by their abolition. Now I want to let the House know a few opinions of not the Motor Union but the Police Superintendents against private stands. These opinions are published on page 23 of Motor Vehicles Insurance Committee Report.

The Superintendent of Police, Gujrat, notes that the authorized speed is exceeded by almost every driver of the four organized services plying in that district.

Further on :

The Superintendent of Police, Jhelum, comments on the excessive speed of public vehicles running on fixed timings and notes that he has personally in many cases found that such vehicles are travelling at 45 miles per hour.

Now one wonders that persons who are actually in charge of putting a stop to these things are not doing anything to check these illegalities. The only conclusion that we can draw is that it is the intention of the Government that unhealthy competition should go on. In order to maintain their competition with other lorry drivers, the drivers of privately organized bus services have to run their vehicles at break neck speed with a view to reach their destination earlier so as to collect passengers for their vehicles. The result of this excessive speed is that good many accidents take place. In this connexion I may point out that while going to Lyallpur the other day we also met with an accident not with any lorry but with the railing of a bridge. But I may point out that during the course of our journey we saw at two places wrecks of motor vehicles on account of collisions. In both the cases the motor vehicles were completely wrecked and they belonged to private bus services. I admit, as has been pointed out by my honourable friends opposite that some of these organized bus services and especially Mr. Nanda of the Nanda Bus Service has done a great service to the province

and he has actually created road mindedness in the province. He is a pioneer in the field. He is substantially responsible for improving the entire technique of bus services in the Punjab by introducing regular hours, and better type of buses; and by putting up effective competition against the Railway. But my submission is that besides these things we have to take other considerations as well. It is our duty to see that public should get maximum amount of comfort and security from accidents. This can be only done if more lorries are not allowed to ply for hire. This can be only done if private motor stands are abolished *in toto*. This fact has been agitated in the press as well and this question also came up before the Central Assembly at the time when the Indian Motor Vehicles Act was being considered. At that time Mr. Mitchell, a nominated official member of the Assembly, stated:

The position is this that in quite small towns buses, unless there is some such provision as this are apt to congregate at what are called private bus stands, which are on private land and which are not within the control of public authority. They are not public places and they are extremely insanitary and are generally undesirable.

This is the view of Mr. Mitchell. I think if referendum is taken on this point public opinion will surely vote against the retention of private motor stands. My submission is that if such lorrywalas desire they can unite their services and form into a motor union. But my submission is that the existence of the private motor stands is the one cause of the cut throat competition which is going on at present among lorry drivers. And also many accidents take place on account of the excessive speed at which the lorrywalas drive their vehicles. These things can be avoided only if private motor stands are done away with. With these words I support the amendment now before the House.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Mr. Speaker, the most important question is in reference to D stands. I take it that my honourable friend, who yesterday told that he had justified a particular stand that he took on the ground that he found justification for it in the Model Rules, will probably rise in his seat and justify the existence of D stands also on the same ground, namely, that these stands are provided for under the Model Rules. The only justification that I heard from the lips of my honourable friend was not in reference to the constitutional issue, and he did not bother himself with the constitutional issue whether this particular thing was or was not *intra vires* but it was his *ipse dixit*. There was no argument. The only argument that justified it was that because the Central Government, which ought to know its business, has already incorporated a particular measure of this kind in the Model Rules and therefore, he was entirely justified in copying it for the purposes of this province. Now, I ask the honourable member if that is justified. Can he point out any provision in the Model Rules, which can compare with the provision in these rules regarding D stands? Is there any Model Rule relating to these stands? I see my honourable friend behind the Minister shaking his head in assent. Let me refer to Model Rule No. 44. It runs as follows:—

“*Stands and halting places.*—(1) The District Magistrate by notification in the Official Gazette, or by the erection of signs in accordance with, and having the meaning of, those set out in the Eighth Schedule to these rules, or both, may

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in respect of the taking up of passengers or the setting down of passengers or both by public service vehicles or by any specified class of public service vehicle—

- (i) conditionally or unconditionally prohibit the use of any specified place or of any place of a specified nature or class, and
 - (ii) require that within the limits of any municipality, notified area or cantonment, or within such other limits as may be specified in the notification certain specified stands or halting places only shall be so used.
- (2) When a place has been notified or has been demarcated by signs or both as being a stand or halting place for the purpose of this rule then notwithstanding that the land is in possession of any person the place shall, subject to the provisions of these rules, be deemed to be a public place within the meaning of the Act and the District Magistrate may make rules or give directions for the conduct of such place including rules or directions—
- (i) prescribing the fees to be paid by the owners of public service vehicles using the place and providing for the receipt and disposal of such fees,
 - (ii) specifying the public service vehicles or the class of public service vehicles which shall use the place or which shall not use the place,
 - (iii) appointing a person to be the manager of the place and prescribing the power and duties of the manager,
 - (iv) requiring the owner of the land or the local authority as the case may be to erect such shelters, lavatories and latrines and to execute such other works as may be specified in the rules or in the direction and to maintain the same in a serviceable, clean and sanitary condition, and
 - (v) prohibiting the use of such place by specified persons or by other than specified persons.
- (3) Nothing in sub-rule (2) shall require any person owning the land, which has been appointed as a stand or halting place, to undertake any work or incur any expenditure in connexion therewith without his consent and, in the event of any such person declining to carry out such work or to incur such expenditure or failing to comply with any rule or direction made or given to him under the provisions of this rule, the competent authority may prohibit the use of such a place for the purposes of this rule.

That is all that is to be found in the Model Rule. My honourable friend, who was shaking his head in a vigorous assent will be hard up to find a Model Rule which can compare with the rules that he has introduced in this province, and which provides for these stands. These stands are stands which are provided by private individuals for their private use, to which general public has no access. For instance, a company, which is running a motor bus service, will be authorized under these rules, which my honourable friend is placing before this House, to utilize that particular stand, and no other authority, no other body, no other organization will have a right to utilize that particular stand. It is only that particular organization, that particular monopolistic organization, which will have the right to use that stand. Where is my honourable friend's justification for that? Is there any justification for a provision of this nature? Where does he find a justification under the law for a provision which enables a private company to keep a private stand? Does my honourable friend know what will be the effect of this? The effect of this will be that only the Regional Authority and only the District Magistrate will be in a position to impose any condition upon these private owners. If they want they will be in a position to demand a fee.

Let us have a look at section 76 in this connexion. It runs as follows :—

The Provincial Government or any authority authorized in this behalf by the Provincial Government may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than necessary for the taking up and setting down of passengers.

Now, that is all that is provided in this section. What will be the result ? The result will be that every such place, which is notified, will become a public place. But apart from the notification of such places, which are converted into public places, my honourable friend has a distinction, a difference in the case of stands, which are called D. stands. Those will become public places. But if they do, they will only be used by the monopolistic concerns and the public will have no access to them. Not only will the public have no access to these places, but the authorities themselves will be unable to control these places by means of these or any other restrictions which they may be pleased to impose, or any other restrictions they may desire. Section 76 is again to be read with section 91 (2) (e). It says :

The Provincial Government may make rules for the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use.

You can make rules for parking places. But how can you make rules for private stands ? You can make rules for places which are public and over which you have control, but not in regard to those places over which you have no control and which you hand over to a private company.

Now, with reference to these rules, my honourable friend should look at the question from the point of view of other provinces. No other province, as far as I am aware, has a rule of this nature. All provinces have rules which are similar to the rule which I have read out from the Model Rules. In Bombay—I have got the *Bombay Gazette* in my hand—there is exactly a similar rule, as the one that I have read out. It is as follows :—

When a place has been notified or has been demarcated by traffic signs, or both, as being a stand or halting place for the purpose of this rule, then notwithstanding that the land is in possession of any person, the place shall, subject to the provisions of these rules, be deemed to be a public place within the meaning of the Act.....

Here, we have a rule, which is first of all inconsistent with the Act, and secondly, it is not to be found in the Model Rules and thirdly, it is not to be found in any province which has adopted or re-adopted these Model Rules to its own requirement. Before I go to rule 17·12 let me first of all confine myself to the particular argument which I want to advance in reference to the rule, this particular rule, which is being incorporated in these rules, namely, the creation of D stands. How did he come to recognize the urgency of this matter, namely, the creation of D stands ? I was handed this morning a pamphlet, which is a report of the Indian Roads and Transport Development Association Limited for the year 1938. This is the annual report of an organization which exists in the Punjab. It has a total number of members, namely, 48 persons comprising 4 Supporting Members ; 18 Life Members ; and 26 Ordinary Members. (Premier : A very big organization.) Yes, this is a very big organization, a very powerful organization. He is perfectly right. It is a very big concern ; a very powerful and

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very influential concern. In the report of this Association there is a paragraph on page 10, entitled, Lorry Stands. It is a most instructive paragraph. It says :

Clause 73 (which has become Clause 76) of the Motor Vehicles Bill empowers Provincial Governments to fix parking places—

It goes on to say—

We suggested a suitable modification of this clause with a view to ensuring that the legality of the private stand was not questioned and that organized bus services were not deprived of the facility of having their own stands. The clause in question was passed without modification but we shall do our best to see that the Local Government interpret it in a manner fair to the interests concerned.

They made a suggestion for modification but the Government did not budge and was not prepared to yield in regard to the demand made by the great private interests and the private interests announced publicly that they were going to do their level best to see that the Local Government interpret it in a manner fair to the interests concerned. Where they did not succeed in the centre they succeeded in the Punjab in this matter. Then it goes on to say :—

“Private stands have been of considerable assistance in the development of motor transport in this province, and while we agree that their uncontrolled growth calls for some measure of control, we are naturally anxious that there should be no vexatious restrictions on the parking of public vehicles nor any reversion to the conditions which existed some four or five years ago when municipalities and district boards exploited their ownership of public stands to increase their revenues and levy exorbitant charges on vehicles using the stands.

They did not succeed with the Central Government, but the Punjab Government is a little more pliable than other Governments. No other Provincial Government, as far as I am aware.—I speak subject to correction—has a rule of this nature. The Punjab Government is more pliable. Secondly, these private stands will not be subject to vexatious control by any authority. It may be that my honourable friend is right and I am wrong, but the fear expressed was a genuine fear and the object was very clear, namely, that there should not be any reversion to the conditions which existed some four or five years ago when municipalities and district boards exploited their ownership of public stands to increase their revenues and levy exorbitant charges on vehicles using the stands. I ask my honourable friend, in view of this clear statement of the desire of this very big organization to do a particular thing even if the law does not allow, whether my honourable friend consulted the interests which are going to be affected, before he gave sanction to a particular provision. Did he do so? We have no idea that he took the slightest interest in consulting other interests which are going to be damaged by the provision about the stands. I do not know whether he took the advice. If he did he has not told the House. Who are these big people according to my honourable friends who control this organization and who are so powerful that they can even twist the tail of the Punjab Government and make the Punjab Government do exactly what they want in spite of the fact that the law

does not permit them to do it. The committee consists of Mr. P. H. Guest, Chairman, the honourable member who recently joined the Punjab Assembly. Mr. K. H. Rugginz, Mr. J. H. A. Hill, Khan Bahadur Mian Ahmad Yar Khan Daulatana, Mr. L. E. Amor, Mr. G. C. G. Barrett, Mr. Behari Lal Chanana, Mr. B. E. Buckwell, Mr. R. E. O. Carey, Mr. J. C. F. Davidson, Mr. Lawrence Hudson, Mr. B. I. Nanda of Nanda Bus and Mr. Sant Singh of Nishat Bus Service. I submit that my honourable friend instead of taking the advice of the vested interests may have consulted people who are going to be adversely affected by the provision and may have done the right thing by these people and did not listen to the siren voice of a big, influential and powerful organization. I do submit that neither from the legal point of view, nor constitutional point of view, nor from the point of view of the public interest, nor from the point of view of the interests of the small man, is there any justification for the existence of this particular provision. Rule 68 is the rule which is worth looking into. Clause 68 (r) reads as follows :—

A Provincial Government may make rules for the purpose of carrying into effect the provisions of this Chapter—

- (r) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting places and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place.

This provision is inconsistent with the definition of a stand. Not only is this provision distinctly against the intention of the authorities to provide for these stands, but if we look to rule 2 (24), which relates to 'public place', we will find that these stands are not permissible. Rule 2 (24) says—

"public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage.

I ask my honourable friend to exercise his commonsense and his undoubted intelligence and discover whether under this provision he is authorised to provide for stands of this nature. I submit therefore that it is a very serious matter which must be gone into carefully by my honourable friend, and I hope he will accept the appeal made from this side to delete that particular provision relating to stands. I hold in my hand a document which was shown to me this morning regarding some instructions given by the Special Officer, Motor Transport, regarding stands. In these instructions it is stated—

It is probable that the owners or managers of some of the existing stands may have entered into commitments regarding them and although they are not entitled to any consideration in view of the knowledge they must be presumed to have had of the new regulations, District Magistrates may find cases where real hardship would result from a refusal to sanction the continuance of a stand. The policy in such cases should be to accord sanction for such minimum period as will enable the owner or manager to discharge any financial obligations he has incurred.

I ask my honourable friend how, why and under what rule he is giving this particular sanction. May be that the special officer in charge is perfectly justified in issuing instructions of this nature, but I do not find warrant in any of the rules or in the Act itself. Supposing X has taken on lease a

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particular stand for Rs. 1,000 for seven years. Do I take it that for a period of seven years the private stand will continue to be utilized as private stand in spite of the rules being passed and in spite of new dispensation being taken advantage of?

I submit that in these circumstances it is absolutely essential that a special officer should be appointed. I know that officers are just-minded and they want to do the right thing by this trade and by this industry and they will take the first opportunity to consult all interested persons in this matter. They should see that there is no heart-burning and nobody should be treated unjustly. The authorities appointed under this Act should not look after the interests of big people only. They should see that the interests of the poor are not jeopardized by the passing of this particular provision.

Minister of Public Works (The Honourable Major Malik Khizar Hyat Khan Tiwana): Sir, I had an occasion to say something on this subject yesterday and I am afraid I have got to repeat the same to-day. It has been wrongly presumed that these private stands are the creation of the Punjab Government in the present Punjab Rules. They have existed all along and in an unrestricted manner and the defects have been coming to our notice. I entirely agree that the unrestricted growth of these stands—that is a large number of the so-called private stands—is a thing not very desirable. It was with this object in view that we approached the Government of India to put in provisions in the Central Act for the control of the stands. As honourable members have now gone through the rules, they must have noticed that stringent provisions have been put in these rules which will apply to all stands and particularly there is rule 7-19 about the company stands which have been termed D stands. But that does not mean that a new category of stands have been brought into existence by the Punjab rules. The Model rules are there and they are certainly in accord with the provisions of the Act. The restriction laid down in the Central Act is that the place should be notified and should be governed by the conditions laid down under the rules. The Model Rules do not make any exemption and apply in every case. Proviso to rule 107 runs like this—

Provided that no place which is privately owned shall be so notified except with the previous consent in writing of the owner thereof.

The only condition laid down is that the owner has got to be consulted and when the place is notified as such it shall be governed by all the other conditions laid down under the rules.

Pandit Bhagat Ram Sharma: The words are 'private place' and not 'private stand'.

Minister of Public Works: Once it is notified it will become a public place within the meaning of the Act. As regards the question whether lorries not belonging to the company concerned will have a right to stand there or not, the District Magistrate working under the Regional Transport Authority will have power to decide. It is for these authorities to see what number of vehicles will be allowed; and whether company's vehicles or general vehicles should be allowed to stand there. It is a matter

of detail. It was stated just now that no such rule has been incorporated in any other province. I have copies of the draft rules of some of the provinces ; for instance, the Frontier Province Rules do provide D stands. There are draft rules for Bombay, Karachi and the United Provinces with me ; other provinces have not so far come out with their rules. All these provincial rules which are based on the Model Rules have these conditions. The only difference is that they have laid certain general conditions which are not so stringent, but we have gone further. As I have said before we are not very keen to encourage these private stands, and we want to curtail them by bringing them under stricter control. We have laid these conditions and if we find that they are not sufficiently rigorous and stringent we might add more conditions.

As far as the legal aspect of the question is concerned, the mere word 'D' does not make this provision *ultra vires* of the Act. The relevant section of the Act is quite clear. Even if you find that these stands are *ultra vires* of the Act, why worry about it ? By merely going to a court of law you can get these stands declared to be illegal and *ultra vires* of the Act and we can then amend the rules without much formality.

The honourable member who spoke last said that a constitutional issue is involved in the matter. I submit that there is no constitutional issue involved. These rules are quite consistent with the Act and the rules of the other provinces.

Something was said about other interests not being taken into consideration. I would like to remind honourable members that before these rules were framed, all interests were very carefully taken into consideration. Some interested persons are obsessed with the idea of these private stands and want them to be obliterated at once. How can we tell a person, who owns more than one vehicle and who fulfils all the conditions laid down under the Act, 'you shall not be allowed to start from your own stand' ? This proposition has not been enforced in any other country. I perfectly agree that cut-throat competition should be minimized. The power will be exercised by the regional authorities to bring about the result. They will also see that the interests of the small man, for whom we all feel and rightly feel, is safeguarded. They will take into consideration the claims of all concerned ; they will lay down a quota for those companies who cater to the passengers who travel long distances. There will be less competition and less war of speed and number of accidents will also gradually diminish.

Our idea is that big firms alone should not be benefited by these rules. A small man who owns say five vehicles should get the same privileges as a big firm. A small man can combine with another man with two or three vehicles and in groups may enjoy all the privileges. If he does not wish to combine, he can pay the fees and come to the general stand.

Some reference was made to the turn system. Some speakers said that this system would solve the difficulties of the motor transport trade. I may tell them that this is not the case. On the contrary most of the defects that we find to-day will be removed by the enforcement of new rules. Cut-throat competition will to a great extent be restricted and will gradual

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ly disappear. I do not claim perfection for these rules but I can say that we have made a genuine effort to safeguard all interests.

The honourable members have always been saying that our traffic control system which is at present working on certain scheduled roads is not satisfactory. If we attach any importance to that reasoning, is it fair that all competition should be eliminated and the turn system should be enforced? I suggest that a restricted competition will in the long run be in the interest of all concerned and it is with this object in view that the rules have been framed. As I have just said these rules are not perfect. If it is felt at any time that there is a need for change, I can assure honourable members that the interests of the lorry owners will be considered and we shall change the rules. But we are not prepared to commit ourselves to the proposition that because a company owns more than two vehicles and has vested interests, therefore it should be told to clear out and not be allowed any place anywhere. Once a company is given a permit, it gives that firm the right to carry on the business. If the Regional Authority comes to the conclusion that a limited number of vehicles should be allowed, the number will be curtailed. The whole thing depends on how the Regional and Transport Authorities function, and I can safely leave this matter in their hands. It has also been asked as to what would happen to the rights of unions. My reply is that a union is meant to look after the interests of the people who constitute the union and and if they form themselves into a company under the Indian Companies Act, they will get all the benefits of these rules. I would submit to the House that these rules have been framed with care and caution and they should be given a trial. They are not immutable like the laws of the Medes and as soon as we find any defect in them, we will do our best to improve them. With these words I request that the rule as it stands should be allowed to remain and I oppose the suggestion for the elimination of D stands.

Sardar Ajit Singh : How many buses do the Nanda Bus Ltd. own? They have got no bus of their own.

Minister : I do not keep any statistics about the Nanda Bus. Go and ask Mr. Nanda.

Munshi Hari Lal : The buses are registered and your department must know.

Minister : Do you know the number of clients in Multan?

Munshi Hari Lal : If I were in charge of that department, I would have this information with me. Do not show your ignorance like that.

Sardar Ajit Singh : But the Honourable Minister has said that he does not want to jeopardize the interests of those companies which possess more than one bus.

Minister for Public Works : I did not say that. I said due consideration will be paid to all these interests and the Regional and Transport Authorities will have the opportunity to consider this matter. Once the number is fixed and a firm on account of vested interests or otherwise is given permit for a number of stage carriages, then it is only fair that they should be able to ply those carriages under the rules from their stands.

Sardar Ajit Singh : My submission is that companies like the Nanda Bus Service which do not own any single bus, but are only brokers, should not have such privileges.

Minister : May I say just one word. We do not know who owns the vehicles. The Regional Authority will hear the claims of those people who come forward with a particular vehicle and say that it is theirs. Permits will be granted to them. Whether they own these vehicles or not is not the concern of the Registering Authority nor of the legislature.

Sardar Ajit Singh : Are you prepared to ask if they do not own them ?

Minister : If they do not own these vehicles, the matter will go to the court.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Several points have been raised from this side of the House and the most important point raised was that this particular part of the rule was *ultra vires*. The Honourable Minister has said all that he wanted to say on the subject, but he has not taken the trouble of referring this House to the particular rule according to which he is justified in incorporating this in his own rules.

Minister : I quoted the rule. It is 107.

Pandit Bhagat Ram Sharma : You quoted in the manner in which you have quoted Bombay, Karachi, Peshawar rules but you have not cared to quote any particular rule. You have cited no rule for the information of the House. You quote a hundred and one things and make a long speech without making any one wiser.

Mr. Speaker : Is the honourable member addressing the Chair ?

Pandit Bhagat Ram Sharma : I was just submitting that several points have been made, but the Honourable Minister, I am sorry to point out, has not cared to answer them. A very important document was referred to by my honourable friend Diwan Chaman Lall in which he referred to the personnel of the committee on which there is a very important member of the Unionist Party. I made certain insinuations for I felt that the main idea for incorporating this type of stand was to permit favouritism to certain persons who have direct connexion with the Unionist Party. But since you took objection to it I withdrew it. But that particular proposition has been mentioned to-day. That important Association is carrying on under the patronage of the Punjab Governor and some important members of the Unionist Party.

Minister of Public Works : The honourable member cannot refer to the Governor.

Pandit Bhagat Ram Sharma : It is a fact. If you take objection I can pass over.

Mr. Speaker : The honourable member should not attack or reflect upon the Governor in his personal capacity. That is the rule.

Pandit Bhagat Ram Sharma : This is no attack that a particular committee is under the patronage of the Governor but if you take objection I pass over it and I shall take up the next point. The Honourable Minister

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has tried to justify his position by referring to one particular rule in which it is provided that any private place can be declared as a public stand by due notification. He has confused two things. He does not understand that a private place is different from a private stand. Any private place can be declared as a public stand or a private stand but that does not mean that there is sanction of the law behind it. Here again the Honourable Minister has stumbled and he has not been in a position to understand the real thing.

Minister of Public Works : Question be now put.

Pandit Bhagat Ram Sharma : The instructions which have been issued by the Punjab Government have been referred to. I want only to make a few observations with respect to them. There it is clearly given that the Punjab Government is to respect the private contracts which have been entered into by private individuals in furtherance of running their concerns. If that is the idea with which the Punjab Government is making rules and they are out to respect the individual contracts, then we can very well understand how far these people are capable of safeguarding the public interest and public safety as far as the rules with respect to motor vehicles are concerned. With these words I support the motion.

Mr. Speaker : The question is—

That in the last line of sub-rule (1), the words "D stands, company stands" be omitted.

The Assembly divided. Ayes : 30. Noes : 46.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Sharma, Pandit.
Chaman Lal, Diwan.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gopal Das, Rai Bahadur Lala.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.

Kishan Singh, Sardar.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
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.	Mohy-ud-Din Lal Badshah, Sayed.
Abdul Haye, The Honourable Mian.	Muhammad Akram Khan, Khan Bahadur Raja.
Abdul Rab, Mian.	Muhammad Faiyaz Ali Khan, Nawabzada.
Abdul Rahim, Chaudhri (Gurgaon).	Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Ahmad Yar Khan, Chaudhri.	Muhammad Yasin Khan, Chaudhri.
Akbar Ali, Pir.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Chhotu Ram, The Honourable Chaudhri Sir.	Pir Muhammad, Khan Sahib Chaudhri.
Dasaundha Singh, Sardar.	Pohop Singh, Rao.
Faiz Muhammad, Shaikh.	Prem Singh, Chaudhri.
Farmun Ali Khan, Subedar-Major Raja.	Ram Sarup, Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Ranpat Singh, Chaudhri.
Few, Mr. E.	Ripudaman Singh, Rai Sahib Thakur.
Ghazanfar Ali Khan, Raja.	Sahib Dad Khan, Khan Sahib Chaudhri.
Gopal Singh (American), Sardar.	Shah Nawaz, Mrs. J. A.
Guest, Mr. P. H.	Sikander Hyat-Khan, The Honourable Major Sir.
Gurbachan Singh, Sardar Bahadur Sardar.	Sumer Singh, Chaudhri.
Habib Ullah Khan, Malik.	Sundar Singh Majithia, The Honourable Dr. Sir.
Hans Raj, Bhagat.	Suraj Mal, Chaudhri.
Hari Chand, Rai Sahib Rai.	Tara Singh, Sardar.
Harnam Singh, Captain Sodhi.	Tikka Ram, Chaudhri.
Het Ram, Rai Sahib Chaudhri.	Ujjal Singh, Sardar Bahadur Sardar.
Jagjit Singh Man, Sardar.	
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.	
Kishan Das, Seth.	
Manohar Lal, The Honourable Mr.	

Rule 7-19.

Sardar Kapoor Singh : Sir, I beg to move—

That in the last line of sub-rule (2), for the words "five transport vehicles" the words "ten transport vehicles for each route" be substituted.

The motion was lost.

ALIENATION OF LAND (AMENDMENT) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): Sir, I beg to introduce the Punjab Alienation of Land (Amendment) Bill.

I also beg to move—

That the Punjab Alienation of Land (Amendment) Bill be taken into consideration.

The object of this Bill is clearly stated in the statement of object and reasons. I need not therefore detain the House on this subject.

Mr. Speaker : The question is—

That the Punjab Alienation of Land (Amendment) Bill be taken into consideration.

The motion was carried.

Clause 1.

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

The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clauses 3 and 4.

Mr. Speaker : The question is—

That clauses 3 and 4 stand part of the Bill.

The motion was carried.

Clause 5.

Khan Sahib Chaudhri Sahib Dad Khan (Hissar, Muhammadan, Rural) (Urdu): Sir, I beg to move—

That after the proposed section 2-A, the following Explanation be added :—

Explanation.—Lease includes a temporary alienation of land in satisfaction of money decree.

Sir, this amending Bill has been introduced with the sole object of removing certain difficulties experienced by the judgment-debtors in the matter of restitution of those lands which had been transferred by them on *mustajari*. In this connection I would like to mention a case which recently came before a court in Hissar. The facts of the case are as follows. A judgment-debtor's land was given on temporary alienation,—his 15 bighas of canal irrigated and 15 bighas of barani land,—for 14 years in consideration of Rs 74 only. After three years he applied to the Revenue Assistant that his land be restituted as he was prepared to tender an amount bearing the same proportion to the original amount as the unexpired period of transfer bore to the total period for which the transfer had been made. As the Revenue Assistant held that he had no jurisdiction over such matter, the case came before a civil court for hearing. The court decided that a temporary alienation of land in satisfaction of a decretal amount was not a mortgage.

but a lease and was therefore not terminable on payment of a proportionate amount before the expiry of the term of the lease. Consequently the court dismissed the suit and the poor man could not get back his land. Again on page 15 of Lahore Law Times, 1926, the opinion of the Financial Commissioner is given as follows—"A temporary alienation of land made in satisfaction of money decree is not a mortgage but a lease." On the basis of this pronouncement the land of the person in question was not restituted. This matter was brought to the notice of the Government which has very kindly put forward this amending measure with a view to remove all doubts on the point. Again the words which occur in the Debtors Protection Act in regard to such mortgages of lands and which also have been used by the High Court as well as by the Financial Commissioner in their judgments, are 'temporary alienation of land.' I, too, have incorporated exactly the same words in the explanation now before the House. I am sure the Honourable Minister for Revenue would very kindly see his way to accept this amendment to the great delight and benefit of the poor judgment-debtors. With these words I commend this amendment to the House.

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

That after the proposed section 2-A, the following Explanation be added :—

"*Explanation.*—Lease includes a temporary alienation of land in satisfaction of a money decree."

Minister for Revenue : Sir, I am prepared to accept it.

Mr. Speaker : The question is—

That after the proposed section 2-A, the following Explanation be added :—

"*Explanation.*—Lease includes a temporary alienation of land in satisfaction of a money decree."

The motion was carried.

Mr. Speaker : The question is—

That clause 5 as amended stand part of the Bill.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I quite agree with the principle of the Bill, but what I want to say is about section 5 as to the procedure to be followed, because I have not been able to follow what shall be the procedure. When a lease, farm or mortgage made under section (2) is to be determined, the person would tender to the court an amount proportionate to the amount of the mortgage money which is according to the number of years. After that the amount to be tendered under section 2-A shall be determined by the collector. Now, from section 2-A, it appears that if anybody wants to determine his lease or farm or mortgage, he would deposit with the court or offer to the court a proportionate amount of the mortgage money and then the mortgage, etc., shall be determined. Then there is another thing, the mortgage money to be tendered shall be determined by the collector. This is quite ridiculous because when you ask under section 2-A, that the amount is to be deposited in a court, then there is no necessity for the same amount being again determined by the collector. In the first place, when a man applies to the court, he would deposit an amount proportionate to the mortgage money and then the collector would see what should be actually paid. As is the case in pre-emption cases one-fifth of the money

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is paid to the court. Then the actual amount paid by the person shall be determined by the collector. These two sections do not make quite clear as to what shall be the procedure, because the first section says that the money shall be tendered before a lease or mortgage is determined and the next section says that the amount to be tendered shall be determined by the deputy commissioner. It would be better if the Honourable Minister would clear up the position as to what shall be the procedure and what would be determined by the deputy commissioner when the person has already deposited the money according to the rules made under section 2-A.

Munshi Hari Lal (South-Western Towns, General, Urban): Sir, after reading this amendment it appears to me that some anomaly is going to be created. There is going to be a conflict with the powers of the civil courts and the collector. This is an addition to sub-section (2) of section 16 and in order to clear my point I think that I should place sub-section (2) before the House, so that the House may be in a position to understand the point which I have in view. Sub-section (2) of section 16 says—

“Notwithstanding anything contained in any other enactment for the time being in force no land belonging to a member of an agricultural tribe shall, in execution of any decree or order of any civil or revenue court, whether made before or after enactment of this subsection, be leased or farmed for a period exceeding 20 years or mortgaged except in one of the forms permitted by section 6.”

Now, these leases or mortgages or farms according to sub-section (2) can be executed for 20 years and the procedure that has been provided by rules is that the collector determines the number of years for which the land has to be leased, farmed or mortgaged in execution of a decree. After the determination of the number of years, the papers are sent down to the civil court, and the civil court orders finally that the decree-holder or any person, who gets that lease should be placed in possession of that land for a period not exceeding 20 years. But the amendment, as I understand it, is that power is given to the owner to get the restoration of the land before the expiry of 20 years. The amendment says that he can apply to the civil court and after depositing the amount he can get that property redeemed. What is the amount that he has to deposit? This amount according to section 2-A shall be determined at any time by the owner of the land, who by tendering to the court an amount, which shall bear to the amount in consideration for which transfer has been made the same proportion, as the unexpired period of transfer bears to the total period for which the transfer has been made, can secure restoration. I will give an illustration to make my point clear. Supposing a land has been mortgaged, leased or farmed for Rs. 1,000 for 20 years, and 10 years have gone by, the judgment-debtor, or say the owner of the land can come forward and deposit Rs. 500, and can get the property redeemed. Now, Sir, according to section 2-A, if the owner tenders Rs. 500, the court has only to see whether the amount tendered bears to the total amount of consideration the same proportion as the unexpired period of transfer bears to the total period for which the transfer has been made. The civil court will restore the land to the owner and the owner will be placed in possession of the land. This is quite clear. The point is fully covered by 2-A (1). Where is then the necessity for the collector to determine the amount? Because the owner or the judgment-debtor has only to look to the number of years and the amount. Where is the

necessity to go to the collector? Does it mean that the owner should go to the collector and the collector has to determine the amount which is to be deposited in the civil court, or does it mean that the civil court is only to see whether the amount that has been paid, has been paid in proportion to the number of years or not? This creates difficulties and dual control. Where is the necessity to add 'that the amount to be determined under section 2-A, shall be determined by the deputy commissioner and no civil court shall have any jurisdiction in the matter.' I submit that sub-section 2-B will be unnecessary. It means to give power to the deputy commissioner. Is the amount to be determined by the deputy commissioner or by civil court? According to 2-A by the court, according to 2-B by the deputy commissioner. I want to have an explanation from the Honourable Revenue Minister. What is his object in view?

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): The point raised by my honourable friend, Sardar Kapoor Singh, is that it is unnecessary to make any determination. Where is the necessity for this amendment? I bring to his notice that supposing I am a debtor and he is a creditor. He had my land for about 10 rupees on 20 years' lease. After 10 years I come forward and make a proposition and give him Rs. 5 and ask that the land should be redeemed. First of all there should be a *bona fide* application. A *bona fide* application would only be given if the man is really in earnest to pay the balance. Therefore, his object is that the collector must determine that it is not Rs. 5, and that he has to pay Rs. 20, or Rs. 40 and that the period that is left must have been half and the remaining money also has to be paid.

Therefore it is necessary for the collector to determine what is the amount to be paid. My honourable friend over there is labouring under the impression that it is only for the civil courts to decide what is the amount to be paid. (*An honourable member*: No.) This is what you mean. If this is the idea then I think sections 2 and 3 cover that case. Supposing I am the owner of land where the crops depend upon rain. My land has been mortgaged on lease for 20 years for rupees one thousand. The other person has enjoyed the benefit of the lease for 10 years and has earned Rs. 500. Then the balance due is Rs. 500. Supposing in the interval, as it may happen in Hissar, the land is going to be irrigated. Does my honourable friend wish that he must go on for the remaining 10 years and earn more than 500 rupees? This is what he is driving at. It should be the time that must determine. If a new factor comes in, that factor must be determined by the court, or by the deputy commissioner that the mortgagee or lessee should not enjoy and should not earn more than Rs. 500. I am justified in offering Rs. 500 to get my land redeemed. That is the object of the Bill. My friends will now understand the point unless he has the grabbing idea of taking as much out of the zamindar as he can. That is quite different. Justice demands that if the land is to be redeemed after half the period then he is entitled to half the amount. Therefore if I offer Rs. 500 out of one thousand he must be prepared to give back the land before the lease expires.

Mr. Speaker : The clause as drafted, appears to be defective. It is inconsistent in itself. It consists of two sub-clauses. The first sub-clause runs as follows—

Every lease, farm or mortgage made under sub-section (2) shall be determinable at any time by the owner of the land by tendering to the court an amount which shall bear to the amount in consideration for which transfer has been made the same proportion, as the unexpired period of transfer bears to the total period for which the transfer has been made.

The second sub-clause says—

The amount to be tendered under sub-section (2-A), shall be determined by the deputy commissioner and no civil court shall have jurisdiction in the matter.

Will the deputy commissioner determine the amount before or after it is deposited?

Minister for Revenue : It can be both ways.

Mr. Speaker : The sub-clauses, as they stand, appear to be inconsistent in themselves.

Minister for Revenue : The authority is the same, that is, the deputy commissioner.

Mr. Speaker : The law should be that the matter shall be referred to the deputy commissioner in the first instance and whatever amount is determined by him, shall be tendered by the mortgagor or lessor.

Minister for Revenue : Supposing I come forward and make a frivolous—

Mr. Speaker : Supposing you are a debtor and tender an amount.

Minister for Revenue : A frivolous amount.

Mr. Speaker : Who is to determine?

Minister for Revenue : The deputy commissioner.

Raja Ghazanfar Ali Khan : I do not see any inconsistency in parts A and B. The amount shall be determined in proportion to the principal fixed.

Mr. Speaker : But who will determine it and at what stage?

Raja Ghazanfar Ali Khan : The words are—

Shall be determinable at any time by the owner of the land by tendering to the court an amount which shall bear to the amount in consideration for which transfer has been made the same proportion—

If it is fixed that is the amount to be tendered.

Mr. Speaker : Unless the clause is drafted properly, I may have to refuse to put it to the House. As worded at present it is meaningless.

Minister for Development : The language requires to be altered. The two clauses as they stand seem to be inconsistent.

Mr. Speaker : The object is clear but it is not expressed clearly.

Raja Ghazanfar Ali Khan : We may proceed with the rest of the agenda and meanwhile we will consult legal opinion.

Mr. Speaker : The Honourable Minister may move a motion that the consideration of this clause be postponed.

Minister for Revenue : I beg to move—

That the further consideration of the Bill be postponed.

The motion was carried.

FACTORIES (PUNJAB AMENDMENT) BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I move—

That the Factories (Punjab Amendment) Bill as reported on by the select committee be taken into consideration.

Mr. Speaker : Motion moved is—

That the Factories (Punjab Amendment) Bill as reported on by the select committee be taken into consideration.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I move—

That the Factories (Punjab Amendment) Bill as reported on by the select committee be circulated for the purpose of eliciting opinion thereon by the 30th June, 1940.

The aims and objects of this Bill as one will find from the official report are as follows :—

Industrial development is taking place rapidly in the province. It is desirable to regulate the establishment of large factories for the promotion of key industries in order to avoid the evils resulting from uneconomic competition and congestion of labour in a few big cities.

My first submission is that every word of this is disputable. We on this side of the House believe and assert that far from there being any industrial development in this province, the number of factories has actually gone down. I brought out this fact fully when moving my cut motion on the Industries demand at the time of the budget and I will not take the time of the House by quoting those very figures again except in so much as to say that the number of factories now in the Punjab has actually gone down. In the statement of objects and reasons it is stated that "it is desirable to regulate large factories" but the Bill as it has been brought forward affects not only large factories but the smallest of the factories also. The original section 5 (1) of the Act provides—

Notwithstanding anything contained in clause (j) of section 2, the Provincial Government may, by notification in the Official Gazette, declare any place wherein a manufacturing process is carried on whether with or without the aid of power and wherein on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

and this legislation will be operative on all factories where ten or more men are employed and it is absolutely misleading to say that this Bill has been introduced to control only large factories. As a matter of fact it will control each and every factory where "manufacturing process is carried on whether with or without the aid of power". My submission is that there is not the

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least necessity of bringing in this measure as there is no industrial development taking place in the province. At the same time, I will draw your

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attention to the fact that when this Bill went to the select committee, the Opposition refused to serve on that committee. I am not at present concerned with the reasons that led us to boycott that committee, but the fact remains that the Bill was referred to a select committee, consisting only of the members sitting on the ministerial benches. Among the members of that select committee, there were only two gentlemen who knew anything about trade and industry. I am not casting any reflections upon other members (very big people though they may be in their own spheres), who formed the committee, but I may be permitted to point out that so far as industry is concerned, they were absolute novices and they did not know even the A, B, C of trade and industry. Out of these, the two members who have anything to do with trade and industry and who knew something about it were Rai Sahib Lala Sohan Lal and Sir William Roberts and let it be said to their credit, that even they were compelled to write a minute of dissent—a thing which is not very disciplinary under the present party ties. They were compelled to write this note of dissent because the measure is to say the least unbusiness-like. This measure is strongly opposed by everybody in the province. Even most of the deputy commissioners who have been consulted have expressed themselves very strongly against the measure. I will not take up the time of the House by repeating here the opinions given by business associations, not that they are not deserving of respect (they perhaps deserve more respect), but will confine myself to referring the Government to the opinions expressed by their own officers, lest it should be said that the opinions which the trade gave were interested opinions. I will just quote a few opinions as given by their own officers. The Deputy Commissioner, Jullundur, says—

The Government should not interfere in matters of trade and business. An individual should be left to decide whether the building of a factory will be profitable or not.

A very sound opinion indeed. And then the Commissioner of Jullundur gives his opinion like this—

The proposal to put as many hindrances as possible in the way of development of industry is most unsound.

This, Sir, is not the opinion of interested people, the factory owners and others, but the opinion of Government's own officials. Then, Sir, we have the opinion of the Commissioner, Ambala, who says—

Government should not interfere in private enterprise so as to limit its freedom which is the most powerful factor in the industrial development of European and American countries. Competition is more often a healthy thing. It promotes industrial progress and ensures a more normal and fairer level of prices and makes monopolies impossible with that inherent evil of profiteering.

Then, Sir, we have the opinion of the Deputy Commissioner, Ambala—

I am not in favour of very stringent state control of factories except for labour regulation for which a large number of legislation already exists.

Going further on, we have the opinion of the Deputy Commissioner, Lahore. The Deputy Commissioner of Lahore says, and says very rightly—

The Bill postulates a very extensive knowledge of industrial conditions on the part of the Government.

and the Government as presently constituted has no businessman on the cabinet—

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 and charges of favouring or prejudicing one commercial interest against another.

This is what the Deputy Commissioner of Lahore says. 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 civilization in all democratic state. To introduce such a principle in India is to insert the thin edge of the wedge of totalitarianism. I strongly deprecate the proposal of Government to interfere either with the construction or extension of factories.

This, Sir, is the opinion of the Deputy Commissioner of Sialkot. Then we have the opinion of the Deputy Commissioner of Gujranwala. He says—

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

Then we have the opinion of the Deputy Commissioner of Kangra. He says—

Section 5-A seems rather severe particularly as regards extension, unless some general principles are laid down as to the Government policy in the matter.

These are the opinions that have been expressed by the most important officers of the Government, on whom the Government depends. I will not take up the time of the House by reading the opinions expressed by Trade Associations, except one or two which I think have a particular bearing on the matter. I cannot but quote the opinion expressed by a leading mill-owner of Lyallpur and Jhang, one who is the strongest supporter of the present Government so that it cannot be said that he has given expression to these views simply to embarrass the Government. I quote that opinion because that is an opinion given expression to by one of their own thick supporters, and what does he say? I will not quote the whole of the letter but only relevant portions. He says—

This Bill shall create a great inconvenience for one in getting sanction from the Government. Moreover one shall have to expend a lot of money for getting such like sanctions and therefore no one would like to put himself to such like inconvenience and expenditure of money. Thus these industries for which there is a good scope in the province of the Punjab would not be established and the province will not get the benefit of these industries.

This is the opinion of Messrs. Muhammad Ismail-Maula Bakhsh, the best supporters of the present Government. Further they go on to say—

This will ruin the industries of the province—

Ruin the industries of the province—mark the significance of the language—

which are already ruined owing to unfavourable circumstances.

Further on it is said—

These expenses should also be borne by the factory owners as no manager will incur from his own pocket.

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The letter goes on to say—

In these circumstances most of the factories will be closed down and it shall create unemployment in the province. Hence it is requested that this amendment should not be made.

He further says—

This amendment will not prove good, but will make a great inconvenience and will create unemployment, hence we request that this should not be made.

Premier : On a point of order. May I draw your attention to the fact that my honourable friend is now discussing the principle of the Bill. The principle was accepted when the House referred the Bill to the select committee. He cannot start the whole thing over again. That is why we waste the time of the House, for we do not know the procedure. The procedure is that once the principle of the Bill is accepted—and this is done at the time of reference to the select committee—then you can only concentrate on the various items of the Bill and not attack the whole principle. My honourable friend has for the last 20 or 25 minutes been speaking on the principle of the Bill. That is why I draw your attention to it.

Sardar Sahib Sardar Santokh Singh : I am discussing the merits of the Bill and I think I am right. The Opposition was not at all represented on the select committee and I think I am right in saying what I have said. After all, why should the Honourable Premier feel shy of this criticism?

Premier : But do not discuss the principle of the Bill.

Sardar Sahib Sardar Santokh Singh : I am discussing the merits of the Bill and from merits I will come to the clauses of the Bill. But why should the Government feel shy of that, if I quote the opinions of their own officers?

Premier : I will have to request the House to sit late till 12 o'clock if the honourable member must go into all these things.

Sardar Sahib Sardar Santokh Singh : By all means, if the Hon'ble Premier so desires.

Premier : But why should the whole House suffer?

Sardar Sahib Sardar Santokh Singh : Let the Speaker rule me out if he so thinks.

Mr. Speaker : What is the honourable member discussing?

Sardar Sahib Sardar Santokh Singh : I am discussing the merits of the Bill and from that I will come to the clauses.

Mr. Speaker : Under Rule 84 when a Bill is introduced or on some subsequent occasion the member-in-charge may make one of the following motions in regard to his Bill, namely :—

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified ; or
- (b) that it be referred to a select committee ; or
- (c) that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion. Under Rule 86 (1) on the day on which any of the aforesaid three motions is made or on any subsequent day to which the discussion thereof is postponed, *the principle of the Bill and its general provisions may be discussed, but the details of the Bill cannot be discussed further than is necessary to explain its principle.*

It is clear that the aforesaid rules regulate the procedure of the House regarding Bills *before* they are referred to and reported on by a select committee. The procedure, as laid down in Rule 96 (1), *after* a Bill has been referred to a select committee and the final report of the select committee has been presented to the House, is that the member-in-charge moves that the Bill as reported by the select committee be—

- (a) taken into consideration ; or
- (b) recommitted to the same select committee ; or
- (c) circulated for the purpose of obtaining opinion thereon.

It appears clear from what I have said that while Rule 86 (1) contains an express provision for the discussion of the principle of a Bill and forbids any discussion of its details further than is necessary to explain its principle, Rule 96 is absolutely silent as to what shall or shall not be discussed when any of the three motions mentioned in part (1) of the rule is moved. In other words, unlike Rule 86 (1), Rule 96 is silent as to what may or may not be discussed when one of the motions mentioned in Rule 96 (1) or one of the two motions mentioned in Rule 96 (2) is made. But I am inclined to think that while the principle of the Bill can be discussed under Rule 86 (1), it should not be discussed under Rule 96 for the simple reason that when a legislative body decides to refer a Bill to a select committee, it accepts its principle and once that principle is accepted, it need not be discussed over and over again.

Sardar Sahib Sardar Santokh Singh : I was just submitting that according to the opinions of the authorities on this matter, the Government was not justified in bringing forward this measure, much less bringing it up in the form in which they have done. The ostensible object of the Bill is to control the rapid industrialisation of the province. My submission is that those concerns have not been consulted. Due weight has not been given to their advice. The members of the Opposition refused to serve on the select committee on this measure. I was trying to bring before this House all these facts in support of my motion that this Bill, as it has emerged out of the select committee, should be circulated for the purpose of obtaining public opinion thereon. Let me now come to details. I will go through some of the clauses. My first point is that this Bill does not control only the big factories, but it controls every factory, however small it may be, a factory run either by steam or run without it and whether there are only ten or more people employed in working it. Whatever kind of factory there may be, it will come within the scope of this measure. If a poor man sets up a small industry where he employs ten or eleven people, is it the intention of the Government that he should have to submit his application to the Government to get a licence and thus be put to all the inconvenience and expenditure? And what is the gain? These are the things for the Government to consider. My point is that these small factories should be excluded from the operation of this Act and since the Government itself said that the object is to control big factories, I do not see any reason why the Government should not accept such a proposal and make this law applicable only to big factories. My second point is that this measure has been brought in its present form against the opinion of those who are best qualified to speak on it, against the opinion of those who are intereste

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in it. I referred to only a few opinions of people about whom it cannot be said that they are in any way averse to the present Government. I quoted the opinion of millowners of Lyallpur because they are the best supporters of the present Government. I do think that the Honourable Premier knows them personally and if I mistake not, those were the people who gave a party in honour of the Honourable Premier. So, my point is that such people could not be expected to express an opinion which would go against the Government. Look at the significance of clause 5-A (1). It is stated therein—

5-A. (1) No factory shall be established or extended for the purpose of carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act, or for purposes incidental thereto, save with the permission in writing of the Provincial Government or such person or persons as it may direct.

Suppose in the course of the season a ginning factory owner finds that one opener is not sufficient for carrying on his work. I believe everybody understands what is an opener in a ginning mill. The owner feels the necessity of an additional opener. He requires an additional opener.

Premier : Require what ?

Sardar Sahib Sardar Santokh Singh : Opener.

Premier : Yes.

Sardar Sahib Sardar Santokh Singh : That man, according to this clause, shall have to apply for the Government's sanction and the receipt of that sanction might take six months.

Premier : He will not have to apply for it.

Sardar Sahib Sardar Santokh Singh : We know what happens in the case of money-lenders. We know how much time it takes for them to get certificates and what they have to pay to get those licences. Those things are hard to prove but still they are hard facts.

Minister for Development : What is happening to money-lenders ? I should like to know.

Sardar Sahib Sardar Santokh Singh : The man will have to apply for a written permission and by the time he gets it the season for carrying on the business of that factory will be over and the poor man shall lose the whole thing and the Government still feel that they are doing all these things in the interest of the factory-owners themselves. Clause (2) of 5-A says—

(2) The Provincial Government may, by notification in the official Gazette, add to the Schedule the name of any manufacturing process it may deem fit, and such addition shall take effect as if it had been made by this Act.

So, it does not require any arguments to prove to the people outside, that even now the Government do not know their own mind. They want to usurp to themselves all the power of adding from time to time anything that they in their wisdom think fit to add to this schedule. The funniest thing about the whole affair is that any person who contravenes the provisions of subsection (1) shall be punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees.

Premier : My honourable friend is perhaps already thinking that he is going to jail for breaking this law.

Sardar Sahib Sardar Santokh Singh : I am simply describing the situation. Either there is one year's imprisonment or fine of five thousand rupees for the technical offence of not obtaining the permission in writing of the precious Minister of Development. (*Diwan Chaman Lall*: Oh! precious!) For all that, a man must go to jail for one year or should pay a fine of five thousand rupees. Just see the difference in the conduct and mentality of this Government in the matter of treatment of the two classes of people. On the one hand, they only recently passed legislation that whatever the circumstances a debtor cannot, on any account, be sent to prison in the execution of a decree of competent civil courts. All those who were in prison are to be let out and, on the other hand, in the name of controlling the industries of the province they want to send the best of people, the gems of society, to jail for one year if by accident they happen to forget to obtain the sanction in writing of this gentleman, the Minister of Development. This is the way they are proceeding about their business. Is there any justification for putting in such abnormal punishments, providing such penalties, a penalty of five thousand rupees or jail for one year? A poor man may wish to put up a mill costing ten thousand rupees and if through ignorance or otherwise he fails to obtain the sanction of the Government, he must either pay a penalty of five thousand rupees or suffer imprisonment up to one year. I leave it at that, and leave it to the politically honest people even among my friends sitting on those benches to determine for themselves if this is the right sort of treatment to be meted out to the industrialists?

Would you develop industries by sending people to prison? Would you develop industries by imposing fines up to Rs. 5,000 for a technical offence of not obtaining the sanction? That is, however, the mentality of the present Government.

Now, I will come to clause 3. It says :—

After section 9 of the said Act, the following sections shall be deemed to be inserted, namely :—

9-A (1) No factory shall be worked or permitted to be worked by a manager or an occupier unless a registration certificate has been granted in respect thereof; and if the factory has been extended after the grant of a registration certificate, unless such certificate.....

Up till now no certificates were necessary either for the manager or for the occupier. All that the Act of 1934 provided was that before a factory was to work, a notice was to be sent in writing to the Inspector of Factories that such and such factory would start work from such and such date. I now ask this Government: How many people failed during the last 5 years to inform the Inspector of Factories about their intention to start working their factories? I am connected with that trade and I know exactly how things are, and, if my experience stands me in good stead, I can say that not one man failed to send this report as required by the Act of 1934. Why then do you bring in such a legislation and for what purpose? Had there been persistent failures or refusals on the part of managers or occupiers of factories to give you the information which your department needed, you might have been justified in bringing forward this clause. I challenge that all the factories have been very careful in giving you the information that you required of them. To my knowledge, and I believe I can claim to have greater knowledge in this matter than the

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Honourable Minister for Development, not a single person has been prosecuted in the Punjab for having failed to give this information that he was working a factory. The managers and occupiers have been giving regular notice to your department, notice that is required of them under the old Act of 1934 that they would be working their factories. Why then do you want to license the manager or the occupier? Have you got any idea—and there are too many cases of this kind—that these factories are not leased out till very late in the season? It may be leased out to A and A becomes the occupier during the season and ultimately B or C or D may take up the lease of the same factory and become the occupier. Occupiers are not there as a class. Then what happens? Suppose a factory is to work in September. Up till August or beginning of September the lease of the factory is not taken over by anybody and in September the lease is settled. Do you expect now every occupier to come to you with folded hands and then go to your Munshi or some one else? I do not know whom you may appoint, may be deputy commissioners, and they may not issue the licence to the manager or the occupier for one or two months and in the meantime imagine the plight of the poor man. He will not be able to touch his factory, he will not be able to work it, and the loss of money that he may have incurred would be heavy. In whose interest are you making this provision? I want to make it quite clear that there have been no defaults on the part of factory owners, managers or occupiers, in the matter of giving you the information which the old Act requires. Once you agree with me—and I feel sure you cannot but agree with me—that there has not been even a single prosecution of a manager or an occupier on account of default on his part to give you the necessary information, why then this remedy, in the shape of penalties, when there have been no defaults? Why should the Government go out of its way in prescribing certificates for the managers or the occupiers, which might mean that these factories may be disabled from carrying on the work during the season? I ask in all seriousness, where was the necessity of this clause and what good do you hope to bring to the province by the enactment of this clause as it stands, I mean clause 3? Probably the Government does not know how these people become occupiers of factories? I can quote chapter and verse in telling them that many a time it is only one week or so, before the season commences, that factories are leased out. Do they expect that within that one week the occupiers will be able to get through all the formalities, when they have got to deal with this unsympathetic Government and with the unsympathetic staff under them? Then, Sir, the registration certificate once granted will remain in force only for one year, though it can be automatically renewed by payment of fees every year. When we establish a factory, the fee has got to be paid, and further fee has got to be paid when you appoint managers and when the occupiers take the factories. Has it ever struck the Government from where all that money is to come from? Has it ever occurred to them that it will be a burden on the shoulders of the zamindars whom, they say, they are out to protect? You cannot expect a factory to bear this burden. Its profit is already nil. It will be a charge on the expenditure side and where will all those charges lead us to? They will lead to the reduction in price to the zamindar, in which this zamindara Government is so much interested. I say in all honesty and in all sincerity that you

are adding to the burden of zamindars by imposing these fees. If the owner, manager or occupier has to pay fees, he has to fall on business, and will eventually affect the commodity prices resulting in the reduction of price payable to the zamindar. It is a clear and simple proposition. Unfortunately, however, there are very few members sitting over there who understand anything about this business. They do not care even to consult those people, who are most interested and who can speak with authority. When we raise a point here that the business community is not consulted, at once comes a reply from the leading and shining lights of this Unionist Government that the murderers against whom proceedings are taken, and those against whom action under section 107 is to be taken are never consulted. The Government ought to be ashamed of it. That is the mentality of this Government and still they have got the audacity to say that they make no distinction between class and class and between rural and urban interests and above all, they have the further audacity to say that they are bringing this measure in order to improve the industries of the province. I have been a business man for the last 35 years, but I have yet to learn that these things will in any way improve the business or industries of this province. I have quoted to them the opinions of their own men, men who are wedded to them in all political matters and still what do they say? They say that the industry and trade of the province has been ruined and it stands to further ruination if the Government persist in this mad venture. I deliberately use this word because it is nothing but a mad venture.

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

Well, Sir, even some of the deputy commissioners, who have expressed their agreement with the principles of this Bill have taken the view that this legislation, this enactment, will restrict the growth of industries in this province. I have not seen one opinion by any people who have expressed themselves in agreement with your measure, but who have not at the same time expressed the view, that this Bill will restrict the growth of factories and will restrict the number of factories. In so far as the principle of the Bill is concerned, they have almost unanimously taken the view that this measure of yours will result in restricting the growth of factories, in restricting the number of factories in this province. I have taken pains to study the Factories Acts of some of the other provinces as well and I have not been able to find anywhere any penal provisions as those that have been provided in this Bill. The industrialists in the Punjab are afraid of this Government. They have no faith in this Government. They may have to take their factories outside this province. There are so many states round about in this province where no such restrictions are imposed or exist. If the Government is going to enact laws, such laws at the pace and in the manner that they are doing, no new factory will be established in the Punjab. If this is the attitude of the present Minister for Development towards the industries, the people who want to start new factories will have to think ten times before establishing their factories in this province. Suppose there is a factory with 40 gins and there is extra power, extra steam which is being wasted, the manager or the owner of the factory may have to suddenly decide to set up one more gin. Why should he apply to the

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Government for putting up this extra one gin? What is the necessity for that? What good will come out of that? But under this Bill which is going to be passed, he will have no authority to add even one more gin to his factory without the permission in writing of this Government, a Government which has displayed such a mentality towards the trading classes of this province. The Government do not care for the opinions expressed against this measure. They have a comfortable majority to vote with them. But in this House, which is mainly composed of zamindars, I make bold to say, that if the honourable members on the ministerial benches are given freedom of vote on this measure, several of the honourable members from those benches will go with us in the same lobby. A few of the honourable members have told me this, I need not mention their names. If they are left to themselves, they will certainly vote against such an obnoxious measure, which is sure to kill trade and industry in this province.

As to the fine of five thousand rupees, may I ask my honourable friend, the Development Minister, whose advice he is following in respect of this fine of Rs. 5,000? I could not find any opinion in favour of this huge fine of Rs. 5,000. I have studied with care every individual opinion both of officials and non-officials on this legislation, and no one has advocated a fine of more than Rs. 500. Why not put another zero and make it fifty thousand? Why not put two zeros and make it five lakhs? Zero has no significance to zamindar, it is meaningless both to the Government and the zamindars. It has no significance whatsoever to you. You may put any number of zeros.

Well, Sir, the Government say that they want to improve the control on factories. They have already 13 officers for inspecting the factories. That is the opinion given by the European Merchants' Association who know all about these factories and who know how the trade is being carried on. Had this weighty opinion any effect on this Government? I know for a fact, that whatever one might say on the floor of this House, however reasonable one might be, however weighty his arguments might be, no weight will be attached to them, if they come from the Opposition. This Government has made it more a rule than an exception to turn deaf ears to every advice that comes from the Opposition. As a matter of fact in the case of agrarian Bills, the voice of the urbanites was never heard. They cried hoarse, but without any result. Time after time this Government is passing amending Bills over one and the same subject. As we have seen they have passed the 5th amending Bill to the Land Alienation Act, 1900 within the brief space of 2 years. Whenever the so-called rural interests come up, the Government's zeal overruns its discretion. We have lost every hope in the impartiality of this Government. Our just complaints, our just grievances have been ignored. Our grievances are *bona fide*; our cause is just and we have every reason to hope that before long, our just cause will triumph.

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

That the Factories (Punjab Amendment) Bill as reported by the select committee be circulated for the purpose of eliciting opinion thereon by the 30th June, 1940.

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban) (*Urdu*): Sir, if the Bill as it stands is placed on the statute book it will be a standing stigma on the fair name of the Punjab. Let me point out that I am a supporter of the Government and I have nothing to do with the Congress party. All the same I am of the opinion if the Bill is passed in its present form it will not only throttle industry in the province but will also prejudice the interests of labour as well. There is no gainsaying the fact that in the past we have been blaming the East India Company for putting obstacles in the way of Indian industries. Besides in the Central Assembly also it has often been stated that the British Government does not like that Indian industries should make any progress so that cloth and other goods manufactured in England should be sold in the markets of India. But my submission is that we cannot bring this allegation against the Britishers if we ourselves are enacting harsh measures like the one which is now before the House. As a matter of fact there are many defects in this Bill and I hope that the Honourable Minister will try his level best to remove them. I do admit that there should be some sort of control over the establishment of factories in the province, but it should be in the interests of trade and not such as to harm the interests of industrialists, labourers and consumers. In view of this observation I want to say a few words for the consideration of the House. My first submission is that it looks as if my honourable friends, who worked on the select committee, have not been able to understand the real significance of the word "extension" of a factory. I may make it clear to them that "extension" of a factory means that if at present 20 looms are running in a factory and one is added to them without obtaining the necessary permission, in that case the owner of that factory will run the risk of being imprisoned or fined to the extent of Rs. 5,000. Again if an extra pump is set up for dyeing purposes, it will be regarded as an extension in the factory. I would like to elucidate this point by giving an example. Suppose anybody is running a textile factory with which a dye house is also attached, because unless and until cloth is also dyed nobody will be prepared to buy it. Now for the purposes of dyeing a boiler is also necessary. It may happen that on account of long use a boiler becomes deteriorated, as it often happens; in that case it will be necessary that a new pump should be set up to help it. This setting up of a new pump will be regarded as an extension in the factory for which the owner will have to get the necessary sanction. I think for obtaining permission for doing such an insignificant extension generally six months will be taken up. It will not be the Honourable Minister who will give this sanction, but this duty will be entrusted to some inspector who will have to do various other duties as well. I think such an official will not have sufficient time to give to this kind of work. What will be the result? The result will be that for such an insignificant extension as this the owner of the factory will be put to a great trouble. Unless and until water is forthcoming, cloth cannot be dyed. Although on the face of it it appears to be a very small matter, the result will be that hundreds of persons will be put out of employment. This is, in short, the meaning of the word "extension" of a factory.

Similarly, there is one thing more which I want to bring to the notice of the House. It is just possible that some of the honourable members

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may say that because I am an industrialist myself and am interested in it, therefore I am offering opposition to the measure. Not at all. Far from it. On the contrary being an industrialist myself I know the difficulties of industrialists more than others. As a matter of fact, I have great experience of the difficulties which the industrialists have to face while starting industries. So far as I am concerned, I may make it clear that I cannot support the contention that such stringent and harsh measures should be enforced in the province merely for gaining something for myself. The reason is that if such Acts are placed on the statute book and enforced, in that case nobody will dare start industries in the province. On the contrary, I want to point out to my honourable friends that it is industry and industry alone which can in any way relieve pressure on land. Let me point out to them that their lands cannot increase. I assure them that the Punjab Government do not possess Aladin's lamp to double the acreage of arable lands overnight. It is, therefore, my submission that the surplus population of agriculturists can be absorbed by industries only. If the growth of industries in the province is thus obstructed, the result will be that industries will not develop here. My submission is that, on one hand, the Honourable Minister has himself stated that he will float a loan of one crore in order to start different industries in the province and thus provide work to the unemployed. On the other hand, Government is actually putting obstacles in the way of industrialists who are actually engaged in the work of making the province richer. I may point out that Government is generally blamed for keeping such a big force of police in the province. But police is unavoidable because no Government can function properly without it. Therefore it is necessary. But my submission is that like the police this Bill is not absolutely necessary without which the Government of the province cannot be properly carried on. They can very well avoid such Bills. Let me point out that if any industrialist makes any extensive changes in his factory which tantamounts to doubling it, in such a case Government are entitled to require such an industrialist to get the necessary permission of the Government for carrying out extensions in his existing factory. That would be a different matter. But I think it is highly unfair to ask the owner of a factory to get the sanction of Government for setting up such a small thing as an extra pump for the purposes of dyeing. If such provisions are allowed to remain in the Bill, it will surely lead to the throttling of industry in this province. Let me also point out that such obstacles will not give much trouble to the big industrialists but they will hit the small factory owners hard. I may tell my honourable friends that for myself and other big industrialists it will be easy to get this sanction, but those who have started industries on a small scale and who employ from 15 to 20 workers will be the main sufferers. In fact they will find it very difficult to get such sanctions for small matters like the one I have referred to above. In the circumstances, I would request the Honourable Minister to consider this point carefully and not merely leave it to the rule-making power of the Government but rather make a specific provision for it in the Act itself.

Then there is another thing in regard to which I want to put in a few words. All over the world we find that governments encourage their people to take to trade and to develop industries in their countries. But it is a

strange thing that if anybody starts any industry in this province he is punished with fine and even with imprisonment. In fact here things are topsy turvy. I think such stringent measures as the one now before the House, should be enacted for dacoits. Fancy the Punjab Government enacting such harsh measures for people who are actually engaged in improving the well-being of the province! In my opinion instead of discouraging industrialists Government should encourage them to open more factories in the province. In fact the financial well-being of the province depends on the industrial development here. If the Government brings Bills such as Health Insurance Bill, Old Age Pensions Bill and other Bills of the same nature, we will welcome them. So long as they do not pay attention to these things they have no right to pass such stringent measures which will cause unemployment.

There is yet another very important matter about which I want to say a few words. If my honourable friends read section 9 (B) (2) they will find that Government in fact want to kill hand industry in the province. The sub-clause is as follows—

In making rules the provincial Government may prescribe different rates of fees for factories classified according to the number of workers employed in them and the nature of goods produced by them.

It follows from the sub-clause that there will be only two criterions by which industries will be differentiated. The first standard for making this classification would be the number of workers employed in different kinds of industries, 500 or 200 or 100. The second criterion for making this classification would be the nature of goods produced by them, that is, whether they are soap, chemical or textile factories, etc. Now my submission is that if we take into consideration the textile factories we will find that they are further sub-divided into power loom, handloom and hand worked *khadis* which are employed by weavers for weaving cloth. Government have entirely ignored this matter and they have made no provision in this Bill to make any difference between these three kinds of textile industries. If any tax is imposed on power loom factories, the same will be imposed on the hand loom industries as well. Let us suppose that Government decides to impose a tax of Rs. 50 on textile factories. Now they will have to impose this tax on power loom and hand loom industries equally because according to the Bill now before the House they cannot make any difference. If for argument's sake we suppose that Government imposes a tax of Rs. 50 on textile industries, I ask, will it be fair and equitable to impose it equally on the power loom and hand loom industries, when as a matter of fact power loom industries would be producing say 1,000 yards of cloth per day and hand loom industries less than 500 yards? This would mean that hand loom industries would be handicapped. I may add that if Government adopt this principle they would be in a way giving a death blow to cottage and village industries which they themselves want to encourage in the province. These are the few things which I wanted to place before the House. Sir, I can say that my views are totally different from those of the Honourable Minister. May be that I am in the wrong, because to err is human. My honourable friend Sardar Santokh Singh has rightly pointed out that my zamindar friends cannot have much knowledge of matters that are now under discussion. This certainly is

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no reflection on any of them, for it can as well be said, and quite rightly too, that some of us know absolutely nothing about matters agricultural. For instance, I cannot differentiate between a shisham and a kikar tree.

However, what I am most concerned about is that when people ask me whether by making such rules the intention of the Government is in fact to discourage the development of factories and effect a consequent increase in unemployment, what shall I say in reply? These clauses are so defective that they are likely to create suspicions in the public mind. I therefore as a well-wisher of the Government would request the Honourable Minister of Development to consider my submission, so that it may be said that the Government is doing everything for the welfare of the province.

Lala Duni Chand (Ambala and Simla, General, Rural): As the motion for circulation which is being discussed was formally moved by my friend Sardar Santokh Singh, it is not necessary for me to move the motion standing in my name and I will only support the motion under discussion.

Sir, I have just listened with great interest to the speech of my friend Sheikh Sadiq Hassan and I fail to understand why he was so apologetic and so very guarded in his speech. I do not think that the Honourable Minister of Development would have been angry with him if he had come forward with his views in a more straightforward and frank manner. But that shows the mentality of an average member of the Unionist Party who, even when there is a legitimate occasion for him to speak out his mind, does not do so.

I want to draw the attention of the House and particularly of the Honourable Minister of Development to what has transpired in course of the select committee proceedings which has necessitated this Bill to be circulated for eliciting public opinion. Important official and non-official opinions have been obtained in regard to several important points in this measure. These are not the opinions of disgruntled and discontented persons, but on the other hand these are opinions of those people who have great stakes in this province and hold very important positions in the official and non-official world. What I want to impress upon the House is that Government cannot take credit for that. They should submit their case to the verdict of a larger body of public opinion and there is no excuse for the Government for not submitting this Bill for a more elaborate public enquiry. It cannot be said that further light will not be thrown on this most contentious measure and further information will not be available. I feel, Sir, that the Government is going to kill the hen that used to lay golden egg for the Government. It is the industry of the province from which Government can get a good deal of its revenue.

As was pointed out by my friend Sardar Santokh Singh, there are lots of adjoining states in the Punjab in which provisions like the one which is sought to be enacted do not exist. These Indian States want to make more money and one of the methods they have adopted is to invite industries from the British territories. I have no doubt that if this measure is passed one of the inevitable consequences will be that a lot of industrial concerns that exist now in this province will go to those states. In my own district of Ambala there are a number of ginning factories and presses. They will go to Patiala State as there is no difficulty in shifting a factory to Rajpura

which is only twelve miles from Ambala or to Sirhind which is only 25 miles away from Ambala. That has been done. That process has been going on. The passing of this Bill will intensify this process of the industries being shifted to the Indian States more and more. I want the Honourable Minister for Development to bear in mind the Statement of Objects and Reasons that he attached to his Bill which runs thus.....

Mr. Deputy Speaker : The honourable member is repeating the arguments advanced by Sardar Santokh Singh.

Dr. Sir Gokul Chand Narang : He is only reinforcing.

Mr. Deputy Speaker : So far as this portion is concerned, the honourable member's arguments are the same.

Lala Duni Chand : I am not repeating. Being a lawyer I think I can avoid repetition and can advance new arguments. The Statement of Objects and Reasons runs thus—

Industrial development is taking place rapidly in the province. It is desirable to regulate the establishment of large factories for the promotion of key-industries in order to avoid the evils resulting from uneconomic competition and congestion of labour in big cities.

Now in this short Statement of Objects and Reasons, he has given some of the underlying objects of the proposed legislation. One of them is congestion and another is uneconomic competition. Let us examine this question in the light of the principles that he has mentioned in the Statement of Objects and Reasons. Let us first of all take the case of uneconomic competition. The manufacturing processes to which this Bill is going to be applied are textiles, cotton and woollen goods, glass, cement and allied products, chemicals including medicines, hydrogenated oils—edible and other, cotton ginning and pressing, hosiery manufacture and similar other goods. Let us examine carefully whether there is any kind of uneconomic competition in regard to these industries. First of all, I take up the case of glass industry. So far as I know there is only one glass factory in the whole of the province, except perhaps small factories run on a very small scale, and that is the Upper India Glass Works at Ambala City. What does he say about its uneconomic competition? Notwithstanding that the Upper India Glass Works has been there for the last forty or fifty years, it is not a flourishing concern. The Honourable Minister for Development was generous enough to grant a subsidy of Rs. 25,000 to that concern, but in spite of that the concern has not been able to make any headway. What uneconomic competition can there be in the province in regard to glass industry? He wants now to fetter the glass industry. He wants to impose a condition that if there is any extension fresh permission should be obtained. When this is the condition of glass industry, I cannot understand what necessity there is for him to bring in the glass industry. He should have waited. In the first place, I believe that under this blessed Government, there is no scope for any industry or for any kind of business to flourish, but if there is any fear of growth and development of industries in the near future the Honourable Minister for Development should wait for some time say ten or twelve years. He or his successors could then see whether a necessity

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has arisen for making a legislation of this kind or not. Take the case of cements and allied products. I am at a loss to understand what necessity there is for bringing the cement and allied products industry within the scope of this Bill. In the first place, I maintain that the cement and allied products industry can necessarily be established only in those places where the material for making cement will be available. I do not think it will be easy to start a cement factory in a place like Lahore or Amritsar where the stone which is required for manufacturing cement is not available. I give him an instance. Recently a cement factory has been opened—where?—not in any part of the province governed by the Honourable Chaudhri Sir Chhotu Ram, but it has been established in Patiala State not far from Kalka. I know it is going to be a great success. Here is an instance of the fear that I expressed only a little while ago that industries are being shifted from British territory to the Indian States. I know the Patiala State will be making a lot of income out of that industry. What a good thing it would have been if that industry instead of being established in Patiala State had been established within my own district, at Chandigarh or Kalka. That would have been a source of a good deal of revenue for the Honourable Minister for Development.

Mr. Deputy Speaker : I would request the honourable member not to enter into minute details.

Lala Duni Chand : Take the case of ginning factories and presses. I say and I say it to the face of the Honourable Minister and he can verify that fact that so far as ginning and pressing factories are concerned, they are in a state of ruination. I have got my own personal experience. In a mood of folly, I purchased a ginning factory and I invested about Rs. 16,000 and now I am not getting even one hundred rupees in a year out of these Rs. 16,000 that I invested. I am prepared to sell that ginning factory for Rs. 6,000 now. The Minister pays frequent visits to Ambala, which is a kind of sanatorium for him, I request him to go there again and verify the state of the ginning and pressing industry. There are about 7 or 8 ginning factories at Ambala city and there are 3 or 4 presses. Does he know that all of them remain closed in the season except one or two? The reason is that there is no scope for so many ginning factories. That is the condition now in Ambala. I know some of the ginning factories. Those people who started these ginning factories invested something like Rs. 50,000 to Rs. 60,000 and they cannot have even Rs. 15,000. Is he afraid of the people starting a large number of ginning factories? Those people who own ginning factories and presses will think a hundred times before starting any more factories or presses. There is no crowding of that industry. Why should he be afraid of that? I know that a large number of factories have suspended business for the simple reason that they could not carry on their business for there is no scope for them. Factories which cost fifty thousand rupees cannot now—even though it is wartime—fetch ten thousand rupees.

Mr. Deputy Speaker : The honourable member is not relevant. He should discuss the principles underlying the Bill.

Lala Duni Chand : This I am doing. I am giving the Minister valuable data in the light of which he should be wiser to accept the circulation motion and gather more public opinion and unless I give him some

data, he may not be inclined to do so. I am giving him food for reflection so that he may consider the question that is before the House.

Mr. Deputy Speaker : The honourable member can do so only within the scope of the motion.

Lala Duni Chand : That is right. Let us take the case of flour mills. I would like to cite the case of Ambala which is known for flour mills. There were three flour mills in Ambala City and Ambala Cantonment.

Mr. Deputy Speaker : I would request the honourable member only to discuss the principles underlying the Bill. These details are not relevant at this stage.

Lala Duni Chand : I am trying to show that there is no congestion. The questions of uneconomic competition and congestion are to be considered. I say that there is no congestion anywhere. I would not go into the question of profits and losses of those mills. I am trying to show that six lakhs was spent on one flour mill. I know as Director of the Punjab National Bank that that mill owed twenty thousand rupees to the Punjab National Bank and it took us about six years to realise that amount from that flour mill. There is only one flour mill now and the others have closed down. Where is the congestion and where is the uneconomic competition. Perhaps there are one or two other flour mills in the Punjab.

Mr. Deputy Speaker : I would request the honourable member to void these details because in discussing the principles the details may be accumulated to any extent.

Lala Duni Chand : I would respectfully point out that I am not at all dealing with the details.

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

I have given some of the instances in order to show that there are no reasonable grounds for apprehending either congestion or uneconomic competition in regard to the industries about which he is putting forward this Bill. Another important question of principle that underlies this Bill is how far the Government will be justified in having State control over the working of the factories. There is only one case when the Government will be justified in interfering and having State control over the working of the factories and that is when the Government wants to take over some of the industries and socialise them. In that case the Government will be perfectly justified to interfere with that industry. That is the only legitimate way in which the Government can exercise State control over the industries. Barring this, in no other case will the Government be justified in interfering with private enterprises. After all it is necessary to collect opinion as to how far the State control and interference will be beneficial either to the Government or to the industry or to the public at large. The kind of State control that is sought by this Bill will be extremely harmful. We know that the capital is already shy. I have already given instances of the capitalist and the capital flying to the Indian States. If this Bill is passed, the capitalists will go to other provinces. So far as the sugar industry is concerned, most of the Punjab capital has gone to the United Provinces or Bihar in order to set up these industries there and thus make income there.

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The greater the control of the State over the factories, the greater will be the fear of the industries going to other provinces and States. If the Government wants to have some revenue out of the factories, it can be wise to legislate in order to get some income. That is altogether a different question. I think that should not have been brought into this Bill. Indirectly the Government wants to make money. If the Government could make money legitimately, that would have been welcome but when it wants to make money by killing and crippling the industries, by handicapping the industries, by—

Premier : On a point of order. I must again respectfully draw your attention to the fact that the principle of this Bill was accepted by the House when it was referred to the select committee. Now the motion under discussion is that the Bill be circulated under Rule 96. If there are any further points which my honourable friend wants to press, he is welcome to do so but all these things were repeated on the last occasion when a similar motion was made. If there are any fresh points which he wants to place before the House, he is welcome to do so. But he has covered the whole ground and unless he wants deliberately to prolong the debate and waste the time of the House, which I am sure is not his intention, I would suggest to him, as an experienced lawyer, that he should rely on those points only which were not made before or which have arisen since the report came from the select committee.

Lala Duni Chand : I shall bear in mind the weighty words that have fallen from the weighty man. Instead of your having corrected him he has again got up. I am only discussing the principles of the Bill. I have no other object. I never got up in order to prolong the discussion.

Mr. Speaker : Has the honourable member any doubt about the principle of the Bill? Such principles of the Bill as have been accepted by the House, need not be discussed.

Lala Duni Chand : The point is whether in view of the serious consequences arising from the Bill it is not desirable or even necessary to refer this Bill for public opinion so that more valuable material should be collected.

Mr. Speaker : Please do not discuss the accepted principle of the Bill.

Lala Duni Chand : I am not discussing any principle. I am simply mentioning a principle.

Mr. Speaker : The honourable member is not unjustified in mentioning the principles of the Bill and then arguing why it should be circulated for the purpose of obtaining opinion thereon; but he should not re-open and discuss the question of the principle of the Bill.

Lala Duni Chand : Another reason—and I should say weighty reason—why this Bill be circulated for public opinion is that the Government has not up to this time thrown any light on the question whether it has been thought necessary to make a similar legislation or to make an attempt to pass a similar legislation in any other province. It is an All-India Act which this Bill proposes to amend in its application to the Punjab. The Government should have ascertained first from other provinces, which are more interested than the Punjab, and if the necessity had arisen in any

other province to put forward a legislation like this, then the Government's hands would have been very much strengthened. I say without fear of contradiction that no such law has been put forward, much less passed, and no such legislation has been even thought of in any other province of India. Then it has also been said that the power is being taken under this Bill in order to select certain places for establishing certain kinds of industries. I have already said that a cement factory would be established only where the raw material is available. I understand that the Honourable Premier has got some cement factory somewhere near his village or in his village. I do not think that he is going to shift it from his place to Lahore, or Amritsar or to any other town. In order to organise any industry on any large scale it is absolutely necessary that that industry should be centralised.

Mr. Speaker : The honourable member is again irrelevant. I may once more point out for his information as well as for the information of the other honourable members that after its introduction the Bill was referred to a select committee—and thus its principles were accepted by the House. So, the question is whether in the Bill, as it has emerged from the select committee, any new principle has been incorporated. If so, such principles may be discussed, but the principles, which were already there when the Bill was first discussed and referred to the select committee, should not be discussed again.

Chaudhri Krishna Gopal Dutt : On a point of order. I want to draw your attention to the fact that this is not the practice followed in any other legislature.

Mr. Speaker : Will the honourable member please quote some authority on the point?

Chaudhri Krishna Gopal Dutt : I wanted to draw your attention to the fact that we are trying to oppose the Bill tooth and nail at every stage.

Mr. Speaker : The honourable member is welcome to oppose and criticise the Bill at every stage. I have no objection. But once the principle of the Bill has been accepted, then that very principle need not be discussed again and again as is being done. If a new principle has been incorporated in the Bill by the select committee, it may be discussed and the Bill circulated if necessary.

Lala Duni Chand : May I respectfully put before the Honourable Speaker whether it is not open to me to say that opinions should be further collected on the point whether centralisation of industries in particular places will be more beneficial or not.

Mr. Speaker : That principle has already been discussed.

Lala Duni Chand : In support of that principle I wanted to give valuable material—

Mr. Speaker : I will be the last to curtail the rights of the honourable members, especially in matters of legislation. But a repetition of arguments over and over again cannot be allowed.

Lala Duni Chand : I can assure you that some time for days and days we keep absolutely mum and at another time it becomes our duty to speak out our minds and make the best use of the time of the House. I was going

[L. Duni Chand.]

to submit before the Honourable Premier that he should compare the instances of Bombay, Ahmedabad, Nagpur and Cawnpore. They demonstrate that in order to carry on particular industries, they must necessarily be centralised in particular localities. In no other way can you advance these industries. If he is not satisfied with Indian instances, let me quote the instance of Lancashire. In the entire district of Lancashire, there is nothing but factories and mills in about 200 square miles. I have been to England and I know how the entire district of Lancashire is full of mills and factories. Let us have more opinions whether centralisation of industries will be in any way injurious. On the other hand, I fear that if the industries are distributed over different districts, I think they may suffer.

Another point which I want to make out pertinently is that some of the high-placed and very responsible Government officers have expressed opinions against this Bill. If he is not satisfied with the opinions given by his own officers, like the commissioners and deputy commissioners—

Mr. Speaker : The honourable member may state matters or points of principle on which he wishes that the people of the Punjab should express their opinions. But I cannot allow discussion of the whole Bill.

Lala Duni Chand : I was submitting one by one that it will be most useful for the Government to collect further material and to obtain further opinions in support of the official opinions that are in favour of the Government and that have already been obtained and it will be equally fair on the part of the Government to obtain further opinions that may not agree with some of the official opinions. What I wanted to say was that both official and non-official opinions that have already been obtained may further be strengthened or weakened. That was the point that I was submitting when you were good enough to instruct me that I should not be irrelevant.

It has also been said from this side of the House, of course by Sardar Santokh Singh and other honourable members, that it has been stated by some Government officers that there is a political motive behind this Bill. I need not repeat it and waste the time of the House. A reference to this aspect of the question has been made by some commissioners and deputy commissioners. Therefore, it is necessary that Government should dispel that suspicion and that it should satisfy the larger body of public opinion that it has no idea, no motive of a political nature behind this measure. This is a splendid opportunity for Government to circulate this Bill for eliciting public opinion, for securing non-official and expert opinion. Perhaps important material may be forthcoming and the Bill may be improved and made useful for the Punjab.

Sir, another particular question, that should be taken into consideration is, whether this Bill, as stated by Sardar Santokh Singh, is going to kill the industries in this province. My own fears are that this Bill, as it has emerged from the select committee, is going to kill the industries in the Punjab. Sir, so far as the development of industries is concerned, I start with the presumption that the Government wants to promote the industries (*Premier :* You are perfectly right) but what I want is this that they should satisfy this province that this Bill is going to advance the industries in this province, and that is possible only if this Bill is placed before a larger and higher tribunal. And the Honourable Premier will be pleased to admit

that there is a body of people, that there is the public opinion higher than my honourable friend the Premier and any of his colleagues. I, therefore, want that this Bill should be placed before a higher tribunal and that the verdict of that higher tribunal should be effective and the Government should abide by it.

Let me say my last word. Sardar Santokh Singh is not a Congress man. Therefore, his speech should be taken into consideration with the same earnestness with which he has spoken and has expressed his opinion. He has charged Government with bad faith. He has charged Government for killing the industries in this province. Sheikh Sadiq Hasan has also charged the Government for killing the industries in the Punjab. Sardar Santokh Singh is the leader of the Independent Party and he has put forward these charges. But these people do not care. These charges do not carry any weight with them. Sardar Santokh Singh has given a warning to this Government and my last word is that if the agriculturists can prosper economically, they can prosper economically only through industries. Out of their land they can have a morsel of bread and nothing more. If you want to give them amenities of life, you should promote the industries in this province. You can see that a large number of agriculturists are being benefited indirectly by these industries. I stated on a previous occasion, of course that was in connection with another Bill, that in my district there are two mills at Abdullapur, and thousands and thousands of agriculturists are being benefited thereby. The Government should not handicap the industries, they should not restrict the development of industries in this province. It is in the interests of the agriculturists that the industries in this province should be developed and this Government will be doing a great disservice to the poor agriculturists by passing this Bill and thus ruining the industries of this province. With these words, I support the motion for circulation.

Honourable members : The question be now put.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Sir, the only reason why I have risen to take part in the discussion at this stage is the clamour of my honourable friends opposite for a closure motion. This is a matter of very great importance and the discussion of the honourable members, who want to say something in regard to this matter, is not going to injure the interest my honourable friends have got at heart in reference to this measure. Has this measure, which has emerged now from the select committee, been considered by my honourable friends carefully and properly and are they satisfied that as it has emerged from the select committee, it requires the immediate attention of this Assembly? Are they not of the opinion that it should be given a little more careful consideration and therefore, it should be circulated once more? My reasons that it should be circulated are three or four, which I shall place before my honourable friend. First of all, if you look at the measure, as we have it now, you will find that a dual penalty is being imposed. I will draw your attention to sections 2 and 3 of this Bill. In section 2 of this amending Bill it is stated that "no factory shall be established or extended for the purpose of carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act, or for purposes incidental thereto, save with the permission in

[Diwan Chaman Lal.]

writing of the provincial Government or such person or persons as it may direct. Any person who contravenes the provisions of subsection (1) shall be punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees." If my honourable friend, Dr. Sir Gokul Chand Narang, the great industrialist in the Punjab, has the hardihood, after the passing of this measure, to set up a factory or establish a factory in the Punjab and extends that factory without taking the permission of the provincial Government in writing he will be punished with simple imprisonment, for a term which may extend to one year or with fine which may extend to five thousand rupees. Why does Sir Gokul Chand want to establish a factory?—not because he wants to see a huge building, a concrete building, with machinery worth several thousands or may be worth several lakhs, and leave it there as a monument for the provincial Government to have a look at it. He establishes a factory with the object of working it. There is no other reason why he should establish a factory. Once he has established a factory without permission he is liable to penalty. If he works on the factory again, unless he gets a registration certificate, he is liable to a further penalty and that penalty is to be found in section 4 that is to say—

A manager or an occupier who contravenes the provisions of section 3-A or the conditions on which a registration certificate is granted or an endorsement made shall be punishable with fine which may extend to five hundred rupees, or, if he has previously been convicted of an offence under that section of the said Act, to one thousand rupees on the second conviction. For every subsequent offence the maximum amount of fine which may be imposed shall be enhanced by five hundred rupees subject to a maximum of two thousand and five hundred rupees.

I ask my honourable friend to look into this matter carefully and see if what I am saying is not correct. Establishment of a factory is an offence, without permission, working of a factory is a further offence again, unless you get a certificate; extension of the factory which is working again is an offence; and the extension of a factory which is not working and is merely established, is also an offence. There are four offences for which I am liable if I have the hardihood after the passing of this measure to set up a factory in the Punjab. What justification can there be for four-fold punishment for one offence? I want to set up one factory, suppose, for manufacturing cotton piece goods. According to the schedule it is textiles: cotton, woollen, glass, cement and allied products, chemicals including medicines hydrogenated oils, edible and other, cotton ginning and pressing, hosiery manufacture and flour mills and any other particular process that may be added on after passing of the Act and the rules made by my honourable friend. Suppose I set up a textile factory and I do not take my honourable friend's permission, then I commit an offence. If the expert in charge of the factory tells me that it is necessary to put in a particular extension and even then if I do not get permission I am again liable to a very serious penalty, to one year's simple imprisonment or a fine of Rs. 5,000. Then again if after having paid the necessary fine and having been imprisoned for a year, I have the hardihood to get the same working through electric power and I do not take the necessary certificate I am again liable to a fine of Rs. 500 rising up to Rs. 2,500. If in the course of doing that again I alter, or suppose there is a basin, an ordinary basin, ordinarily used in the factories for the

purpose of dyeing, and that particular basin has by some process or other been damaged, I cannot replace that basin without the permission in writing from my honourable friend, and if I replace it, or if I have the hardihood to replace it, I am to be fined up to the extent of Rs. 2,500. My honourable friend can take it that it is absolutely correct. I go so far as to say that if I put an extra thing for the purpose of dyeing or for some other purpose in a particular factory even then I have committed an offence. I submit that this justification is enough for my honourable friend to agree to the proposition of either recommitting the measure to the select committee or sending it on for circulation in order that we may know exactly where we stand.

My second point is in reference to the various propositions laid before the House through the amending Bill. What has happened is this. Most of the things to be done have been left to the rules. Let us take one case, the case of fee to be paid. Why not fix a particular percentage on the capital paid or fix percentage according to the number of workers employed in a factory or fix a lump sum payable by each factory? It is easy of settlement if one principle is adopted. Why leave it to the rules to decide in the case of each factory, what particular fee is to be paid? Again, when I say I want a registration certificate the Government will lay down conditions. We do not know what those conditions are to be. My honourable friend will lay down conditions according to rules. His department may decide to lay down fantastic conditions: we have no right to question. If there are any conditions in the mind of the Government which they want to lay down they should be placed before the House and those conditions should be incorporated in this Bill. There can be no question in reference to conditions to be laid down by the rules. They may be of an absolutely arbitrary nature. If that is the position we do not know what conditions are going to be attached to the grant of a registration certificate. Let us not proceed with the measure unless we know what those conditions are. I will refer to the question of penalty in three instances. Penalties that are to be levied in reference to any breach of the measure. You will remember that in the Indian Factories Act as amended, penalties are given in sections 18 to 39. There are sections 55 and 56 which deal with penalties, but generally speaking sections 18 to 39 give what are the types of penalties, what are the offences that are committed for which penalties are levied. None of the things that are incorporated in this amending Bill, which benefit the working classes have been forgotten by my honourable friend in the Bill which he has brought forward before the House, for instance, cleanliness, ventilation, artificial humidifiers, cooling, overcrowding, lighting, water, latrines, open doors, precautions against fire, means of escape, fencing, power to require specification of defective parts or stability tests, safety of buildings and machinery, restrictions of work near machinery in motion, exclusion of children, prohibition of employment of women and children near cotton openers, notice of accidents, hazardous operations, shelters, weekly hours, weekly holidays, daily hours, interval of rest, spreadover, notice of period for adult workers, register of adult workers. A fine of Rs. 500 is to be imposed in case of contravention of any of the things which I have referred to. Wherein does my honourable friend find justification for penalty of the type incorporated in this measure? I

[Diwan Chaman Lal.]

suggest that it is outside the scope of the Bill and the Act itself. Since you want me to be very brief I will not discuss this matter at very great length. Finally, let me refer to two or three points. One is in regard to shifting of the industries as a result of the passing of this measure. The reason is that in Indian States you will find that the Indian Factories Act is hardly operated. In those states child labour is available; female labour is available and the restrictions that are placed upon such exploitation of human-beings are not to be found there. Cheap raw material is available. My honourable friend will be hard put if he were to give reasons in reference to the question of the desirability or otherwise of this measure. My friend is desirous of taking action against indiscriminate extension of industries. I will just point out that there can be no justification for the punishment that he is prescribing. It is quite true that the people who are going to be touched by this penalty are the people who can well afford to pay heavy fines; no fine will be too great for them. But if for offences like the employment of children and exploitation of female labour the maximum fine that has been fixed in the Indian Factories Act is rupees five hundred, I do not see any reason why punishment by imprisonment should be imported into this measure? My honourable friend would have the entire sympathy from my side of the House if he were to import the question of punishment into this measure where life and safety, hours of work, etc., of the workers—men, women and children—in factories, are concerned. No one of us will raise his little finger to object to that. But this particular matter must be very carefully considered before we give final sanction to the provisions which are before us.

One last word. Does my honourable friend realise that bit by bit, slowly, gradually, he, by legislation, is taking the power of a totalitarian nature into his own hands? The result of passing this measure will be that every factory-owner will be compelled to be at the mercy of the department which draft the rules under this measure. It is a very serious matter if you consider it carefully. If any encouragement is to be given to industries, there are other methods more easy and standard methods which should be adopted. These are my arguments and I hope that my honourable friend will accept the motion for circulation.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir I had no intention whatever of taking part in the debate because my honourable colleague on my right is perfectly capable of looking after his Bill, when a measure of his is before the House. But I was rather surprised to hear three or four speeches made by my honourable friends opposite which either show a hopeless confusion of thought on their part or deliberate uncharitableness. Certain implications have been imported into this Bill which cannot in any way be justified either by the wording of the Bill as it has emerged from the select committee or by the intentions of Government.

Now, Sir, one or two points made by my honourable friend Lala Duni Chand, which I could winnow from the chaff, were these. That Government is trying to throttle industries; that Government by this measure will kill the development of industries; that Government by this measure will make capital fly from this province to other provinces.

Lala Duni Chand: What I said was that this Bill will affect prejudicially and adversely the industries of this province.

Premier : I definitely remember that my honourable friend said that capital will fly from this province.

Lala Duni Chand : I never said that. Some other member might have said so.

Premier : My honourable friend's memory is short. He said that capital will fly from this province.

Dr. Sir Gokul Chand Narang : It is flying.

Premier : He gave an instance of the sugar industry and said that the whole sugar industry has shifted to the United Provinces and Bihar. My honourable friend, if he had taken a little more interest in the matter, would not have made such remarks. He will find that there is some other reason; the reason is that the climatic conditions in those two provinces are suitable for this particular industry. That is why my friend Dr. Gokul Chand Narang has gone to Gorakhpur and started his factory there.

Lala Duni Chand : You can also create suitable conditions in the Punjab.

Premier : My colleague, Sir Sunder Singh has also started a big factory in the United Provinces. The reason, as I have said, is purely climatic. You cannot put down a sugar factory in an area which is affected by frost and if you do, a smaller quantity of sugar will be extracted. I do not know the technical term, perhaps my honourable friend will be able to tell you. That argument, my friends must remember, does not hold so far as this Bill is concerned.

As regards the flight of capital to other provinces, I may tell my friend that this Bill was published several months ago and he will be interested to know that since that time we have received several applications for opening factories. So, instead of capital flying from this province, capital is coming in. This Bill will have the additional advantage of avoiding undue cut-throat competition. That is probably the reason why capital is trying to come into the province after the publication of this Bill. Several applications have been received and one concern has already decided, I understand to open a big textile factory between Lahore and Amritsar and the Government have accepted their offer.

Dr. Sir Gokul Chand Narang : *Oh too gaya :* That has been miscarried.

Premier : There are other capitalists also. Now let me assure my honourable friend that there is no intention whatever direct or indirect of stifling industry or of making it more difficult for people to start industries. On the contrary, our object is to encourage industry in this province, and I am confident that if this Bill is passed, we will be able to start several more industries, and very flourishing industries, in this province. Now, my honourable friend Diwan Chaman Lal with his usual fluency and eloquence tried to convince the House to the contrary; generally he succeeds for a little while until someone gets up and exposes the fallacy of his logic.

Dr. Sir Gokul Chand Narang : When party loyalty comes in.

Premier : That is also a consideration, but my honourable friend said, look at this Bill, without a single exception the Government has provided double, triple and quadruple penalties for a single offence. You have to suffer four times for a single offence. That is not correct. But my honourable friend was probably speaking with his tongue in his cheek, hoping that this will go down with the members who do not sometimes take the trouble of studying the Bill, as I understand happened with the Bill under discussion yesterday. Some lawyer members probably cursorily glanced through it, and they thought probably that Government were trying to get through some measure surreptitiously, but when it was explained to them, it was found that it was quite different. The dual penalty which he talks of consists of in the first instance application for registration. If you do not apply for registration you are liable to penalty. A lawyer, if he does not get his licence or does not get himself enrolled as a lawyer, is liable to a penalty. Now my honourable friend might as well have argued that a lawyer who has not taken out a licence and is caught touting, might be punished both for touting and for not having taken a licence. You cannot call it a dual penalty. It is a penalty for two distinct offences as is the case here. You have got a separate penalty for non-registration—

Mian Abdul Aziz : About one and the same factory at different stages.

Premier : For different offences. My honourable friend is a lawyer. He ought to know.

Mian Abdul Aziz : That is why I say, because I am a lawyer and I understand these things.

Premier : Exactly.

Malik Barkat Ali : Is extension of factories on a plane with touting?

Dr. Sir Gokul Chand Narang : This is the new morality of the Unionist Party.

Mr. Speaker : No interruptions please.

Mian Abdul Aziz : That is an important point.

Premier : Quite right. It is important. Dr. Sir Gokul Chand Narang is also correct, but I know nothing about touting. My honourable friends who are lawyers probably know more about it (*laughter*). I only know this much that touting is a heinous and immoral offence, and the failure to take out a certificate by error stands on a different footing. I am merely giving you an instance. If a lawyer has not got a licence and he is caught touting, he will be penalized for touting as well as for not taking out a licence. The same thing applies to the factory owners. If they do not get their factories registered, they are committing one offence, and if they have put up a factory without permission they commit a different offence. So far as the failure to take out a certificate is concerned, section 4 provides a penalty for that and as my honourable friend Diwan Chaman Lall pointed out, it is a telescopic penalty which goes on expanding as you go on repeating that offence. We thought that it would be advisable to keep a low penalty for the first offence and an enhanced penalty for subsequent offences. With regard to the extension of factories, my honourable

friend said that it would be an offence, if a replacement takes place or for instance if a basin or a pump is added to the factory. That is not the case. I can assure my honourable friend that that is not the intention of the Government; we propose to make these things clear in the rules and, as a matter of fact, to make it absolutely clear, I suggest to my honourable friend here that an amendment might be moved to make it clear that renewal of machinery, or such additions which do not in any way constitute extensions, as prescribed in the rules, shall not be liable to any penalty. Again my honourable friends have said: "why have you not fixed the fees here?" It is not an easy matter to frame an exhaustive list of all the various kinds of factories and industries. I will give him one instance. Take the case of the textile industry. There might be small textile industries where you employ only hand labour and there might be a factory which is worked with power, and you may have the same number of people working in that factory which is worked with power as you have in the factory worked by hand labour. Would it be fair to charge the same fee to both? Certainly not. I am sure my honourable friends would suggest that there should be different rates for the two factories, for a factory worked by machines and for a factory worked by hand.

Dr. Sir Gokul Chand Narang: Are you going to control handloom industry also?

Premier: No, we are not going to control it.

Rai Bahadur Mukand Lal Puri: Is it not covered by the Act?

Premier: We are going to encourage them.

Diwan Chaman Lall: Does the handloom industry come under it?

Premier: No. I am merely pointing out that there are certain industries the process of which is done not only by mechanical means but also by manual labour.

Diwan Chaman Lall: I am sorry to interrupt my honourable friend but under section 5 of the Indian Factories Act, the local Government may by notification extend the provisions of that Act to any factory employing ten people and working the process without power even. Ordinarily it applies to factory with 20 people working with power, but the power is there for the local Government under section 5 to extend to those factories which do not work with power and which employ only ten people.

Premier: Exactly. My honourable friend is correct. That is what I am saying, that it would not be possible to prescribe fees rigidly under the Act itself and that is why we have left it to the rules to prescribe; a different fee will have to be prescribed for factories employing perhaps the same number of people but worked in different ways. My honourable friend knows the maximum limit. He suggested that it should be fixed. I am trying to point out to him that it is not possible because it is impossible to prepare an exhaustive list of all the industries and the different kinds of factories worked by machinery and by manual labour, and that is the reason why fees have not been prescribed here. But I might inform the House that so far as we are concerned, this Bill is not intended to be a fiscal measure. The moment we want to make it a fiscal measure, we will come before the House and ask the House to allow us to make it a fiscal measure.

[Premier.]

but at the moment that is not our intention, and I do not think that there is anybody in the world who would press for a fiscal measure for the simple reason that we want to encourage industries in this province and not to thwart them as my honourable friend tried to accuse the Government of doing.

Dr. Sir Gokul Chand Narang : Did not the Honourable Minister of Development say that he wanted to make money out of it ?

Minister of Development : A little money, yes.

Dr. Sir Gokul Chand Narang : The Minister of Development said that he wanted to make money by means of this measure but the Honourable Premier says that there is no intention of making money out of it.

Premier : I assure my honourable friend that it is not our intention to make it a fiscal measure. We will make a little of the money which Government are spending on the Factory Inspector, Boiler Inspectors and others. This money is being spent from the provincial revenue and we get very little from this department. By these fees we will be able to recoup that expenditure or we will be able to recoup at least part of it if not the whole of it.

Dr. Sir Gokul Chand Narang : Will the Government confine the assessment of taxes to the amount spent in controlling the factories under this Act ?

Premier : I have already said that the Government will keep in view the nature and actual condition of industries while prescribing those things, and I do not think that I can give any further assurance than that at the moment. My honourable friend also suggested that if Government brought forward any measure which would further help the condition of labour or would provide amenities for labour they would give the fullest possible support. With regard to that my honourable friend the Minister of Development will tell you what Government are doing. But I might point out to my honourable friend that one of the reasons why we brought forward this Bill was to avoid congestion in any particular spot and thereby avoid insanitary conditions and other vices which often follow in the wake of industrialisation. It is for that reason also that this Bill has been brought forward and I hope that, when it is passed, it will be possible to make the condition of labour better in these new zones which we hope to fix for various industries, and it might avoid several other difficulties and troubles both to the owners of the factories as well as to the employees of the factories.

Dr. Sir Gokul Chand Narang : Does the Honourable Premier seriously think and sincerely think that there is any danger of congestion in this province for fifty years ?

Premier : My honourable friend, I think, is blind to the fact that there is congestion even now in several areas. If he has ever been to Amritsar recently he would have found that several miles this side of Chheharta you start with all kinds of mushroom factories and industries laid out in a haphazard manner without any sanitation or drainage and that this condition goes right up to Amritsar through that congested industrialised area.

Dr. Sir Gokul Chand Narang : I have been there and there is no congestion. They may make arrangements for sanitation and other things, but there is no congestion of industry as such. I have been there several times.

Premier : Now a capitalist is speaking.

Dr. Sir Gokul Chand Narang : That is a cheap gibe. Have you ever been to Chbeharta ?

Premier : From their point of view congestion means that unless a black hole condition is created in an industrial area it is not congested. We do not subscribe to that view. What we want is open airy conditions, plenty of room for labour, and all kinds of amenities.

Dr. Sir Gokul Chand Narang : Not one of those things is touched in this Bill.

Premier : My honourable friend must wait. I have already said that my honourable friend the Minister of Development will give details of some of the matters which we propose to deal with in another Bill which we have in view. (*Hear, hear.*) (*Interruption.*) This Bill has been brought to regulate the present factories and also to give assurance to those people who want to invest in industries in this province. My honourable friend Lala Duni Chand mentioned that capital was flying away from this province. I can assure him that capital, instead of flying away from this province, will come to this province. It is now flying away from several provinces of India on account of legislation, and for other reasons which I need not detail here, and I can assure the House that when this Bill is passed, we will find industrialists of repute coming to this province because they will be secure in the knowledge that there will be no cut-throat competition in this province or *bhed chal*, as they say in Punjabi, which happened during the last war when several ginning factories were set up with the result that half of them now remain idle, or when cement factories were put up everywhere in 1931 with the result that the industry went down to a slump. We now want to make sure that no industry here will suffer from that cut-throat competition through the short-sightedness of greedy capitalists. (*Cheers.*)

Lala Deshbandhu Gupta : Since when has the Honourable Premier become a socialist ?

Premier : I have been a socialist for a long time, but not a socialist of the type in which my honourable friend believes.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, the whole House is in complete agreement with the objects of the Bill as it has emerged out of the select committee. Let us see how far it is going to achieve its objects, viz., the fostering of industries and the removal of unfair competition among them.

Before I proceed to discuss this matter, I would like to assure my honourable friends opposite that we on this side of the House are as jealous of the reputation of the Government as they themselves are, and in giving expression to our honest opinion on the matter we are actuated by the loftiest motives.

[Mr. Deo Raj Sethi.]

Two of the members of the select committee, which consisted entirely of the members of the Unionist party, have set down the following words in their minutes of dissent:—

The opinions of various important bodies and persons circulated clearly show that it is undesirable to place such arbitrary powers in the hands of the party in power of the day which can certainly abuse them if they so desire.

These are not the words of any members belonging to the Congress party or the Independent party, but of two Unionists who could safely be called the pillars of the Unionist party, i.e., Rai Sahib Lala Sohan Lal and Sir William Roberts.

Whether an industry is successful or not is a different matter. But so far as the question of finance, labour and congestion is concerned, it is a matter to be decided by the entrepreneurs themselves and not by any local or provincial authority. Although I am for safeguarding the reputation of the province as well as of the provincial Government, I am forced to say that here in this province even in private industrial management wire-pulling is constantly indulged in by the Government.

In this connection I charge the Premier with trying to bring his influence to bear against his political opponents. He has exerted undue influence on Lala Sri Ram by writing to his brother Lala Shanker Lal a letter for securing the removal of two honourable members of this House, namely, Sardar Sampuran Singh and Mian Muhammad Nurullah from the directorate of the Delhi Cloth Mill with its branch at Lyallpur. What could be the reason for the removal of these two gentlemen from the Board of Directors, on which they have been serving for a number of years? Their only fault seems to be that both these honourable members had moved no-confidence motions against the Ministry. This is how powers are being arbitrarily used by the Government.

Premier : Dr. Sir Gokul Chand Narang was also removed.

Dr. Sir Gokul Chand Narang : Wherefrom? I have never been removed from any directorate.

Mr. Dev Raj Sethi : Whether the German torpedo boats have done great harm to the British naval power, may be a moot question, but it is my firm belief that the loss so inflicted pales into insignificance when we compare it with the damage that has been done to the province by the legislative torpedoes of Sir Sikander Hyat-Khan. To tell the truth we are not prepared to place such arbitrary powers in the hands of the Government which can easily abuse them if it so desires. The Honourable Premier has been pleased to remark that the Government intended to eradicate the evils of congestion of labour from the industrial area of Amritsar. I may assure him that his fears are absolutely unfounded. He need not bother about any imaginary congestion. On the other hand, as you know, Amritsar is a big market of the articles manufactured by the textile mills of Lancashire, Bombay and Ahmadabad. The Government would have deserved our hearty congratulations if it had taken any step for stopping the sale of this mill-made cloth. The duties which the Government wants to take upon itself by means of this measure are such as can be easily accomplished by municipalities. If it is really anxious to improve the sanitary conditions of the Amritsar industrial area or to regulate factory sites it can

very conveniently entrust this work to the Amritsar Municipal Committee by extending its limits as far as Chheharta.

Then, Sir, under the present circumstances when the industrial development is in its infancy, I cannot subscribe to the fears expressed by my friend opposite with regard to any overproduction or congestion of labour in the province. There is only one textile mill in Amritsar whereas in Ahmadabad and Bombay there are as many as 80 and 90 respectively, and still the Bombay Government has not thought it fit to enact any such measure for checking the so-called congestion of labour. I would have congratulated the Government if it had, instead of bringing forward such an uncalled-for Bill, made any attempt for ending the contract with the Imperial Chemicals which has now become a grave scandal in the province. The entire chemical resources of the province have been bartered away for a mess of pottage. In fact the Punjab is being looted by means of that mischievous contract. It would have been much better if the Government had cried halt to this exploitation of an alarming nature. I am free to admit that the responsibility for making such a contract does not devolve upon the present Government. However, we are perfectly justified in demanding the termination of an agreement which has been exhausting the natural resources of the province.

Now, Sir, I come down to the woollen industry. I may submit for the information of my friend opposite that there is only one mill in the province which is at present manufacturing woollen cloth in Dhariwal. This mill is being run by the help of foreign capital and under foreign management. Here again there is no genuine fear of congestion of labour. Formerly, when this Bill was introduced in the House, several honourable members from this side impressed upon the Government to include certain provisions which might go a long way to safeguard the best interests of the local financiers, but it is a pity that instead of improving upon the Bill the select committee has further worsened it. By the incorporation of clause 2 (3) the Government has added insult to injury. This new sub-clause provides that any person who establishes or extends an industry without the requisite permission of the provincial Government shall be punishable with simple imprisonment for a term which may extend to one year or with a fine which may extend to five thousand rupees. I can assert without fear of contradiction that the Punjab Government has by means of this sub-clause tried to damp the zeal of the local industrialists. In fact, the financier should be given a free hand in the matter of investment. It is his business to see whether a particular industry would prove profitable or not. He himself should see whether a particular locality would be able to cope with the demand of skilled and unskilled labour, raw material, markets and allied problems. In short it is his personal concern and the Government should have no right to interfere with the matters relating to his vested interests. The idea of State interference has really puzzled me. I am a regular student of economics myself. Besides, I am conversant with the economic history of several important civilized and advanced countries. But I plainly and frankly confess that I have never come across a situation such as is being created in the Punjab. On the one hand, our home markets are being flooded by the finished goods and manufactured articles of foreign brand and, on the other, our 'benign' Government is anxious to put an

[Mr. Dev Raj Sethi.]

effective restraint on the industrial development of the province. I may be allowed to mention here that this state of affairs has given rise to great many doubts and misapprehensions in the public mind and the people now feel constrained to say that 'there is something rotten with the state of Denmark'.

Dr. Sir Gokul Chand Narang : May I ask one question of the Honourable Premier? A statement has been made on the floor of the House by a responsible member that the Premier wrote to the management of one concern here asking them to turn out two directors from that concern, who happen to be members of the Opposition. May we ask him in what capacity he wrote that letter to the management of that concern? (A voice : If he at all wrote.) Yes, if he at all wrote.

Premier : The Premier is not concerned with such things.

Dr. Sir Gokul Chand Narang : Was that letter written by Major Sir Sikander Hyat-Khan who happens to be the Premier of this province? Is that a fact or not?

Premier : Supposing I write a letter to my honourable friend tomorrow, then that does not mean that I do so as Premier.

Dr. Sir Gokul Chand Narang : The question is whether that letter was written or not.

Premier : No.

Mr. Speaker : A question can be asked only regarding the official position of the Premier and not regarding his personal or private capacity.

Dr. Sir Gokul Chand Narang : I am asking whether he wrote that letter in any capacity or not.

Mr. Speaker : He has answered that question.

Dr. Sir Gokul Chand Narang : Did he write that letter or not?

Mr. Speaker : That question does not arise, because he says that the Premier as such has nothing to do with it.

Dr. Sir Gokul Chand Narang : I respectfully ask you, is that not an evasion? Is it not necessary that he should take the House into his confidence on a matter of such importance. When a person, who occupies a responsible position as Premier of the province, is interfering with a private concern, this House has got every right to know whether he did so or not and if he did so, in what capacity?

Mr. Speaker : There are only two capacities, official or non-official. He says that such a thing had nothing to do with the Premier. Thus the matter ends. About his private capacity no question can be asked.

Dr. Sir Gokul Chand Narang : With all respects I submit that the matter does not end here. He can say that he wrote that letter in his private capacity and we would be satisfied so far as that matter is concerned. But he has not stated anything definitely and he has not admitted so far in clear terms that he wrote that letter in any capacity—

Mr. Speaker : When he did not write it in his official capacity, why should he answer?

Dr. Sir Gokul Chand Narang : My submission is that he had no occasion to write that letter in his private capacity because he is not interested in that concern so far as I am aware. The only capacity in which he could do so was that of Premier of this province and he has been abusing his power as Premier.

Premier : My honourable friend is trying to be clever. Why did he not put a straight question whether I wrote that letter or not. I told my honourable friend that the Premier has got nothing to do with the textile mills at Lyallpur or with its directorate. It is for the Board of Directors to appoint or turn out the directors or for the shareholders to do so. If as Premier, I had any hand in it, I assure my honourable friend that I would have told him so. It has nothing to do with me as Premier. If the shareholders want to turn out somebody else neither he nor I am concerned.

At this stage the Assembly adjourned till 12 noon on Wednesday, 24th April, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 24th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

PROFESSIONAL TAX AND WOMEN TEACHERS LIVING IN DISTRICT BOARD AREA, AMRITSAR.

*6586. **Pandit Shri Ram Sharma**: Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the District Board, Amritsar, has imposed a professional tax on the women teachers living in the district board area; if so, the reasons for not giving them the right of vote for the district board elections;

(b) whether the Government has considered the question of giving representation to women on the above-named district board; if so, with what result; and if not, why not?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) *First part.* Yes.

Second part.—Women do not possess the right to vote.

(b) Yes. It was decided that the time was not yet ripe for the extension of district board franchise to women.

Pandit Shri Ram Sharma: Is it a fact that one who pays the tax levied by the district boards is entitled to vote for the district board elections?

Parliamentary Secretary: It is not a fact.

Pandit Shri Ram Sharma: May I know the reason why the Government have not considered it desirable that the women should vote for the Amritsar District Board elections?

Parliamentary Secretary: District boards concern villages and the Government in view of the conditions of the villages have not thought it proper to give right of vote to women-folk.

Pandit Shri Ram Sharma: I want to know the reason why the right of vote for district board elections was not given to women?

Parliamentary Secretary: The rural circumstances.

Pandit Shri Ram Sharma: May I know what were those rural circumstances?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Sir, it is very vague to refer to rural circumstances.

Mr. Dev Raj Sethi : If women can become voters of the Legislative Assembly why can they not be voters of district boards ?

Parliamentary Secretary : This is a debatable point and it is not a question.

Pandit Shri Ram Sharma : May I know if rural circumstances were taken into consideration while enfranchising rural women for the purpose of voting for the Assembly ?

Mr. Speaker : That question does not arise.

TEAR GAS.

*6567. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

(a) the names of the places and police stations where tear gas arrangements exist for dispersing unlawful assemblies ;

(b) the cost of the tear gas and other equipments necessary for its use ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Only one trained gas squad at present exists for dispersing unlawful assemblies. This squad is located at Phillaur.

(b) The cost of training and equipping a squad is as follows :—

				Rs.
Training	..	..	..	760
Demonstration material	..	..	..	789
Equipment	..	..	..	7,000
Total				8,558.

Pandit Shri Ram Sharma : Why have the Government not felt the necessity of making arrangements of keeping tear gas squad at other places ?

Parliamentary Secretary : Government is considering this question.

Mr. Dev Raj Sethi : Have the Government estimated the quantity of tear gas required for dispersing a mob of 1,000 persons ?

Premier : It depends upon circumstances. If conditions are favourable, a mob of three or four thousand people can be dispersed by a single shell of tear smoke.

Pandit Shri Ram Sharma : Is the estimate of expenditure on keeping tear gas squad at some other place the same as it is at Phillaur ?

Premier : The expenditure incurred on training is the same as it is at Phillaur. Moreover one has to take into consideration the cost of the tear-smoke shells. But the expenditure depends upon the strength of the squad. The greater the strength the greater the expenditure.

Mr. Dev Raj Sethi : May I know if in Lahore there is no such arrangement ?

Premier : Government are contemplating having a tear-smoke squad at Lahore. We are also considering keeping tear-smoke squads in almost all the big cities of the province.

Pandit Shri Ram Sharma : May I know how much money is spent on dispersing a mob at a certain place by tear gas ?

Premier : I have already stated that it depends upon circumstances.

Pandit Shri Ram Sharma : May I know the maximum or minimum estimate ?

Premier : I cannot tell the honourable member the exact estimate. As a matter of fact the exact cost cannot be stated in the absence of the necessary data.

Lala Deshbandhu Gupta : Roughly speaking is it cheaper than lathi charge ?

Mr. Dev Raj Sethi : Does tear gas affect one's health permanently ?

Premier : It leaves no permanent effects.

Pandit Shri Ram Sharma : Has the experience of tear gas proved successful in dispersing people ?

Premier : It has proved very successful in arresting dacoits at certain places.

Pandit Shri Ram Sharma : And in dispersing meetings too ?

Premier : Yes. If the direction of the wind is favourable it has proved successful in dispersing meetings too.

Khan Sahib Khawaja Ghulam Samad : Does tear gas affect every person ? Are there any such persons whom this gas cannot affect ?

Premier : Every person who happens to be in its range is affected by it.

LIQUOR SHOPS AT AMRITSAR.

***6570. Pandit Shri Ram Sharma :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the Government has proposed from 1st April, 1940, to shift the liquor shops at Amritsar to some of the thickly populated parts of the city ;
- (b) whether any representations and protests have been made recently to the Government by the citizens of the Amritsar City in this matter ; if so, with what result ;
- (c) whether the Amritsar Municipal Committee has also lodged a vigorous protest against this proposal ; if so, with what result ?

The Honourable Mr. Manohar Lal : (a) No. Except in the case of the shop at Gilwali Gate, they are still outside the city walls in the same localities and in most cases further away from the city than the previous shops.

[Minister for Finance.]

(b) Yes. Orders have issued for the removal of the shops at the Gilwali gate and the Hathi gate to more suitable localities.

(c) Yes. The municipality in their meeting on the 2nd April, 1940, lodged a protest against the new sites of the shops. It does not appear that there is much justification in the protest.

Pandit Shri Ram Sharma : May I know if these shops have been shifted to such places which are nearer to the thickly populated area?

Minister : No, no, they are farther away.

Pandit Shri Ram Sharma : The Honourable Minister has stated that the liquor shops would be shifted to a suitable locality, may I know what he means by suitable locality?

Minister : Outside the city walls.

Sardar Sohan Singh Josh : Is it a fact that the Temperance Association, Amritsar, has made a representation to Government to get these shops away from the city?

Minister : Yes, I have received a large number of representations.

Sardar Sohan Singh Josh : Is the honourable Minister aware that there was a lot of hue and cry raised that Government is giving up the old shops and permitting shops at new places?

Minister : I am only too well aware of the agitation that existed. I myself went over to Amritsar and spent more than an hour inspecting the shops and I received a deputation of a large number of gentlemen in this regard.

Pandit Shri Ram Sharma : In reply to part (c) the protest of the municipality has been termed as improper. But when shops were removed towards the *abad* could this protest be called improper?

Minister : The Honourable member does not know the circumstances. The position is that in 4 cases out of 5 the shops have got further removed from the city. Of course people would protest: that cannot be helped. In the fifth case, which is in the city, instructions have been given and I believe before the end of May it will be outside the city.

Pandit Shri Ram Sharma : Was the municipality expected to know at the time of making protest, that shops will be removed further away?

Minister : I am really sorry for the municipality and the people who could not see facts as they lie straight before their eyes.

CHANGES IN WARABANDI ON OUTLETS NOS. 24132, 27075 AND 24587.

***6580. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state whether any changes are contemplated in the *warabandi* (distribution of water) on outlets Nos. 24132, 27075 and 24587 of the Rajbaha Jethowal, district Amritsar, and whether in making these changes it is intended to add new area to be irrigated by these outlets; if so, the reasons therefor?

The Honourable Dr. Sir Sundar Singh Majithia : Attention of the honourable member is invited to the reply given to the Assembly question No. 6449 (Starred).¹

REDUCTION IN THE DISCHARGE OF OUTLETS Nos. 24132, 27075 AND 24587.

***6581. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that outlets Nos. 24132, 27075 and 24587 of the Rajbaha Jethuwal, district Amritsar, was, some years ago, reduced resulting in the reduction of the discharge from these outlets ;

(b) whether he is aware that the zamindars getting supply of water from these outlets have ever since been complaining of the shortage of the supply of water from these outlets ; if so, the action taken or intended to be taken in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : The honourable member is referred to the reply to Assembly question No. 6450¹ (starred).

CLASSIFICATION OF POLITICAL PRISONERS IN CENTRAL JAIL, MONTGOMERY, AS HABITUAL PRISONERS.

***6604. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

(a) the number and names of the political prisoners at present confined in Central Jail, Montgomery ;

(b) which of them have been classed as habitual offenders, by whom and the reasons why each of them has been so classified ?

The Honourable Mr. Manohar Lal : I am afraid I must ask the honourable member to give me a clearer indication of the information he desires before I could answer this question. There is a very large number of prisoners in the Jail, and in many cases it would be difficult to say without an elaborate scrutiny of judgments which of them would fall within the class in the mind of the honourable member.

Pandit Shri Ram Sharma : May I know if every prisoner who has been sentenced more than once is treated as a habitual prisoner ?

Minister : How does that arise out of the question ?

Sardar Hari Singh : Do I take it that he is not able to find out the number of political prisoners in the Montgomery jail ?

Minister : That is exactly my difficulty.

Sardar Hari Singh : May I know if only recently he has been answering questions in relation to political prisoners in various jails, in Ferozepore jail and other jails ?

Minister : I am only too ready to furnish information where I can. The Montgomery jail is a very large jail and the definition of political prisoners seems to be fairly elastic. In these circumstances unless the honourable member would be so good as to give me clearer indication about the prisoners regarding whom he requires information it is not possible to make enquiries.

Sardar Hari Singh : Does he take prisoners convicted under the Defence of India Act as political prisoners ?

Minister : Now the honourable member wants to know whether prisoners convicted under the Defence of India Act are political prisoners. The honourable member originally asked how many political prisoners were in the Montgomery jail. How can I give information on that point ? I have no desire to keep back any information. I want to give all information that may be required and can be collected.

Sardar Hari Singh : I want to know as to what the Honourable Minister's conception of political prisoners is.

Minister : My conception would be of no importance. As I have said the definition seems to be elastic.

Lala Deshbandhu Gupta : Are there any political prisoners in the Montgomery jail convicted under the Defence of India Act, under section 124-A or under section 505 or 121 ?

Minister : If the honourable member requires that information and takes the trouble to give notice I will get the information.

Sardar Hari Singh : May I know if according to his own definition, which is elastic, there are any political prisoners in that jail ?

Minister : In view of what I have said already no information has been collected.

Sardar Hari Singh : The Honourable Minister was pleased to say that the definition of political prisoners is elastic. I want to know if according to his elastic definition of political prisoners, there are any political prisoners in the Montgomery jail ?

Minister : My conception is of no significance. It is for the questioner who has to say what information he wants.

Sardar Hari Singh : Has he been ever a political prisoner ?

Minister : That question hardly arises.

DAMAGE DONE TO GRAM CROP IN FEROZEPUR AND LUDHIANA DISTRICTS.

***5605. Sardar Rur Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware of the fact that the gram crop has been totally destroyed by a certain kind of wind in the end of March, 1940, in the districts of Ferozepur and Ludhiana ;
- (b) if the answer to the above part be in the affirmative, the action Government proposes to take in the matter of providing relief to those who have suffered in this connection ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) There was a slight amount of damage in the Ferozepore district but none at all in the Ludhiana district.

(b) Does not arise.

Chaudhri Muhammad Hasan: Will the Parliamentary Secretary give exact or approximate estimate of the damage done to the crop.

Parliamentary Secretary: Very slight.

Chaudhri Muhammad Hasan: What is the estimate?

Parliamentary Secretary: I am afraid I cannot give the estimate.

Chaudhri Muhammad Hasan: What do you mean by very slight?

Parliamentary Secretary: Very slight to require any estimate.

Chaudhri Muhammad Hasan: Is it ten thousand or one rupee?

LIQUOR SHOPS IN AMRITSAR.

***6606. Sardar Hari Singh:** Will the Honourable Minister for Finance be pleased to state whether he is aware of the indignant protests recently made in writing to the Government by the city fathers of Amritsar against the opening of liquor shops in the thickly populated parts of the city; if so, the action taken or intended to be taken by him in the matter?

The Honourable Mr. Manohar Lal: The honourable member is referred to the reply given to Assembly question No. 6570¹ (starred) asked by Pandit Shri Ram Sharma.

AVERAGE ANNUAL RATE OF DEATHS OF BOVINE ANIMALS.

***6607. Chaudhri Jalal-ud-Din Amber:** Will the Honourable Minister for Development be pleased to state the approximate number of full-grown bovine animals that die in one year in the Punjab?

The Honourable Chaudhri Sir Chhotu Ram: No such statistics are maintained; but the number of bovine animals, including young and old that died from contagious diseases alone was 27,788 during the year 1938-39.

CURING OF SKINS AND INDUSTRIAL CENTRES.

***6608. Chaudhri Jalal-ud-Din Amber:** Will the Honourable Minister for Development be pleased to state the names of the centres in each district of the province where the profession of curing skins is carried on by indigenous methods and by modern methods?

The Honourable Chaudhri Sir Chhotu Ram: Curing of skins is carried on practically all over the province where hides and skins are found. The following are the more important centres:—

Jullundur, Ambala, Multan, Karnal, Hissar, Sialkot, Gurdaspur, Lahore, Amritsar, Gurgaon, Ferozepore, Jhelum, Rawalpindi, Simla and Ludhiana.

[Minister for Development.]

Without a detailed survey it is not possible to specify centres more precisely and to classify places according to indigenous or modern methods of work.

CURING OF BOVINE SKINS AND FACTORIES.

***6609. Chaudhri Jalal-ud-Din Amber:** Will the Honourable Minister for Development be pleased to state whether there are any factories in the Punjab for curing bovine skins by modern methods; if so, how many and the places where they are located and also the approximate number or quantity of skins handled by each such factory annually?

The Honourable Chaudhri Sir Chhotu Ram: There are the following tanneries at present working in the Punjab, where they carry on curing in addition to tanning:—

1. Wazirabad Tannery, Wazirabad.
2. The Upper India Tanneries, Sialkot.

The number of hides handled by each factory is not divulged by the management, as this is considered their trade secret.

BOVINE ANIMALS.

***6611. Mian Muhammad Nurullah:** Will the Honourable Minister for Development be pleased to state what is the approximate number of full grown bovine animals that die in one year in the Punjab?

The Honourable Chaudhri Sir Chhotu Ram: The honourable member is referred to the reply given to Assembly Question no. 6607¹ (starred) asked to-day.

CURING OF SKINS AND INDUSTRIAL CENTRES.

***6612. Mian Muhammad Nurullah:** Will the Honourable Minister for Development be pleased to state the names of the centres in each district of the province where the profession of curing skins is carried on by indigenous methods and also by modern methods?

The Honourable Chaudhri Sir Chhotu Ram: Curing of skins is carried on practically all over the province where hides and skins are found. The following are the more important centres:—

Jullundur, Ambala, Multan, Karnal, Hissar, Sialkot, Gurdaspur, Lahore, Amritsar, Gurgaon, Ferozepore, Jhelum, Rawalpindi, Simla and Ludhiana.

Without a detailed survey it is not possible to specify centres more precisely and to classify places according to indigenous modern methods of work.

REVOCATION OF SANCTION IN REGARD TO THE BUILDING SCHEME OF MIAN ABDUL RAHMAN BY THE LAHORE IMPROVEMENT TRUST.

***6615. Shaikh Karamat Ali :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that three building schemes of (1) Messrs. Shiv Parshad Banarsi Dass, (2) M. Muhammad Rafi and (3) Mian Abdul Rahman were sanctioned simultaneously ;
- (b) whether it is a fact that sanction in the case of scheme No. 3 above has now been revoked even though the specified defects discovered in the scheme by the Lahore Improvement Trust do exist in the case of two other schemes allowed to work ; if so, the reasons for this differential treatment ;
- (c) whether it is a fact that in the case of scheme No. 3 the Lahore Improvement Trust has insisted on 37½ per cent space for roads, etc., being provided without payment contrary to the provisions of section 192 of the Municipal Act which provides that only 10 per cent space is required to be left by the owners of the lands free of cost and if required, the other 10 per cent on payment of price ; if so, the reasons therefor and why the question of compensation to the owner of scheme No. 3 for the loss he has suffered or will suffer has not been considered so far ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The schemes were sanctioned in March, 1937, April, 1936 and July, 1936 respectively.

(b) and (c) A new scheme prepared by the Administrator, Lahore Municipality, and the proposal to revoke the old scheme were published for objections. The scheme has not yet reached Government for sanction. I may, however, mention for the honourable member's information that the limitation of 10 per cent referred to by him applies only to such area as may be required by the Municipal Committee for public purposes and not to such area as may still remain private property but may not be built upon in the interest of town planning.

Khan Sahib Khawaja Ghulam Samad : From the reply of the Parliamentary Secretary it appears that only one scheme, namely, that of Mian Abdul Rahman was revoked and the other two gentlemen were allowed to build their schemes. May I know the reasons for this differential treatment ?

Parliamentary Secretary : I do not see any differential treatment. What I have stated is the proposals to revoke the old scheme were published for objections. The scheme has not yet reached Government for sanction.

Khan Sahib Khawaja Ghulam Samad : May I know if the proposal is to revoke all the schemes or only the scheme of Mian Abdul Rahman ?

Parliamentary Secretary : I will be able to answer that question when the scheme reaches the Government for sanction.

Khan Sahib Khawaja Ghulam Samad : I want to know whether scheme number 3 has only been revoked or the other schemes also ?

Parliamentary Secretary : Objections have been invited and have not yet reached Government and unless the scheme reaches Government I cannot answer his question.

Khan Sahib Khawaja Ghulam Samad : My question is quite simple and I persist in asking it again. I want to know only this whether all the schemes have been revoked or only scheme No. 8 that of Mian Abdul Rahman has been revoked. I want a straight reply.

Parliamentary Secretary : If my honourable friend will refer to parts (b) and (c) of the reply that I have given he will get the answer to his question.

DAMAGE DONE TO GRAM CROP IN THE LYALLPUR DISTRICT.

***6616. Mian Muhammad Nurullah :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware of the fact that the gram crop in the district of Lyallpur has been badly affected by the recent cold, wet and cloudy weather and the yield this year has been much below the standard yield according to the settlement ;
- (b) the extent of the damage done in this respect ;
- (c) whether the Government intends to call for a report about the damage from the local authorities ;
- (d) whether a general remission to the zamindars in the land revenue is under contemplation ; if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The damage to gram crop has not been as serious as made out by the honourable member.

(b) It is negligible in some places and partial in others.

(c) and (d) Local officers will report in due course. Relief will be granted where due according to rules.

Mian Muhammad Nurullah : How are you able to reply to the first part without getting any information from the local officers ?

Parliamentary Secretary : I am replying to part (a) after getting information from the local officers.

Mr. Dev Raj Sethi : What is the source of your information ? Revenue Department or the Irrigation Department ?

Parliamentary Secretary : Revenue Department.

DIGGING OF THE RANGAI CANAL.

***6617. Chaudhri Sahib Ram :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that it is intended to dig the Rangai canal in the Hissar district, through the agency of the Famine Relief Camps ;
- (b) if the answer to (a) above be in the affirmative, the approximate date when the work of digging this canal is intended to be taken in hand ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Government have approved of the silt clearance of the Rangai canal as a famine work, subject to the condition that the District Board, Hissar, undertakes to do this work after each flood season in future.

The work will be commenced immediately after the district board has given this undertaking.

INVITING CO-OPERATION OF PRIVATE MEDICAL PRACTITIONERS FOR
TREATMENT OF PATIENTS IN HOSPITALS IN THE PROVINCE.

***6618. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Education be pleased to state whether it is a fact that scores of qualified medical men are at present available to assist doctors-in-charge of hospitals and dispensaries in this province and, if so, whether Government has ever made an effort to invite co-operation and assistance in the matter of treatment and operations performed by civil surgeons and assistant surgeons of different hospitals in the Punjab and, if not, why not?

The Honourable Mian Abdul Haye : *First part.*—This may be so, but whether they would be suitable is a different matter.

Second part.—The question of appointing honorary physicians and surgeons in Government hospitals has been considered on several occasions in the past but was dropped on account of administrative and other difficulties. It is again being considered by the Inspector-General of Civil Hospitals, Punjab, who will submit his proposals to Government shortly.

Chaudhri Muhammad Hasan : Will the Honourable Minister please state what he means by suitable candidates?

Minister : Candidates with missionary zeal only and not those who want to improve their chances of success in life.

Chaudhri Muhammad Hasan : Has the Honourable Minister ever tried to get the views of private practitioners?

Minister : No, I have not.

Chaudhri Muhammad Hasan : Has the Honourable Minister ever asked civil surgeons and assistant surgeons of the various districts to find out if there are any candidates with missionary zeal in those districts?

Minister : As soon as the proposal from the Inspector-General of Civil Hospitals is received, necessary enquiries will be made.

Chaudhri Muhammad Hasan : When did this question come for consideration before the Inspector-General of Civil Hospitals?

Minister : I am unable to give you the date.

Pandit Shri Ram Sharma : Does missionary zeal mean propaganda of the Unionist Government?

Minister : That too is one of the qualifications. Besides this there are others.

REVISION OF MEDICAL AID FOR RURAL AREAS.

***6619. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that medical relief under the present arrangements can be availed of only by a small percentage of the population in the rural areas in the province ;
- (b) if the answer to the above be in the affirmative, the steps, if any that Government has taken for affording medical relief on the largest scale to people of the small towns and villages in the province and particularly to the female section of the population ?

The Honourable Mian Abdul Haye : (a) I am prepared to accept the suggestion that there is room for expansion.

(b) It is not possible to explain in the brief compass of an answer to an Assembly question what measures Government have undertaken to provide greater facilities for medical relief. The honourable member will find the information which he requires in the annual reports of the Medical Department. I may, however, make a passing reference to the scheme of subsidized practitioners which was inaugurated recently and to the grant of a large number of scholarships for the training of *dais* who will either be employed by Government or required to settle in rural areas. Besides this the medical officers of certain rural dispensaries are now required to tour to the neighbouring villages in order to render medical aid to the people in their very homes. The number of women assistant surgeons has also been increased.

Mr. Dev Raj Sethi : May I know the number of subsidized dispensaries in the province opened this year ?

Minister : We opened sixty last month.

Chaudhri Muhammad Hasan : Are they working or are they still to be opened ?

Minister : They are working.

Chaudhri Muhammad Hasan : Will the Honourable Minister please state in which particular districts these dispensaries are working ?

Minister : Perhaps in 20 or 21 districts.

Chaudhri Muhammad Hasan : Will he name only three of them ?

Minister : I have already stated that there are 20 or 21 districts in which they have been started.

Chaudhri Muhammad Hasan : Is there any in his own district ?

Minister : Yes.

Chaudhri Muhammad Hasan : In what places are they working ? Is the Honourable Minister sure ?

Mr. Speaker : Disallowed.

Sardar Kapoor Singh : May I know whether the Government is granting stipends for the training of nurses and *dais* this year ?

Minister : I would require notice.

NURSE DAIS AND LADY DOCTORS FOR RURAL AREAS.

***6620. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Education be pleased to state whether it is a fact that nurse-dais and lady doctors are not available in sufficient number in the villages to render medical aid to the major part of the population living in them ; if so, the action taken or intended to be taken in the matter ?

The Honourable Mian Abdul Haye : *First part.*—Yes.

Second part.—Government recently sanctioned the award of 100 scholarships at Rs. 15 per mensem each for a period of two years for training as nurse dais and 200 scholarships at Rs. 10 per mensem each for a period of one year for training as trained dais. All these scholarships have been awarded and one of the conditions for the award of the scholarships was that each candidate should give an undertaking that after qualifying she would serve Government for a period of two years or would settle for private practice in rural areas. In regard to medical aid for women it is the declared policy of Government, so far as finances permit, gradually to provide separate hospitals for women at the headquarters of each district, to appoint a women sub-assistant surgeon at the headquarters of each tahsil in charge of a separate section for women and children, and to employ nurse dais and trained dais in dispensaries.

APPROVED FIRMS FOR TRANSACTIONS TO BE MADE BY THE STORES
AND PURCHASE DEPARTMENT.

***6624. Rana Nasrullah Khan :** Will the Honourable Minister for Development be pleased to state the names of firms here or outside India approved by the Punjab Government for all transactions to be made by the Stores and Purchase Department attached to the Department of Industries?

The Honourable Chaudhri Sir Chhotu Ram : A statement containing the information asked for is laid on the table¹.

DEBT CONCILIATION BOARD IN TAHSIL SHAKARGARH, DISTRICT
GURDASPUR.

***6625. Pandit Muni Lal Kalia :** Will the Honourable Minister for Development be pleased to state—

- (a) the date since when the Debt Conciliation Board has been working in tahsil Shakargarh, district Gurdaspur ;
- (b) the names of the members of the Board and their qualifications ;
- (c) whether the members originally appointed are serving on the Board or some new members have been appointed in their place ;
- (d) the names and the qualifications of the members subsequently appointed and the reasons for so doing ;
- (e) the period for which the members referred to in (d) have been appointed ?

¹Kept in the Assembly Library.

The Honourable Chaudhri Sir Chhotu Ram : (a) 3rd January, 1938.

(b), (c) and (d) Attention is invited to the policy of Government enunciated in the volume of Secretariat Instructions, Chapter XVI, paragraph 427, Clause (e).

(e) The term of appointment of the present members expires on the 29th December 1940.

CONSTITUTION OF A LAWS AND REFORMS COMMITTEE.

***6626. Pandit Muni Lal Kalia :** Will the Honourable Minister for Finance be pleased to state whether his attention has been drawn to the resolutions passed by the Punjab Bar Conference held at Lahore on 13th and 14th May, 1939 and particularly to resolution No. 2 of their resolutions requesting the Government to constitute a Laws and Reforms Committee consisting of the members of the Bar with power to advise revision of existing laws and to submit their report on all Government Bills, if so, the action, if any, taken thereon ?

The Honourable Mr. Manohar Lal : Government have seen the resolution to which the honourable member refers. It is the usual practice, when any legislative proposal is circulated, to invite the views of the principal bar associations in the province. No change in this respect, or further action, is contemplated by Government.

Pandit Muni Lal Kalia : Is the circulation of the draft amendments or whatever it is, the same thing as is desired by the resolution ?

Minister : I do not follow the honourable member. If there is any legislative proposal, it is circulated for opinion and it is sent to all bar associations.

Pandit Muni Lal Kalia : The resolution aims at the constitution of a Laws and Reforms Committee. May I know whether in view of the resolution passed by the Bar Conference, the Government is contemplating to form such a body ?

Minister : I have already said 'no.'

CHANGE IN THE RULES FOR THE TRANSFER OF CONSTABLES AND HEAD CONSTABLES.

***6627. Pandit Muni Lal Kalia :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether there has recently been made any change in the rules regarding transfer of police constables and head constables from one district or even one range of the province to another ; if so, when was this change made and the reasons why it was made ;

(b) whether provision has been made in these rules for travelling facilities similar to those enjoyed by soldiers and railway employees during leave and for their occasional visits to their native places, and whether these rules also allow these constables

and head constables to draw travelling allowance for their families on being transferred from one place to another; if not, reasons therefor?

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

(b) No travelling allowances are granted to police officers on leave, but when on transfer head constables and constables are allowed extra railway fares for the members of their families as well as special concessions in the matter of luggage.

Pandit Muni Lal Kalia: Is it a fact that in recent years constabulary is being transferred from one district to another distant district for example, constables from the Jhelum district are transferred to Ludhiana district and vice versa?

Premier: It is not the practice normally to transfer individual constables to distant districts. But sometimes when there is trouble in any particular area we have to get reserves from other districts, it may be from Campbellpore even or Dera Ghazi Khan, where they are not required, and whence they can be withdrawn without endangering the peace of those districts.

Pandit Muni Lal Kalia: Is it a fact that there was something like a wholesale transfer of these people from Ludhiana to different districts last year permanently?

Premier: I have no information.

TRIAL OF POLITICAL CASES BY CITY MAGISTRATE, JULLUNDUR.

*6628. **Master Kabul Singh**: Will the Honourable Minister for Finance be pleased to state—

(a) the total number of political cases tried by the City Magistrate, Jullundur;

(b) the total number of persons acquitted on appeal in the higher courts?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): If the honourable member will let me know the period and the provisions of law to which he refers the necessary information will be collected.

Master Kabul Singh: I want to know the number of cases decided by the present city magistrate.

Parliamentary Secretary: I have replied that if the honourable member does not specify either the period or the provisions of law, it is not possible to give a definite reply to this question.

Pandit Shri Ram Sharma: May I know whether Government do not know what is meant by political cases?

Pandit Muni Lal Kalia: Is not the question itself quite clear? It relates to the period during which the present city magistrate has been there.

Parliamentary Secretary: No.

MUNSHI AHMAD DIN, A SOCIALIST LEADER.

***6629. Master Kabul Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether he is aware of the fact that Munshi Ahmed Din, the General Secretary of the Punjab Congress Socialist Party, and a great Socialist Leader of all-India fame is undergoing his imprisonment as a C class prisoner in Jhelum district jail ;
- (b) whether he is aware of the fact that the said prisoner is suffering from a serious eye disease ;
- (c) if the answer to (a) and (b) above be in the affirmative, the steps Government intend to take in the matter ?

The Honourable Mr. Manohar Lal : (a) He is not undergoing any imprisonment, but he is an ordinary under-trial prisoner.

(b) He is not suffering from any serious eye disease. He has got a faint thin opacity of the Cornea of the right eye.

(c) No action seems necessary.

Mr. Dev Raj Sethi : Is it a fact that he is not treated as a better class under-trial prisoner ?

Minister : I do not know, but the classification as a better class prisoner or otherwise is not a matter normally for the Government.

PROCLAMATION IN SIALKOT DISTRICT DECLARING EXACTION OF FORCED LABOUR AS ILLEGAL.

***6630. Bhagat Hans Raj :** Will the Honourable Minister for Revenue be pleased to state whether any proclamation was made by beat of drum in the Sialkot district that exaction of forced labour was illegal ; if so, the date when the proclamation was made ?

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

Second part.—In June and July, 1939 in the whole district and again in February and March, 1940 in the Narowal Tahsil.

Pandit Muni Lal Kalia : Was this proclamation of any special kind in this district or has it been issued in all districts ?

Parliamentary Secretary : The same as in other districts.

Pandit Shri Ram Sharma : May I know whether the Government have issued any instructions that where such proclamations are made by beat of drum there the thumb-impressions of the Harijans should be taken as a proof of the fact that such a proclamation has been made ?

Parliamentary Secretary : Government have issued no such instructions but this matter depends upon the discretion of the local officers.

Pandit Shri Ram Sharma : I want to know whether wherever such proclamations are made the thumb-impression of the Harijans is also taken ?

Parliamentary Secretary : I cannot add anything to what I have already stated. This depends on the discretion of the local officers.

Pandit Shri Ram Sharma : May I know whether officers take the thumb-impressions of the Harijans on their own account or Government instructs them to do so ?

Parliamentary Secretary : Government is only concerned with issuing this proclamation that the taking of begar is illegal so that nobody should take any begar from any Harijan.

Pandit Shri Ram Sharma : May I know who decides the matter whether the thumb-impressions of the Harijans should be taken or not ?

Parliamentary Secretary : This question does not arise. Government are sure that almost in all the districts of the Punjab this proclamation has been issued by the beat of drum.

Pandit Shri Ram Sharma : May I know whether and wherever such a proclamation is issued the thumb-impressions of Harijans are also taken or whether this procedure is followed only in some districts and not in others ?

Parliamentary Secretary : I cannot go into these details.

Pandit Shri Ram Sharma : May I know whether it is written in the proclamation as well that wherever it is made the thumb-impressions of Harijans should also be taken ?

Parliamentary Secretary : I have already answered this question that the local officers are taking the thumb-impressions of the Harijans.

Pandit Shri Ram Sharma : May I know whether the Parliamentary Secretary denies the fact that Public Information Bureau did not issue a press *communiqué* that Government have made arrangements to this effect ?

Parliamentary Secretary : I may tell my honourable friend that in all the districts thumb-impressions of the Harijans have been taken as a proof of the fact that this proclamation has been issued that begar should not be taken from them.

Pandit Shri Ram Sharma : Do Government keep these thumb-impressions of the Harijans as a record in their offices ?

Mr. Speaker : That does not arise.

Pandit Shri Ram Sharma : If Government do not keep record of these thumb-impressions do they destroy them afterwards ?

Mr. Speaker : Disallowed. The next question.

SCHOLARSHIPS AND STIPENDS FOR SCHEDULED CASTE STUDENTS STUDYING IN MEDICAL SCHOOL, AMRITSAR.

***6631. Bhagat Hans Raj :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of scholarships and stipends, if any, which are available for the students studying in the Medical School, Amritsar ;
- (b) if any of these scholarships or stipends are reserved for the students belonging to the scheduled castes ?

The Honourable Mian Abdul Haye : (a) Two scholarships of Rs. 20 per mensem each are awarded to Punjab students on the results of 1st, 2nd and 3rd Professional Examinations.

(b) The scholarships are awarded on merit, and none is reserved for any community.

ARREST OF TIKKA RAM SUKHAN.

***6640. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) whether Comrade Tikka Ram Sukhan, General Secretary, Punjab Congress Socialist Party, and a member of All-India Congress Committee, has been arrested; and, if so, what for and under what law;

(b) whether it is intended to try him in a court of law and, if not, the reasons for not doing so?

The Honourable Major Sir Sikander Hyat-Khan : (a) Tikka Ram Sukhan has been arrested under Rule 129 of the Defence of India Rules, 1939, as he had acted and was about to act in a manner prejudicial to the public safety or to the efficient prosecution of war;

(b) This matter is under consideration.

Pandit Shri Ram Sharma : Did he take part in any violent activity for which he was arrested?

Premier : I have answered the question as it was put. I cannot add anything to what I have said.

Sardar Sohan Singh Josh : Under what section was he arrested?

Premier : Rule 129.

Mr. Dev Raj Sethi : What were the concrete activities for which he has been arrested?

Premier : I cannot add anything to the answer I have already given.

ARREST OF TIKKA RAM SUKHAN.

***6655. Dr. Satya Pal :** Will the Honourable Premier be pleased to state—

(a) the reasons for arresting and detaining Comrade Tikka Ram Sukhan in Central Jail, Lahore, for an indefinite period and without giving him any opportunity to explain the charges against him in an open court;

(b) whether it is a fact that he has been placed in C class and that no allowance has been sanctioned for his relatives depending upon him; if so, the reasons therefor?

The Honourable Major Sir Sikander Hyat-Khan : (a) Tikka Ram Sukhan has been arrested under Rule 129 of the Defence of India Rules, 1939, as he had acted and was about to act in a manner prejudicial to the public safety or to the efficient prosecution of war;

(b) The ordinary classification of prisoners does not apply to his case ; the provisions of the law under which he has been arrested do not enjoin the payment of any allowances to him or his dependents.

UNSTARRED QUESTIONS AND ANSWERS.

REPRESENTATION OF SIKHS AMONG ENGINEERS, TRACERS AND SUPERINTENDENTS OF THE OFFICE OF PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS BRANCH.

1114. Sardar Ajit Singh : Will the Honourable Minister for Public Works be pleased to state the present strength of Provincial Service Engineers, Temporary Engineers, Tracers and Superintendents of the various branches of the office of the Public Works Department (Buildings and Roads Branch) and the number of Sikhs among them ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : The information required is as follows :—

<i>Name of service.</i>	<i>Present strength.</i>	<i>Number of Sikhs employed.</i>
<i>Engineer officers.</i>		
Punjab Service of Engineers (new)	.. 17	2
Punjab Service of Engineers (old)	.. 7	..
Temporary Engineer .. .. .	.. 1	..
Total Engineer Officers	.. 25	2
<i>Superintendents.</i>		
Superintendents in Secretariat Office	.. 5	..
Superintendents in 1st, 2nd, 3rd and Public Health Circles.	4 (one in each Circle).	..
Total Superintendents	.. 9	..
<i>Tracers.</i>		
Tracers in general line	18	1
Tracers in Public Health Circle	11	1
Tracers in office of the Land Control Officer, Punjab.	4	..
Tracers in office of the Consulting Architect to Government, Punjab.	1	..
Total Tracers	.. 34	2

NOTE.—One Sikh was recently employed as a Tracer in the office of the Land Control Officer but he resigned and that post is still unfilled.

RESIGNATION BY GOVERNMENT SERVANTS TRYING FOR NOMINATION
TO THE PROVINCIAL CIVIL SERVICE.

1115. Chaudhri Abdul Rahim : With reference to the reply to my starred question No. 6272¹ asked on the 13th March, 1940, will the Honourable Premier be pleased to state whether the Government has arrived at any decision, so far, with regard to that matter?

The Honourable Major Sir Sikander Hyat-Khan : The matter is still under consideration.

DISMISSAL OF HINDU AND SIKH OFFICERS IN THE HYDRO-ELECTRIC
DEPARTMENT.

1116. Chaudhri Kartar Singh : Will the Honourable Minister for Public Works be pleased to state the number of Hindu and Sikh officers and subordinates in the Hydro-Electric Department dismissed from 1st April, 1937, to date?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : Officers.—None.
Subordinates.—2.

REPRESENTATION OF SCHEDULED CASTES AMONG P.C.M.S., CLASS II.

1117. Dr. Gopi Chand Bhargava : Will the Honourable Minister for Education be pleased to state—

- (a) whether there has been any selection of candidates for the posts of Assistant Surgeons (P.C.M.S.) Class II after 29th September, 1939; if so, the names of those selected;
- (b) whether among the selected candidates there is any one belonging to the scheduled castes; if none, the reasons therefor and what action Government intend taking to give adequate representation to the scheduled castes in this service?

The Honourable Mian Abdul Haye : (a) Yes. The names of candidates selected for appointment to the Punjab Civil Medical Service are—

- (1) Dr. Ayyub Almad Khan,
- (2) Dr. Partap Singh Bassalvi,
- (3) Dr. Ram Parkash Malhotra.

(b) *First part.*—No.

Second part.—Appointments by communities are made in a certain order adopted by Government. The turn for the appointment of a person belonging to the scheduled castes has not yet come.

INADEQUATE REPRESENTATION OF HINDUS AMONG SUB-INSPECTORS AND
ASSISTANT SUB-INSPECTORS OF POLICE IN THE RAWALPINDI DISTRICT.

1118. Lala Sita Ram : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of Hindus at present holding the posts of Sub-Inspectors and Assistant Sub-Inspectors of Police in the Rawalpindi district;

- (b) whether it is a fact that the Hindus are not adequately represented in these posts ; if so, the reasons therefor and the steps Government propose taking to make up the deficiency ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana :

- (a) Sub-Inspectors—6 out of 29.

Assistant Sub-Inspectors—6 out of 12.

- (b) The figures do not seem to call for any special action.

INADEQUATE REPRESENTATION OF HINDUS AMONG THOSE SELECTED FOR PROMOTION FOR ASSISTANT SUB-INSPECTORSHIP OF POLICE IN THE WESTERN RANGE.

1119. Lala Sita Ram : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that out of the 28 candidates recently selected from the Western Range for intermediate course (i.e., efficiency course of head constables for promotion to the rank of Assistant Sub-Inspector of Police) only two are Hindus and that even these two Hindus do not belong to the Rawalpindi district but to other districts in the said Range although five of the 26 Muslims selected belong to that district ; if so, the reason why only two of twenty-eight promotions have been given to Hindus and why Rawalpindi district has been ignored so far as Hindu head constables are concerned ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : The facts are substantially as indicated in the question. The Deputy Inspector-General of Police has to make his selection, not on a district or a communal basis, but on the individual merits of the candidates recommended by the Superintendents.

CLAIM OF CREDITORS SETTLED BY CONCILIATION BOARD, AMBALA.

1120. Lala Duni Chand : Will the Honourable Minister for Development be pleased to state—

- (a) the number of cases decided through the method of conciliation by the Conciliation Board, Ambala, since its establishment ;
- (b) the total amount of claims made by the creditors and the total amount allowed to them by the said Board since its establishment ;
- (c) the actual amount realised by the creditors during the said period ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 2,874 cases up to 31st December, 1939.

(b) *First part.*—Rs. 7,06,444.

Second part.—Rs. 1,13,361.

(c) Rs. 81,194.

APPOINTMENT OF MEMBERS OF CONCILIATION BOARDS.

1121. Lala Duni Chand : Will the Honourable Minister for Development be pleased to state—

- (a) the number of members of Conciliation Boards in the province ;
- (b) their names and qualifications ;
- (c) who appoints them and who recommends them ;
- (d) in how many instances the recommendations made have been rejected by the appointing authority ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 84.

(b) Apart from the disclosure of the information asked for being opposed to the policy of Government enunciated in the volume of Secretariat Instructions, Chapter XVI, Paragraph 427, Clause (e), the collection of this information will involve time and labour not commensurate with the results likely to be obtained.

(c) *First part.*—By the Minister of Development with the approval of the Honourable the Premier.

Second part.—Deputy Commissioners and Commissioners.

(d) Government is not prepared to disclose this information.

COMMUNAL REPRESENTATION AMONG THE STAFF OF STORE AND PURCHASE DEPARTMENT.

1122. Rana Nasrullah Khan : Will the Honourable Minister for Development be pleased to state, community-wise, the strength of the staff employed at present in the Store and Purchase Department opened under the Director of Industries ?

The Honourable Chaudhri Sir Chhotu Ram : A statement containing the information asked for is laid on the table.

Statement showing the strength community-wise of the staff employed in the Provincial Stores Purchase Section of the Industries Department.

Class of service.	Designation.	Moham- medans.	Hindus.	Sikhs.	REMARKS.
(a) Officers ..	2 Assistant Stores Purchase Officers.	1	1	..	
(b) Office Staff ..	1 Head Clerk ..	..	1	..	Please see note 2.
	2 Senior Clerks ..	1	1	..	
	3 Junior Clerks ..	2	..	1	
	1 Stenographer ..	..	..	1	
(c) Menial Staff ..	4 Peons ..	3	1	..	

NOTE (1).—The Head Clerk and the two Senior Clerks were transferred to the Stores Purchase Section from the office of the Director of Industries, Punjab, one Mohammadan Senior Clerk and two Mohammadan Junior Clerks have been appointed in the vacancies thus caused in the Director's office.

NOTE (2).—The post of one Senior Clerk is held substantively by a Mohammadan as shown in the above statement. He is, however, working on deputation as Touring Accountant and a Sikh has been appointed to officiate in his place in the Stores Purchase Section.

APPOINTMENT OF A MUSLIM AS DISTRICT PUBLIC HEALTH OFFICER IN AMRITSAR.

1123. Khan Sahib Chaudhri Fazal Din : Will the Honourable Minister for Education be pleased to state—

- (a) whether any Muslim has ever been appointed as the District Public Health Officer in Amritsar; if not, why not;
- (b) the action intended to be taken by the Government to redress the grievances of the Muslims of Amritsar in the matter?

The Honourable Mian Abdul Haye : (a) No. Postings and transfers are made according to the exigencies of service.

(b) Government are not aware that the community has any cause for grievance.

EMPLOYEES COMMUNITY-WISE IN VARIOUS BRANCHES OF PUBLIC WORKS DEPARTMENT.

1124. Captain Sodhi Harnam Singh : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of persons who were employed in the various branches of the Public Works Department in the years 1938 and 1939, grade-wise, together with their respective qualifications;
- (b) the number among them of Hindus, Muslims and Sikhs?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) and (b). The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government. The collection of information about grades and qualifications would be a most laborious task and out of all proportion with the public interest involved.

EMPLOYEES COMMUNITY-WISE IN VARIOUS BRANCHES OF EDUCATION DEPARTMENT.

1125. Captain Sodhi Harnam Singh : Will the Honourable Minister of Education be pleased to state the number of persons community-wise who were employed in the various branches of the Education Department in the years 1938 and 1939, grade-wise, together with their respective qualifications?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table¹.

EMPLOYEES COMMUNITY-WISE IN VARIOUS BRANCHES OF IRRIGATION DEPARTMENT.

1126. Captain Sodhi Harnam Singh : Will the Honourable Minister for Revenue be pleased to state the number of persons, community-wise,

¹Kept in the Assembly Library.

[Capt. Sodhi Harnam Singh.]

who were employed in the various branches of the Irrigation Department in the years 1938 and 1939, grade-wise, together with their respective qualifications?

The Honourable Dr. Sir Sundar Singh Majithia : The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January 1939 and 1st January, 1940 (pages 22-23).

The information regarding actual educational qualifications is not readily available.

EMPLOYEES COMMUNITY-WISE IN VARIOUS BRANCHES OF POLICE DEPARTMENT.

1127 Captain Sodhi Harnam Singh : Will the Honourable Minister for Public Works be pleased to state the number of persons community-wise, who were employed in the various branches of the Police Department in the years 1938 and 1939, grade-wise, together with their respective qualifications?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : The attention of the honourable member is invited to item 30 in each of the Consolidated Statements showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January 1939 and as it stood on the 1st January 1940. Copies of these statements are available in the Punjab Legislative Assembly library.

These statements give all the information required by the honourable member except in regard to qualifications. The time and labour involved render the collection of this information impossible.

EMPLOYEES COMMUNITY-WISE IN VARIOUS BRANCHES OF REVENUE DEPARTMENT.

1128. Captain Sodhi Harnam Singh : Will the Honourable Minister of Revenue be pleased to state—

(a) the number of persons, community-wise, who were employed in the various branches of the Revenue Department in the years 1938 and 1939, grade-wise, together with their respective qualifications;

(b) the number of persons employed, community-wise, after the division-wise percentage was brought into force together with their figures, division-wise and district-wise;

(c) whether the division-wise percentage referred to in (b) above has been introduced in the offices of the Deputy Commissioners and in the other offices in the province; if not, why not?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 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) (i) Naib-Tahsildars.—Nil.

(ii) Kanungos

(iii) Patwaris

}

The question of extending the scheme to these establishments is under consideration.

(c) *First part*.—Yes.

Second part.—The question of extending the scheme to other offices under the control of the Financial Commissioners is under consideration.

RECRUITMENT OF MEMBERS OF SCHEDULED CASTES IN THE POLICE DEPARTMENT.

1129. Bhagat Hans Raj : Will the Honourable Minister for Public Works be pleased to state whether any special instructions have been issued to the Superintendents of Police in the Punjab for their guidance in the matter of recruiting scheduled castes young men in the police department ; if so, whether he will be pleased to lay a copy of these instructions on the table of the House ; if not, reasons therefor ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : Instructions were issued by the Inspector-General to all Superintendents of Police in March, 1939. It is not the usual practice to publish such departmental instructions, but the circular sent out made it clear that the Provincial Government are anxious to recruit a certain number of men from the scheduled castes in the police, provided that suitable candidates are forthcoming.

RESERVATION OF SEATS FOR SCHEDULED CASTE STUDENTS SEEKING ADMISSION TO MEDICAL SCHOOL, AMRITSAR.

1130. Bhagat Hans Raj : Will the Honourable Minister of Education be pleased to state—

(a) whether any percentage is fixed for the students belonging to the scheduled castes in the matter of admission to the Medical School, Amritsar ; if so, its particulars ;

(b) whether the same percentage is fixed for them for joining the classes for dispensers and dressers ?

The Honourable Mian Abdul Haye : (a) and (b). No seats are reserved at present for scheduled castes but the question is under the consideration of Government.

ADJOURNMENT MOTIONS.

SLAUGHTER-HOUSE IN KRISHAN NAGAR AND PREM NAGAR, LAHORE.

Pandit Shri Ram Sharma : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government in removing slaughter-house from the abadi of Krishna Nagar and Prem Nagar as revealed by the answer given to my question on the subject on the 22nd April last.

Mr. Speaker : There is no urgency and therefore I hold the motion out of order.

COMMUNAL RIOT AT SONIPAT.

Pandit Shri Ram Sharma : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the withholding of true facts of a riot of communal nature at Sonipat on 7th April last in spite of the promise made by the Honourable Minister of Public Works on the floor of the Assembly?

Mr. Speaker : The motion is out of order. The conduct of a Minister cannot be discussed by an adjournment motion.

HOURS OF SITTING.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I move—

That the proceedings of the items (i) The Factories (Punjab Amendment) Bill and (2) the Alienation of Land (Amendment) Bill be exempted at this days sitting from the provisions of the rules "Sittings of the Assembly."

The motion was carried unanimously.

ALIENATION OF LAND (AMENDMENT) BILL.

Clause 5.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia): I beg to move—

That the present clause 5 be omitted.

The motion was carried.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia): I move—

That leave be granted to move the following clause :—

"5. After sub-section (2) of section 16 of the said Act, the following subsections shall be inserted :—

(2-A) Every lease, farm or mortgage made under subsection (2) shall be determinable at any time by the owner of the land by tendering to the deputy commissioner an amount which shall bear to the amount in consideration for which transfer has been made the same proportion, as the unexpired period of transfer bears to the total period for which the transfer has been made.

Explanation.—Lease includes a temporary alienation of land in satisfaction of a money decree.

(2-B) The deputy commissioner shall give notice to the parties and after hearing them and recording such evidence as may be produced shall determine the amount to be tendered under sub-section (2-A).

(2-C) When the amount as determined has been deposited with the deputy commissioner he shall make an order that the lease, farm or mortgage be immediately determined; that the owner be put in possession as against the lessee, farmer or mortgagee; and that the amount in deposit be paid to the person entitled.

- (2-D) For the purpose of enforcing an order under sub-section (2-C), the deputy commissioner may exercise all the powers of a civil court conferred by order XXI, rules 97 and 98 of the Code of Civil Procedure.
- (2-E) A civil court shall not have jurisdiction in any matter of which the deputy commissioner is empowered to dispose under sub-sections (2-A), (2-B), (2-C) and (2-D), or take cognizance of the manner in which he exercises any power vested in him by these subsections.
- (2-F) The order of the deputy commissioner shall be subject to appeal or revision in the manner and to the extent prescribed in sections 13-B and 13-C and the period of limitation shall be as laid down in section 13-D."

The motion was carried.

Minister of Revenue : I beg to move—

That the new clause be taken into consideration.

Mr. Speaker : Motion is—

That the new clause be taken into consideration.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, this appears to be the most unreasonable amendment of the law. It means you are now undoing an amicable settlement which was arrived at some years ago between the creditor and the debtor in pursuance of your own legislation. When the creditor accepted in payment of a part of his debt the lease of land some years ago, he did not calculate it on the basis of the income of any particular year. We all know that during the last few years the agriculturists or the lease-owners have realised very little from their lands. Now this legislation is brought forward so that all the settlements previously made should be set aside and the debtors should be able to take back their lands. The settlement was made between the creditor and the debtor themselves and the former took land on lease; why should it be possible for the owner of that land to set aside that lease at his sweet will? Why do you not pass such a law with respect to all leases? You are not passing any law that it should be open to every lessor to set aside a lease. Simply because they affect the relations between the agriculturists and the non-agriculturists, you want that all settlements that have been made should be set aside and new arrangements entered into. I protest most strongly against this piece of legislation.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I am not opposed to the principle of the Bill. I rather support it. But I must say that this proposal is not as clear as it should be. If I were to take you to section 16 of the Land Alienation Act, you will find that according to the first subsection the land of the agriculturist cannot be sold in execution of a decree and in the second subsection it will be found that the land of the statutory agriculturist can be leased or mortgaged for a number of years not exceeding twenty. Now according to this amendment all these leases shall be subject to one condition, namely that which has been proposed by 2-A, that "every lease, farm or mortgage made under subsection (2) shall be determinable at any time by the owner of the land by tendering to the deputy commissioner an amount which shall bear to the amount in consideration for which transfer has been made the same proportion as the unexpired period of transfer bears to the total period for which the transfer has been made." Suppose a man puts an application. It is implied that every lease can be terminated only on this

[S. Kapoor Singh.]

condition that he pays the proportionate amount. On the other hand you say that the deputy commissioner shall determine the amount to be tendered. This is section 2-B. You will find that the land has been mortgaged or leased or sold in execution of a decree. There is a money decree standing in his name. There is a definite amount of that decree. Suppose that decree stands for Rs. 1,000 and the land has been mortgaged for 20 years. If the man comes after ten years, he must pay Rs. 500. That is the first condition. If so, what is the amount to be determined by the deputy commissioner, because the agreement is that he must pay according to the proportion as prescribed in clause 2-A? So there is nothing left to be determined. I therefore cannot understand what is meant by clause 2-B. What is there to be determined by the deputy commissioner? The utmost you can say is that the consideration for which the land has been transferred is to be determined. But that is to be determined by the civil court. On the other hand you will find another difficulty, because that is a decree of the civil court. You ask the applicant to apply to the deputy commissioner and the deputy commissioner says that he must pay such and such an amount. There is a decree of the civil court to be satisfied, because there is no provision in the Bill that by the payment of that money as determined by the deputy commissioner, the decree shall be deemed as satisfied. Even if part has been repaid in the civil court that decree shall remain unsatisfied as long as the civil court has not certified the full satisfaction. In these circumstances it would have been better if you said in the proposed clause that the applicant should first apply to the civil court and then the thing would be determined as to what has been paid, by the deputy commissioner. That would have been the proper procedure. But now you are taking away the jurisdiction of the civil court. You are not gaining the object you have in view. If you want to do a thing do it sincerely.

Mr. Speaker : Question is—

That the proposed new clause be taken into consideration.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I would like to move an amendment to this clause and in order that my amendment may be properly understood, I would say a few words before moving it. It may be that a person may be a creditor or may be an ordinary lessee. He has taken lands on 20 years' lease, has spent considerable amounts of money on improving the lands after he took them on lease. Supposing he took it for Rs. 1,000 for 20 years and he has spent another thousand on improvements. If this Bill stands as it is, the result would be the lessee after ten years will be asked to vacate the land on receipt of Rs. 500. This is the effect of this clause. The Rs. 1,000 spent on the improvement of the land will not have benefited him much as it would take some time before he can derive benefit from the improvements. I would, therefore, move the following amendment :—

That the following proviso be added to (2-A) :—

"Provided that any cost incurred by the lessee or mortgagee in improving the land after the lease or mortgage came into effect shall be taken into consideration by the deputy commissioner in determining the amount due to the lessee or mortgagee, as the case may be."

"his Bill, if I may say so, is nothing but that amendment which was included first by the select committee and was then omitted by the Government and which wanted to bring usufructuary mortgages within the definition of debt. I must say that this is an important amendment and I think it is only fair and just that the amendment proposed by me be taken into consideration.

Mr. Speaker : New clause under consideration, amendment moved is—

That the following proviso be added to 2-A, before the explanation—

"Provided that any cost incurred by the lessee or mortgagee in improving the land after the lease or mortgage came into effect shall be taken into consideration by the deputy commissioner in determining the amount due to the lessee or mortgagee as the case may be."

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, I have no fault to find with the spirit which actuated my honourable friend to move this amendment but I regret that I am unable to accept it. The reason is this, that so far as compensation for improvements in land is concerned, it is already provided for in other Acts. Our intention now is that if a mortgagor pays back the proportionate amount owed by him, he should be put in possession of the land as against the lessee or mortgagee.

Again, if the deputy commissioner has been empowered to determine the amount to be tendered by the lessor or the mortgagor it is because we want to save both the parties from a lot of unnecessary botheration and litigation. For instance, if a lease has been taken out for 4 years in respect of a debt of Rs. 8 and one year has elapsed out of a total of four years, we want the lessor to redeem his land on payment of six rupees to the lessee.

But my honourable friend Mr. Mukand Lal Puri, who remarked that he speaks with the set purpose of seeing his speeches in print, delivered wholly unnecessary speech in which he complained that in the event of a rise in prices the mortgagees and lessees would suffer a loss, if they are called upon to relinquish the lands in their possession. But may I inform my honourable friend that these mortgages will include even those which were effected twenty years ago and in connection with which the mortgagees have benefited considerably on account of the high level of prices reached in 1921 ; and now that the prices are low the mortgagors will have to pay in the same proportion. My honourable friends should know that the benefit, if any, will accrue to the mortgagee or the lessee and not to the mortgagor. If the mortgagor can manage to get money from somewhere he will be in a position to redeem his land.

In the end I assure my honourable friends that this Bill would prove more beneficial to the mortgagees and that they would be only too glad to realize their outstanding debts.

Dr. Sir Gokul Chand Narang : The Honourable Premier has ignored just one thing. So far as the old lessees or mortgagees are concerned his remarks would certainly apply and I am also not interested in disagreeing with him in this that there may be some lessees and mortgagees with possession, as they are in usufructuary mortgages, who may welcome the amounts considering the hard times ahead, in fact hard times that have already arrived. But one thing he has ignored and that is this that in the case of new

[Dr. Sir Gokul Chand Narang.]

lessees and new mortgagees they may have spent a lot of money on the improvement of the land by sinking wells or by making pacca bunds or by planting some garden, it may be, in the hope that they would enjoy the fruit of the land for 20 years or so. There is no doubt that ultimately the land would pass out of the mortgagee's hands whether he has or has not recovered his dues out of the usufruct of the land. That is quite clear, but when he is being forced to give up the land which he has improved and on which he may have spent considerable sums, then he is certainly deprived of the fruits of his labour and his investment; and I think it is only fair—even my zamindar friends would concede that it is only fair—that if after three or four years, the land is being restored to them although it was restorable after 20 years and the land has in the meantime been improved they should pay some compensation to the lessee or the mortgagee for the improvements that he has effected. To me this seems to be perfectly just and fair and the Honourable Premier has probably forgotten that even in the case of benami transactions, I am speaking from memory and if I am not mistaken, under that Bill, a provision has been made for compensation for improvements which fall within the Land Revenue Act. It may be in the case of restitution of mortgaged lands. In one of these Bills a specific provision has been made for allowing compensation for improvements which come within the purview of the Land Revenue Act, and if they have had this sense of fairness in 1937, I do not know why they should be less fair in 1940. It is an obvious thing that where money has been spent on sinking a well or other improvements and the man is going to be dispossessed before his time, he ought to be compensated. With these words I leave the matter to the House.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): I think my honourable friend is labouring under a delusion. Under usufructuary mortgages nobody can make an improvement without an agreement with the owner of the land. Whatever improvement is made is made under the Land Revenue Act. We have considered the whole position and I do not know why we should at this stage accept this suggestion. The honourable member is very keen to safeguard the interests of those people whom he is trying to represent. If my friend were to build a sugar factory on the land, does he consider that he is entitled to any compensation?

Dr. Sir Gokul Chand Narang: That is not an improvement.

Minister: He has had that lease for ten years or five years and he has had his profit and if my friend says that now that good prices are to be had, he must have his 1,500 rupees, it is unfair on his part to claim more than Rs. 500. I therefore cannot accept his suggestion (*hear, hear*).

Mr. Speaker: The question is—

That the following proviso be added at the end of (2-A) of the new clause—

“Provided that any cost incurred by the lessee or mortgagee in improving the land after the lease or mortgage came into effect shall be taken into consideration by the deputy commissioner in determining the amount due to the lessee or mortgagee as the case may be.”

The motion was lost.

Mr. Speaker : The question is—

That the new clause be added to 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.

Minister for Revenue : Sir, I beg to move—

That the Punjab Alienation of Land (Amendment) Bill be passed.

The motion was carried.

FACTORIES (PUNJAB AMENDMENT) BILL.

Mr. Speaker : The Assembly will now resume discussion on the motion that the Factories (Punjab Amendment) Bill be circulated for eliciting opinion hereon.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*) : Sir, I feel somehow that the various honourable members, who have spoken on this motion, have looked at it from various points of views. While the Opposition has expressed the view point of the trading and capital classes in this province, strangely enough, no zamindar member has so far spoken from the point of view of zamindars. In this connection I might point out that when the Honourable Premier expressed his views he spoke more in the capacity of a Premier, and as Leader of the House, than as a zamindar.

The Bill has been sponsored by Honourable Chaudhri Sir Chhotu Ram against whom the zamindars may not have cause for complaint but I for one cannot see eye to eye with him in this matter. I know full well, that Chaudhri Sir Chhotu Ram is a powerful dictator, and has done a great deal for the zamindars, but I cannot help saying that so far as this measure is concerned, it is definitely detrimental to the interests of the zamindars. If the Government is really desirous of giving some relief to the poor zamindars, they should better try for the ever-increasing absorption of agricultural labour in industries. As you are aware, Sir, agriculture has ceased to be a paying proposition for the agriculturists, who henceforth look towards the factories for employment. In a position like this if you control affairs in such a manner that the raw material which is exported at present is henceforth utilised in this province and agricultural labour absorbed, obviously the industries will develop and lot of the people will improve. This I want to assert, Sir, is the only way to provide relief to the poor.

The increase in income due to the development of industries will go to the coffers of the Government and the burden of land revenue on the zamindar will consequently become lighter. More the revenues from industries, etc., the more the chances for relief to the zamindars. In development of industries lies the salvation of our province. It is a pity that

[Mian Muhammad Nurullah.]

Honourable Chaudhri Sir Chhotu Ram has not kept this fact in view, while framing this Bill. Mere assertion that this measure is going to benefit the zamindars is useless unless my honourable friend is prepared to substantiate his remarks by facts and figures. In this connection I can, let me say, Sir, confidently quote figures to prove that this measure is prejudicial to the interests of the zamindars. I for one think that by virtue of this measure, the Government want to take more power into their own hands and the interests of the poor will suffer as they already do under this Government.

If you take the power of allowing or disallowing a factory to be set up into your hands, you indirectly desire that a certain section of the people which was independent before, inasmuch as it invested capital wherever it considered profitable, should henceforth come and beg at your door, just as zamindars are used to. In other words, you mean that a factory-owner may set aside all considerations of self-respect and run after you and your subordinates for months and months. You want them to be your sycophants and hangers-on. Instead of making any improvement in industries do you on the other hand wish to gain hold on this section of the people also? I can say without any fear of contradiction that this is extremely unfair. For, could this not mean that whoever is incapable of winning your favour by undue flattery, will have absolutely no chance in the industrial field? Do you mean to cripple industry by depriving it of a valuable but unfortunately self-respecting section of industrialists? I am afraid this is nothing short of placing obstacles in the way of country's welfare.

For the sake of argument, take the instance of Lyallpur Cotton Factory. I can without exaggeration say that the said factory has provided employment for about three or four thousand persons, including hundreds of zamindars who live in neighbouring villages. In view of this if you are still desirous of throttling industry, can it not be said that you want to strike at the fountain heads of employment and livelihood for the poor people of this country?

I might frankly point out, Sir, that I am absolutely at a loss to understand what the Honourable Minister means by congestion in this connection. What is meant by congestion, I would like to know when our industries are in an infancy stage, when our industry is not even capable of entering into competition with other provinces of this country, so far as efficiency is concerned, not to speak of competing with highly industrialised countries of the world. You have included hosiery in your schedule too, in spite of the fact that this has proved to be a fairly profitable and beneficial industry in Ludhiana. You could rightly say that there are defects in the organisation and working of this industry, but does that by any means justify that you should gain control on this industry and make the organisers subservient to your will? I can positively assert that unless and until you arrange for the ever-increasing supply of cheap labour, particularly skilled labour, for the factories and the utilization of all the raw materials that is abundantly available in this country, you cannot expect a cheap outturn of goods from the factories of this province, and can never hope to find his

country industrially at par with other advanced countries, such as Japan. Again, you have been pleased to include textiles in your schedule as well, which means that the chances of absorption of agricultural labour in cotton factories will be minimised, and the growth and development of industries in the province will receive a set-back.

I will now quote figures in support of my arguments and ask my honourable friends to make a note of these if they like. The statistics show that 154,212 maunds of spun yarn were imported into this country while only 12,200 maunds were exported. The share of our province in the imported yarn was to the extent of 142,012 maunds. In view of these figures the state of our industry can well be imagined. Now if the Government further discourages industries by enacting this measure, the position is sure to get worse. Coming to cotton piecegoods, we find that our province imported no less than 1,892,944 maunds in 1937-38. For any doubts that might arise as to the genuineness of the figures quoted by me I would like to refer my honourable friends to the book of Inland Accounts which is issued every month by the Department of Commercial Statistics, Calcutta. All that I have done is that I have worked out an average from the figures for 12 months. If we were to work out the value of these imports, it would come to crores of rupees. This shows the colossal amount that we are spending on cotton goods; imagine the money that goes abroad.

It is no doubt true that labour is cheap but we have also to see how much capital is invested in these industries. I would quote figures to show the amount of capital invested in our province.

Mr. Speaker : The honourable member is going too far.

Mian Muhammad Nurullah : Sir, I am trying to convince the House that this restriction of establishing or extending factories is prejudicial to the interests and progress of our country.

Mr. Speaker : The motion under discussion is that the Bill be circulated for obtaining public opinion thereon.

Mian Muhammad Nurullah : This is the material point and our conclusion depends upon facts and figures which nobody knows outside. Therefore, while stressing the importance of this point, I would press upon the House that there is great necessity for circulating the report of the select committee again for public opinion. The public does not know these facts how much capital we have, how much percentage of capital we have invested and what the position is in the province. The total production of spun yarn in British India amounted in thousand pounds to 890,584, whereas in the Punjab total production was 9,085 lbs. This means that we produced only one per cent of what was produced by the whole country. Still you want to impose further restrictions on our industry. If we were to compare the cotton producing area of the Punjab, with that of the rest of India we find that where such area in the whole of British India comes to 1,500,761 acres, the cotton growing area in our province is 288,000. It means that our area is about 17 per cent of the whole. Now in spite of the fact that the quality of cotton grown in the Punjab is far superior to that produced elsewhere and in spite of the area being about

[Mian Muhammad Nurullah.]

one-fifth of the whole, we are only producing one per cent of spun yarn in our province. While we are striving to develop industries, you are trying to crush them.

From cotton I come to glass industry. The figures indicate that we imported 2,359,000 maunds of glassware and exported only 29,344 maunds. Instead of 14 glass factories that were working in this province some time ago there is only one such factory now and that too is in a bad way. Even the committee set up by this very Government had recommended the Government to take over that factory under their own control, but they have introduced this measure instead. Only recently we passed a Bill for bottles to be returned to breweries, etc. The import of hydrogenated oils goes up to 3 lakhs of maunds and yet there is a great scope for the development of this industry. Again hosiery imported into this country costs us 67 lakhs of rupees, and the share of the Punjab in this too is considerable.

It is absolutely wrong to say that the capital is not flowing out of the province. The Honourable Premier himself has cited the example of sugar industry and has tried to show that the capital had already gone out of the Punjab. Sugar industry has been implanted in the United Provinces and if the Government are really serious in their professions for the betterment of the zamindars, they should give sufficient water to enable them to grow sugarcane. If that is done the Punjab can very easily beat the United Provinces in the production of sugarcane. In certain areas the yield per acre is 500 maunds of sugarcane but when more water is supplied to the zamindars, they have even reached the figures of 1,200 maunds per acre. Sugar percentage is not now so bad either as it was once thought to be.

Our suspicions in regard to the intentions of this Bill are all the more strengthened when we see that the Government have added a further provision for the imprisonment of an entrepreneur who defaults in the payment of fine imposed upon him for extending or establishing a factory without the previous sanction of the Government. This will act as a deterrent for those who are likely to invest money in some industry. Because people would not like to risk their honour apart from capital they invest by establishing industries in this province.

The Honourable Premier has stated that applications are being received from those who want to establish factories in this province. Let me inform him that if this Bill had not come into existence the question of making these applications would not have arisen. If applications had been invited and there were no restrictions applications would have been received. What we have to see is how much spade work has been done in this connection. How far have the industries developed? What does it matter if the Honourable Premier had received a number of applications?

Some of the honourable members have stated that cement factories are being opened in Patiala and sugar industry is going out to the United Provinces. The capital is being driven out of the province. The fact is that this Bill has frightened the capitalists who do not want to undertake any industry in this province, and this is going to recoil on the Government themselves.

The contention in regard to over-production is also not substantiated by facts. I have already stated that the production of spun yarn in the province is only one per cent of the total production of India and there is a great scope for this industry.

The difficulty is that the Government have not done what they ought to have done, but are trying to do what they should not do. They should undertake a detailed survey of the province and find out what kind of raw material is produced, say, in the districts of Hissar, Ludhiana or Lyallpur, and what particular industry is most suited to each of them. After having ascertained these facts they could gladly fix the number of factories for each district saying that one cloth mill, one hosiery factory, one sugar factory and so on can be located in this or that area. Then you could say "well our experts have made a detailed survey and we cannot allow a congestion of factories, because it would neither benefit the producer nor the province," and no one would object. But it is to be regretted that the Government have done nothing of the sort and have instead introduced this measure, which empowers them to penalise any extension of a factory. As my honourable friend Diwan Chaman Lall remarked you are going to throttle small enterprise. If any one dares to contravene this law he will be liable to punishment with fine and in default to undergo imprisonment.

I think private enterprise should in no case be bound down with such restrictions and the Government should not use such arbitrary powers. If a private entrepreneur asks for permission to start or extend a factory, he will not, thanks to your red-tapism, get a reply before six months, and in case he extends or establishes it himself after having been tired of the delay, he will be fined Rs. 5,000. My submission is that the fine should in no case exceed half the capital investment in a business or factory.

There are many other flaws and defects in this Bill which should have come before the public and their opinion should have been elicited so that their representatives in this House may have had the opportunity to fully represent their views and to know whether this Bill is to be supported or to be opposed. In the present circumstances we have no other alternative but to oppose this measure.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) (Urdu): Sir, I was under the impression that reference of a Bill to a select committee invariably meant that the House was in complete agreement with the principle underlying the measure, and that when it emerged from the committee no honourable member was competent to controvert that principle. Now this particular Bill has also come back from the select committee after undergoing necessary modifications. So I was perfectly justified in expecting my learned friends not to bring the principle of the Bill again under discussion. It is regrettable that they should have directed their criticisms against the principle of the Bill at this stage once more.

This principle, as you know, Sir, is quite simple and plain. It only contemplates that the establishment of new industries and the extension of old ones should be brought under an effective administrative control. Now before referring this Bill to the select committee the House had expressed

[Minister for Development.]

its approval of the principle underlying it. Since, however, certain honourable friends opposite have again made it a subject matter of discussion I should like to make a few observations in this connection. Although most of the members belonging to the Congress and Independent parties had participated in the debate yet the last speaker deemed it fit to preface his speech with the remark that he wanted to discuss the Bill from the point of view of a zamindar. Our information was that he belonged to the Independent party, but now he has made it clear that whatever the members of those two sections of the Opposition had said was not at all acceptable to him as a representative of the rural community. Presumably he meant to say that the Congress and Independent parties had miserably failed to safeguard the interests of the poor zamindars. Well, I have no grudge or grouse against the Independent party, which as its name indicates, is free to do or say whatever it likes. But the attitude adopted by the Congress party in connection with this Bill is really unintelligible to me. If they are true to the Congress they cannot condemn the principle of the Bill. Let me point out to them that the whole conception of the National Planning Committee appointed by the All-India Congress Committee is derived from the principle that there should be an effective control over the establishment of industries in the country. The committee holds strongly that before setting up an industry in a particular *ilaga* we should satisfy ourselves thoroughly that the normal requirements of that area justify the venture and that there is no unnecessary overlapping of industrial effort and financial investment. But, to be frank, I have failed to understand the perverse mentality of the Punjab Congressmen. The views which they express here are inconsistent with the policy and principles enunciated by the parent organisation. In spite of the fact that the basic principle of the Bill is the same as has been accepted by their own National Planning Committee they are not prepared to uphold it simply because the Bill which embodies it has been sponsored by the Punjab Government. Let these minions of capitalists understand that it is far from the intentions of the present Government to take any step which may prove detrimental to the best interest of our friends' masters. On the other hand our object is to enable the capitalists to derive the maximum benefit from healthy industrial development in the province. I do not claim infallibility and it is just possible that I may err here and there, but it would be most unjust to suggest that I intend to put a spoke in the wheel of industrialisation in the Punjab. When I have repeatedly declared inside as well as outside the House that the prosperity and economic well-being of agriculturists largely depends upon industrial progress, how can anybody believe that I shall be guilty of arresting the growth of industries and thereby impair the chances of the prosperity of agriculturists? Unfortunately there are certain members in the House whom I cannot convince that despite my deepest sympathy with agriculturists I do not intend to act in a manner prejudicial to the interests of industrialists. It almost seems a waste of time to attempt to convince them of my *bona fides*. However, let me repeat that I yield to nobody in my desire to see industrialists flourish and prosper. All that I desire is that obstacles should be removed from the way of industrialists. Under the present circumstances, the capitalist, in spite of the fact that he is able to invest, say 20 or 30 lakhs of rupees on an industry, feels uncertain about his ultimate success and prosperity.

He fears lest another industrialist should also appear in the field and start a rival factory which may lead to unhealthy competition in the same locality. I need hardly say that a system under which such happenings are or may be of frequent occurrence, cannot fail to have an adverse effect on the industrial development of the province. Uneconomic competition will, in such circumstances, set in with the result that the rival concerns run at a loss. But under the law now proposed Government will grant permission to the second industrialist for setting up another industry in the same locality only after due and proper consideration of actual requirements.

Again, it goes without saying that the establishment of several factories in a single place leads to congestion and insanitary conditions. Moreover, it becomes increasingly difficult to provide requisite amenities to the workers of such factories. But satisfactory arrangements can be made for maintaining a decent standard of sanitation and even improving it where the number of factories is in accordance with the actual needs of a locality. Thus the main object of this Bill is to avoid the evils resulting from uneconomic competition and congestion of labour in a particular industrial area. In short this measure aims at creating confidence in the minds of the capitalist so as to make him feel that if he invests his money in a certain industry no other capitalist will be allowed to start the same industry in that very area and thereby imperil the capital invested by the first one. I was afraid that people might taunt me with the charge that in spite of my claim for being a semi-socialist I was passing a Bill which tended in the direction of monopoly. But, how strange that members belonging to the Congress and Independent parties which are the champions of capitalists should be accusing me of a design to bring about the destruction of capitalists by a Bill of this character! But let me assure the House that neither myself nor anybody else in my party is in the least inclined to create unnecessary obstructions for the capitalists. I am afraid my friends are labouring under a delusion, if they think that any undesirable hinderances were being placed in the way of the progress of factories in this province. If I have rightly guessed the apprehensions of the Opposition I must say that their doubts and misgivings are absolutely baseless. This piece of legislation is meant to improve the lot of workers by safeguarding the interests of factory-owners. I have frequently been accused of having no soft corner in my heart for the capitalists but even if that accusation were correct personal inclinations are irrelevant. The policy of the present Government is to provide all possible facilities for the progress of industry in the Punjab. Agriculturist class will certainly gain from industrial development. The Government is looking forward to the introduction of many healthy reforms in factories which will go a long way to ameliorate the condition of the working class. I intend to bring forward another Bill for this purpose shortly. I know that certain members of the Opposition have been giving notices of various Bills, such as, Bills urging the provision of maternity benefits, medical aid, health insurance, provident fund and similar other privileges for workers. The Government has opposed such Bills. But this opposition is traceable not to lack of sympathy, but to absence of favourable financial conditions. Our policy is to encourage industrial enterprise. With conditions of security produced by this law will come new industries, better profits and ampler opportunities for levying more taxes on prosperous industrialists. Let me point out

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that when funds become available through fresh sources of revenue we shall not lag behind our Congress friends in wishing to promote the welfare of labour. Our desire to improve the lot of labour is genuine. We are not influenced in this by any ulterior motive. It is part of our party creed. Our Congress critics might change their views when they find the interests of their electorate in conflict with those of workers. But I may assure them that we will not go back on our word. I suspect that the present Bill is unpleasant to capitalists and to their representatives in this House because they anticipate that the next step will be levying taxes. If that is so, I appreciate the difficulties of the Opposition and sympathise with them in their difficulties. But we are determined to go ahead in spite of all Opposition. Again Mian Muhammad Nurullah complained that this Bill was a mere device for securing fresh power. I think, he was speaking from zamindara point of view. If so, let me assure him that my zamindar brethren are fully convinced that if any power comes into the hands of Chhotu Ram that power will be used for the welfare of zamindars. (Cheers.) And I may once again repeat for the benefit of Mian Sahib that if any power comes into the hands of Chhotu Ram or any other member of the present Government every honest zamindar may rest assured that that power will surely be used for the benefit of the zamindars. (Cheers.) I think that the old sound notions of my friend Mian Muhammad Nurullah have undergone a change as a result of his contact with the Opposition. But I feel that certain elements in the Opposition are distinctly of the view that we have almost an obsession for the interest of zamindars.

Again, Mian Muhammad Nurullah stated that there was only one class of people who cared for their self-respect and that we are out to render them devoid of self-respect as our own zamindar brethren by creating conditions under which non-agriculturists also will have to bow before clerks and other subordinates in Government offices like zamindars. I am afraid that in consequence of his seat being on the benches of the Opposition and his constant associations with members of non-agricultural classes he has learnt to misunderstand me and has forgotten the creed of his old party. I am most anxious that the feeling of self-respect should be developed and strengthened in every class. It is one of the most important items of the programme of the Unionist Party to promote and strengthen the sense of self-respect in all sections of the Punjab population. I, therefore, need hardly assure the House that the creed of our party enjoins that the sentiment of self-respect should be aroused and strengthened among people. It is particularly necessary to promote that sentiment among a class of people who have little concern for self-respect where their material interests are affected. They are in the habit of worshipping mammon.

Dr. Sir Gokul Chand Narang : This is the class whose shoes you have been licking until you became a Minister.

Minister : I have not cared even to slap their crown.

Sardar Sahib Sardar Santokh Singh : Sir, the Honourable Minister is defaming the whole class. He says there is no self-respect amongst the commercial people. The Minister should be asked to withdraw these words. As a Minister he must have greater sense of responsibility. I strongly protest against the language used by him.

Minister : Again, certain other clauses of the Bill have been criticised. For instance, my friends opposite have taken objection to the period of imprisonment provided for certain breaches. In this connection I may remind the Opposition that a member of the Ministerial party has already given notice of a suitable amendment, and therefore my friends opposite should not worry about it. Next comes the question of fine. The Opposition has taken objection to this clause also. I fully understand that this fine is unwelcome to capitalists.

Let me tell my friends opposite why we intend to impose so much fine. As, in a number of cases capitalists, are likely to derive large benefits by breaches of the provisions of this Bill, they will not hesitate in violating them. For this simple reason we have provided that fine should extend to rupees five thousand. I may also point out that the mere presence of a provision sanctioning heavy fine does not necessarily mean that heavy fines will be imposed on every occasion when a defaulter has to be punished. The amount of fine will vary in each case according to the nature of the crime committed. All that we have done is to fix the maximum amount of fine that can be imposed in any case, and this amount is Rs. 5,000. As to the scale of fees to be charged, we have left it to be decided at the time of making rules. The scale of fees to be charged will be determined at that stage. (*Dr. Gopi Chand Bhargava :* Will the Deputy Commissioner award this punishment?) The Code of Criminal Procedure prescribes the authority competent to try and punish offences. Any lawyer member sitting on the Opposition benches will be able to enlighten the honourable Leader of the Opposition on this point. I am not clear on the point at the present moment.

So far as the scale of fees is concerned the Honourable Premier has already made it clear that for the present Government has no intention of making this law a fiscal measure. At present the Government has no such intention. May be at some future date, a year or two years hence or even after a longer period than this, the Government may utilise it as a source of income for the purpose of rendering a little service to the poor zamindars. But at present the Government has no intention of collecting larger amounts than what may be required for covering the whole or a part of the expenditure of this department. But a day may come, and I pray Almighty to send it sooner than we expect, when the Government may decide to utilise this law as a source of income for the amelioration of the condition of the poor agriculturists.

Mr. Speaker : Question is—

That the Factories (Punjab Amendment) Bill as reported on by the select committee be circulated for the purpose of eliciting opinion thereon by the 30th June, 1940.

The Assembly divided. Ayes : 31, Noes : 51.

AYES.

Ajit Singh, Sardar.

Dev Raj Sethi, Mr.

Duni Chand, Mrs.

Faqir Chand, Chaudhri.

Gokul Chand Narang, Dr. Sir.

Gopal Das, Rai Bahadur Lala.

Gopi Chand Bhargava, Dr.

Hari Lal, Munshi.

Harjab Singh, Sardar.

Jugal Kishore, Chaudhri.

Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Hassan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Nurullah, Mian.
 Mula Singh, Sardar.

Muni Lal, Kalia, Pandit.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Ali Akbar, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Muhammad, Mian.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh American, Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Mann, Sardar.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan Bahadur Raja.

Muhammad Paiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gur-chani, Khan Bahadur Sardar.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Raja.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nasrullah Khan, Rana.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh, Siddhu, Sardar.
 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.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : Question is :

That the Factories (Punjab Amendment) Bill as reported on by the select committee be taken into consideration.

The motion was carried.

Clause 1.

Mr. Speaker : Question is :

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

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

That in the proposed section 5-A (1), line 2, the words " or extended " be deleted.

As has been stated by the Honourable Minister of Development now, he wants to see that no new factory is established in the province except with the permission of the Government. He says further that with regard to the present factories there should be no extension unless the permission of the Government has been obtained. My submission is that the addition of these words " or extended " is not justified by any political, economic or legal considerations. The provision as it stands is very tyrannical and oppressive. One argument that has been given by the Honourable Minister of Development is that he wants to protect the capitalist. I want to put a direct and plain question to him. Is it to protect the capitalist who has invested his money in the factory, that if he wants to extend it, he must get the permission of the Government? Permission may be refused by the Government. It may be given or may not be given. In the case of refusal, should I take it that it is to protect the capitalist? Is this the sympathy shown to him? If a capitalist wants to invest some money in extension, he is to be at the mercy of the Government. It was stated by Sir Samuel Hoare in the House of Commons, that imperialism is dead. I wish he were here to see that one of the Ministers, created under the Government of India Act which he piloted in the House of Commons, wants to see that imperialism lives and lives in full vigour. What is the sum and substance of the argument that has been advanced? It is that he wants to create an autocracy in industry and a monopoly. He says he wants to protect the capitalist. It is just possible that the capitalist may knock at his door and he may refuse permission. Will he in that case protect the capitalist or compel the capitalist to see to his capital flowing outside the province where he may set up a factory? It was stated yesterday by the Honourable Minister that the object of the Bill is to raise a little money. To-day he has also stuck to his guns and says that he wants to make money. It was stated by Honourable Premier that he wants to avoid congestion. I submit neither the one nor the other is the true statement of facts and their intentions. If the proposition were, as we have got a certain hint from the Honourable Minister of Development to-day, that he wants to create a net of monopolies in the industries of this province and he wants to see that the industry is not democratised, it would be a right position. It may be then that certain persons who are their favourites—may have the permission to undertake and embark upon industrial enterprises. I submit that this is the position beneath the surface. They want to have political power to keep that much-hated and much-despised class, the non-agriculturists, under their heels. It is a misfortune that we hear sometimes sentences falling from the mouth of the Honourable Minister of Development, whether

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deliberately or otherwise that fall within section 153-A. He was challenging the self-respect of the non-agriculturist community. The aims and objects that were given in the Bill are clear. I can understand that there may be objection to the amendment suggesting that no permission should be necessary whenever a new industry is to be started.—That is also bad. But I cannot understand the objection to my amendment. Where the question of extension comes in, surely the present factories should not be placed under a disability. The object is not socialistic. It is political. The Honourable Minister went so far as to say that there is a national planning committee constituted by the Congress. I submit that the national planning committee has not investigated the conditions of Punjab so far. (*Interruption.*) The Honourable Minister for whom I have got profound respect says 'ah'. I submit it is not 'ah', it is a fact. If he is under the impression that there has been investigation in this province, surely he is under a misapprehension. He is betraying his lamentable ignorance. No such investigation has yet been made with regard to this province. But do the conditions in the province as exist and as are given in the reports of the Government justify that the extension should be penalised and that the extension should be restricted as contemplated in the Bill? I quote some passages from the speech of the Honourable Minister of Development that was delivered in January, 1938, the very first speech which I had the honour to listen to in this House and I remember full well that there was a clear and a candid admission on the part of the Honourable Minister of Development that the progress of industry in this province is very slow and that the condition with regard to industry in this province is very backward.

Mr. Speaker : That is irrelevant.

Munshi Hari Lal : It is relevant in this way. I submit the words "or extended" stand in the way of the growth of industry. The industry is backward in this province and in the objects and reasons of this Bill they say that there is a rapid growth of industry. I want to prove from the statement coming from the very mouth of the Honourable Ministers of the Government that industry is not advancing and as industry is not advancing my argument is that there should be no check on extension. I am asking that the words "or extended" should not remain in this Bill. The industry in this province is in its infancy and the advance should not be checked. It is therefore that I want to place the House in possession of certain admissions made by the Honourable Minister for Development in this very House. Dr. Shaikh Muhammad Alam wanted to ask leave of the House for the introduction of the Punjab Hours of Work Bill. The introduction was opposed by the Honourable Minister for Development and the reasons given were that the industry in the province is in its infancy and therefore that Bill should not be introduced. This is what he said :

Mr. Speaker : After that statement will not the quotation of speech be unnecessary? The honourable member has already given its substance.

Munshi Hari Lal : Why not quote from the speech itself in order to bring home to the mind of the Assembly and to score the point against

the Honourable Minister for Development that he has no ease and that there should be no restriction upon extension of industry? He said :—

If we compare our own province with other provinces in India, we shall find that industrially we probably occupy the fourth or fifth place. Bombay, Bengal and Madras are definitely more advanced than the Punjab.

And then—

We should make a special allowance for our own province in view of the inadequate industrial progress that has been made in this province.

Mind the words "inadequate industrial progress". Further on he says—

We should wait for provinces like Bombay, Bengal and Madras to give a lead in matters of labour legislation. As I suggested in the beginning, these provinces are definitely more advanced industrially than the Punjab.

And further on—

Let us not forget that we have to compete with Japan. A province which has just made a beginning in the way of industrial development should not undertake legislation which may prove fatal to the growth of its industries.

These are the pronouncements made by the Honourable Minister for Development. He wanted that a certain Bill should not be introduced in this House because the progress of industries in this province was very slow and this fact should not be forgotten. There is one point more on which I will read here but refer further so that I may not have to take the report again. It is that "capital is shy, proverbially shy, it is equally shy in the Punjab, if not more shy. Are we to drive this capital underground by making conditions of industrial advance difficult for capitalists"? These were the two statements made by the Honourable Minister for Development with regard to capital, that we should not drive the capital underground and that we should not see that the capitalist suffers. We should also see that there should be nothing on the Statute Book that interferes with the growth of industries in this province.

Now, Sir, this was the speech that was made in January 1938 and this Bill was brought in the subsequent year before this House. In 1940 we are asked to pass this Bill and to pass this Bill now, to-day before we rise, even though the discussion may prolong till 12 midnight or even till to-morrow morning. Let us see whether there has been a change, whether there has been a rapid progress from January, 1938 to April, 1939 in the industrial development of this province and whether the pace has been so rapid as to justify this Bill. Sir, I read from the annual report of the Factories Act in the province in order to show that there has been no advance in this province worth the name, that there has been no development in this province to justify the Bill and to justify an embargo to be placed upon the extension of a factory that exists already.

The year 1938 may be characterized as a period of consolidation rather than one of expansion. There has been no expansion in 1938 in industry.

We have not got the figures for 1939. The report cited appeared in August, 1939 and we have not got further statistics. Where is that rapid growth? I submit that the economic considerations, political considerations in this province do not justify at all that there should be any restriction placed upon the present factories in their expansion. Expansions should not be retarded. I read from the opinions of the various authorities who

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were consulted on this point bearing upon extension. Here is the Deputy Commissioner of Sialkot who says :—

If Government should consider it advisable to limit the construction of factories of any particular kind in any given area with the professed object of eliminating uneconomical condition, still there would be no object in interfering with the extension of such areas and no application should be required for that.

This, Sir, comes from the Deputy Commissioner of Sialkot, which is a centre of industrial development. Then, Sir, 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.

I will only read out a few passages from some of the authorities who were consulted and not all, though it was admitted by the Honourable Minister for Development in one of his speeches that 50 per cent of the opinions that he has got are against this Bill. I would not talk of this Bill. I would simply say that they are against the words "or extended". I will quote the opinion of the District Board, Hoshiarpur, which, I believe, is composed of agriculturists or of persons who pay land revenue to the Government. It is said :—

I am afraid I do not agree with the statement that industrial development is taking place rapidly in this province. I believe on the other hand that the progress is too slow. In industrial development alone lies the salvation of this province and if we look at the huge imports, we cannot say that the development is too rapid.

Then, Sir, the Municipal Committee, Gurdaspur, says :—

Probable effect of this legislation will be to strangle manufacturing enterprise of the province in its infancy.

When the industry is in its infancy, the extension is being controlled and restricted. Does it mean that the industries should not grow ? Does it mean that the industries should grow under the sweet will of the Government ? Then there is the Town Committee of Nurpur which says :—

There is no denying this fact that it is progressing rapidly but it has not, as yet, reached a level where there may be possibilities of any uneconomical competition or the overcrowding of few big cities with their increasing number of workers.

Then there is the Notified Area Committee, Renala Khurd, of which the members are nominated and represent the views of the Government more than that of public. They say :—

The general opinion is that Government officials are not always very competent to regulate business and industry and since the industrial development in the Punjab has not yet been very phenomenal, a stage has not been yet reached when regulation may be desirable. It is felt that regulation and inspection should be the minimum possible, consistently with the requirements of certain standards to be maintained.

Then I will quote the opinion of the Lyallpur Cotton Mills.

Mr. Speaker : The honourable member is repeating.

Munshi Hari Lal : Sir, I am quoting the opinions of different bodies.

Mr. Speaker : If there are a thousand instances on the same point, the honourable member may say that there are so many instances. That is enough ; otherwise it would be a repetition of the same thing in different words.

Munshi Hari Lal : Some of the opinions are differently given. However I will keep in view your suggestion and will try to finish my speech. The Lyallpur Cotton Mills say that the word "extension" should be clarified. They also oppose the word "extension." I find a note from the Director of Industries where he tries to clarify it, but instead of clarifying it he makes the thing more confounded. It is said thus :—

I think, it might be useful to clarify the position. By extension, the intention is obviously to substantial addition—say by 20 per cent in capacity or the addition of a plant for new process.

But, I submit that if the definition of the words "factory" and "manufacturing process" be taken into consideration, it will be seen that the opinion that has been expressed by the Director of Industries does not meet the case, but it creates confusion itself. The opinion of the Uberoi Limited, Sialkot, is as follows :—

The word "extended" should be deleted or replaced, as it interferes with the existing rights of the owners of factories.

I need not give other opinions and I leave them for the present. I simply say that the word "extended" should be looked from the legal point of view. It will itself create innumerable difficulties, difficulties which may prove insurmountable or prove so very hard that the Honourable Minister may think to modify his opinion and may accept this amendment. The clause as it stands 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 to this Act.

Now, the words "manufacturing process" are defined in the Factories Act and that definition is so wide and so extensive that it includes even the addition of a small pipe, etc.

Mr. Speaker : The honourable member is not discussing his amendment.

Munshi Hari Lal : I am reading the clause as it stands. I am not anticipating whether there would be any modification or not. I think at present that the clause is there and it says that no factory shall be established or extended for the purpose of carrying on one or more of the manufacturing processes. I find that there is difficulty in determining the words "manufacturing process", and that is why I say that the words "or extended" be deleted. According to the Factories Act, the definition of "manufacturing process" is as follows :—

Manufacturing process means any process—

- (i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or
- (ii) for pumping oil, water or sewage, or
- (iii) for generating transforming, or transmitting power.

This is what the words "manufacturing process" mean. The High Court of Bombay has held that the filling of cotton into *bojhas* is a manufacturing process and the fact that labourers, who filled the cotton into *bojhas* were employed by the merchants who owned the cotton and not

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by the factory owner would not make any difference. If a certain plot of land is rented by the factory owner or by the merchants who deal with the factory owner, for the purpose of filling the cotton into *bojhas* on that plot, surely it will be covered by the words "or extended". Yesterday an instance was given that if a pipe is put up or if a drain is dug in order to drain out the dirty water from the factory, then it would amount to extension. I submit that the word "extended" is very wide and vague and as it stands it requires clarification or the definition of it must be deleted so as to avoid any trouble.

Sir, one word more and I would finish. I submit that if the capitalists are debarred from investing their money in further extension of the factory, and if further factories are not to be started, then the whole capital will fly out of this province. It might go to the neighbouring States or to other provinces. The States and the other provinces may drain off the capital, which is so necessary for the industries. The Royal Commission, presided over by Whitely, stated on page 473 as follows :—

In the Punjab there is said to be a tendency to remove cotton ginning factories to Indian States to avoid restrictions on hours of work and child labour.

If restrictions on extension are going to be placed here, the capital will flow to the Indian States or to other provinces. Therefore, I submit, that the words "or extended" should be deleted.

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

That in the proposed section 5-A (1), line 2, the words "or extended" be deleted.

I may inform honourable members that amendments Nos. 1 to 7 cover almost the same ground. Therefore, they will be discussed together but put to the vote of the House separately, if necessary.

Pandit Muni Lal Kalra : Before moving my amendments I want to put a question to the Chair and want to draw his attention to the important fact that I have just received two supplementary lists Nos. 3 and 4, both dated the 24th April. These amendments are to be moved by the Government member. I want to ask the Chair, is it fair that the Government should send the amendments at the eleventh hour, without giving an opportunity to other honourable members to study them and send amendments to these amendments?

Mr. Speaker : When these amendments are moved, the honourable member may raise his objection. From the opposition side also I have received amendments at the last moment.

Pandit Muni Lal Kalra : But they may not be substantial amendments.

Mr. Speaker : They also propose substantial changes. In future the honourable members should always give timely notice of their amendments; otherwise I will not allow them to be moved, unless they are of exceptional importance.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : The three amendments standing in my name are to this effect that the words "or extended for the purpose of carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act, or for purposes incidental thereto," be omitted.

My idea in moving these amendments is that so far as possible the rigour or misunderstanding with regard to the different terminology used in this amending Bill may be lessened. Even in the three provisos now sent by the Parliamentary Secretary, the word "extended" has not been defined. It will lead to misunderstanding and misinterpretation. It is not made clear for what purpose this extension is meant, extension for the purpose of carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act. The schedule contains 8 items : Textiles (cotton and woollen), glass, cement and allied products, chemicals including medicines, hydrogenated oils—edible and others, cotton ginning and pressing, hosiery manufacture, and flour mills. It means that extension for carrying on the manufacturing processes articles mentioned in the schedule of this Act is restricted. You cannot realize what difficulties will be felt by the factories. Take the case of a cotton factory. For manufacturing processes one more apparatus may be needed or a new apparatus has been invented and it is useful to try it. The adding of this apparatus will also fall under the term "extension." Suppose for a dyeing factory, for the process of dyeing sometimes extension of another tank or vessel is required. Sometimes three vessels are needed and sometimes five vessels are needed. The Government has not in any way achieved its object by this amending Bill. It is for this purpose that I oppose this Bill. As far as the interference into the details of the factories is concerned, I think it is not desirable on the part of the Government to go to such length. I submit, Sir, that such language should be employed and the words that I propose to omit should be deleted. And after deletion of the words, the clause will read thus—

No factory shall be established save with the permission in writing of the Provincial Government or such person or persons as it may direct.

A small factory may have to be enlarged and become a big factory. It must require the permission of the Government if a cotton factory is used for a different purpose. So far as extension is concerned if he adds a room or opens a sky-light or some times wants a room for the menials and labourers that will also be included in the word extension. Do we take it that Government wants to interfere with the details and will Government be in a position to interfere in those details? I think that Government does not want to interfere to that extent. I also maintain that Government will not be able to interfere even if they desire. There will be too much difficulty and corruption will come in. For example, if the relations between a certain factory owner and certain officials connected with the Industries Department or with the Government are not good—because in that case the cases will go to the courts—then in that case false cases can be brought up against those people and the work of the poor factory owners, or rich factory owners, the capitalist factory owners, and, as my friend suggests, zamindar factory owners, can be interfered with. There is another proviso that if for six months reply is not received, in that case it may be presumed that permission

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is given. It is on the lines of application to the municipalities for building houses, that after six months of the application if no reply is received then it is presumed that permission is granted. The owner of the house can start building. Therefore for that reason the period of six months has been fixed. May I submit that most of the industries are carried on during a particular season. Some work for two months and some for four or five months in a year. There are few factories which run throughout the year. For instance, woollen industry is carried on for three months in the year. A person wants to extend his factory and for that purpose he applies and sanction has to be given by the Government. Government has fixed a minimum period of six months, but within six months the season for wool will be over. Then what is the idea of applying for extension? It will be of no avail because the period of the wool season will be over and it will be of no use if he receives sanction after six months. That is one case. In the case of ginning and pressing industry, it is carried on during a particular part of the year; otherwise it is lying idle. Human nature being what it is it often strikes the factory owner through the experience or advice of experts that a certain apparatus or thing should be extended or be added to the factory for the purpose of making more profit and for doing certain thing in a much better way. Does it mean that, during the progress of the work, during the season when it strikes that man that he wants certain extensions, that may introduce a revolution in the industry—that may be a very small thing but that may be very substantial from the manufacturer's point of view—he should wait for the next season? Does it mean that he should stop his business at once and wait till after six months when the benign Government says, you can make such and such extensions? What is the use of extensions when there is no cotton in the field? The Honourable Minister should see whether there is any sense in the clause. He may tax the factory owners as he likes, one thousand rupees per factory or anything he likes, but he should be clear enough, whether he wants to raise money for the zamindars or for the labourers. It will be for the factory owners to see whether such a taxation—

Mr. Speaker : Which amendment is the honourable member discussing?

Pandit Muni Lal Kalia : I am taking up all the three amendments together. You will see that all amendments are one and the same. I am dealing with the word "extension". The word is vague and it can apply to other things. For instance, a ginning factory wants certain changes in their machinery during the season and that season is for four months. It will take months to get sanction from the Government.

Mr. Speaker : Is change of machinery an extension?

Pandit Muni Lal Kalia : Certainly. Change even of a tap is extension.

Mr. Speaker : What is the definition of a factory? The clause relates to the extension of a factory.

Pandit Muni Lal Kalia : Factory is defined in the parent Act. Factory means any premises, including precincts where anything is done towards the making or finishing of an article up to the stage when it is ready to be

sold. Factory includes everything, machine rooms, sheds, godowns, yards. If within these premises or precincts mechanical power is used in aid of any process for altering for transport or sale of any article—

Mr. Speaker : It means part of the premises.

Pandit Muni Lal Kalia : I was going to submit that the word "extended" is vague and is not defined in this amending Bill or in the parent Act. Moreover "manufacturing process" may include the addition of or change in a design. It is also not defined what are "the purposes incidental thereto"; the purpose may be employment of two more hands or removal of one hand.

Mr. Speaker : The honourable member is not relevant. Factory means premises.

Sardar Sahib Sardar Santokh Singh : Does it mean premises exclusive of the machinery?

Mr. Speaker : Factory is not only an area, it includes machinery as well.

Pandit Muni Lal Kalia : Factory means any factory where there is machinery and where there are 20 or more than 20 workers employed. And supposing if a factory owner wants to employ two more men he will have to apply to the Government for that.

There is one more objection to this term factory as understood in this Bill and as it occurs in the parent Act, and it is this. This amending Act will not apply to a large number of small factories. Supposing a capitalist takes into his head to start 20 different factories in different places and in each place he employs less than 20 men. In that case those factories will not come within the purview of the Factories Act and as such Government will not be in a position to realise a single penny from those factories. Shrewd and unscrupulous people will take advantage of this thing and the Government will not be able to have any control over them. It is for these practical difficulties that we are pressing this amendment and not for any other reason. The Government should not misunderstand us; it often tries to put the Congress in the wrong position. I, therefore, submit that the words "extended for the purpose of carrying on one or more of the manufacturing processes....or for purposes incidental thereto" are redundant and should be omitted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*) : My friends, Pandit Muni Lal Kalia and Munshi Hari Lal, have placed before you all the interpretations of this clause that can possibly be made. I also submit that if this clause is allowed to remain as it is, it will prove harmful and injurious to industrial purposes, and the object of the clause will not be achieved. I may point out that generally we find flour mills in villages. When the cotton harvest sets in those mills start ginning work as well and that work goes on increasing during that season. The Government should let such factories carry on their business on the small scale as they are doing. But the passage of this clause will not permit them to do so. My friend has advanced the arguments that—

Mr. Speaker : Please do not repeat arguments already advanced.

Sardar Kapoor Singh : Nothing has been said about rural areas. I was submitting that it has become a practice with the villagers to set up small

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flour mills in rural areas. I think if the Honourable Minister is really out to improve industry in this province, he should know that this clause will affect the zamindars adversely. I am sure that the clause under consideration if not amended will cut at the root of rural factories which I have referred to unconsciously and indirectly. What Government should have done was to encourage this industrial tendency of the country-folk who will be under this clause compelled to take permission from the Government for these factories which have been successfully running on a small scale for the last few years. I think, in these circumstances, the word "extend" will prove very harmful to the prosperity of rural factories and therefore it should be deleted in the interests of village industry. As I have stated, the ginning factories which are already existing in rural areas can be extended if the word "extend" is deleted. Otherwise the existing factories will also have to apply for permission. Does it not mean that Government wants to strangle the factories in their very infancy? If however Government wants to shift the ginning factories to places like Mianwali where wages are supposed to be high, I would submit that permission may be given to new factories to start their work in other districts, but so far as the old and well established factories are concerned, Government should not shift them to other places, because this shifting is sure to result in failure and mere loss. I may in this connection refer to ten or twelve factories established in Khanna where there is still demand for establishment of new factories. In these circumstances, it is very improper on the part of Government to say that the factories should not be extended without the Government permission.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): It is an entirely different matter to say that a factory will not be established or will not be extended unless certain conditions are fulfilled. Those conditions will be given and it will be for the capitalist or the manager or whoever it might be, to comply with those conditions or not to comply with those conditions, but to give an entire wholesale power into the hands of the executive or the local Government and to say that the factory will not be even extended without permission, which is the immediate point under consideration, is a different thing. Perhaps it will be well if you give slight attention to the definition of "factory." It includes two items. One is "factory means any premises including precincts thereof where 20 or more workers are working or were working on any day of the preceding 12 months" and the second is, "in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on" and so on. So there must be 20 men and there should be a manufacturing process carried on. Now if a man wants to vary the manufacturing process or supposing a man wants to manufacture something from the bye-products, something that comes out of the waste, and for that purpose instead of using hot water he uses iced water, then will that be extension or not?

Mr. Speaker: It is not for me to say that.

Sardar Lal Singh: Of course it is not for you to say. I submit it is a very vague and stupid term which has been used. Without any definition it is not intelligible and I say this is a thing that ought not to be allowed to go through in an Assembly that poses to be intelligent.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram):

I desire to say a few words in order to clear up certain misapprehensions which seem to have crept into the minds of the honourable members of the Opposition. Let me make it quite clear that this Bill will not apply to any concerns which do not fulfil two conditions, one, that the number of persons working in that concern should not be less than 20, the other, that working in that concern should be carried on with the aid of power. Therefore, all small concerns which are factories, but not in the technical sense of the word, will not fall within the scope of this Bill. The apprehensions of Sardar Kapoor Singh, therefore, are not well-founded. If anybody in rural areas desires to set up a small concern which does not fall within the definition of a factory, he will be quite safe, and the provisions of this Bill will not apply to him.

Now another difficulty which most members have referred to relates to there being no definition of the word "extended." It is true that in the Bill as introduced the word "extended" was not in any way defined. But now notice of an amendment has been given by a member of the Ministerial party. That amendment has been added as a proviso to clause 2 and runs as follows :

Provided further that factory shall not be considered as extended within the meaning of this section merely because of any renewal of or addition to existing machinery or appliances within the limits prescribed.

This amendment makes it quite clear that mere additions to or renewals of machinery or appliances will not fall within the scope of extension unless they go beyond certain limits. The limits within which additions and renewals will not be regarded as extensions will be laid down by rules. The rules have yet to be framed and I have already given an assurance to leading members of my party, particularly those who represent industrial interests, that when these rules are framed, they will be consulted. I propose to make those limits as liberal as possible. Of course those limits will have to be consistent with the object of the Bill. If any limits are proposed which have the effect of frustrating the object of the Bill, they will not, naturally, be acceptable to Government, but within reasonable limits, I shall be prepared to make the rules as liberal as possible.

Attention has also been drawn by one of the members belonging to the ministerial party and representing industrial interests to the possibility of a difficulty arising when an application is made by a factory owner for either extending or establishing a factory and that application remains unheeded for months and months. He visualised this difficulty and has sent in notice of an amendment to the effect that if an application is made and no reply is received by the applicant within six months, then that man should be allowed to proceed with the setting up of a factory or with the extensions which he proposes to make. In order to meet such a contingency, notice of an amendment has been given by a member of the Ministerial party which runs as follows :—

Provided that if an application for such permission has been despatched by registered post, acknowledgment due and no reply thereto has been received for six months after the date of its receipt, the applicant shall be regarded as having obtained that permission.

This amendment will obviate the difficulty pointed out by the honourable member.

[Minister for Development.]

Another request to my honourable friends, if I may make it, is that they should not presume that any Government, whether it is a Unionist Government or a Congress Government or a Hindu Sabha Government, will act perversely. I think the fair thing to do is to proceed upon the assumption that a Government which is in power will proceed in a reasonable manner.

Dr. Sir Gokul Chand Narang : No. Not always.

Minister : That should be the presumption. If Dr. Gokul Chand does not agree with me, I am sorry, but the fair thing to do is to proceed upon the assumption that every Government which is in power will normally proceed not in a perverse manner but in a reasonable manner and with a true appreciation of the interests of the province. Now, if the setting up of a new factory is not prejudicial to the general industrial interests of the province as a whole why should any Government refuse permission ?

Dr. Sir Gokul Chand Narang : Why should the Premier ask those two gentlemen to be dismissed from the Board of the Delhi Cloth Mills, Lyallpur ? That is the reply to your question. Was that in the interests of the province ?

Minister : There are so many things which happen in the factory owned by Dr. Sir Gokul Chand Narang. I know nothing about them.

Dr. Sir Gokul Chand Narang : It is not my factory.

Minister : It may be anybody's factory, I am not concerned with my friend's factories or with factories belonging to other people. There are so many new directors who come in and there are so many old directors who are sent away. That is the concern of the directorate of individual factories. I am not in any way concerned with the inclusion of new or exclusion of old directors.

I hope that honourable members will care to save some time by refraining from calling for a division on this motion.

Munshi Hari Lal : The Honourable Minister for Development says that two things are essential for a factory, first "twenty persons" and secondly, "the process that is being carried on should be with the aid of power". He stops there, but I invite his attention to the words—

In any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on.

But read with Section 5 of the Factories Act it is clear that there is no necessity of power nor of twenty persons. The manufacturing process may be carried on otherwise than by power. Under Section 5 the power is given to the local Government to declare a factory where even ten persons may be carrying on the manufacturing process and without power. There the words are—

Notwithstanding anything contained in clause (j) of subsection (2) the local Government may by notification in the local official gazette declare any premises whereon or within the precincts whereof a manufacturing process is carried on whether with or without the aid of power.

I was taking the definition of factory in subsection (2) (j) in the light of section 5. It is given to the local Government to declare a premises as factory where a manufacturing process is carried on with or without the aid of power

and whereon or within the precincts of which on any one day of the 12 months preceding the notification ten or more workers were employed. Thus, Sir, the local Government has got the power to change the definition which is given in subsection 2 (j) by declaring that even the premises where a manufacturing process is carried on with or without the aid of power are a factory and any premises where not less than ten people are working may be declared a factory. This is section 5 of the Factories Act, I submit that this word "factory" should be defined strictly in the Act under discussion.

Mr. Speaker : The honourable member is again saying things which he said when he moved his amendment. At this stage he can only reply to arguments advanced by the other honourable members in the course of debate.

Munshi Hari Lal : I am giving a reply to the arguments advanced. His contention was, and he started with the premises that the word "Factory" means "twenty persons" carrying on manufacturing process with the aid of power, and that the word "factory" was properly defined. I am submitting that it is given to the local Government to change that definition by a notification in the gazette so as to apply to any premises in which a manufacturing process is going on either with the aid of power or without such aid. There is another power that is also given to the local Government and that is, that any premises in which the number of workers is less than 10, those premises can also be declared as factories. Supposing the local Government issues a notification under section 5 saying that the premises where a manufacturing process is going on without the aid of power and where the number is less than 20 but not less than 10 is also a factory, and supposing I extend that factory, I have to take the permission of the local Government, because the Bill says that no factory shall be extended save with the permission of the provincial Government. This is the position created by the present provision. I submit it is very hard and troublesome. It is very necessary that the words "or extended" or the word "extension" shall be cleared up. It should not be left to the rules. What is then the amendment that is coming up? I will not discuss that amendment here because that stage has not yet arrived, but I have been referred to the amendment that stands in the name of Chaudhri Tika Ram which is to the following effect—

Specifying the limits within which any renewal of or addition to existing machinery or appliances in a factory shall be regarded as extension of a factory within the meaning of section 5-A (1).

When that clause comes up I will discuss it then. But I submit that the clause itself does not clearly define or remove the difficulty which I have pointed out. Want of the definition of the words "or extended" or "extension" is bound to create a very great hardship in the way of the factory owners.

Mr. Speaker : Question is—

That in the proposed section 5-A (1), line 2, the words "or extended" be deleted.

The motion was lost.

Munshi Hari Lal : Sir, I beg to move—

That in the proposed section 5-A (1), line 8, the words "or for purposes incidental thereto" be omitted.

The motion was lost.

Mumahi Hari Lal : Sir, I beg to move—

That in the proposed section 5-A (1), lines 10—12, the words “or such person or persons as it may direct” be deleted.

According to the wording of the clause, the provincial Government has the power to appoint such person or persons as they may like. I submit that the power should rest only with the provincial Government and that it should not be left to the subordinate officers to determine whether the permission should be given or not. It was said by the Honourable Minister for Development that the Government would be reasonable. I submit that if they are going to be reasonable, then this power should rest with the provincial Government because we think that there may be more reasonableness in the provincial Government than in the subordinate authorities, more specially, when we have absolutely no appeal section in this Act. With these words I move my amendment.

Mr. Speaker : The question is—

That in the proposed section 5-A (1), lines 10—12, the words “or such person or persons as it may direct” be deleted.

The motion was lost.

Chaudhri Tikka Ram (Parliamentary Secretary): Sir, I beg to move—

That leave be granted to move the following new clause—

That after the proposed section 5-A (1), the following proviso be added :—

Provided that if any application for such permission has been despatched by registered post acknowledgment due and no reply thereto has been received for six months after the date of its receipt, the applicant shall be regarded as having obtained that permission; and provided further that a factory shall not be considered as extended within the meaning of this section merely because of any renewal of or addition to existing machinery or appliances within the limits prescribed.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That the proposed new clause be taken into consideration.

This amendment has already been explained by the Honourable Minister for Development in his speech. I therefore do not deem it necessary to make any speech in support of it.

Mr. Speaker : Question is—

That the proposed new clause be taken into consideration.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Sir, originally the notice of this amendment was sent by Sir William Roberts but now the Government have adopted it with a slight change. In my opinion the object of my honourable friend Sir William Roberts will not be realized by the proposed proviso. Let me point out that his object is that if any person sends an application to the Government by registered post and for six months he receives no final reply for extending or establishing a factory in that case it will be open to him to put up the factory applied for. Now the proviso which the Parliamentary Secretary has just now moved means that if any person sends an application by registered post and he receives a reply within six months to the effect that his application has been received and was being considered that would be considered to be a sufficient reply on the part

of Government. In the presence of these circumstances I think the object of my honourable friend Sir William Roberts will not be realized. I think for the words "no reply received thereto" the words, "no permission thereto" should be substituted. If the latter words are substituted for the former, in that case the desired object will be realized, otherwise not. My submission is that if the object of the proviso is that any reply on the part of the Government within six months be it that applicant's application has been received and is being considered, would be considered to be a reply on behalf of the Government, in that case the object of my honourable friend would not be realized. The wording of the proviso is as follows—

If any application for such permission has been despatched by registered post acknowledgment due and no reply thereto.....

Now the words "no reply to the application" means that even if there is a reply to the application acknowledging it and saying that the application is being considered and shall be replied to within six months, then from this it is clear that this amendment would not serve the purpose for which it is meant. I would suggest that instead of the words "no reply thereto," it would be better if the words "no permission thereto" be substituted. In that case that purpose would be served; otherwise any application shall be replied to one way or the other by the Government. For this reason I would request the Government to see whether in the present form the purpose would be served or not for which this amendment was moved by Sir William Roberts.

Munshi Hari Lal : Sir, I think this proviso also requires further amendment. It says—

Provided that if any application for such permission has been despatched by registered post acknowledgment due.....

To whom should it be despatched—to the provincial Government or to the prescribed authority? Why not insert these words "despatched to the prescribed authority or to the person to whom they may give power"? Then I rise to support also the suggestion of my honourable friend Sardar Kapoor Singh that instead of the word "reply" the word "permission" should be substituted. I submit that the expression "after the date of its

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receipt" is ambiguous. I cannot know the date on which the office or the prescribed authority has received my application. I can know the date of its despatch. If I have despatched an application to-day, how can I know when the prescribed authority has received it? They may receive it to-day, to-morrow or the day after to-morrow. This will create a lot of difficulties. I, therefore, submit that my amendment will clarify the position and that it should be accepted.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore General, Rural) : Sir, these two amendments which I want to move have been taken from the amendments given notice of by Sir William Roberts. The amendments of my honourable friend are based on the amendments of Sir William Roberts. The only difference between them is that the amendments of my honourable friend introduce certain amount of confusion, while those given notice of by Sir William Roberts are quite clear on the point. But with regard to the period of six months, I ask the Honourable Minister, what will be the position of those factories which have seasonal work or business? For

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example, Sugar factories, ginning factories and other such factories do not work for three or four months in a year. If the owners of these factories want to substitute a better machinery or more efficient machinery, or that a certain other plant, which has a greater production value, has been introduced in the market during the season, what will be their position? They will have to wait and by that time the season will be over. Take the case of the Hosiery Factory at Ludhiana. The season is in full swing and the factory is working in full strength but a new appliance or apparatus has been introduced by the manufacturers which gives greater and better production. The owners of the factory want to introduce that apparatus. They will have to wait for six months and by that time the hosiery season will be over. It does not matter much if that period of six months is reduced to one month or two months. If the Government is desirous to apply this Act to the extension of factories, it should be applied in such a way and in such a manner that it would not restrict the growth of industries in the Punjab.

As regards the second part of the amendment it runs—

Provided further that a factory shall not be considered as extended within the meaning of this section merely because of any renewal of or addition to existing machinery or appliances within the limits prescribed.

This amendment has not been taken in the spirit of Sir William Roberts' amendment. The amendment of Sir William Roberts is in these words—

Substitution of more efficient machinery shall not ordinarily be regarded as extension of a factory under this clause.

The amendment moved by my honourable friend is to the effect that if a part of a machinery gets out of use and is replaced by another part, for that no application will be required; but the amendment given notice of by Sir William Roberts is to the effect that if a more efficient machinery is introduced, in that case also no application is to be made. It is not the intention of the Government to interfere with the industries in this province, nor is it their intention to make money and charge certain amount of money from these factories. If that is so, then my amendment is more suitable. It will not interfere with the starting of certain type of factories and the Government will not lose anything. With these words, I move the amendment and it is this: That in the proposed amendment for the word "six" the word "two" be substituted; that is in case of no reply for the period of six months, the period of two months be substituted, and for the word "reply" the word "decision" be substituted.

Dr. Sir Gokul Chand Narang : I beg to move—

That after the word "despatched" in the new clause the words "to the prescribed authority" be added.

If the Minister wants to substitute something else, I would have no objection. If he has in mind some prescribed authority to receive this application, I have no objection if he substitutes the words "to the prescribed authority." Despatched, heaven knows to whom! Some people may go to the Director of Industries, some to the Inspector of Factories, some to the Minister and some people may go to the Secretary in charge of the Industries Department and so on. It will all remain vague. If he says the Inspector of Factories, Punjab, or the prescribed authority, I have no objection. It is

in the interest of clarity. People should know what they have to do instead of firing their applications in the air.

Premier : Applications should be despatched to the prescribed authority.

Dr. Sir Gokul Chand Narang : These words may be added, namely, "to the prescribed authority".

Mr. Speaker : Clause under consideration amendment moved is—

That after the word "despatched" the words "to the prescribed authority" be added.

Minister for Development : No objection.

Mr. Speaker : The question is—

That after the word "despatched" the words "to the prescribed authority" be added.

The motion was carried.

Dr. Sir Gokul Chand Narang : I beg to move—

That for the words "no reply thereto has been received" the following words be substituted "the decision of Government or the prescribed authority has not been communicated to the applicant."

My object is very plain. As was pointed out by one of my honourable friends on this side even if a reply is received by the applicant "your application has been received and is receiving attention" it may be said that a reply has been received within six months and so on. To avoid any ambiguity, I think Government will have no objection to the substitution of these words "the decision of Government or prescribed authority is not communicated to the applicant". The rest would be consequential change.

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

That for the words "no reply thereto has been received" the words "the decision of Government or the prescribed authority has not been communicated to the applicant" be substituted.

Premier : There is one point which I should like to bring to the notice of my honourable friend. Has he taken into account that we are also providing for an appeal later on?

Dr. Sir Gokul Chand Narang : Yes. You will provide that a certain officer will receive these applications. It does not in any way conflict with the provision for appeal.

Mr. Speaker : The question is—

That for the words "no reply thereto has been received" the words "the decision of Government or the prescribed authority has not been communicated to the applicant" be substituted.

The motion was carried.

Dr. Sir Gokul Chand Narang : I beg to move—

That in the proposed new clause for the word "six" the word "two" be substituted.

I have reasons for that. The Honourable Minister need not shake his head. The gentleman who suggested six months has simply betrayed lack of knowledge with respect to the conditions of setting up of factories. If a person wants to set up a factory and applies to the Government and has to wait for six months, it means that he cannot take any possible step. I will explain to you how. If it is the case of an individual it may be a different thing, but if the enterprise is going to be a joint stock enterprise that means that articles and memorandum of association have to be printed,

[Dr. Sir Gokul Chand Narang.]

the prospectus has to be printed and the company has to be registered with the Registrar, Joint Stock Companies, and the prospectus has to be filed with the Registrar, Joint Stock Companies, and so many other steps have to be taken. The capital has to be raised. In order to start a joint stock concern to begin with only 7 persons are to be there and even if they take one share each of Rs. 10 the company can be floated with Rs. 70 as paid-up capital. What are they to do for six months? No one will subscribe the capital, not even one anna, because they would not know whether permission is or is not going to be given. What would be the result? On the one side the promoters of the company will be running to the prospective share-holders and asking them to subscribe and giving them some sort of consolation, telling them that they have this influence with this Minister and that influence with that Minister and such and such Minister is very good, he is very liberal and reasonable, and there is every chance of permission being given. On the other side, they will be running to the Ministers and to the Parliamentary Secretaries, to the Director of Industries and to the Inspector of Factories and to the Personal Assistants of the Ministers, folding their hands and saying "for God's sake let us have permission: I cannot raise capital unless permission is given". All these things have not been visualised by my honourable friends. I do not blame them because they have no experience; they are just dabblers. If the Honourable Premier had given thought to the matter he would have certainly seen something of the difficulties. I do not know whether his other engagements which are increasing daily and becoming more and more arduous every day, leave him any time to go into these difficulties. The difficulties are certainly there. I have no doubt that the Honourable Minister after he has given some thought to it would realise that it is cruel to the prospective investors to be kept waiting in a state of suspense for six months. If this is not discouraging industries, what else is it? It means that no one in the Punjab will be certain of getting permission where all sorts of political influences come into play. Government will scrutinise who are the subscribers to a particular concern; who are going to be the directors; whether they are members of the Opposition or otherwise undesirable persons; whether they are members of the Congress or whether they are non-Congressmen; whether they are Muslim Leaguers or non-Muslim Leaguers; whether they are Ahrars or belong to some other party. All these things will be considered by these gentlemen. The apprehension at least is that Government would be going into all these matters. Unfortunately, the past history of this Government has not in any way enhanced people's confidence in them and what little confidence they had, that has been totally destroyed. Therefore, it cannot be said that the industries would be encouraged or any factories would be set up if the promoters of industries have to wait for six months. I have suggested two months for two reasons. One is that Government would not have accepted a shorter period. If I had my way I would have substituted one week. I remember when we had to start one of the biggest factories, the decision was given in less than 24 hours and foundations dug up within a week. I am referring to the mill in which in his "private" capacity the Honourable Premier took such a keen interest, I mean the Textile Mill of Lala Siri Ram and others at Lyallpur. Within six months the factory was working and we all went

there at the opening ceremony. And here are these gentlemen who want the investors to wait for six months. If they had the least idea of all these things, they would have thought a hundred times before prescribing such a limit. The biggest textile or sugar factory can be started and put in working order within a period of about six months, but these people will be kept under suspense and hanging at the door of this gentleman and that gentleman or this lady or that lady and still may not get the permission !

The other reason for my suggesting the period of two months was that we have a parallel under the Municipal Act. If any person wants sanction of the Municipal Committee for building a house he puts in an application and the law is, unless it is changed now, that unless the refusal of the municipal committee reaches the applicant within 60 days the applicant will be deemed to have the sanction of the municipal committee and can start his building. A private person can wait; if he has waited for 10 or 20 years for building his house, he can wait for sometime more, but a person who depends upon the public for his capital for starting his factory cannot wait for such a long period. One reason for my not suggesting the period of one or two weeks was—though I know Government will not swallow this suggestion—that it takes some time in Government offices for papers to reach from one authority to another. Two months in all sincerity is quite a sufficient time for the application of a prospective investor to reach the prescribed authority. The period of six months is simply absurd; it is enormous; it is preposterous and will put a stopper on all industrial enterprises. The Honourable Minister may say what he pleases. I do not want to reply to his speech which he made; I shall point out when the occasion comes that he cannot convince us by simply protesting like this. With these words; I move my amendment.

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

That in the proposed new clause for the word "six" the word "two" be substituted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir this period of six months is too long a period.

Mr. Speaker : That is repetition.

Sardar Sahib Sardar Santokh Singh : I have only just begun. This period is too long to keep an industry under suspense. Supposing a person who owned a ginning factory wanted to add a pressing plant; he would be required to apply for permission to the Government. In case he has to buy machinery from another province he cannot do so, because he is not sure whether he will get the permission or not. Sometimes a man does not know whether or not he is going to make additions to his factory. He suddenly comes across a second-hand machinery, which he can buy cheap, but he will not be able to close that bargain because he is not sure of getting permission. If he buys that machinery, and later finds that permission is refused, he finds himself in a most awkward position. This is an anomaly and I hope the Honourable Minister of Development will give some consideration to such things that are likely to arise in the course of these industrial enterprises and will make this legislation as less irksome as possible to keep the industries alive.

Rai Bahadur Mukand Lal Puri. (Rawalpindi Division, General Rural) : Sir, I am going to advance a new argument. Suppose a man wants to start a seasonal factory like an ice factory. He must seek the permission of the Honourable Minister of Development for doing so. Under the proposed legislation he may have to wait for the whole season before that permission is granted to him. It is possible that he might have made arrangements for the sale of ice for the ensuing summer season and selected a place for the purpose. But the whole season may be over before he gets that permission. I submit that there are practical difficulties. After all why should the Government pass laws which might lead to undue delay in Government offices? Our experience is that a good deal of time is wasted in Government offices and things are allowed to remain unsettled and pending for an unnecessary length of time.

Premier : My honourable friend forgets that to-day we are having a non-stop sitting, and in this way it will be very difficult for us to finish.

Rai Bahadur Mukand Lal Puri : It does not worry me at all. I am prepared to sit up till 12 o'clock, but I do not want that the discussion should be stifled in this way on the suggestion of the Government.

Premier : No suggestion was made by Government nor is anybody stifling the debate. The House decided to finish it to-day.

Rai Bahadur Mukand Lal Puri : Now, Sir, if in the Municipal Act, there is such a provision of a time limit of 60 days, why should the Government insist on a higher limit here? After all, when an application for factory comes, it is not to be dealt with by laymen or only by the Minister in charge, unaided by any other person. There is a competent expert department in possession of all the information and in most cases, they should be able to say "yes" or "no" within a fortnight. It is only in some cases where a further enquiry may be necessary that it might take three weeks. But ordinarily a matter like that should be disposed of in any well regulated office in two weeks. There is absolutely no reason why for such a simple application like that the Government should insist upon a period which is out of all proportion to the time that should be normally required.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural), (Punjabi) : Sir the amendment before the House is that instead of "six months" the word "two months" be inserted and the Honourable Minister for Development does not seem to accept this amendment. I conclude from his refusal that he has not a high opinion of the Industries Department and that he believes that the people employed in that department are not efficient enough to deal with the applications and finish them within a period of two months. This is the reason why the Minister in charge does not accept this amendment. If Government is out to improve the industry and it cannot arrive at a decision with regard to applications in a period of two months, it cannot be called an efficient administration. I do not understand why the applications should be delayed when up-to-date information will already be at Government's disposal, as it has been stated from the opposite benches that lakhs of rupees will be spent on survey and all kinds of information will be collected by Government in that respect. My submission is that if Government wants to regulate factories it should have full information at its disposal, so that the permission to the applicants may be given in time and their applications

may not be unreasonably delayed. With these words, Sir, I support the amendment under consideration.

Premier (Honourable Major Sir Sikander Hyat-Khan), (Urdu): Sir, it is a matter of regret that my friend Rai Bahadur Mukand Lal Puri comes to this House after the completion of his work in the law courts.

Rai Bahadur Mukand Lal Puri: I rise to protest against this remark. The Honourable Premier has by violation of rules of procedure of this House made it impossible for certain members of the House to take interest in the Bill and now he gloats over it.

Mr. Speaker: That question is not now before the House.

Premier: If my friend feels that he should first attend to his cases, and devote the remaining time, if any, at his disposal to work in this House, I would ask him not to seek election next time because the work of this House is not so unimportant or insignificant that my friend should come here unprepared and pass his leisure hours here.

Rai Bahadur Mukand Lal Puri: Is not the Honourable Premier aware that a petition signed by a large number of members including certain leading members of his own party was sent to him asking him to follow the rules of procedure relating to hours of sitting of the Assembly?

Premier: What I wanted to say was that this question is simple enough and yet it has taken an unconscionably long time to decide it. I must point out at the very outset that the period of six months is the maximum period and it is not necessary that every case should take six months to decide. It may be disposed of earlier but there may be applications which require more time for their consideration and the authorities concerned might take considerable time to arrive at their final decision. (*Interruptions.*) My honourable friend Sir Gokul Chand Narang stated that if an individual wanted to start a factory he would not be confronted with any serious difficulty but in case he wanted to start a factory under the Joint-Stock System this Bill would certainly stand in his way. I think that my friend who is a Jack of all trades is well aware of the fact that when a person intends to start a joint-stock company he first consults his friends and with their help he forms a syndicate and then starts a joint-stock company. It is not necessary for him to wait for the registration of his company. He would think that because such and such a person was allowed to start a factory at such and such a time and because permission is given as a matter of course every day, he should start his company in anticipation of sanction. My honourable friend Dr. Gokul Chand Narang who has himself been a Managing Director should know that there are certain Managing Directors who enrich themselves at the expense of others by taking away the grain for themselves and leaving the chaff for others. Such persons submit applications for starting a company in their own name and divide the shares of the company among their friends and relations and when they become Managing Directors they get most of the shares transferred in their name. Does my friend want to benefit such unscrupulous persons? Let me once again point out to him that six months is the maximum period, and he may rest assured that individual and joint-stock companies will be treated alike and that this period will not create any difference between the two.

[Premier.]

Some of my honourable friends opposite asked me as to how the decision in regard to the Lyallpur Mill was arrived at within 24 hours. I may point out to them that it took full one year to examine the technicalities of the question and later on certain difficulties regarding the acquisition of land had to be removed. When the question of electric power was taken up for consideration certain officers who were present there advised me to expedite the matter. I said, "all right, go and start the work and the necessary formalities will be disposed of later on." As a matter of fact I dealt with all the formalities myself. I think, that point is quite clear now.

I hope the honourable members who are owners of factories have now understood the object of this Bill and if they have not done so I assure them that the object of this Bill is to prevent factories from indulging in undue and unfair competition. Now I want to refer to the Lyallpur Textile Mill. May I point out to my honourable friends opposite how much time it will take to dispose of this matter? In the first place an officer would make sure as to the nature and capacity of the factory.

Dr. Sir Gokul Chand Narang: It requires ten minutes. Every thing is in office.

Premier: "Act in haste and repent at leisure" is your motto, not mine. May I remind my learned friend of a Persian saying which aptly applies to his motto of haste? It runs as under—

(Cheers).

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When all is said and done the Government will have to make necessary inquiries in every case. Supposing some one applies for starting a factory at Lyallpur. In that case it will be the duty of the Government to enquire as to how much area is under cotton cultivation within a radius of say 20 miles of the city of Lyallpur and whether there is already a factory there or not. Further, it will be advisable to consider the extent of the raw material zone and the extent to which it can be tapped. Also how this new factory will affect the factories already existing in the locality. That is why we have fixed six months as the time limit. But it should be clearly understood that this is the maximum time limit. It may be that some cases are not so complicated and intricate as to require six months for investigation. Some of them may be decided within two days, or two weeks. All that we want is to avoid some cases falling a prey to the rigidity of rules, because if things have got to be decided in a hurry they may be rejected straight away without sufficient investigation. It is but fair that we should allow a reasonable time for every case to be decided on its merits. As a matter of fact we want industries to develop and flourish in the Punjab. Rigidity of time will make some officers nervous and they will try to get rid of such cases as soon as possible by deciding them one way or the other. A case will more often than not be rejected in haste without a detailed inquiry. Let the Government have adequate time for issuing necessary instructions to the local officers. The analogy of sanctioning building plans in a municipality does not apply to these cases inasmuch as the administrative authority in a municipality has only to see whether a plan has been prepared according to the by-laws or not. But in the case of factories facts of far-reaching importance have to be ascertained and investigated before

according the required sanction. It will not serve any useful purpose to treat these cases as immediate or urgent. While in the matter of sanctioning building plans the delay may be due to shortage of staff or its negligence or inefficiency, the delay in permitting extension of factories may be due to careful investigation and collection of useful data. That is why I said that the analogy of municipal building plans does not apply in our case. We have to consider how many spindles and looms are wanted and how much raw material is available in the locality, and what is the position as regards labour, etc.

My honourable friend Mr. Mukand Lal Puri quoted an instance regarding the starting of an ice factory. Perhaps he intended to start one this summer. But may I remind him that people who want to start ice factories in summer do not postpone their applications till the end of April? They move in the matter right in the beginning of January, and I would advise him to do the same if he has any such object in view, so that he may be able to start a factory in May.

Pandit Muni Lal Kalia : What about seasonal factories of the nature of hosiery factories which depend on foreign yarn ?

Premier : I am against importing foreign yarn (*laughter*).

Dr. Sir Gokul Chand Narang : Finish your yarn first.

Premier : Sir, I was submitting that I was against importing foreign yarn. But I would leave this point here and proceed to finish my main argument, namely, that the period of six months is the maximum time-limit. The Minister in charge will see to it that all applications are dealt with without any loss of time but I consider the period of six months to be essential for going through all the relevant details before giving the required sanction. In view of this I oppose the amendment moved by my honourable friend, Dr. Sir Gokul Chand Narang.

Dr. Sir Gokul Chand Narang (Punjabi) : The Honourable Premier has been speaking for about 10 or 15 minutes, but I am sorry to say that his speech was neither here nor there. He has not given even a single valid argument in support of fixing the period of six months. It is really hard to find any grain of sense in the chaff of his words. All that he has said is that haste should be avoided and utmost care should be taken in deciding such matters. But why six months are needed for this work, has not been made clear by him. In fact his speech has reminded me of a story in which a person sent his servant to bring curd from the bazar as soon as possible because he had to take his meals. He waited and waited but the servant did not return. At last he began to eat his meals and finished while waiting for the curd. At long last when the servant came and was climbing the staircase, he stumbled and the cup of curd fell from his hands and he exclaimed "Haste makes waste" as if he had come very soon and hurry was the cause of this split curd! The same is the case with our Government and the Premier. He says "تعمد ہے" and under this pretence he wants to sleep over important cases for full six months. No Minister should ordinarily keep any file with him for more than 24 hours if he wants to work honestly and remain true to his salt. Even if a case is intricate as some cases turn out.

[Dr. Sir Gokul Chand Narang.]

to be, in that case he may take two days or two weeks but not six months in any case.

The Premier was saying that if a textile factory was to be started, the Government must inquire how many spindles, how many looms, and other articles would be required and what amount of cotton is grown in the *ilaga*. But I would say that a period of six months is not necessary for this investigation. It does not become a Minister, much less the Premier to talk in this vein. A Government which stands in need of spending six months for discovering how much cotton is grown in a particular *ilaga*, say in Sargodha if a factory is to be started there, does not deserve to be entrusted with the destinies of millions of people. Every thing is in the official or commercial records. Telephones are there. The whole matter can be settled within a few minutes. Why wait for six months? Does the Government want to sleep over these matters for such a long time? Again it should have already been known to a Government that is well awake as to how many factories are working at Sargodha or any other city. I should have expected the Premier to talk more sense than he has been talking to-day. Should I believe him, if he to-morrow turns up and says that he does not know how to eat "halwa" whether by placing its morsel in the mouth or in the ear? The Premier has, of course, some experience of industrial concerns and had it not been for the fact that Chaudhri Sir Chhotu Ram shook his head, the Premier would have accepted my amendment. But as it is, he took the clue from the Minister of Development as he did not like the idea of a domestic conflict with him. (Premier: The truth was rather the other way about). Be that as it may, the question has yet to be answered by the Premier why six months are required for deciding an application for the erection of a factory. I know that cases are sometimes marked urgent and immediate. But sometimes urgent and immediate cases remain on the tables of the Secretaries for unusually long periods. As a matter of fact a case should not remain there for more than 24 hours. The reason why they want six months is not obvious. May be there is some sinister motive behind this plea. May be, the Ministers are innocent like angels. But the public has many misgivings about them. Their attitude will be interpreted differently. I cite an illustration to explain what may happen. Supposing X applies to Government for permission being granted to him for setting up a factory. What would be the result as the reply need not be despatched before a long period of six months? If the business for which the factory is to be established is a lucrative one and the *ilaga* in which that particular factory is to be situated, abounds in raw materials, and also the conditions governing that business or industry appear to be favourable, the members of the Government would endeavour to induce their own minions or favourites, whom they want to benefit, to put in applications for that purpose. (A voice: Can things like this happen even now?) I wonder in what world my honourable friend over there is living. Such things frequently happen now. My honourable friends take advantage of the influence they wield. Was it ever heard before that an Honourable Minister got certain directors removed from the directorate of a company? Yet it remains a fact and this is being done in this age of democracy. Well, Sir, I am voicing the general

feeling prevailing among the people. I do not mean to insinuate against or cast aspersions on the honourable ministers. Their honesty and integrity may be above suspicion, though the people know full well what sort of persons they are. (*Laughter.*) I hope that the Ministers would not stoop so low as to indulge in favouritism or nepotism. Well, Sir, I was submitting that as the period of 6 months is quite sufficiently a long time, the members of the Government would persuade or induce their own friends to apply for permission to set up such a factory. Now the result is a foregone conclusion. The application of X who had laboured hard to study the conditions of that particular business or industry thoroughly and had done much pioneer and spade work in that direction may be rejected and permission for establishing that factory may be granted to some other person. In this connection I may point out that even in the High Court, the Honourable Judges do not now take more than 3 months to dispose of ordinary appeals, though the work is of a very technical and intricate nature. When they can finish so much work in a comparatively short period, I see no reason why Government should require six months to accord permission for setting up a factory. I am constrained to remark that the speech of the Honourable Premier was devoid of any cogent reasoning. He miserably failed to convince us of the necessity of a long period of six months for granting permission in regard to the establishment of a factory. He forgot that dire consequences would ensue if this provision was passed. The enterprising people would be put to great hardships. For six months they will have to knock from door to door, so that their applications may not be rejected. As a matter of fact by providing a period of six months in the Bill, the Honourable Premier is creating hurdles in the way of industrial enterprise. The result would be that people would try to flatter and humour the persons at the helm of affairs in several ways. Things may come to such a pass that thousands of rupees may go into the pockets of Parliamentary Secretaries and possibly Ministers in one form or another for the grant of permission for setting up a particular factory. Many persons would come forward, who would strike bargains with the industrialists that if their palms were greased to such and such an extent, they would get the necessary permission expedited. In other words illegal gratification may become order of the day. In view of these apprehensions I am of the opinion that Government would be well-advised to accept my amendment.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, after hearing the speech made by Dr. Sir Gokul Chand Narang, I am disposed to think that because of his old age his brain is slowly giving way.

Sardar Sahib Sardar Santokh Singh: Can the Honourable Premier speak a second time? He is not in charge of the Bill.

Mr. Speaker: He is the member in charge no doubt. A "member in charge" means in the case of a Government Bill any member acting on behalf of the Government; and in any other case the member who has introduced the Bill, or a member authorised by him in writing to assume charge of the Bill. He is the Government member.

Dr. Sir Gokul Chand Narang : Is he acting on behalf of the Government? He is not. There is another member acting on behalf of the Government. The mover of the Bill is deemed to be acting on behalf of the Government, so far as this Bill is concerned and it is he who ought to speak. I do not mind. Let him speak for two hours if he likes.

Sardar Sahib Sardar Santokh Singh : Is it, that for one part of the proceedings one member is in charge of the Bill and for another part another member, and this when the other Government member, i.e., the mover is also present in the House?

Mr. Speaker : That is happening almost every day.

Premier : If my honourable friend is not disposed to hear me, I would gladly ask my colleague Sir Chhotu Ram to give a reply. But I am constrained to remark that the speech of my honourable friend was so incoherent, unintelligible and wide of the mark that it appears well nigh impossible to make a suitable reply to it. (*Interruption.*) My honourable friend is getting unnecessarily restive. I fully realise that old age is playing havoc with his nerves. He is now well over seventy and when one is on the wrong side of seventy one loses all sense of proportion and is apt to lose temper.....

Mr. Speaker : I cannot allow personal remarks. Please reply to arguments.

Premier : But my honourable friend has advanced no argument worth the name. He has all along been characterising us as ignorant and mentally deficient people. To crown it all he dubbed us as corrupt and dishonest. But may I point out that everybody judges others by his own standard, that is to say by his own personal ideas and thoughts?

Mian Abdul Aziz : Will this maxim apply to the ministerial party also?

Premier : My honourable friend was pleased to remark that we accepted illegal gratification.

Dr. Sir Gokul Chand Narang : I never said that.

Premier : My honourable friend very glibly remarked that if the time limit was put at 6 months, thousands of rupees would filter into the pockets of the Parliamentary Secretaries, the Ministers and other people. It appears that when he blurted out these remarks he was perhaps thinking of those good old days when such things were a matter of common occurrence and especially in his own time. I assure him that none of the Honourable Ministers or Parliamentary Secretaries is so degraded as to accept bribes. (*Hear, hear.*) Again, as regards myself, I can assert with the fullest confidence that I have never given any contract to any of my friends. I have never been guilty of favouritism or nepotism.

Dr. Sir Gokul Chand Narang : What was your object in interfering with that private concern?

Mr. Speaker : No personal remarks please.

Premier : Sir, in this House as well as in the old Legislative Council it was openly said by certain persons that Ministers were guilty of favouritism

and nepotism and that they distributed contracts among their own kith and kin.

Dr. Sir Gokul Chand Narang : He is repeating a lie.

(A voice : *ਕੀ ਫਿਰ ਦੁਹਰਾ ਰਿਹਾ ਹੈ*)

Mr. Speaker : He did not mention anybody. The honourable member should withdraw his remarks.

Dr. Sir Gokul Chand Narang : I asked him about whom he was speaking.

Mr. Speaker : He did not mention anybody.

Dr. Sir Gokul Chand Narang : Then I withdraw that remark.

Premier : Sir, it may be that the guilty conscience of my honourable friend is troubling him and that is why he is feeling restive. I made only a general remark.

Another argument advanced by my honourable friend over there, as I understood him, was that the long period of six months is being fixed for the consideration of the applications with the object that if on an application being preferred by a person for obtaining the requisite permission, the proposition appeared to the Honourable Minister to be profitable he might send for his Parliamentary Secretary or one of his friends and ask him to submit an application for starting a new factory. Let me point out to my honourable friend that he is judging others by his own standards of morality. It appears to me that while revolving and arguing this matter in his own mind the idea dawned upon him that something of the sort would happen and he gave expression to this brilliant idea of his. I think he is not to blame for it. The truth always comes out. It is possible that according to his own standards of morality it may be quite correct. (Interruptions) Sir, I was saying that it has been pointed out by my honourable friend that when a person submits an application for obtaining permission to set up a factory, the Honourable Minister in charge would ask one of his friends to put in an application and then the necessary permission will not be given to the person who submitted his application earlier, but to the person who submitted his application later. My honourable friend while arguing his case lost sight of the fact that all applications are invariably dated and that whichever application is received earlier it shall have precedence over others. For instance, if the first application is received on the 1st of February and the second on the 2nd of February, my friend may rest assured that the application dated 1st February will have precedence over the second, provided it is not rejected on merits. In any case the question of forgery, corruption, and jobbery will never arise as is feared by my honourable friend over there. It is possible that according to my friend's standard of morality forgery is not a crime and is, therefore, not objectionable and that is why he thought that we too are not above such things. Such things are not unheard of in present-day politics. But I think that while making this sweeping allegation against us he must have thought of the time when, God forbid, my honourable friends over there would be occupying these benches. I may tell him that when that time comes he and the people of his way of thinking would be at liberty to do whatever they liked. It would be open to them

[Premier.]

to resort to forgery, indulge in corruption or do anything which suits their purpose. Such things may happen then. But under the present regime if a person submits an application for setting up a factory earlier than others his application will certainly be given precedence over other applications. No doubt in the days of the old Council certain applications for prospecting and mining licences were accepted though they were received later and the applications which were received earlier were ignored. (*Dr. Sir Gokul Chand Narang*: What about the electric licences?) I have no information on that point. My honourable friend must be in the know of what happened. In his time such things might have happened, but I assure him that they are not possible now. (*Dr. Sir Gokul Chand Narang*: It was your business.) No, Sir, it never was my business. When I was in charge of the department I only did what the departmental heads asked me to do. If any such thing did happen it might have happened in my honourable friend's time, though I am not aware of it.

In conclusion, I would say that it is no use wasting the precious time of the House. This Bill has been drafted in the interests of the people and it will stand them in good stead. If my honourable friends do not feel satisfied with it just at present, let them wait and see. However, if they want to oppose us only for the sake of opposition and desire to foil every effort that we make for promoting the well-being of the people they should remember that it will not deter us from our duty. When once we have determined to do what lies in our power for the welfare of the province we shall do it regardless of what the critics might say.

Mr. Speaker : The question is—

That in the proposed new clause for the word "six" the word "two" be substituted.

The Assembly divided : Ayes 83, Noes 65.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Barkat Ali, Malik.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Guest, Mr. P. H.
Hari Lal, Munshi.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.

Muhammad Hassan, Chaudhri.
Muhammad Husain, Sardar.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sar-
dar.
Sant Ram Seth, Dr.
Sita Ram, Lala.
Sohan Lall, Rai Sahib Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.

Ali Akbar, Chaudhri.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, Sardar.
Faiz Muhammad, Sheikh.
Faqir Hussain Khan, Chaudhri.
Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazal Ali, Khan Bahadur Nawab Chaudhri.

Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Rasul, Chaudhri.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.

Hans Raj, Bhogat.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Man, Sardar.
Jogindar Singh Man, Sardar.
Karamat Ali, Shaikh.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Muhammad Akram Khan, Khan Bahadur Raja.

Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.

Muhammad Hassan Khan Gurbachani, Khan Bahadur Sardar.
Muhammad Hussain, Chaudhri.

Muhammad Jamal Khan Leghari, Nawab Sir.
Muhammad Nawaz Khan, Major Sardar Sir.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Muhammad Yusuf Khan, Khan.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Nasrullah Khan, Rana.
Nawazish Ali Shah, Sayed.
Nur Ahmad Khan, Khan Bahadur Mian.

Pir Muhammad, Khan Sahib Chaudhri.

Pohop Singh, Rao.
Ram Sarup, Chaudhri.
Riasat Ali, Khan Bahadur Chaudhri.

Ripudaman Singh, Rai Sahib Thakur.

Roberts, Sir William.
Sahib Dad Khan, Khan Sahib Chaudhri.

Shahadat Khan, Khan Sahib Rai.
Shah Nawaz, Mrs. J. A.
Shah Nawaz Khan, Nawab Sir.
Sikander Hyat-Khan, The Honourable Major Sir.

Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The Honourable Dr. Sir.

Suraj Mal, Chaudhri.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sardar.
Wali Muhammad Sayyal Hiraj, Sardar.

Mr. Speaker : The question is—

That the proposed clause as amended be added to clause 2.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That leave be granted to move the following new clause—

That at the end of proposed section 5-A (1), the following be added :—

Provided further that if the provincial Government delegates powers under this section to any person or persons, an appeal shall lie against the decision of such delegated authority, to the provincial Government.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That the proposed new clause be taken into consideration.

Rai Bahadur Mukand Lal Puri : May I ask the Parliamentary Secretary to give reasons for this amendment, because it appears to me that the clause would defeat the very object he has in view? I should like to know what is the object of the Government in making this amendment. Will the Parliamentary Secretary explain to the House or in any case to me his reasons for this amendment?

Chaudhri Tikka Ram (Urdu) : Let me make it clear, Sir, that the necessity for moving this amendment has arisen from the very wording of clause 5-A (1), which runs as follows :—

5-A (1). No factory shall for the purpose of carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act, or for the purposes incidental thereto, save with the permission in writing of the Provincial Government or such person or persons as it may direct.

According to this clause the provincial Government are authorized to delegate the authority vested in them to any person or persons whom it may direct. In such cases, it seems appropriate that if any person feels aggrieved by the orders of such person or persons, he may have the right of appeal to the provincial Government.

This amendment proposes to give the aggrieved person the right to move the highest authority against the orders of the person or persons, whom the said authority has delegated its powers in this connection.

Mr. Speaker : The motion is—

That the proposed new clause be taken into consideration.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, the Parliamentary Secretary has stated that he proposes to give the right of appeal to persons aggrieved by the order, accepting or refusing permission to extend or start new factories. The object appears to be to give an opportunity for correcting the error of the authority to whom power may have been delegated inasmuch as the delegated person may have unjustly refused extension where perhaps Government may take a different view. If that is his object, then I would suggest to my friend the Parliamentary Secretary that he should have the following provision inserted in the Bill, i.e., "that an appeal shall lie against the decision of such delegated authority refusing extension to the provincial Government," so that if the permission is refused then the person aggrieved may appeal to the provincial Government to set right the error, if any, of the delegated authority. But no appeal should be allowed from every order which the delegated authority may have passed. If the clause, as proposed by the Government is allowed to stand, the matters would be again further delayed. At first the time would be wasted in the disposal of the application and then

in an appeal. Supposing a person puts in an application for setting up a new factory at Lahore and that application is granted by the delegated authority. His rival puts in an appeal before the local Government and that appeal may remain pending for a year.

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

Rai Bahadur Mukand Lal Puri : I am opposing it in its present form and giving my reasons. I am suggesting to the Parliamentary Secretary that his object would be carried out if he provides for allowing an appeal against an order refusing the application and not in cases where the delegated authority may have granted the application for extension or erection of a factory.

If this amendment of the Parliamentary Secretary is carried, a couple of years will be wasted before any application for permission is granted.

Mr. Speaker : At this stage the honourable member can only oppose this amendment. He can move another amendment of his own.

Rai Bahadur Mukand Lal Puri : I do not propose to move any amendment, unless I have got some assurance that Government will accept my amendment.

Minister for Development : I am afraid the amendment may be regarded by some as unduly restrictive. As it stands it means that an aggrieved person should have a right of appeal to the local Government if the order passed by a person in exercise of his delegated authority is not acceptable to him. Now an appeal should be provided not only against an order of rejection but also against an order of acceptance. Suppose there are two persons who have made similar applications. Suppose my application has been rejected and another person's application has been accepted, then I am the aggrieved party and I should have a right of appeal against that order. Similarly if there is a single person who applies for permission and his application for permission has been refused, he is an aggrieved party and should have a right of appeal to the local Government against an order passed by a person to whom authority has been delegated. I agree that the language leaves room for improvement if the real intention is to be made clear.

Malik Barkat Ali : I would like to draw the attention of the Honourable Minister to cases which must be considered before we arrive at a conclusion. The use of the word "aggrieved party" will certainly extend the area of appellants and people other than those whose applications have been refused will be entitled to appeal. Suppose there is an applicant and somebody objects to his application. If that application is accepted then the person who objected will certainly fall within the description of an "aggrieved party" and will have the right of appeal. I would, therefore, request the Honourable Minister to be more precise and clear as to what his intentions are. Undoubtedly in a case where a single person is an applicant and his application is rejected, then he alone should have a right of appeal and nobody else. Similarly, where there are several persons who are applicants for the establishment of a factory at the same place—naturally the question of extension does not arise in such a case—then naturally each one

[Malik Barkat Ali.]

of them is an aggrieved party and their case will certainly be covered by the formula that is suggested. But where the applicant is only one, then the right of appeal should be confined to him alone, and that too in the event of refusal of his application, but should not extend to the objector.

Rai Bahadur Mukand Lal Puri : I was opposing the amendment as it stands and I think, Sir, that to allow an appeal under all cases which have been mentioned by the Honourable Minister of Development would mean inevitable prolongation of the final decision with respect to those applications.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : On a point of order. Is it not a second speech ?

Rai Bahadur Mukand Lal Puri : I gave way to the Honourable Minister of Development to explain his position. Let me explain my point by an illustration. Supposing I want to extend my ice factory. Howsoever desirable in the interests of the town and the industry this desire may be and howsoever legitimate my application may be, objections from the other factory owners are bound to be raised to my being permitted to extend my factory. Ordinarily an application for extension of a factory like the ice factory would be granted and in a clear case would be granted by delegated authority in a couple of days but if an appeal is allowed, papers will go to the local Government through an Under Secretary and then a Secretary and so on and it may take indefinite length of time which may mean the loss of the whole season to me before any decision is arrived at. If the object really is to give facilities against refusal, then that object has not been achieved. In normal cases let the Government keep the power to itself or if they wish to delegate it, they should delegate it to the head of a department or to a very responsible officer whose discretion may be treated to be final. I would oppose this amendment as it stands unless it is confined to appeals against the refusal of an extension.

Malik Barkat Ali : Sir, I would suggest that the amendment should be worded like this—

An appeal shall lie against any order of the delegated authority refusing extension or establishment of a factory at the instance of the applicant only.

So that no other person may come in and drag the proceedings.

Premier : Other persons will not be able to come in. The intention is that any person who makes an application to the authority to whom this power is delegated shall have a right of appeal. Unless he is an applicant himself, he has no right of appeal.

Malik Barkat Ali : That is why I have added the words "at the instance of the applicant only" lest any objector should take advantage of the appeal. My amendment would read like this—

An appeal shall lie against any order of the delegated authority refusing extension or establishment of a factory at the instance of the applicant only within 30 days of the order.

Chaudhri Tikka Ram : I beg leave to withdraw my new clause.

The new clause was by leave withdrawn.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I beg to move—

That leave be granted to introduce the following new sub-clause—

That after clause 5-A (1), the following may be added as clause 5-A (2) :—

Where an order rejecting an application for the establishment or extension of a factory has been made by an authority other than the provincial Government, an appeal by the applicant shall lie to the provincial Government within fifteen days of the date on which such order has been communicated to him.

The motion was carried.

Minister : I beg to move—

That the proposed new sub-clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new sub-clause be added to clause 2.

The motion was carried.

Minister : I beg to move—

That subsequent sub-clauses may be re-numbered as sub-clauses (3) and (4).

The motion was carried.

Mian Muhammad Nurullah : I beg to move—

That leave be granted to introduce the following new clause—

That at the end of the proposed section 5-A (1), the following words be added :—

Provided the number of such factories or total output of a particular manufacturing process exceed the number of factories or the total output of that manufacturing process fixed by Government after careful survey of the locality.

The motion was lost.

Mian Muhammad Nurullah : I beg to move—

That leave be granted to introduce the following new clause—

That after the proposed section 5-A (1), the following proviso be added :—

Provided there is real danger of over-production or unhealthy competition in a manufacturing process in a particular locality.

The motion was lost.

Rai Bahadur Mukand Lal Puri : On a point of order. This is an amendment of a clause and not a new clause. Proviso is always an amendment.

Mr. Speaker : A proviso is sometimes an amendment and sometimes a new clause.

Rai Bahadur Mukand Lal Puri : It is certainly an amendment of this clause, in this case.

Mr. Speaker : Chaudhri Tikka Ram's amendment has been treated as a new clause.

Rai Bahadur Mukand Lal Puri : If it is so, then the right to discuss amendments will be taken away. There is a clause before the House and it is intended to be restricted by means of the proposed proviso. The object of this amendment is to restrict the proposed clause and it cannot be treated as a new clause.

Mr. Speaker : That depends upon the nature of the proviso. The honourable member ought to know that we have always treated provisos, with a very few exceptions when they consist only of a few words, as new clauses.

Rai Bahadur Mukand Lal Puri : This practically stifles all discussion, if you treat every amendment beginning with the word "provided" as a new clause.

Mr. Speaker : I treat every proviso or sub-clause as a new clause. That is the practice and that is my ruling. I treated Chaudhri Tikka Ram's proviso as a new clause.

Rai Bahadur Mukand Lal Puri : I am not complaining of you not treating all equally, but that you should reconsider your ruling.

Mr. Speaker : I have been holding and still hold that, except in certain cases, a proviso should be treated as a new clause.

Rai Bahadur Mukand Lal Puri : Is it a new clause at all in this case? It merely restricts the power given by the main clause. Nothing can be clearer. I shall remind you that this matter was discussed and ultimately you decided that if the new clause introduces a new principle—

Mr. Speaker : It introduces a new matter altogether.

Rai Bahadur Mukand Lal Puri : Not at all.

Mr. Speaker : No more arguments, please. Whenever I consider that a proviso or a sub-clause introduces a new principle, I treat it as a new clause.

Rai Bahadur Mukand Lal Puri : Do you consider that it is something new?

Provided there is real danger of over-production or unhealthy competition in a manufacturing process in a particular locality.

This is only an addition of certain words.

Mr. Speaker : I consider it a new clause.

Rai Bahadur Mukand Lal Puri : But let us know definitely how you consider it as a new clause?

Mr. Speaker : Following the practice of the House, I hold it to be a new clause.

Rai Bahadur Mukand Lal Puri : All right. I bow to it.

Mian Abdul Aziz : On a point of order. May I respectfully submit that there is a difficulty. Supposing we consider that it is not a new clause but a proviso. You may kindly give your ruling definitely so that one may understand it clearly for the future.

Mr. Speaker : In a few exceptional cases where a proviso contains only a few words and not lines and does not introduce an entirely new matter, I have treated it as a proviso and not a new clause.

Rai Bahadur Mukand Lal Puri : Does the number of words determine this fact?

Mr. Speaker : Not words, but contents.

Rai Bahadur Mukand Lal Puri : But you should reconsider the contents of this proviso. It only restricts the power of Government to certain class and, therefore, it is necessary that it should not be treated as a new clause.

Munshi Hari Lal : Sir, I beg to move—

That in the proposed section 5-A (2), (now (3)), line 3, between the words "to" and "the", the words "or exclude from" be inserted.

The motion was carried.

Munshi Hari Lal : I beg to move—

That in the proposed section 5-A (2), (now (3)), line 5, between the words "addition," and "shall" the words "or exclusion" be inserted.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That in the proposed section 5-A (3), (now (4)), lines 3—6, for the words "with simple rupees", the following be substituted:—

With fine which may extend to 5,000 rupees and, in addition, with fine of 100 rupees for each day of the period during which the contravention continues.

(Urdu): In moving this amendment first of all I crave your indulgence, Mr. Speaker, to permit me to make a small change, namely, that the figure "100" may be substituted in place of the figure "1000" as is wrongly printed in my amendment.

Mr. Speaker : Very well.

Chaudhri Tikka Ram : Now, Sir, there is no need to explain my amendment in any detail. Its object is quite obvious. Some honourable members had objected to the provision of imprisonment for the owners of factories who are generally rich and well-to-do persons. In order to accommodate their feelings, we have removed the proposed punishment of imprisonment and agreed to a punishment of fine only. With this object in view the present amendment is being moved. I hope the House will accept it.

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

That in the proposed section 5-A (3), (now (4)), lines 3—6, for the words "with simple rupees" the following be substituted:—

With fine which may extend to 5,000 rupees and, in addition, with fine of 100 rupees for each day of the period during which the contravention continues.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I wish to suggest to the Parliamentary Secretary that his object would be better carried out if he applied the same phraseology in the later portion of the clause also. The words here are—

with fine which may extend to 5,000 rupees and, in addition, with fine of 100 rupees.....

The words ought to be—

with fine which may extend to 5,000 rupees and, in addition, with fine which may extend to 100 rupees.....

Chaudhri Sahib is shaking his head. I will explain the position. Suppose a magistrate wants to fine a man to the extent of Rs. 10 a day only; he would not be able to do so in the presence of this provision. If you do

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not accept my amendment, then it means that if a contravention is continued for two days, the person will be compelled to pay a fine of Rs. 100 each day. There is no discretion to the magistrate in such cases to say, "well, I fine him Rs. 10 a day" as the offence is only of a technical character. I am merely suggesting it because this is really what the Government intend to do. Therefore I propose—

That in the proposed amendment—

After the word "fine", the words "which may extend to" be inserted in place of the word "of".

Mr. Speaker : The question is—

That in the amendment, after the word "fine", the words "which may extend to" be inserted in place of the word "of".

The motion was carried.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): I would request the Honourable Minister to add the following words at the end of the amendment proposed by Chaudhri Tikka Ram :—

But in no case it will be allowed to exceed the capital invested in that factory.

Sir, my object in moving this amendment is this. Supposing I invest a capital of 2 or 2½ thousand rupees in setting up a factory in contravention of the provision of sub-section (1) and in the meantime while correspondence between me and the Government is going on I die, the fine at the rate of 100 rupees per diem should accumulate to such an extent as to make the whole of my property liable to be taken away by Government in realization of that fine. (*Laughter*). I want that the fine should not be allowed to exceed the capital invested in that factory.

Premier : In view of Mr. Puri's amendment which has been accepted by Government, the amendment proposed by my honourable friend becomes unnecessary. Besides the magistrates have now become wise. They would not indiscriminately impose the fine.

Mian Muhammad Nurullah : If that is the case, I do not move my amendment.

Mr. Speaker : The question is—

That in the proposed section 5-A (3), (now (4)), lines 3—6, for the words "with simple rupees", the following be substituted :—

With fine which may extend to 5,000 rupees and, in addition, with fine which may extend to 100 rupees for each day of the period during which the contravention continues.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.

The motion was carried.

Clause 3.

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

That in the proposed section 9-A (1), line 6, for the word "granted", the words "applied for" be substituted.

Sir, you will observe, that under section 9 of the parent Act, an occupier of a factory is required to send only a written notice to the Inspector before work is begun there. The section runs thus—

9. (1) Before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory, each season, the occupier shall send to the Inspector a written notice containing the following particulars.....

Then section 2 of the Bill which has already been passed vests powers in the provincial Government to accord permission for the establishment or extension of a factory. Now in the clause under consideration the question of registration certificate has been raised. It is laid down in the provision—

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.....

Now my submission is that this amending measure puts an enterpriser to a great hardship. At first he is required to obtain permission for setting up or extending his factory. Now he is ordered to get registration certificate before starting the work in the factory, although previously sending of a written notice to the Inspector of Factories used to suffice. In other words now it means that so long as the requisite registration certificate is not granted to him by the Government he must keep his factory in abeyance which fact is bound to entail financial loss to him as well as to the labour who for want of employment would be deprived of their livelihood. Besides, I may point out that red tapism in the Government offices is so proverbial. A sufficiently long time in issuing a registration certificate may be taken up. I, therefore, submit that after permission for the establishment of a factory has been granted by Government, if the enterpriser submits his application for grant of a registration certificate, he or the manager or the occupier should be allowed to start work in his factory. He should not be compelled to wait unnecessarily for the actual receipt of the registration certificate. It would reach him in due course. The factory should be permitted to be worked from the very date he applies for a registration certificate. If this amendment is accepted, it is sure to obviate the difficulties of the enterprisers in starting their factories. I hope the Honourable Minister for Development would give it a sympathetic consideration and accept it to the great benefit of the factory owners. I am sure acceptance of this amendment would facilitate enterprises.

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

That in the proposed section 9-A (1), line 6, for the word "granted", the words "applied for" be substituted.

Minister for Development : Sir, I am sorry, I cannot accept this amendment. If this amendment is accepted, the result will be that after applying for a registration certificate, the man will start working and it will not be possible to impose any conditions on him. Consequently I oppose the amendment.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : I have not been able to see what are the reasons for making this change. The object of having a particular person as manager is that the responsibilities for any omission or commission in the factory should be

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fastened upon a particular individual apart from the responsibilities of the factory itself. There is no other object of a notice to the Government of a certain person being manager, except that the Government can fasten a particular responsibility upon that person. The Government does not claim to give a certificate of approval to the manager for any particular qualifications. It is neither in the statement of objects and reasons of the Bill nor is it anywhere the policy of the Government that a person who has got to manage a factory or to speak more precisely "a person who occupies the factory" in the meaning of the Factory Act, should be a man of any particular qualification or that he should be a man of a particular character or that he should have any particular education. All that is necessary is that some person should be in charge of the factory so that if any default occurs he can be at once hauled up. I do not see why Government now wishes to have the power of approving a person before he is actually permitted to take charge of the factory.

Mr. Speaker : The question is—

That in the proposed section 9-A (1), line 6, for the word "granted", the words "applied for" be substituted.

The motion was lost.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural): I beg to move—

That in the proposed section 9-A (1), lines 6—11, the words "and if..... prescribed" be omitted.

My idea in putting this amendment is that it is in the first place unnecessary because under clause 2 for extension he has to apply and permission is given but he should not for the second time be put to inconvenience and trouble. Section 3 is with regard to the registration certificate for working a factory already established. Suppose during one season it requires something like ten extensions. It means that for ten times that very factory requires endorsement on the back of it. If it is meant that for every endorsement that man has to pay then it is a different thing, otherwise for the sake of endorsement that person should not be put to any inconvenience if that purpose can be served otherwise. Therefore it is not at all necessary that this addition should be made unless the position is explained by the Minister in charge. Otherwise it is unnecessary that people should be troubled. With these words I move the amendment.

Mr. Speaker : The question is—

That in the proposed section 9-A (1), lines 6—11 the words "and if..... prescribed" be omitted.

The motion was lost.

Parliamentary Secretary (Chaudhri Tikka Ram): Sir, I move—

That at the end of the proposed section 9-A (1), the following words be added :—
"for the grant of such a certificate or for an endorsement thereon".

The motion was carried.

Munshi Hari Lal : I move—

That in the proposed section 9-A (2), line 3, for the words "one year", the words "three years" be substituted.

Sir, the object in moving this amendment is that management of the factory should be free from worry to get a licence renewed every year which is always troublesome. As for the question of fees, I would submit that the Government can have fee for all the three years in advance.

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

That in the proposed section 9-A (2), line 3, for the words "one year" the words "three years" be substituted.

Premier : My honourable friend perhaps has not noticed that the word "automatically" is there. A licence will be renewed automatically after a year, on payment of the fee.

Munshi Hari Lal : In that case, I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Munshi Hari Lal : I beg to move—

That in the proposed section 9-A (2), line 4, between the words "grant" and "and", the words "or endorsement" be inserted.

It is quite a formal amendment. There are two points. In one case when a factory is working, the renewal will be granted and in the case of an extension, endorsement is necessary.

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

That in the proposed section 9-A (2), line 4, between the words "grant" and "and" the words "or endorsement" be inserted.

Premier : I accept the amendment.

Mr. Speaker : Question is—

That in the proposed section 9-A (2), line 4, between the words "grant" and "and" the words "or endorsement" be inserted.

The motion was carried.

Sir William Roberts (European) : Sir, before I move my amendment I would request that I may be permitted to make a correction in the amendment put down here. It is a typing error. The figure should be 1 and not l.

The permission was granted.

Sir William Roberts : I move—

That after the proposed section 9-A (2), the following new sub-section be added :—

(3) Registration fee shall not exceed 1 per cent of paid-up capital and actual renewal fee shall not exceed 10 per cent of the registration fee.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I merely want to submit that it is not practicable; under the Government of India Act we cannot put a graduated scale of tax, because it is likely to be construed as an income-tax. That is why we have avoided that. I have already given an indication that we will fix fees according to the nature of the work and the size of the factory. This is more drastic than what I suggested yesterday. We cannot adopt this scale; it might be construed to be a surcharge on income-tax which is not permissible under the Government of India Act.

Rai Sahib Lala Sohan Lal : Can we put down a limit, say to the extent of five hundred or one thousand ?

Premier : You can set a limit, but you cannot impose a graduated scale of tax, as it is likely to be misconstrued.

Rai Bahadur Mukand Lal Puri : In view of the assurance given, I do not think you need press it.

Sir William Roberts : Then I do not press the amendment.

Munshi Hari Lal : I beg to move—

That in the proposed section 9-B (1), lines 1-2, between the words "may" and "make", the words "subject to approval of Legislative Assembly" be inserted.

Government may make rules but let those rules be approved by the Legislative Assembly.

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

That in the proposed section 9-B (1), lines 1-2, between the words "may", and "make", the words "subject to approval of Legislative Assembly" be inserted.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) : The question whether rules framed under an Act of Legislature should be enforced before they have secured the approval of the Legislature or should be enforced after they have secured the approval of the Legislature, has been discussed half a dozen times or perhaps, even a full dozen times in this House. I do not think I need waste the time of the House by offering elaborate arguments why Government cannot accept this amendment. When rules have been framed, they will be placed on the table of the House and the House will have the right and the opportunity to move amendments, suggest modifications and improvements. But they will be framed and will come into force immediately they have been published, and any amendments that may be proposed will have to come after the rules have been placed on the table of the House.

Munshi Hari Lal : May I put one question, because there is another amendment also with regard to these rules ? I think sections 78 and 79 of the Factories Act will apply in this case, which deal with the rule-making power. Section 78 says—

All rules made by the Local Government under this Act shall be subject to the control of the Governor-General in Council.

Section 79 says—

All rules made under this Act shall be subject to the condition of previous publication and the date to be specified under clause (b) of section 23 of the General Clauses Act, 1897, shall not be less than three months from the date on which the draft proposed rules are published. All such rules shall be published in the gazette.....and shall unless some later date is appointed, come into force on the date of such publication.

However, I beg to withdraw this amendment in view of the fact that the Honourable Premier is going to move another amendment.

The amendment was by leave withdrawn.

Premier : I move—

That in the proposed section 9-B (1), lines 1-2, between the words "may" and "make" the words "after previous publication" be inserted.

Pandit Muni Lal Kalia : May I know if the words "as given in section 79 of the said Act" have also been incorporated?

Premier : They are not necessary, but if you want that there should be a three months' previous publication, we will give you that.

Mr. Speaker : Question is—

That in the proposed section 9-B (1), lines 1-2, between the words "may" and "make" the words "after previous publication" be inserted.

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That leave be granted to move the following new clause—

That after the proposed section 9-B (1), the following new part be added—

(c) Specifying the limits within which any renewal of or addition to existing machinery or appliances in a factory shall not be regarded as extension of a factory within the meaning of section 5-A (1).

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new clause be added to clause 3.

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That leave be granted to introduce the following further new clause—

That after section 9-B (1) the following sub-section (d) be added—

Specifying the person or persons to whom authority may be delegated under section 5-A (1).

The motion was carried.

Mr. Speaker : The question is—

That the new clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new clause be added to clause 3.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, there is particularly one important matter to which I want to draw your attention in connection with this clause. In clause 2, the reference to factories implies those factories which shall be undertaking the manufacturing of articles mentioned in the schedule to this Act. You will see that the new sub-clause 5-A (1), which is sought to be added clearly 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 to this Act, or for purposes incidental thereto.....

[Dr. Sir Gokul Chand Narang.]

Do we understand that the reference in the new clause 9-A (1) will also be to those factories which undertake the manufacturing of articles mentioned in the schedule? If this is the object, then I would ask the Government, in all fairness, to make it clear. I believe that is their object because not to mean that would mean that the new law makes the whole position absurd. I even now ask them to say, "no factory carrying on the manufacturing process mentioned in the schedule to this Act and so on", or some other words, which will indicate that the word "factory" in this new clause is also used in the same sense in which it is used in the new clause 5-A (1). I would earnestly request the Government to make the position clear; otherwise it would mean that every factory which has been going on even since Adam's time will be stopped until it has obtained a registration certificate. The words as they stand are liable to that construction or, you may call it, misconstruction. If it is necessary to add these words, then, with your permission I would like to suggest an amendment. The words, "no factory carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act" may be repeated here. That will make the position of the Government quite clear. In clause 9-A (1), after the word, "factory" add the words "carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act, or for the purposes incidental thereto."

Premier : The words ought to be "no scheduled factory shall be worked."

Minister for Development : The proper words to use will be, "no factories to which section 5-A (1) applies."

Dr. Sir Gokul Chand Narang : The same words can be repeated here. What I mean is this that either these words should be repeated here or some other suitable words should be inserted? But why be afraid of reproducing these words merely for the sake of clarity. Repeat the same words which are found in section 5-A (1). That will make the position clear. Then I propose that—

In the proposed clause 9-A (1), after the word "factory", the following words be added:—

Carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act, or for purposes incidental thereto.

Do not be stingy about words for the sake of clarity. It does not matter in the least because that will make the position clear. Clarity is the first thing. You are not making a schedule of factories, you are only referring to processes. I would still submit that repetition of these words would be the best thing. I am not suggesting new words. I am only suggesting to reproduce these words.

Mr. Speaker : The question is—

That in the proposed clause 9-A (1), after the word "factory", the following words be added:—

Carrying on one or more of the manufacturing processes mentioned in the Schedule to this Act, or for purposes incidental thereto.

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.

Munshi Hari Lal : Sir, I beg to move—

That in the proposed section 62-A, line 3, for the word "five" the word "two" be substituted.

The motion was lost.

Mr. Speaker : The question is —

That clause 4 stand part of the Bill.

The motion was carried.

Schedule.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural):
I beg to move—

That from the schedule the following items be deleted—

2. Glass.
4. Chemicals including medicines.
5. Hydrogenated oils—edible and other.
7. Hosiery manufacture.

Glass.—There is only one factory which manufactures glass in the whole province. There will be no congestion if another glass factory is allowed to be opened in the

6 p. m. Punjab. I may assure the Government that it is not my intention or the intention of any of my friends to start a glass factory. The people who may want to start a glass factory should be helped and encouraged. There is no factory which can produce window glass. There is no factory which can produce or manufacture superior kind of glass and I do not see any reason why this industry should be included in the schedule to this Bill.

Chemicals including medicines.—As regards this item, I think, this also should be excluded from the Schedule, and chemicals including medicines should be allowed to be multiplied. Practically there is only one big concern that manufactures chemicals on a large scale. I do not know whether the Government has entered into an agreement with the Imperial Chemical Co. There are many able young scientists in this province who can set up small concerns of their own. They should not be discouraged.

Hydrogenated oils—edible and other.—So far as this industry is concerned, there is only one factory for this in the Punjab. There are poor people in the Punjab who cannot afford to eat *ghi* or butter. There is no reason why they should not use vegetable products.

Hosiery manufacture.—This industry has not reached the limit and no restriction should be placed on it. In fact, Ludhiana is the only place where hosiery is manufactured on any large scale. Even there it is in the position of a cottage industry. I have gone round and have seen practically all the concerns there. They are situated in small houses. There is one concern also in Lahore, and some hosiery is also manufactured at Dhariwal,

[Dr. Sir Gokul Chand Narang.]

There is no congestion even in flour mills, but I do not want that these flour mills should be multiplied. I want to see the Punjab women grinding corn at their homes, so that they may maintain their health and be strong and sturdy. So I am not in favour of deleting flour mills from the schedule. If the Premier agrees he may delete these four items.

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

That from the schedule the following items be deleted—

2. Glass.
4. Chemicals including medicines.
5. Hydrogenated oils—edible and other.
7. Hosiery manufacture.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, I think only those things should be included in the schedule with respect to which it can be said that there is congestion or there is a fear of uneconomic competition or any other ground, which the Government considers to be a legitimate ground for refusing their multiplication. This list seems to be very large. It includes articles like chemicals, including medicines. It occurs to me that if this Bill is allowed to stand as it is, it will bring within its purview a large number of factories which are producing Indian drugs. You know very well that some of the *vaids* and *hakims* have got their pharmacies. For instance, in the D.-A.V. College we have got an Ayurvedic pharmacy. The Islamia College have their Unani pharmacy. Similarly, there must be at least 40 or 50 good physicians, *vaids* and *hakims* who have got pharmacies for manufacturing Indian medicines which would come within the purview of the Act. Is it the intention of the legislature that an Indian pharmacy at Gujranwala employing 10 or 20 men should have the permission of Government? Evidently this does not seem to be the intention of Government. If that is not the intention, I ask Government to modify this clause. In this province we have not got to-day a factory for manufacturing western medicines. There is the well-known Bengal Pharmaceutical Company in Bengal and a similar company in Madras, but unfortunately this province has not yet come into line with those provinces and nothing should be done which would in the least discourage the coming into existence of those concerns for manufacturing medicines.

Premier : I am afraid we are all apt to look at the various clauses from a very restricted point of view. We did not include in the clause all chemicals and medicines because there is already a plethora of factories, but there are several reasons why we want to encourage these concerns. I will now tell my honourable friends opposite how we are going to encourage them. Glass can be manufactured only if you have got a certain kind of sand, and certain kinds of chemicals. That very kind of sand is available only in two or three parts of the province. Therefore a factory on a large scale would not be set up by any enterprising firm, unless it is assured that there is no undue competition. I have asked some people to open a glass factory. We have already given an undertaking to one applicant that if he wants to open a bottle factory we will be prepared to help him by getting orders from various distilleries and by giving him some sort of guarantee for five years, so that

he will get a monopoly, and will settle down and open a factory. Having regard to the restricted area in which you can open a factory this was merely by way of assurance that if big factories wanted to come in there would be no mushroom growths to start competition. I can assure my honourable friend that we are not going to hamper those factories by this clause. It is for that reason that we have given them an incentive. Similarly, with regard to the manufacture of medicines. My honourable friend has mentioned *unani* and *ayurvedic* medicines. I think those people would welcome it, because it would mean that if they are certified manufacturers, there would not be unwholesome competition by people who manufacture all kinds of drugs. For instance, in the case of *unani* and *ayurvedic* medicines, the difficulty is that we do not get proper medicines. In the case of indigenous medicines it might be possible for somebody to set up a *unani* factory or *ayurvedic* factory where standardised medicines will be manufactured. A *hakim* may write a *nuskha* but you cannot get standard medicines. He will tell you that there are several herbs which, if they are exposed to the air for some months, lose their efficacy and become useless. *Banafsha* after six months becomes useless. The *pansaris* go on keeping it for two years. If a factory on a large scale is started to manufacture these medicines it will be an advantage. Here again I may assure my honourable friend that there will be no unnecessary restriction on anybody who applies for permission to start a factory.

With regard to hydrogenated oils this was put in because, as my honourable friend said, there is only one big factory. If a factory is to be opened not in that place but in some other place, there will be no restriction. Somebody might, out of foolishness or ignorance of the facts, or perhaps thinking that Lyallpur was the centre for this trade, create difficulties, but if he starts a factory at Amritsar or some other place no restrictions would be imposed. There is no object in putting restrictions here, because as my honourable friend pointed out, there is only one factory on a large scale which manufactures such oils.

Hosiery is included because hosiery manufacturers at Ludhiana complained that competition had increased to such an extent that they were not earning even a living wage. It was for that reason that this was included. These are the four items which my honourable friend mentioned. If on further consideration we find—

Dr. Sir Gokul Chand Narang : I would like to add one more. I have been hesitating because I am somewhat interested in the matter, so that it might not be said that I am proposing it from personal motives. Even at this stage there are too many steel-rolling mills in this province.

The Premier perhaps knows that there is no iron ore available in this province and all these mills have to depend upon steel scrap which they obtain from the railway, and the scrap is available only in a very limited quantity. It might interest the Minister for Industries as well as the Premier to know.

Mr. Speaker : Let me put the amendment to the House.

Dr. Sir Gokul Chand Narang : I ask for leave to withdraw the amendment.

The amendment was by leave withdrawn.

Dr. Sir Gokul Chand Narang : Sir I should like to add "Steel rolling mills" to the Schedule.

Premier : Is it likely to affect the railway workshops or not?

Dr. Sir Gokul Chand Narang : No.

Premier : They have got steel rolling mills. I can assure my honourable friend that it is not necessary to add this item.

Dr. Sir Gokul Chand Narang : I beg to move—

That at the end of the schedule the following be added—

9. Steel rolling mills.

Mr. Speaker : Question is—

That at the end of the schedule, the following be added—

9. Steel rolling mills.

The motion was carried.

Mr. Speaker : Question is—

That the schedule, as amended, 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.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) : I beg to move—

That the Factories (Punjab Amendment) Bill be passed.

The motion was carried.

The Assembly then adjourned till 12 noon on Thursday, 25th April, 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 25th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

CLASSIFICATION OF CERTAIN SARASWAT BRAHMINS IN HOSHIARPUR DISTRICT AS AGRICULTURISTS.

***6572. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that some of the Saraswat Brahmins of the Hoshiarpur district have been classified as agriculturists and that others have not been so classified ; if so, the reasons therefor ;
- (b) whether he is aware that a representation has recently been made to the Government by those Saraswat Brahmins of the Hoshiarpur district who have not been classified as agriculturists for being so classified ; if so, the action taken thereon ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) List of Brahmins notified as agriculturists has been supplied to the honourable member in reply to starred question No. 6564¹ on 22nd April, 1940.

No representation was received on behalf of Brahmins in tahsils other than Una.

(b) *First part.*—No.

Second part.—Does not arise.

LEAVE RESERVE CLERKS IN THE OFFICE OF DEPUTY COMMISSIONER, ROHTAK.

***6573. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number at present of leave reserve clerks in the English office of the Deputy Commissioner, Rohtak ;
- (b) whether these leave reserve clerks are those who were on the list of candidates before 1934 ;

¹ Vide the debates of 22nd April, 1940.

[Pt. Shri Ram Sharma.]

(c) whether it is a fact that under a circular letter of the Government in 1934 seven of these candidates were allowed to remain on the list and that the names of others were struck off that list; if so, whether any of them have since been made permanent and given promotion on the score of seniority;

(d) whether there have been any cases of supersession among these clerks during this period and if so, how many and why and whether there are any among these clerks or candidates who are getting Rs. 25 per mensem for the last ten years with the reasons for their continuing to get the same salary for all these years?

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

(b) Yes.

(c) *First part.*—Seven were selected as permanent leave reserve clerks, 6 were kept employed in temporary vacancies; and the remainder removed.

Second part.—Yes, but in making appointment the question of seniority, qualifications and length of service is always borne in mind.

(d) *First part.*—No.

Second part.—Yes because under the rules no officiating allowance is admissible in the grades of junior and senior clerks.

Pandit Shri Ram Sharma: May I know as to whether any of the clerks from among the six permanent leave reserve clerks in the Deputy Commissioner's office have been promoted on the ground of their seniority or on some other consideration?

Parliamentary Secretary: Seniority is counted in every cadre.

Pandit Shri Ram Sharma: May I know as to whether any of them has been promoted?

Parliamentary Secretary: I require notice.

Pandit Shri Ram Sharma: The notice is there. I would refer to part (c) of the question where it has been asked as to whether any of them have since been made permanent and given promotion on the score of seniority.

Parliamentary Secretary: My answer to that part is quite clear. In making appointments the question of seniority, qualifications and length of service is always borne in mind.

Pandit Shri Ram Sharma: Just read out the last portion of part (c).

Parliamentary Secretary: I have not been able to find the significance of this question?

Pandit Shri Ram Sharma: What I want to ask is the number of those leave reserve clerks who have been made permanent and given promotion in the Deputy Commissioner's office.

Parliamentary Secretary: I would like to have notice of this question. I cannot give the exact number off-hand.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state the factors that are taken into consideration before promoting any clerk ?

Parliamentary Secretary : I have already stated that seniority is one of the factors which must be taken into consideration and the rest of the factors are considered jointly and a decision is jointly made.

Lala Duni Chand : The point is that a definite number of these clerks is given. The honourable member wants to know which of them have been given promotion on the ground of seniority or otherwise. The question is definite and no further notice is required.

Parliamentary Secretary : If the honourable member wants information with regard to a particular clerk, I am prepared to give it, but it is not possible for me to go into unnecessary details in general cases.

Pandit Shri Ram Sharma : I most emphatically repudiate that insinuation that I seek information in regard to a particular clerk. What I want to know is whether all these factors including that of seniority were considered before giving promotion to the clerks.

Parliamentary Secretary : Yes.

SALE OF FIELD No. 3089 WITHIN MUNICIPAL LIMITS, HISSAR, TO
GHAFUR, ORDERLY OF DEPUTY COMMISSIONER.

***6574. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that field No. 3089 within the municipal limits, Hissar, was excluded from public auction held in 1937 by the order of the then Deputy Commissioner ;
- (b) whether some time later the same land was sold to Ghafur, orderly of the Deputy Commissioner, Hissar, by the order of the latter ; if so, was it done by public auction ; if not, why not ;
- (c) whether a representation by the *malis* of Hissar was made to the Government against the order of the Deputy Commissioner allowing that land to be sold to Ghafur, his orderly ; if so, action taken thereon ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Originally it was proposed to auction field No. 3089 measuring 32 bighas "Ghair Mumkin" ; but subsequently at the request of the residents of Mohalla Malian this land was withdrawn from auction by the Deputy Commissioner.

(b) The piece of land sold to Abdul Ghafur measured only 5 bighas and adjoined some land already owned by him. The land sold contained many pits in which rubbish was deposited and was a nuisance to the public. Abdul Ghafur was the only applicant at the time. The Deputy Commissioner before recommending the sale saw the spot himself and fixed the price at Rs. 60 per bigha kham, although the price proposed by the Revenue Assistant was Rs. 50 per bigha kham and that offered by Abdul Ghafur was

[Minister for Revenue.]

Rs. 33-5-3 per bigha kham. The land was sold by private treaty after considering the representations made by some malis. The sale of these 5 bighas at Rs. 60 per bigha kham was sanctioned by Government.

(c) So far as Government are aware no representation was received from the malis of Hissar after the land was sold. The representation received from them by the Deputy Commissioner, Hissar, before the land was sold was duly considered.

Pandit Shri Ram Sharma : May I know on what grounds the Deputy Commissioner excluded that particular plot of land from the list of lands for auction ?

Minister : I cannot add anything further to the reply that I have already given.

Pandit Shri Ram Sharma : The Honourable Minister has himself admitted on the floor of this House that the Deputy Commissioner excluded that nazul land from the list. But what I want to know is the reasons that led him to its exclusion.

Minister : The whole thing is in the reply. I cannot add anything further.

Pandit Shri Ram Sharma : Has the Deputy Commissioner shown any *riyayat* to his orderly ?

Minister : There is no question of *riyayat*.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that some pieces of nazul land situated near the railway station have been sold to certain members of the schedule castes and the malis ?

Minister : If my honourable friend gives notice, I will make enquiries.

Pandit Shri Ram Sharma : Is it true that the land in question was sold to the said orderly at the rate of Rs. 60 per bigha while the adjoining land was sold at the rate of Rs. 250 per bigha ? Why has the exchequer been put to loss in this respect ?

Minister : I want notice for that.

Pandit Shri Ram Sharma : Is it or is it not a fact that a representation by the malis of Hissar was made to the Governor on the 8th November, 1939 ?

Minister : That does not arise out of the answer given.

Pandit Shri Ram Sharma : Have not the Government received such representation a copy of which I have in my possession ? May I know whether the said representation made on 8th November, 1939, to His Excellency the Governor has not been received by the Government ?

Minister : My friend might see the reply to part (c) of the question.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that proper notification was not made with regard to public auction of the said land and the people who knew it privately had purchased the land ?

Minister : That is not my information.

Lala Duni Chand : May I know if these lands were sold with the sole object of securing the market value or with the object of rewarding certain people?

Minister : There is no question of reward : my friend has seen at what price they have been sold.

Lala Duni Chand : Has the Revenue Minister enquired into the question, namely, whether the price for which the lands have been sold are much less than the market value?

Minister : I have already given my reply to the question.

Lala Duni Chand : May I know if in view of the information given by the Minister on the floor of the House he will be pleased to enquire into the matter whether Government has not suffered?

Mr. Speaker : That is a request for action.

Pandit Shri Ram Sharma : May I know whether when the Deputy Commissioner sanctioned the sale of the land, it was within his knowledge that his orderly was to purchase the land?

Mr. Speaker : This question does not arise.

EXPORT OF BOVINE SKINS FOR CURING.

***6610. Chaudhri Jalal-ud-Din Amber :** Will the Honourable Minister for Development be pleased to state whether any bovine skins are being exported out of the province for being cured; if so, to what places and approximately in what numbers or quantity annually?

The Honourable Chaudhri Sir Chhotu Ram : The reply is in the negative.

FACTORIES FOR CURING BOVINE SKINS.

***6613. Mian Muhammad Nurullah :** Will the Honourable Minister for Development be pleased to state whether there are any factories in the Punjab for curing bovine skins by modern methods; if so, how many and the places where they are located and also the approximate number or quality of skins handled by each such factory annually?

The Honourable Chaudhri Sir Chhotu Ram : There are the following tanneries at present working in the Punjab, where they carry on curing in addition to tanning :—

- (1) Wazirabad Tannery, Wazirabad.
- (2) The Upper India Tanneries, Sialkot.

The number of hides handled by each factory is not divulged by the management, as this is considered their trade secret.

EXPORT OF BOVINE SKINS FOR CURING.

***6614. Mian Muhammad Nurullah :** Will the Honourable Minister for Development be pleased to state whether any skins are being exported out of the province for being cured; if so, to what places and approximately in what numbers or quantity annually?

The Honourable Chaudhri Sir Chhotu Ram : The reply to the first part of the question is in the negative. The second part does not arise.

SANITATION AND VACCINATION WORK IN LUDHIANA DISTRICT.

***6621. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of villages in each tahsil of the Ludhiana district visited so far by the District Medical Officer of Health, Ludhiana, since the time he has been posted to the district ;
- (b) the number of sanitary inspectors and sanitary patrols at present employed under the said officer in the Ludhiana district ;
- (c) the number of days in each month during this period for which the said officer has remained on tour in connection with the work of village sanitation and vaccination ;
- (d) whether it is a fact that the work of the District Medical Officer of Health has now considerably increased and the staff at present working under him is too inadequate to cope with the increased amount of work that they are required to do for affording medical relief and improving village sanitation in the villages and particularly in Illaqa Bet of the Ludhiana district ; if so, the steps intended to be taken in this behalf ?

The Honourable Mian Abdul Haye : A statement is laid on the table.

Chaudhri Muhammad Hasan : May I invite the Honourable Minister's attention to his reply to part (d) and ask whether the work of the District Medical Officer of Health has now considerably increased ?

Minister : There may have been some increase but the staff is not inadequate as compared with other districts.

Sardar Hari Singh : Has the Honourable Minister compared the figures of work done by the District Medical Officer of Health during the years 1937 and 1938-39 ?

Minister : More work is being taken ; that is a fact.

Chaudhri Muhammad Hasan : How is the Minister in a position to say that work has slightly increased ? What is the data before him ?

Chaudhri Muhammad Hasan : Did not the Minister call for a report of the Medical Officer, Ludhiana, in order to supply the information which I sought in this part of the question ?

Minister : It was not necessary to call for a report.

Chaudhri Muhammad Hasan : On what basis has the Minister supplied this information as regards part (d) of the question ?

Minister : Because the head of the department is already aware of the fact.

Chaudhri Muhammad Hasan : Does the department say anywhere in the report that it submitted that the work has really increased ?

Statement.

(a) The present District Medical Officer of Health, Ludhiana, took over charge of the district on the 10th November, 1938. Since then he has visited 237 villages as detailed below—

<i>Tahsil.</i>						<i>Number of vil- lages visited.</i>
Ludhiana	..	..	..	..	..	122
Samrala ..	..	..	..	..	..	72
Jagraon ..	..	..	..	..	..	43
Total						237

Out of these, 40 villages were visited by him twice, 22 three times and 32 more than three times.

(b) Provincial Staff—						1
Sanitary Inspector	..	..	..	..	..	1
District Board Staff—						1
Sanitary Supervisor	..	..	..	..	..	4
Sanitary Mates ..	..	..	..	..	..	6
Sanitary Patrols ..	..	..	..	..	..	6
						<i>Days.</i>
(c) November, 1938	..	..	..	..	..	10
December, 1938	..	..	..	..	..	19
January, 1939	..	..	..	..	..	17
February, 1939	..	..	..	..	..	19
March, 1939	..	..	..	..	..	17
April, 1939	..	..	..	..	..	17
May, 1939	..	..	..	..	..	22
June, 1939	..	..	..	..	..	20
July, 1939	..	..	..	..	..	18
August, 1939	..	..	..	..	..	13
September, 1939	..	..	..	..	..	15
October, 1939	..	..	..	..	..	9
November, 1939	..	..	..	..	..	10
December, 1939	..	..	..	..	..	13
January, 1940	..	..	..	..	..	12
February, 1940	..	..	..	..	..	19
March, 1940	..	..	..	..	..	10
April (up to 15th)	..	..	..	..	..	6
Total						266

The average number of days per month spent by the District Medical Officer of Health on tour is 18.

(d) Compared with other districts, the staff in the Ludhiana district cannot be said to be inadequate. The staff in the Bet Ilaga consists of—

Entomologist	..	..	..	..	..	1
Sub-Assistant Health Officer	..	..	..	..	..	1
Sanitary Supervisors	..	..	..	..	..	3
Orderlies	..	..	..	..	..	2
Clerk	..	..	..	..	..	1
Peon	..	..	..	..	..	1

VACCINATION IN LUDHIANA DISTRICT.

*6622. **Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state the number of persons vaccinated in the Ludhiana district during the year 1939 and from 1st January to 31st March, 1940 ?

The Honourable Mian Abdul Haye : A statement is laid on the table.

Vaccination in Ludhiana district.

—	Primary.	Re-vaccination.	Total.
(a) Number of persons vaccinated during 1939.	31,139	145,373	176,512
(b) Number of persons vaccinated from 1st January, 1940, to 31st March, 1940.	14,869	57,263	72,132

LAND IN JAMNA, SIRHIND AND IN NON-PERENNIAL
CANALS OF GHAGGAR.

***6633. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state the areas respectively in bighas of land of the Ambala district under Western Jamna Canal and Sirhind Canal and in the non-perennial canals of Ghaggar?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is not clear what the honourable member means by the area under the canals. If he means the area served with irrigation, the Western Jumna canal provides irrigation for 4,764 acres or 22,867 bighas (Culturable Commanded Area) of the Ambala district, and the Sirhind and the Ghaggar canals do not irrigate any part of this district.

Khan Sahib Khawaja Ghulam Samad : I meant to ask how much area of land in the Ambala district had been acquired for these canals.

Parliamentary Secretary : I am sorry I did not understand the meaning of the honourable member. If he would give a fresh notice I will find it out.

Khan Sahib Khawaja Ghulam Samad : The question which I sent in was quite clear on the point, but that question of mine has been altered by the Assembly office and put in the list in this form for which I am sorry.

NOMINATIONS TO THE LYALLPUR MUNICIPAL COMMITTEE.

***6634. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Public Works be pleased to state—

- the date on which the election to the Municipal Committee of Lyallpur was held ;
- the date on which the recommendations were made regarding nominations by the Commissioner ;
- the reasons for the delay in nominations ?

Parliamentary Secretary (Shaikh Faiz Muhammad) :— (a) In January, 1940.

(b) Lyallpur being a second class municipality, Commissioner is himself the nominating authority and does not make any recommendations to Government.

(c) Some important questions were under consideration.

Lala Deshbandhu Gupta : May I know whether there is any time limit to the nominations that have to be made by the Commissioner ?

Parliamentary Secretary : So far as I am aware there is no time limit.

Lala Deshbandhu Gupta : Does the Parliamentary Secretary mean that the Commissioner can sit tight even for three years and the electorate be deprived of the right of sending their nominees ?

Parliamentary Secretary : Nothing of the sort.

Lala Deshbandhu Gupta : Have Government taken any action to remind the Commissioner to expedite the nominations ?

Parliamentary Secretary : There is no question of reminding. The honourable member must know that before making the nominations the Commissioner has to satisfy himself as regards certain details and that naturally takes time.

Mr. Dev Raj Sethi : What are the important considerations that has led to the delay ?

Parliamentary Secretary : The interests of the municipality concerned.

Mr. Dev Raj Sethi : What are those interests ?

Parliamentary Secretary : The interests of the municipality concerned.

Pandit Shri Ram Sharma : Does the Parliamentary Secretary mean by interest that in the Lyallpur Municipal Committee the number of protagonists of the Unionist Party be increased ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hasan : Is it a fact that the Commissioner of Multan division is considering the applications submitted against several people who have been recommended by the Deputy Commissioner ?

Parliamentary Secretary : I am not aware of any applications received by the Commissioner.

Lala Duni Chand : May I know if it is the accepted principle of the Government that the municipality should be constituted within the shortest possible time after the elections ?

Parliamentary Secretary : The question is very difficult to answer because hypothetical.

Lala Duni Chand : May I know if it is true that the object of elections is defeated if the municipalities are not constituted after the elections by reason of the fact that inordinate delay takes place in regard to nominations ?

Mr. Dev Raj Sethi : May I know if the delay is due to the fact that Congressmen and Ahrars have swept the polls ?

Parliamentary Secretary : It might be an insinuation or an inference ; it is not a question.

Pandit Shri Ram Sharma : Has the Deputy Commissioner sent his recommendations and is the Commissioner delaying the matter ?

Parliamentary Secretary : I would require notice for that.

Sardar Sohan Singh Josh : For how long did these papers remain lying in your office ?

Lala Deshbandhu Gupta : Is the Commissioner delaying the matter intentionally because of the policy of the Government ?

Parliamentary Secretary : I strongly repudiate the insinuation.

Lala Deshbandhu Gupta : Were instructions given to the Commissioner in this matter from above ?

Parliamentary Secretary : None to my knowledge.

Mr. Dev Raj Sethi : Is it a fact that a case has been started against Malak Fazal Hussain in order to disqualify him from the membership of the municipal committee ?

Parliamentary Secretary : I do not know who this Fazal Hussain is.

Pandit Shri Ram Sharma : Is it a fact that the Deputy Commissioner, Lyallpur and the Commissioner of Multan came to Lahore in order to discuss and consult the higher authorities in regard to this matter ?

Parliamentary Secretary : I am not in the know of it.

Lala Duni Chand : The Government has got power of control over the Commissioner ; has the Government made enquiries for this unusual delay ?

Parliamentary Secretary : I have not conceded that there has been any unusual delay.

ELECTIONS TO THE LYALLPUR MUNICIPAL COMMITTEE.

***6635. Makhdumzada Haji Sayed Muhammad Wilayat Hussain Jeelani :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the names of the newly elected members of the Lyallpur Municipal Committee have not been gazetted so far ; if so, the action Government propose to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The names will shortly be gazetted by the Commissioner, Multan Division.

Pandit Shri Ram Sharma : May I know if the Government has asked the Commissioner as to why he has not forwarded the names for publication in the Gazette while 4 or 5 months have passed ?

Parliamentary Secretary : I cannot make the matter more clear than I have done already. I have repeatedly told that the Commissioner has no need to send the names to the Government. He is the competent authority for gazettement these names after satisfying himself.

Pandit Shri Ram Sharma : Why has not the Government asked the Commissioner to explain why he has delayed the gazetting of the names?

Parliamentary Secretary : That is not necessary. It is for the Commissioner to look into all the relevant matters and then publish the names in the gazette.

Pandit Shri Ram Sharma : How long will the Government go on waiting? For a year or two?

Parliamentary Secretary : I wonder why the honourable member is so impatient. Whatever the Committee, it will run for its fixed period of three years. Even if the gazette is delayed, the period of the new committee will run from that date on which the names are gazetted.

Pandit Shri Ram Sharma : How is it that unusual delay is taking place now-a-days only while previously it was not the case?

Parliamentary Secretary : May I know any concrete case in which unusual delay has taken place?

Mr. Dev Raj Sethi : In the case of Multan District Board, the delay was to the extent of one year and two months.

Parliamentary Secretary : We are concerned with the municipalities and not with district boards at the present moment. The honourable member ought to know this much. (*Laughter.*)

Lala Deshbandhu Gupta : May I know if the Parliamentary Secretary realises that this inordinate delay gives life to the old committee beyond its legal term of three years and thereby denies to the voters their lawful rights?

Parliamentary Secretary : There is a provision in the Municipal Act that the old committee shall continue till a new one is constituted and the new committee will also have its three years term.

Lala Deshbandhu Gupta : That is how the Government is using backdoor methods.

Lala Duni Chand : It is apparent that the Commissioner is not discharging his obvious duties; why does the Government not take any action in the matter?

Parliamentary Secretary : I do not accept the first part; the second part does not arise.

Lala Deshbandhu Gupta : Is the Parliamentary Secretary not in a position to say definitely whether the papers in regard to these nominations remained lying on the table of his Minister for one month and then they were returned to the Commissioner?

Parliamentary Secretary : I am not in the habit of searching the table of the Honourable Minister.

Lala Dev Raj Sethi : Is it a fact that the Deputy Commissioner, Lyallpur, came to see the Minister of Public Works at Lahore with a view to discuss this matter?

Parliamentary Secretary : I have no knowledge.

Lala Duni Chand : If the Parliamentary Secretary is not in the habit of searching his Minister's papers, is he in the habit of making enquiries into the necessary matters ?

Mr. Speaker : It does not arise.

Lala Deshbandhu Gupta : The honourable member is perfectly relevant, Sir. He wants to know whether the Parliamentary Secretary is in the habit of making the necessary enquiries from his Minister or not ?

Parliamentary Secretary : I do inquire into relevant questions.

Pandit Shri Ram Sharma : May I know if the question of increase of nominated members is under consideration ?

Mr. Speaker : That does not arise.

Lala Deshbandhu Gupta : Did the parliamentary Secretary have any occasion to talk on this subject with the Honourable Minister or not ?

Parliamentary Secretary : No, Sir.

Lala Deshbandhu Gupta : Parliamentary Secretary says he has not seen the papers ; did he have any verbal talk ? He is pleading complete ignorance, that is why we are obliged to put such questions.

Mr. Speaker : That question is not being put for the elucidation of the answer. I invite the attention of the honourable member to rule 31.

Lala Deshbandhu Gupta : But the fact is that the Ministry is interfering and my honourable friend is trying to evade the question. May I know the reasons for the inordinate delay ?

Mr. Speaker : That has been answered.

Lala Deshbandhu Gupta : I want further elucidation of the answer.

Mr. Speaker : The answer to the main question can be elucidated. The elucidation of an answer to a supplementary question is not permitted.

Lala Deshbandhu Gupta : Government is in fact hiding information from the House.

Mr. Speaker : The honourable member can ask questions in conformity with the rules in force.

Dr. Gopi Chand Bhargava : The question that has been put is quite simple. It is whether there has been any verbal communication between the Deputy Commissioner and the Government regarding this matter ?

Lala Deshbandhu Gupta : The object is to find out whether he has had any talks with the Minister on the subject.

Mr. Speaker : I cannot allow that question.

Mr. Dev Raj Sethi : May I know why the Honourable Minister for Public Works is absent ? Is it because he wants to avoid this inconvenient question ?

Parliamentary Secretary : The Honourable Minister could not be present as he had to attend the marriage of a relation of his.

Rai Bahadur Lala Gopal Das : The Parliamentary Secretary has stated that nominations will be gazetted shortly. May I know what he means by 'shortly'? Is it a few days, or a few weeks, or a few months or a few years?

Lala Deshbandhu Gupta : The Parliamentary Secretary has stated that nominations will be gazetted shortly. May I know whether that is a surmise or whether the reply is based on certain information which he has received either from the Commissioner or some other source?

Parliamentary Secretary : It is based on intimation received from the Commissioner.

Lala Deshbandhu Gupta : What is the information? Is he prepared to lay it on the table?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : May I know whether the Commissioner has submitted a list of nominations that he proposes to make?

Parliamentary Secretary : I have stated that the Commissioner is the final authority.

Lala Deshbandhu Gupta : Was an enquiry made by the Commissioner and was it in reply to that enquiry that the Government has replied?

Parliamentary Secretary : When this question arose in the ordinary course it was sent to the Commissioner and he has stated that he is considering it.

Lala Duni Chand : May I know if the volley of questions out of which the Parliamentary Secretary has been able to answer only a few will be a ground for expediting the nominations?

Mr. Speaker : Disallowed.

NOMINATION OF MUSLIM ZAMINDARS TO LYALLPUR MUNICIPAL COMMITTEE.

***6636. Makhdomzada Haji Sayed Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether Government is aware that of the eight elected Muslim members of the Lyallpur Municipal Committee four are Shaikhs by caste;
- (b) whether those who are proposed to be nominated from among the Muslims to the said committee are also Shaikhs;
- (c) whether the claims of Muslim zamindars are going to be considered in this connection?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) This may be so, but Government have no information and have not considered it necessary to enquire from local officers.

(b) and (c) Nominations will be made by the Commissioner and he will undoubtedly consider the claims of the various groups with due regard to the interests of municipal administration.

Pandit Shri Ram Sharma : May I know whether at the time of making nominations to a municipal committee, the Government keeps the proportion of zamindars and non-zamindars in view ?

Parliamentary Secretary : How does this question arise ? Does the honourable member think that Shaikhs cannot be zamindars ?

Pandit Shri Ram Sharma : I want to know whether among the Muslim members the proportion of agriculturists and non-agriculturists is taken into consideration ?

Parliamentary Secretary : The question of agriculturists and non-agriculturists does not arise out of the original question. If my honourable friend reads it carefully, he would find that in one part it has been asked whether out of the eight elected members of the Lyallpur Municipality four are Shaikhs and in the other whether those who are proposed to be nominated from among the Muslims to the said committee are also Shaikhs. I have already stated that Shaikhs can be zamindars. Hence no question of proportion of agriculturists and non-agriculturists arises out of it.

Pandit Shri Ram Sharma : Are Shaikhs mentioned in the question non-zamindars ?

Parliamentary Secretary : How did my honourable friend arrive at this conclusion ?

DIRECTOR OF INDUSTRIES.

*6639. **Rana Nasrullah Khan** : Will the Honourable Minister for Development be pleased to state the amount of time that was taken by the present Director of Industries for training for his present post, and the amount of time fixed for training for his successor ?

The Honourable Chaudhri Sir Chhotu Ram : The present Director of Industries did not undergo any training when he assumed charge of his post nearly ten years ago. His successor-designate will have been under training for about seven months when he takes over in the middle of August, 1940. A preliminary period of training is essential now as the work of the Department has greatly increased in volume and in importance during the last decade. Such preliminary training is now necessary in the case of large departments if an officer is selected from outside the department to assume charge as the head of that department.

Mr. Dev Raj Sethi : What is the nature of the training ? Is it within the department or outside ?

Minister : He has been sent on a tour round various provinces and industrial centres to make himself fully acquainted with conditions as they prevail elsewhere.

Lala Duni Chand : May I know if it is true that the question of training a candidate arises only if he does not already possess the requisite qualifications to fill in a particular post ?

Mr. Speaker : Disallowed.

LAW COLLEGE.

***6641. Khan Muhammad Yusuf Khan :** Will the Honourable Minister for Education be pleased to state the percentage for the last two years of the failures of the Law College students in the P.E.L., F.E.L. and LL.B. classes, communitywise ?

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 give him the information.

FEE CONCESSION RULES.

***6642. Khan Muhammad Yusuf Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the fee concession rules for the poor students were framed before the present Government came into office ;
- (b) if the reply to (a) above is in the affirmative, whether the Government has ever proposed, during its regime, to amend these rules ; if so, when, with what object and with what result ?

The Honourable Mian Abdul Haye : The answer is a lengthy one and with your permission I will lay it on the table.

Khan Muhammad Yusuf Khan : Then it means that I am deprived of my right to put supplementary questions.

Mr. Speaker : Was not a copy of the reply supplied to the honourable member ?

Khan Muhammad Yusuf Khan : No, Sir.

Mr. Speaker : I have more than once said that in such cases, copies of answers must be supplied to honourable members, but no heed has been paid.

Minister : I have made it a definite order to supply a copy. I do not know why it has not been supplied in this case. I shall see that it is done in future.

Answer to Starred Question No. 6642.

(a) and (b) The honourable member has not specified the rules to which he is referring. However, the required information in regard to the amendments issued during the regime of the present (Unionist) Government to

[Minister for Education.]

Articles 111, 120, 121 and 126 of the Punjab Education Code, XI edition, which have a bearing on the question is given below :—

Number of Article.	PARTICULARS OF AMENDMENT.		Object of amendment.
	Notifica- tion No.	Date.	
111	There has been no amendment to this rule.		
120	14890-G. 22530-G.	23-6-1939 3-10-1939	To give the heads of institutions an opportunity to exercise their discretion in fixing the number of full and half fee concessions within the prescribed maximum to show distinctly the number of such concessions admissible in anglo-vernacular and vernacular schools.
121	4870-G. 13778-G. 8182-G.	18-2-1938 27-6-1938 5-4-1939	(i) To incorporate in the Punjab Education Code the orders relating to fee concessions for agriculturists children for anglo-vernacular education, which orders previously existed in the form of C. Ms. (ii) to eliminate from the Code the definition of the term "agriculturist" which was different from the definition followed by the Revenue Department and (iii) to clarify certain misunderstandings which arose in connexion with the grant of these concessions.
121	17776-G. 14089-G.	25-8-1937 2-7-1938	To incorporate in the Punjab Education Code the orders regarding fee concessions for the children of the 'depressed classes' which term has been replaced by weaver class and the 'special classes.'
121	17779-G.	25-8-1937	To raise the salary limit for the purpose of fee concessions to teachers' children in the case of those teachers who die in service.
126	826-G. 25116-G.	10-1-1938 5-12-1938	To put a stop to local bodies interfering with the award of fee concessions made by heads of the schools under their control, and to clarify the intention of the rule.

2. There has been no occasion to ascertain the results of these amendments, but it is hoped that each of these has had the desired effect.

DAMAGE DONE BY HAILSTORM IN CERTAIN VILLAGES OF
AMRITSAR DISTRICT.

***6643. Sardar Partap Singh:** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the villages Sarali Mandan, Nandpur, Burj Nathuke, etc., suffered from hailstorm in the last month;
- (b) if so, the area so damaged in each village;
- (c) the steps taken by the Government so far in the matters of relief and remission in land revenue and *abiana*?

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

(b) and (c) Information regarding the area damaged in each village will be available after special girdawari when relief where due will be granted according to rules.

AUCTION OF LANDS IN RAKH MAKHDUM VANOHI IN DISTRICT
MULTAN.

***6644. Malik Barkat Ali:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether any lands in Rakh Makhdum Vanohi near Khanewal, district Multan, have been auctioned recently; if so, the average price per square realized at that auction;
- (b) whether any chaks, and if so, how many in the said Rakh, have been set apart and reserved for purchase by people of two particular castes or designations only; if so, the names of those castes or designations, the reasons for this distinction and the reasons for which persons outside the aforesaid castes and designations have not been permitted to bid;
- (c) the average price obtained by auction of lands in Pir Mahal; and
- (d) the difference between the price per square realised in the auction of lands in the Chaks specified in question (b) above and the price realised by auction of lands in Pir Mahal is large, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes; Rs. 9,800 per rectangle of 25 acres.

(b) Two chaks were set apart for auction to Arains and Jat Sikhs only in order to provide the colony with its essential requirement of competent small holding cultivators and at the same time to realize as much money as possible for the land compatible with this long recognized necessity in a colony.

(c) Rs. 886 per acre.

[Raja Ghazanfar Ali Khan.]

(d) The difference is Rs. 265 per acre as compared with Rs. 386 per acre. The land in Pir Mahal was cultivated land close to a market town. That sold by restricted auction, was uncultivated land at a greater distance from the market town. Moreover the lots in the restricted auction were not larger than two rectangels each, whereas, in Pir Mahal larger lots were also sold.

CLASSIFICATION OF SARDAR DASUNDHA SINGH AS A HABITUAL
OFFENDER.

***6646. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state, with reference to answer to question No. 6497¹ asked in this Session of the Assembly, whether it is a fact that some of the well-placed friends of Sardar Dasuudha Singh, a Kisan Morcha prisoner, submitted a representation to the trial court requesting that the said prisoner be treated as a better class prisoner; and if so, whether the representation was forwarded to the District Magistrate, Hoshiarpur, and if so, whether the District Magistrate had the occasion to consider that representation before deciding to classify the prisoner as a habitual offender?

The Honourable Mr. Manohar Lal : No.

ENJOYMENT OF HOLIDAYS BY THE STAFF OF THE VETERINARY COLLEGE,
LAHORE.

***6647. Malik Barkat Ali :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that prior to Mr. J. S. Garewal's appointment as Principal of the Veterinary College, Lahore, the demonstrators and other members of the teaching staff used to enjoy holidays alternatively, namely, used to work on one holiday and to enjoy the holiday following;
- (b) whether it is a fact that Mr. Garewal has stopped this enjoyment of holidays alternatively, with the result that the demonstrators and other members of the teaching staff have to be on duty continuously without any enjoyment of holidays; if so, the reasons therefor and the action intended to be taken in the matter?

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

(b) The teaching staff of the College consists of—

(1) Professors	..	..	..	7
(2) Assistants to Professors	..	..	..	4
(8) Hospital Surgeon	..	..	..	1
(4) Clinical Assistant in charge of Dog Hospital	..	..	..	1
(5) Clinical Assistant to the Professor of Medicine	..	..	..	1
(6) Demonstrator in Anatomy	..	..	..	1
(7) Assistant Demonstrators	..	..	..	4

¹Vide the debates of 28th March 1940.

Nos. 1 to 4 still continue to enjoy the said concession. In November, 1939, Mr. Garewal ordered that Nos. 5, 6 and 7 should work for two hours on every holiday continuously in the interests of the public service.

I am to explain, for the information of the honourable member, that Clinical Assistants, Demonstrators and Assistant Demonstrators are appointed by selection from amongst L. V. Ps. working as Veterinary Assistants and Veterinary Assistant Surgeons in the field. While working as such, they are required to be on duty for six to eight hours on every day without the enjoyment of any holiday whatsoever. On their being posted to the College they have to work only for two hours on holidays. No hardship is, therefore, involved in this arrangement and Government does not think it advisable to alter it.

Khan Sahib Chaudhri Sahib Dad Khan : May I know whether there is any difference between that referred to in (a) and that referred to in (b) ?

Minister : In the absence of notice, I am afraid, I can not supply the information.

MUNICIPAL ADMINISTRATION REPORT.

***6648. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether the Municipal Administration Report for the last year has been considered by the Government ;

(b) the steps, if any, the Government has taken or intends to take to remove the defects and shortcomings stated in the report ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) and (b) The honourable member is presumably referring to the review by Government on the municipal administration reports for the year 1937-38 which was recently published. The defects mentioned therein are such as are capable of being rectified by municipal committees or by individual members without any action by Government.

Lala Duni Chand : When the Administration Report of a Department is published, does the Government or any competent body of persons consider it ?

Mr. Speaker : That is a much wider question than the original question and its answer.

Lala Duni Chand : I want to know what the practice is regarding the examination of the administration reports when they are published.

Mr. Speaker : The honourable member cannot ask one honourable minister a question about the reports of all departments.

Lala Duni Chand : I am asking a question about this particular report to know what is the practice of the Government regarding the report of the municipal administration in the province after this is published to know whether the Government considers them or the minister in charge considers them or the cabinet as a whole considers them. I want to know

[L. Duni Chand.]

when this report was published, in what manner it was examined and by whom in order to remove the shortcomings that may have been pointed out in that report. I suppose this is the object of publishing such reports.

Mr. Speaker : Administration Reports are supposed to have been written and published by Government.

Rai Bahadur Mukand Lal Puri : That is what the honourable member wants to know whether the cabinet considers them or the Minister.

Mr. Speaker : What does it matter ?

Lala Duni Chand : Material is collected by the department concerned and then the report is published and I want to know whether the Government takes it into consideration after it is published.

Mr. Speaker : The answer given is that all the defects, pointed out in the reports, are left to the municipal committees concerned to remove.

Lala Duni Chand : By whom were these defects examined and in what manner were they examined ? I want to know whether it is the duty of the whole Government to examine these reports or the duty of the Minister in charge only or whether it is the duty of the Secretary to the Government in the Department concerned.

Parliamentary Secretary : Do you want a lecture from me on the procedure that is followed in this respect ?

Rai Bahadur Mukand Lal Puri : Do you examine it or not ?

Lala Duni Chand : These reports are not meant for the waste paper basket, they are meant for serious study on the part of the Government. May I know what was the most important shortcoming pointed out in this report ?

Mr. Speaker : The honourable member may read the report.

Lala Duni Chand : What action, if any, has the Government taken in regard to the defects or shortcomings pointed out in this report ? Has the Government taken any action ?

Mr. Speaker : The very fact that reports, mentioning defects in the working of municipalities, are published and printed, under the authority of the Government, in the official gazette, is enough to awaken the municipalities concerned to their defects.

Pandit Shri Ram Sharma : Has the Government issued any direction on the basis of these reports that the Government will take action if the defects are not removed ?

Parliamentary Secretary : My honourable friends, in my opinion, do not know how these reports are written and through what stages they pass. If permitted I may state the procedure. The president of a committee writes the report in the first instance and sends it to the Deputy Commissioner of the district who consults his officer in charge of municipalities and writes out his review on the working of all the municipalities in the district and the consolidated report is sent to the Commissioner who in turn reviews the working of the municipalities in his division and forwards.

this review to the Government. The Government reads the full report of the whole of the province and reviews it and points out the defects in the working of the municipalities and this is the action that the Government takes on the report. The attention of the committees concerned is drawn to these defects and if there is any complaint against any particular member, it is mentioned and the member as well as the committee concerned is expected to remedy that defect and remove the complaint and if no action is taken by those concerned, Government takes strong action.

Lala Duni Chand : The point is whether the Government makes a comprehensive survey of the report when it is published and whether it draws the attention of the persons concerned to it.

Mr. Speaker : Disallowed.

Mr. Dev Raj Sethi : Is it the Minister alone or the whole Cabinet that considers it?

Parliamentary Secretary : There is joint responsibility and therefore consideration by one Minister means consideration by Government as a whole.

EXTENSION GRANTED TO GAZETTED OFFICERS.

***6649. Lala Duni Chand :** Will the Honourable Premier be pleased to state the number and names of Gazetted Officers in the various Government departments to whom extension of service has been granted since 1st April, 1937, up to the present day and the reasons for the extension in each case?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The attention of the honourable member is invited to the answer given to part (b) of starred question No. 6372 asked by Chandhri Kartar Singh on the 28th March, 1940.

Lala Duni Chand : I want to know the number and the names of those officers who have been granted extensions during the particular period mentioned in the question. There is no information in the answer given by the Parliamentary Secretary.

Mr. Speaker : Are names and numbers not given in that answer?

Lala Duni Chand : That reply does not contain the number of those officers who have been given extensions and I want to know the names and numbers.

Mr. Speaker : The Parliamentary Secretary states that all these things are given in it.

Lala Duni Chand : Will he kindly read out the answer?

Mr. Speaker : No. Every honourable member is supposed to know what is going on in the House.

Lala Duni Chand : Is it not open to me to point out that the reply given by him is incorrect and that he may give a correct reply? This question is very important.

Mr. Speaker : If the same or an identical question is asked every day by different members should the Minister or the Parliamentary Secretary concerned give daily a detailed reply to every such question ?

Mr. Dev Raj Sethi : That information might have been up to March but this question is up to present day.

Lala Duni Chand : May I know if the names of the officers who have been granted extension during this period are given in that answer ? If he says that they are given then I will be satisfied.

Parliamentary Secretary : A number of questions has been asked in regard to this matter and in the last question that was answered the names of Executive Branch of P. C. S. were given and it was stated that in regard to other departments the Government could not undertake to collect the information as that was not readily available.

Mr. Speaker : Is it available now ?

Parliamentary Secretary : The reply was that the Government could not undertake to collect that information. Same is the position now.

WATER SUPPLY AT AMBALA.

***6652. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

(a) Whether the scheme prepared by the Superintending Engineer, Public Health Circle, with a view to increasing the water supply at Ambala city referred to by him in his reply to my starred question No. 231, asked on 17th June, 1937, has been received and considered ; if so, what has been the outcome of it ?

The Honourable Mian Abdul Haye : Yes. Four tube-wells were constructed.

Lala Duni Chand : May I know whether these tubewells have improved the water supply of Ambala city ?

Minister : They yield over 12,000 gallons per day additional.

Lala Duni Chand : I want to know whether the sinking of these wells has improved the water-supply of Ambala city from what it was since the Honourable Minister of Education was installed into this portfolio and promised to remove the difficulties ?

Minister : It has.

Lala Duni Chand : Is it not true that during the summer practically there is no water to meet the least requirements of the inhabitants of that place ?

Minister : It may be that the supply is not adequate for the needs of the people living in Ambala. But what I said was that the supply has been improved by sinking these 4 tubewells and supplying an air lift installation almost entirely at the cost of Government.

Lala Deshbandhu Gupta : May I know if the Government are considering to take some additional measures to improve the supply of water in Ambala ?

Minister : Two additional proposals were received last year, one costing Rs. 17,000 and the other costing Rs. 18,000 and the municipality concerned made applications to the Government for grant-in-aid. The honourable member is aware that for several years past we have given cent per cent grant for various proposals that were brought forward to improve the water supply. This time the Deputy Commissioner and the Commissioner did not recommend those applications on the ground that in spite of the advice tendered by these two officers, the municipality has taken no steps to improve their financial condition.

Lala Duni Chand : Is it not true that several well-considered schemes or proposals have been submitted to the Government for increasing the water supply in Ambala city and the Government has not given effect to any of these schemes ?

Minister : I have already stated that as many as 4 tubewells were sunk and an air lift installation was provided and further two proposals are still in hand. The Government have not rejected the application of the municipality and it shall be considered at the next meeting of the Sanitary Board. In the meantime we have asked the municipality to state what steps they have taken or are prepared to take with a view to raise more funds.

Lala Duni Chand : Is it not true that it is a long standing problem and the Government has taken no steps worth the name ?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : May I know whether the Government, in view of the seriousness of the question, has considered the advisability of making a grant to the municipal committee ?

Mr. Speaker : That is a request for action.

Lala Deshbandhu Gupta : The Honourable Minister has just now said that because the Commissioner and the Deputy Commissioner are not satisfied with the financial state of affairs of the Municipal Committee, that is why the two schemes are being withheld.

Minister : They are in hand.

Lala Deshbandhu Gupta : The schemes are there for the last one year and the Government has not decided to take any step because the Deputy Commissioner and the Commissioner have not recommended the application. I want to know whether the Government realises that it owes some responsibility to the inhabitants of the city themselves and if the municipal committee fails in its duty it should not prevent the Government from discharging its obligation to the inhabitants of the city. In an important matter like this they should not take their stand on minor objections but do all that they can to meet the requirements of the people.

Minister : To supply water is the primary duty of the local body concerned and the Government is prepared to assist, as they have been assisting in the past. Lakhs of rupees have been spent by the Government for improving the water supply, whereas nothing has been done by the Municipality or by the residents of Ambala. In other places lakhs of rupees have been raised by public subscriptions.

Lala Deshbandhu Gupta : How much money has been spent by the Government since April, 1937 ?

Minister : I have already given those figures. They are more than Rs. 28,000.

Lala Duni Chand : Is it true that more than once the municipal committee of Ambala has been found incompetent to deal with the problem of water supply and the management has been made over to the Public Works Department ?

Mr. Speaker : Disallowed.

Lala Duni Chand : Sir, I want information on that point.

Mr. Speaker : But, as the statement made by the Honourable Minister was in reply to a supplementary question, the honourable member cannot cross-examine him any further.

Lala Duni Chand : He says that it is the first concern of the municipal committee and I want to ask why—

Mr. Speaker : That was in reply to a supplementary question put by Lala Deshbandhu Gupta.

Lala Duni Chand : May I know if it is within the knowledge of the Honourable Minister that the Ghaggar river is only about 2 miles from the Ambala city and a scheme to supply water to Ambala city from the Ghaggar river has been submitted to the Government more than once and if so, what action has been taken on it by the Government

Mr. Speaker : From which part of the answer to the question does this arise ?

Lala Duni Chand : The question relates to the additional water-supply to Ambala city.

Lala Deshbandhu Gupta : The Honourable Minister has answered that there are still two schemes lying before him.

Lala Duni Chand : He says that there are two schemes before him and I want to know from him whether the schemes relating to the supply of water from Ghaggar has been submitted to him and whether he has considered it or not.

Mr. Speaker : Now the question hour is over.

ALLEGATION OF ALTERATIONS OF QUESTIONS BY ASSEMBLY OFFICE.

Mr. Speaker : A little while ago the honourable Khawaja Ghulam Samad said¹ that his question had been altered and made meaningless by the Assembly office. I have seen the file. The honourable member's question was admitted as drafted

1 p. m.

by him. My office writes notes, no doubt, but I read every question myself before allowing or disallowing it. (*An honourable member* : We thought it was done by Mr. Deputy Speaker). I wish he did that work (*Laughter*). He is a very busy lawyer. So, I have to do it myself.

Chaudhri Muhammad Hasan : What about my letter ?

Mr. Speaker : The honourable member says that he has written a letter.

Chaudhri Muhammad Hasan : Two letters.

Mr. Speaker : Yes, two letters. But they are not worded as they should have been.

Chaudhri Muhammad Hasan : Kindly read the letters.

Mr. Speaker : If necessary, I will place them before the House. I do not think the honourable member was justified to write those letters. However, just now, I am concerned with the allegation made by Khawaja Ghulam Samad.

Chaudhri Muhammad Hasan : I was perfectly justified in writing those letters.

Mr. Speaker : As already stated, I will place them before the House, if necessary. If I get time I will show them to the Leader of the Opposition.

Chaudhri Muhammad Hasan : When ? In my absence ?

Mr. Speaker : No. In the honourable member's presence. But this matter is not now before the House. I was referring to the honourable Khawaja Ghulam Samad's complaint. If the honourable member has anything further to say or discuss, he may see me in my room.

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE OF LADWA, KARNAL DISTRICT.

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 lathi charge made by the police of police station Ladwa, Karnal district under the order of its Sub-Inspector upon an innocent and peaceful crowd numbering about 150 persons on the evening of 23rd April, 1940, at about 10 p. m. while they were returning to their homes after the arrest by the police of Master Jagdish Prasad, a teacher of Harijan School, Ladwa, who had merely addressed a public meeting from the town of Ladwa in which people were exhorted to spin and remain non-violent, with the result that Mahatma Gandhi and Pandit Jawahar Lal Nehru were spoken of in disparaging terms, people were insulted and about a dozen persons received injuries.

Mr. Speaker : The House will proceed to consider—.

Lala Duni Chand : Such things are happening in the Punjab. Lathi charges are being made against innocent persons and yet we are not allowed

[L. Duni Chand.]

to move an adjournment motion. Sir, we want your comprehensive ruling on this very important matter.

Mr. Speaker : If the honourable member reads Rule 42, he will find that his motion, as worded, is out of order.

Lala Duni Chand : Similar motions have been allowed.

Mr. Speaker : I do not want to follow precedents. I prefer to follow rules than precedents. The Rule says—

A member asking for leave must, not less than half an hour before the commencement of the sitting of the day hand to the Speaker a written statement of the matter proposed to be discussed.

The statement of the honourable member does not really contain only one matter. It contains several matters.

Lala Duni Chand : It is really one matter, namely, the lathi charge.

Mr. Speaker : Had the honourable member said nothing after the word "10 p. m.", I might have considered his motion favourably.

Pandit Bhagat Ram Sharma : Then cut the remaining words.

Mr. Speaker : Under which rule can I do that ?

Lala Duni Chand : It relates to one definite matter, namely, the lathi charge.

Mr. Speaker : No, it relates to a number of matters, e.g., (i) arrests ; (ii) abuses showered on Mahatma Gandhi and Pandit Jawahar Lal Nehru, and (iii) several other things.

Lala Duni Chand : I do not want to raise all these questions. I will simply discuss the lathi charge.

Munshi Hari Lal : On a point of order. A written statement of the matter proposed to be discussed has been handed over by the honourable member to the Speaker. And this statement of the matter is the lathi charge. A member asking for leave must not less than half an hour before the commencement of the sitting hand over to the Speaker a written statement of the matter proposed to be discussed. And this written statement regarding the lathi charge has been handed over to the Speaker half an hour before the commencement of the sitting.

Mr. Speaker : The statement of the matter handed over to me is in regard not only to one matter but several matters and each one of them, if the motion is allowed, can be discussed.

Lala Duni Chand : I rise to a point of order.

Mr. Speaker : Is it in connection with the adjournment motion ? I have given my ruling, which I do not want to be discussed or criticised. I am aware that some honourable members are disappointed and will, therefore, revolt against. But that cannot be helped.

CODE OF CRIMINAL PROCEDURE (PUNJAB AMENDMENT) BILL.

Premier : Sir, the other day when the Code of Criminal Procedure (Punjab Amendment) Bill was referred to a select committee the date on which the report was to be submitted to the House was inadvertently omitted. Therefore I now move the following motion :—

That the select committee on the Code of Criminal Procedure (Punjab Amendment) Bill be directed to submit its report on Friday, the 26th April, 1940.

I may state that the select committee has already met and it has completed its report, but as the matter is of an urgent nature, I request the House to agree to my motion.

Chaudhri Krishna Gopal Dutt : May I know whether the motion is in order ?

Mr. Speaker : Will the honourable member please state his objection, if any ?

Chaudhri Krishna Gopal Dutt : Same motion cannot be brought before the House twice.

Mr. Speaker : The House can give instructions to a select committee not only once but a number of times after the matter has been referred to it. May I refer the honourable member to Rule 93 (2) ? It says—

Such report shall be made not sooner than two months from the date of the first publication of the Bill in the *Gazette*, unless the Assembly orders the report to be made sooner.

The motion moved is—

That the select committee on the Code of Criminal Procedure (Punjab Amendment) Bill be directed to submit its report on Friday, the 26th April, 1940.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Sir, I oppose the motion. I do not want to waste the precious time of the House and I would, therefore, like to say only a few words. This is a controversial measure and a very important measure and if it goes on the statute book in such an indecent haste and in its present form, in my opinion it is likely to encourage the nasty police methods which have been employed by the police authorities while making enquiries and investigations in this province. Therefore we, on this side of the House, who are very much jealous of the fact that the police should adopt clean methods, want to see that such a measure should be considered well and thoroughly before it is brought on the statute book. The other objection which I have got against this motion is with regard to the fact that in my opinion a provincial legislature should not be called upon to pass such a legislation. A measure like this should be an all-India measure and should come before the central legislature and not the provincial legislature. Moreover, I understand that most of the lawyers in this province are opposed to this measure and certain articles have already appeared in the newspapers criticising this measure. Therefore, when there is such divergence and difference of opinion on this important question between the Government and the independent people outside, it is meet and proper that due consideration and due thought should be given to this measure before it is enacted into law. I would, therefore, suggest that no time limit should be placed for the consideration by the select committee and that instead of rushing through this measure in the present session, it may be brought forward at the next session. With these words I oppose the motion.

Premier : I am afraid my honourable friend has confused the issue. We realise the importance of this measure and the House realised its importance when it referred the Bill to the select committee : the House has already accepted the principle underlying the Bill (*Voices from the Opposition Benches : No, no.*) Once you refer a Bill to a select committee it means that the House has accepted the principle of the Bill.

Mr. Speaker : Reference to select committee implies acceptance of the principle of the Bill.

Chaudhri Krishna Gopal Dutt : If we accept the principle it does not mean that we accept the whole Bill.

Premier : The principle of the Bill has been accepted by the House, and as explained by my colleague the Finance Minister the other day, the only issue which the House has to decide is whether or not we should restore the *status quo* with regard to that particular provision of the Evidence Act which was radically altered by recent ruling of the High Court here. We do not want to add anything, or give any additional power to the police : Government are not in any way prepared to give additional powers to the police, but merely want to restore those powers which in practice have been in force for the last 70 years. So far as the question of asking the central legislature to make an amendment in the Criminal Procedure Code is concerned, I may point out to my honourable friend that this very matter was considered by three other High Courts after the Privy Council ruling. They came to the conclusion that it will not affect section 27 of the Indian Evidence Act. It was only the Punjab High Court, so far as I am aware, which decided that it affects section 27. Therefore, we would not be justified in asking the Government of India to undertake this legislation when no other province except the Punjab has accepted this view. We should ourselves take the responsibility of restoring the *status quo*. In the Bill itself, honourable members must have seen that there is only one operative clause, and that this clause also consists of just one sentence of about 7 or 8 words. The House has accepted the principle of the Bill by referring it to the select committee, and that select committee this morning considered the whole aspect of the question. My honourable friends opposite, who were serving on that committee, suggested amendments of a far reaching character which were not agreed to by a majority of the members of the committee.

Mr. Speaker : The Honourable Premier should not refer to the proceedings of the select committee until they are presented to the House.

Premier : I am sorry, Sir, I withdraw these remarks. The question has been considered by the select committee and when its report comes before the House, my honourable friends will have the fullest possible latitude in having their say. At this juncture they should instruct the select committee to present its report to-morrow so that this urgent measure may be passed in this session.

Sardar Sohan Singh Josh : I want to ask a question. The agenda in hand goes to show that this Bill as reported by the select committee will be placed before the House to-morrow for its consideration and passage. If you look at rule 99 you will find that there should be a period of 2 days for sending in notices of amendments. I have laid the difficulty before you.

Premier : That is for the Speaker to decide. He might suspend the rule.

Mr. Speaker : I will decide that question when it arises.

Chaudhri Krishna Gopal Dutt : May I ask the Honourable Premier whether this measure, before it was introduced in the House, was referred for opinion to the judges of the High Court and to the Bar Association? May I further know if there is a very serious difference of opinion on this measure even in the Ministerial benches?

Premier : The second question is uncalled for and unwarranted. So far as the first question is concerned, my honourable friend has apparently not studied his brief, otherwise he would not have asked it. The note of the Chief Justice mentions that it was for the legislature to restore the *status quo*, if they wanted to. That is why we have come forward with this measure.

Mr. Speaker : Question is—

That the select committee on the Code of Criminal Procedure (Punjab Amendment) Bill be directed to submit its report on Friday, the 26th April, 1940.

The Assembly divided : Ayes 44, Noes 29.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Akbar Ali, Pir.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Fazal Din, Khan Sahib Chaudhri.
Few, Mr. E.
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.
Indar Singh, Sardar.
Jagjit Singh Man, Sardar.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Alam, Dr. Shaikh.
Muhammad Hayat Khan Noon, Nawab Malik Sir.
Muhammad Qasim, Chaudhri.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.

Muhammad Sarfraz Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Nur Ahmad Khan, Khan Bahadur Mian.
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.
Sahib Dad Khan, Khan Sahib Chaudhri.
Shah Nawaz, Mrs. J. A.
Sikander Hyat-Khan, The Honourable Major Sir.
Sohan Lal, Rai Sahib Lala.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The Honourable Dr. Sir.
Suraj Mal, Chaudhri.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Ajit Singh, Sardar.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Gopal Das, Rai Bahadur Lala.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Mazhar Ali Azhar, Maulvi.
 Muhammad Hasan, Chaudhri.
 Muhammad Wilayat Hussain Jeelani,
 Makhdumzada Haji Sayed.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalra, Pandit.
 Prem Singh, Mahant.
 Ragbhir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

PRIMARY EDUCATION BILL.

Mr. Speaker : The Assembly will now resume discussion on the Punjab Primary Education Bill.

Clause 2.

Khan Sahib Khawaja Ghulam Samad : I do not want to press my amendments¹ with respect to age of boys and girls, but I want that only in places where there are girls' schools, girls should be compelled to attend school, not otherwise, as intended by the Government.

Minister for Education (The Honourable Mian Abdul Haye) : This question before the House is a very important question, namely, what is to be the school age as regards primary education in this province. The 16 amendments that we have before us pull in different directions. In the Bill the school age has been defined as the age which is not less than 6 years and not more than 12 years in the case of boys and in the case of girls an age which is not less than 6 and not more than 11. Now these various amendments, as I have said, pull in different directions. In the first instance an attempt is being made to lower the age of commencement. Some of the amendments say that the age should be reduced from 6 to 5 years or as my honourable friend Chaudhri Krishna Gopal Dutt says, from 6 to $5\frac{1}{2}$ years. On the other side an attempt is being made to increase the age which is the maximum age required for the purposes of this Bill. Some amendments say that the age should be raised to 14. Others say that it should be 13. Even there, there is no consensus. Some honourable members want the maximum age of 12 years put in this Bill to be increased to 13 or 14, whereas other members want that to be decreased to 11, 10 and even 9. What we have to bear in mind is the object that we have in view. The object of this Bill is to make primary education compulsory in this province and make it effectively compulsory. With that

¹That in part (i), line 3, for the figure "6" the figure "5" be substituted.

That in the last line of part (i), for the figure "11" the figure "9" be substituted.

and in view my submission is that the present primary course is a course of four years and it is the intention of the Government, as it has been made clear on some previous occasion that if the funds permit, Government would be willing to increase the primary course from four to five years in the case of boys, as it is even to-day in the case of girls. Now that we have a course of five years for girls, I see absolutely no reason to increase the maximum age limit which is laid down in this Bill. If we were to accept all these amendments that we have before the House, the position would be that school-going age would be from 5 years up to 14 years. Now the object, being only to make primary education compulsory, I see absolutely no reason to prescribe 9 years for a student, be he a boy or a girl, within which he can have this primary education. References have been made to other provinces and so far as I can recollect, if I do not make a mistake, barring Bombay, the age limit is the same as we have prescribed in this Bill. And I may further state that in the case of certain provinces the age limit is lower than the one that we have in view. I have very carefully gone through the various Primary Education Acts that are now in force in the country and I find that in the case of Assam the age limit prescribed is from 6 to 11 years and it is uniform for boys and girls. In Bengal it is from 6 to 11 both for boys and girls. In Bihar and Orissa, the Act is applicable only to boys and not to girls and the age is from 5 to 10 years. In Madras in the Act itself no age is defined. It has been left to the rules and the discretion of the Government and I understand that the age prescribed there is not more than what we have here. In the United Provinces the school age is from 6 to 11, but in the case of Muslim girls there is a special provision and it is from 5 to 9 years. It is only in the case of Bombay in the recent measure that they passed that the age limit is in excess of what we propose here in this province. But the case of Bombay is different.

Sardar Sohan Singh Josh : What is the age limit there ?

Minister : I will tell you presently. It appears that the scheme that the Bombay Government have in their view so far as it relates to compulsory primary education is not very different from what we have here. The primary education is there called elementary education and the school age prescribed is from 6 to 11. But they have made another and a rather somewhat peculiar provision that for the purposes of primary education the age limit would be from 6 to 14. I can well realize their difficulty in the matter. They have at present the old system in vogue there, the elementary education and the provision that they had so far and they have even to-day to make elementary education compulsory. There the age limit is from 6 to 11, but while amending this law recently the Bombay Government have only taken into consideration what in common parlance is called the Wardha Scheme. As you are aware, in the case of Wardha Scheme, the school age which is prescribed is from 7 to 14 years. They have a programme of seven years before them. So my submission is that this new departure made by Bombay Government is due to this fact that they want to reconcile what they are doing at present with what they may ultimately do, if they decide and if they have the funds at their disposal to put into force the Wardha Scheme. With that end in view they have defined primary education differently and prescribed the age limit from 6 to 14. I may here point out to the honourable members that so far as Wardha

[Minister for Education.]

Scheme is concerned, the age limit is from 7 to 14 years. From the literature that I have read on the subject, from the speeches and articles of Mahatma Gandhi and the speeches made at the various conferences and the meetings for discussing the Wardha Scheme both at the Central Advisory Board of Education and outside, I find that the scheme that they have in view was that they propose to make not only primary education compulsory, but what is called secondary education also compulsory. We have not decided to fall in line with the Wardha Scheme for various reasons. We appointed a sub-committee of our own to prepare a syllabus and the curriculum and they have decided that at the utmost the primary education course, if it is to be increased, is to be increased from 4 to 5 years. In these circumstances, I regret the Punjab Government is unable to follow in the footsteps of Bombay. But so far as the Wardha Scheme is concerned, I may point out that the author of that scheme and those who sympathise and approve of that scheme were also doubtful about certain matters. According to the Wardha Scheme, the child unless he attains the age of 7 years cannot be compelled to go to a school meant for primary education. It was pointed out during the discussion to the honourable members present as to what would happen to a boy before he attains the age of 7 years, whether they were going to ignore him absolutely, and the reply that was given by a very responsible sponsor of this scheme was that the boy before he attains the age of 7 should not be ignored but he shall not be admitted to a school under the Wardha Scheme and all that he suggested was that there should be a pre-Wardha education and the boy should receive education at his own house. Now, we know that in England and on the continent and perhaps in the United States of America, there are such things as Kindergarten Schools, there are such things as infant schools, they have sufficient arrangements at their disposal for pre-primary education, but here in this country may I ask, Sir, whether it is fair and it is safe to say that for seven years we shall not take notice of a boy? We shall allow him to receive education which is called pre-Wardha education at his house. Does an average man living in the village and even in the town, the son of not only an uneducated illiterate parent, but the son of an educated literate parent have satisfactory arrangements for his education?

Therefore, realising this difficulty, to which the sponsors of the Wardha Scheme shut their eyes and lent a deaf ear, we have decided not to ignore the boy till he is 7 years of age to get him quickly. We have fixed the age at 6 plus. We are not prepared to reduce it to 5 for very cogent reasons. The expert opinion of medical men and the expert opinion of the educationalists is that a boy, who is below 6—may be 5 or may be 4—is not mentally and physically so developed, that he can attend a school. The honourable members are aware that a boy of that age hates restriction and wants freedom. The expert medical opinion is that a boy at that tender age is long sighted and is not fit for close work and to sit at his desk or to squat on the floor with a primer or book in his hand and try to use his eyes. They get tired very quickly. Under these circumstances we decided to strike a *via media* which I am very glad as I have already pointed out, is being followed in the majority of provinces. Honourable members opposite are in a very favoured position—they claim to have their friends with the same political views,

Congressmen, till lately they were in charge of 7 provinces—they are in a very favoured position. If out of 7 provinces 6 lag behind the Punjab, they ignore this fact and if out of 7 provinces one tries to steal a march over the Punjab, they stand up in their seats and say, "Here is the Congress Government of Bombay, they have done wonders." To this argument, I confess, I have got no answer.

Lala Duni Chand : Have all these provinces passed the Primary Education Bills?

Minister for Education : I am quoting from their Acts. The figures that I have quoted are from the Acts passed by these various provinces. Barring Bombay, all other provinces have similar school age or lower school age than the Punjab. Under these circumstances, my submission is that we do not propose to lower the initial school age that we have prescribed from 6 to 5 or even $5\frac{1}{2}$ years.

Chaudhri Krishna Gopal Dutt : How many provinces have passed legislation in regard to primary education or amended the previous Act since the advent of provincial autonomy?

Minister for Education : Bombay, so far as I am aware. They stand committed to what they call the Wardha Scheme. I have got fundamental objections to that scheme on merits. I have been to various provinces in this country and I have tried to see the Wardha Scheme actually in action (*Sardar Hari Singh :* With your eyes shut), and from what I saw there I am convinced that the opinion formed by the Punjab Government was the correct opinion. My honourable friend, Masterji, said that I went there to see the working of the Wardha Scheme with my eyes shut. After very great hesitation I make bold to say in reply to the remark of my honourable friend that in a certain province—I would not name the province—where a training school has been established to train teachers under the Wardha Scheme, the principal of that institution confessed before me that he did not believe in the so-called Wardha Scheme and that it was an eye-wash, a bunkum and that he was being compelled to work it and he went further and said that he had seen the report of the Punjab Syllabus Committee and that it was a hundred times better than the Wardha scheme.

Chaudhri Krishna Gopal Dutt : May I know where is the occasion to make such sweeping remarks about the Wardha Scheme when we are merely considering the age limit? A responsible Minister, relying on the words of a principal or a headmaster of a school, is making such sweeping remarks about the entire working of the Wardha Scheme.

Minister for Education : This is a very relevant matter. The question before us is the question of school age. Bombay has fixed certain school age. We were pressed only the other day that we must follow in the footsteps of Bombay. I am trying to explain that Bombay is now reconciling its position with what they found it actually in action in Bombay and with what they called the Wardha Scheme. It is because the Wardha Scheme fixed the school age at 14, they stand committed to that scheme and therefore, they have adopted this procedure of prescribing their school age at 14. I have not seen many schools, primary schools and elementary schools in those various so-called Congress provinces that are being run according to the old scheme just as we have in the Punjab.

Lala Duni Chand : Why do you say the "so-called Congress provinces" ?

Minister for Education : Because they were administered by Congress Ministers. Unfortunately they are out of office and the administration is not now being carried on by them.

Lala Duni Chand : Then you may call them ex-Congress provinces.

Minister for Education : If my honourable friend feels hurt by that expression I am prepared to withdraw that word. In all these provinces the schools are being run according to the old method and scarcely anywhere new schools have been opened under the Wardha Scheme. I may say that the most important Congress province, I mean Madras, sent in one year 10 teachers to that blessed institution, which I happened to see during Christmas, to be trained according to this new scheme and the principal told me that they stopped there for a few weeks and went away without completing the course. Under these circumstances, we are justified not to either decrease or increase the minimum or maximum age limit laid down by us in this Bill. When I say that we are not prepared to decrease the initial age from 6 to 5, I would make myself clear that so far as compulsion is concerned, the Punjab Government would not be prepared to compel a boy, unless he has attained the age of 6 plus, to go to a school, but if the parent voluntarily sends the boy, who has not yet attained the age of 6 years—may be even 5 years—to the school, the doors of the school will not be barred against him or voluntarily it would be open for the guardian or the parent to send the boy before 6 years of age, bearing in mind the expert opinion of medical men and the expert opinion of educationists all over the country. We would not compel unless he has attained the age of 6 plus. As regards increasing the maximum age limit prescribed, I would submit that it is absolutely unnecessary and we have got our difficulties which we cannot ignore. I have said that it is not necessary because at present there is a 4 years' course and it may be increased to a five years' course. Then there is no necessity to prescribing the age from 6 or from 5 up to 14 years. A boy or a girl at the age of 14 would be either reading in the 8th class or would be reading in the matriculation in the Punjab. Therefore, we do not propose to increase it.

Another obstacle in the way of increasing this age limit is the question of funds, the question of finances. If we have some money available I would much prefer to have more areas brought under compulsion where boys between the ages of 6 and 12 and girls between the ages of 6 and 11 would be required to go to school. But if I were to prescribe the age from 6 to 14, then in those small, very small areas, that may be brought under compulsion, our expenditure will be very high. I would prefer to bring as many areas as we can consistently with our purse under compulsion, rather than prescribe a higher age limit and incur extra expenditure.

Reference has been made to another matter and Khawaja Ghulam Samad has moved an amendment, which is now before the House. The object that he had in view was that according to our present plan, it was permissible for the Government when enforcing compulsion to require the girls to attend schools meant only for boys and attend schools which are not meant for

co-education. With that end in view he thought that under compulsion the girls of 11 years or 10 years of age will have to go to a school which is not meant for girls only and in which boys are also admitted and where there are no female teachers. With that end in view he moved that amendment. Since we have discussed this provision, we have very carefully considered and taken into account the vast volume of public opinion, that has been expressed outside in the press and also on the platform and we have come to the conclusion that by virtue of this legislation we shall not compel any girl to go to a co-educational institution. (*Hear, hear.*) We have not changed our views. The Bill as it was framed by the Punjab Government and introduced in this House, did not contain any provision as regards co-educational institution. In fact in that Bill care was taken and under the clause which deals with exceptions, it was put down that one of the reasons for non-attendance would be that there is no girls' school in the area where compulsion is sought to be enforced. When that Bill was referred to a select committee a point was raised there that now you have got a number of schools for boys, there may be quite a large number of boys' schools where the number of students is not sufficient, and it was suggested that girls may be admitted if sufficient number of boys was not available. The select committee admitted that provision, so they put it in the Bill. The original Bill drafted by the Government did not contain this provision. It was in the select committee that this provision was included. Now, we have decided to go to the original Bill. It is open to a mother or a sister to send her daughter to a co-education institution. Even to-day many girls go to co-educational institutions. It was only two years back that these schools, boys' schools were made open for girls also and — I have collected relevant figures—I was surprised to find that during the short period of one and a half years, as many as twenty thousand girls have been admitted to boys' schools. So, under the present proposal it would be open to parents or guardians to send their girls to boys schools, if they so desire voluntarily, but there shall be no compulsion. (*Chaudhri Krishna Gopal Dutt*: All this after receiving threatening letters.) I received no threatening letters. I may tell my honourable friend that we are now taking exactly the same position, which we intended to take in the original Bill, as it was introduced in this House. It shows that the opinion of the select committee was not correct, but the opinion of the Punjab Government when they framed and introduced this Bill was correct. With these remarks I oppose the amendment.

Mrs. Duni Chand (Lahore City, Women General) (*Urdu*): Sir, I rise to oppose the amendment moved by Khawaja Ghulam Samad, which requires that the age-limit for girls be fixed between five and nine years, while that for boys be fixed between five and ten years. In this connection, I am inclined to say without the least hesitation that the amendment has been brought forward with the object of depriving girls of the benefits of education. What I mean to say is that the period of life between five and nine years is one in which firstly, they cannot derive the maximum advantage from the educational facilities provided for them and secondly, they are apt to forget very soon whatever little they have learnt. Apart from these considerations, it is not desirable from the point of view of health to send girls to school before they are six years old. As you are aware, the general

[Mrs. Duni Chand].

health of our children is not satisfactory and the rate of infant mortality is very high in this country. If children are sent to school at an early age, it is bound to add to the already high death-rate in the province.

Another very important point that deserves consideration is whether every mother would willingly agree to sending her daughter at such a tender age to school. I have no doubt that the object of the honourable mover of this amendment is to place obstacles in the way of female education. Because it is well-nigh impossible to openly say in the year of grace 1940 that education should not be imparted to women and it is, therefore, under cover of this amendment that they are trying to close the door of education for girls. Further, it appears from his speech and it has also been said by my honourable brother Chaudhri Ali Akbar that there is absolutely no use in educating girls because after all they have not to enter service anywhere and all that they will be expected to do is to cook food for the household. All this goes to show that these honourable members are not in favour of educating women.

Another honourable member remarked that girls who have got degrees will make their husbands cook their meals. But I am at a loss to understand as to why a girl should marry a person who does not know anything besides being able to cook food. Besides, may I ask if cooking food is a sin? It is an art and I wish there were schools where instruction in cooking is imparted because it is one of the most important necessities of our life. Let me inform my honourable brethren that cooking is not peculiar to women alone, there are hundreds of hotels where the chefs are all men. It is an art which can be learnt by men as well as women. It is, therefore, not proper to say that educated girls will refuse to cook meals for their families, nor is it objectionable for men to cook.

The next thing that my honourable brother said was that women should be segregated from men because they were of the weaker sex. And he also expressed the fear that women will try to compete with men in all spheres of life after they had received education. This, he contended, was against the law of God who had created man to hold sway over his women-folk. I do not know why he is so anxious to rule women. If he is so anxious, why does he not try to throw off the yoke of slavery that is hanging round his neck for the past one and a half century and rule in his own country? Whom do you desire to govern—your own mothers, sisters and daughters by keeping them ignorant and uneducated? If you are so anxious, why do you not keep a few goats and satisfy your craving for power and dominance?

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

Mrs. Duni Chand : Anyhow what I mean to say is that unnecessary obstacles are being placed in the way of female education and I have risen to oppose this amendment by which it is sought to deprive women of the opportunity of getting educated. The burden of the speeches that have been delivered seems to be that because women have been created to be slaves therefore there is no need for giving them any education.

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

Mrs. Duni Chand : In my opinion the amendment moved by my honourable brother is not at all acceptable. There are a very few girls who can either afford to get higher education by going to bigger towns or whose health would permit their continuing studies after the primary stage. Most often the only education that the girls get is that which they have received in their village or small towns. In view of these circumstances I would request that this amendment should not be accepted. Instead, the amendment standing in my name which lays down the age from six to twelve years in the case of girls and from six to thirteen years in the case of boys should be accepted. Or else the amendment moved by the honourable Chaudhri Krishna Gopal Dutt be accepted which is even better than mine.

What is needed most is that the girls, who are far behind the boys in literacy should be given an opportunity to get education. In this connection I would like to make it clear that I am not in favour of female education which would only fit women for the kitchen, but on the other hand I want that after receiving education they may be able to assist their men-folk in bettering the condition of their country. The education of girls is as important as that of the boys. History supplies us numerous instances of women who have held sway over their dominions on account of their education. Queen Victoria is one.

Mr. Speaker : That is not relevant to the motion under discussion.

Mrs. Duni Chand : In India we are familiar with the illustrious names of Begum of Bhopal, Razia Sultana and Ahlia Bai among those who have ruled. I would appeal to my honourable brethren that they should not put stumbling blocks in the way of female education by bringing forward such amendments. They should rather afford them an opportunity to get education and so to be able to serve their country. With these words, I oppose the amendment moved by Khawaja Ghulam Samad.

Sardar Sohan Singh Josh (Amritsar North, Sikh) Rural (Punjab) : Sir, the question now before us is a very simple one, namely, what should be the age of a boy or a girl for primary education. The Honourable Minister has according to this Bill fixed the period of primary education from the age of 6 years to 12 years, and has remarked that the age should be the same in the case of both boys and girls. So far as the school-going age is concerned, we are at one with the Honourable Minister that it should be fixed at 6 years. But we cannot agree to the proposal that the education should end when a boy or a girl attains the age of 12.

Mrs. J. A. Shah Nawaz : Who has said that ?

Begum Rashida Latif Baji : You may go on giving education for whatever period you like.

Sardar Sohan Singh Josh : The age limit for primary education should be up to 14 years.

Minister of Education : Twenty years ?

Sardar Sohan Singh Josh : No, not twenty, because I know he is not going to enforce that. Moreover we know full well what amount of literacy he is going to bring about by means of this Bill.

Nawab Sir Shah Nawaz Khan : You can give them further education at your own expense.

Sardar Sohan Singh Josh : That we will do.

Now I would like to make a few submissions in regard to the amendment moved from the Congress benches. In fact it is due to their religious whimsicalities that my friends opposite are putting forward the proposal that the maximum age limit for girls should be 11 or 12 years. I have reasons to believe that they are suggesting this limit simply to render it well nigh impossible for girls to acquire necessary education. Besides the Honourable Minister of Education has himself made the situation still worse by remarking that it would be left entirely to the discretion of parents to allow their daughters to join the schools for boys. My submission is that co-education has become a popular slogan in these days and the soundness of this system has been admitted by all the right thinking persons. The advocates of this system hold that separate education of boys and girls create certain complexes in their minds which do not take place in the case of co-education. They further maintain that the latter system of education fosters fraternal feelings among the girls and boys studying jointly and produces a salutary effect on their after lives. It is only a group of certain religion-ridden persons who are out to denounce this highly beneficial system, for they think themselves the only protectors and defenders of faith. Otherwise the Honourable Minister himself has given a clear proof of the popularity of the system by saying that during these recent years as many as 20,000 boys and girls have acquired education jointly. This clearly shows that the opposition to the system of co-education is evaporating day by day.

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

Sardar Sohan Singh Josh : I know it for certain that my friends opposite are suggesting the age limit of 11 or 12, with a view to create difficulties for girls to acquire primary education. In the beginning such people were deadily opposed to the very idea of imparting education to the girls; they held that this system of education would undermine their social structure and endanger the morals of students. But now having been hard-pressed by the public opinion they are forced to change their notions in this respect. Although they have consented to accept this system, yet they are putting forward such suggestions as would definitely defeat the very purpose of the measure. But let me assure them that their fears are absolutely unfounded and baseless. They cannot lose sight of the fact that the modern girls have now realised the importance of education, so much so that even at the age of 20 they do not consent to marry. And I think it is a hopeful sign of the moral elevation of our girls. I am sure that this fact alone would go a long way to allay the fears of our friends that co-education would lead girl students astray. Our chauthri friends are aged persons and they cannot realise the usefulness of education. On the other hand, it has been deeply impressed on their minds that co-education would give a great setback to their religion and society. I know it full well that it is their religiosity and not their religion that has prompted them to create such obstacles in the way of the present measure. It is a pity that certain clever persons have

always used religion as their instrument for opposing all kinds of progressive moves in the country. Thus under the cloak of religion they are moving amendments which if accepted would mean the very negation of this measure. With these words I suggest that 14 years should be the age limit for girls.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural): Mr. Speaker, the question before us is quite simple and it is this. What should be the school going age for a compulsory scholar under this measure? My honourable friend the Education Minister went out of this way to hold in ridicule—

Minister of Education: I did not ridicule it. I said that I could not accept it.

Sardar Hari Singh: You were perfectly within your rights to say so. But you made a slashing attack on the scheme from the educational point of view.

Minister of Education: I have got profound respect for the author of that scheme.

Sardar Hari Singh: Why did you pooh-pooh the scheme by calling it "the so-called Wardha Scheme"?

Minister of Education: You attacked me and I said certain things which I did not intend to say.

Sardar Hari Singh: Were you justified in saying—

Mr. Speaker: I cannot allow a dialogue. The honourable member may speak to the motion.

Sardar Hari Singh: The Education Minister went out of his way by calling the Wardha Scheme as the so-called scheme. He can be called the so-called Education Minister; the so-called Mian Abdul Haye; you, Mr. Speaker can be called the so-called Speaker.

I am aware, Sir, that in the matter of school-going age the Education Minister was opposed by some of his friends on those benches. Because whatever may be the condition in other countries like England, where the children are well-fed, where the people are rich and where the people are prosperous, here in the Punjab our children are not well-fed, in fact they are under-fed and are of stunted growth we would not like to compel our boys and girls below the age of 6 to be sent to school. Therefore we too agree with the proposal made in this Bill that not below the age of 6 should a boy or girl be compelled to go to school. But we do propose from our point of view that the age should be raised from 12 to 14 years. What is the reason? The reason is that if only six years are allowed for the education of boys in school, the primary course which may have to be raised from 4 to 5 years or even to 6 or 7 in the years to come, may not be completed within the period of six years proposed in this measure. In Bombay, my friend has quoted from the recent legislation passed by the Congress ministry, the upper limit is 14 years and he has quoted the figures to show that in other provinces, for instance in Assam, the upper limit is 11 years, in Bengal also it is 11, in Bihar it is only 10 years and in Madras no age limit is fixed. In the United Provinces also he says that the upper limit is 11 years, while only in Bombay it is 14 years. He forgets that in all provinces, although they

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were run by the Congress ministries, the old Education Acts were not amended except in Bombay. Amendments of these Acts were in contemplation in other provinces when the ministries resigned in pursuance of the mandate given by the Congress Working Committee after the outbreak of war. He said that only one province of Bombay has stolen a march over the Punjab. I say others may steal a march over people who are sleeping, over people who do not take interest in the people who are committed to their care. He was very much enamoured of the Syllabus Committees' recommendation while speaking on the Wardha Scheme. In fact he is proud of everything Punjabi. The Compulsory Education Committee may be quoted with advantage by me and I would like him to answer the observations made by the Punjab Compulsory Education Committee that was appointed by the Punjab Government some years ago. On the question of school age the committee made the following observations. The report says on page 13,—

It may be wise to state once more the attitude of the committee before they entered on the more intensive work of the winter of 1930-31. Opinion was strongly in favour of the six-year primary course as the period for compulsion. So strong indeed was this feeling that more than one member said that he would rather refuse to sit on the committee than limit its consideration to the present period of compulsion. The committee also strongly felt that 8 years of compulsion should be laid before Government as its goal. The members of the committee were inclined to the opinion that the only serious obstacle to their proposal would be finance.

No other obstacle. Further on,—

The committee is of the opinion that when these schools are brought under compulsion in their proper order, compulsion should be immediately extended to the 6th class and this should apply to all the lower middle departments in compulsory areas.

While my friend was so much full of praise for the Syllabus Committee's report, he ought to have also expressed a word of praise for the Punjab Compulsory Education Committee's report. He also ought to have had a look through the pages of that report before he came to this House to discuss the Bill now before the House. The only argument in the opinion of the Compulsory Education Committee that could be advanced against the extension of the period of compulsion to six years or even to 8 years at a later stage, was the question of finance, not any other question. Therefore, we are agreed that in the initial stages the school age should not be extended beyond 14 years. But we do maintain that if we have to extend primary education even to 5 years and then to six years as was recommended by the Compulsory Education Committee, the school age should not be less than, in its upper limit, 14 years. In England, according to the Education Act, the school age is fixed from 5 to 14 years. In the case of the Punjab or India, I have already expressed that we are not in favour of compelling the child of 5 years to attend a compulsory school, but as regards the upper limit, we are strongly in favour of extending it from 12 to 14 years. In part IV of Halsbury's Laws of England, section 2 (1), page 71, my friend will find the following words :—

The parent of a child between the ages of 5 and 14 must cause that child to receive efficient elementary instruction—

It is only elementary instruction even up to the age of 14 years—

in reading, writing and arithmetic and unless this instruction is provided in some other way, must cause it to attend school in accordance with the by-laws of the local education authority in force in the area where the child resides but in either case subject to the existence of certain reasonable excuses for non-performance of duty.

While the school age in England is between 5 and 14 years, in Bombay it is between 6 and 14 years—and Bombay is the only Presidency which has amended the old Primary Education Act—in the Punjab the school age is being fixed as proposed in this measure between 6 and 12 years. We do agree with the lower limit but we are for the extension of the upper limit from 12 to 14.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*): Mr. Speaker, the matter under discussion is by no means a complicated one. It is quite a simple matter. May be the speeches that have so far been delivered were not all of them quite relevant and to the point. But I want to place before the House the whole matter in a nut shell. The question to be decided is with regard to the school age of children. We say that the maximum age of boys for receiving compulsory education should be 14 years while in the case of girls it should be 12 years. But the Government wants to fix 12 years for boys and 11 years for girls. I wonder why the Government cannot agree to fix 14 years instead of 12 years for boys and 12 years instead of 11 years for girls. We have no quarrel with the Government with regard to the lower limit of six years. On this point all are agreed. We have no objection to this limit. Let it be six years for beginning education of boys as well as girls. May I ask the Honourable Minister what harm will result if the course of study is extended from six years to eight years in the case of boys? Again, if girls are allowed to study from the age of six to 12 years, that is for six years, there should be no objection to it. When the course of primary education extends from 4 to 5 years, the upper limit suggested by me would be more useful inasmuch as the boys who will join school at the age of 9 or 10 years would be able to complete the primary course of 4 or 5 years. If the age limit is 12 years only, then a boy joining at the age of 9 years will not be able to reach the fifth class under the compulsory school system. When he attains the age of 12 years, he will find that the compulsion is removed and he will, therefore, leave the school without passing the primary course. According to the scheme of the Minister a boy of ten years will only be able to pass two classes till he becomes 12 years of age. Similarly, a boy of 11 years will only read for one year and leave school at the age of 12 years. Under our proposal the boys will be afforded a greater scope for study. I think there will be no harm if girls are allowed to read along with boys up to the age of 12 years. But the Government is bent upon cutting short the period of their study. In vain did the Honourable Minister of Education refer to Bombay scheme and the Wardha scheme. That was irrelevant on his part. He was simply provoking us. At least I see no harm if the course of boys is extended from six to eight years and that of girls from five to six years. All that I want is that a boy who joins school at the age of between six and ten years should be compelled to pass the primary course. Similarly, a girl who also joins school at the age of six or seven years, will complete primary course, when she becomes

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12 years of age. That is a perfectly simple matter. Under this scheme boys and girls will acquire greater literacy than under the Government proposal. The main point is that those children who will be nine or ten or eleven years of age, should be able to fully benefit from this scheme when it is enforced. My only object is that such boys should be able to acquire literacy up to the age of 14 years. If compulsion goes off at the age of 12 years, they will learn nothing within one or two years in schools. The labour of one or two years will be wholly wasted. With these words, Sir, I close my speech and press the extension of age limits.

Shrimati Raghbir Kaur (Amritsar, Sikh, Women) (*Punjabi*): Sir, we have been discussing here for a pretty long time as to what should be the age limit for the school-going boys and girls. The Honourable Minister wishes to fix it at between 6 and 11 years for girls. It is a pity that whereas the other countries have already made considerable progress in the field of education, we are still thinking as to what should be the age limits of school-going children.

I wonder if our country-men who are unable to procure their daily food can at all provide for the education of their children. What is needed is to provide books to students free of all cost. We should at the same time devote particular care and attention towards the uplift of our women. While doing so, we would do well to compare the condition of our own people with that of the foreign countries and see for ourselves how far they are ahead of us. It may be pointed out to me that I should confine my remarks to the provincial sphere of the Punjab only. But I cannot help saying that whereas other countries have reached the zenith of their glory, we are still considering as to how to make a beginning. Our Ministers are responsible for the conflict between the Congress and other organisations. They are not prepared to fix for girls, the age limit of 14 years for compulsory education, while in fact co-education is already going on in colleges. What is the objection to girls and boys of 14 years reading together in schools? We can never hope to make any progress worth the name if we persist in proceeding at this rate. The doors of education should be flung wide open before girls because that way lies the freedom of the country. Please do not obstruct the path of education by fixing any age limit. We should not shelve the question of education by delivering speeches against the system of allowing girls of 14 years to go on receiving education. If we improve the condition of our mothers by educating them, they in turn would improve the condition of the country as a whole. They would sing lullaby of bravery and freedom in the ears of their children and thereby bring them up into free and heroic young men who would elevate this country, make it better and make it free. How can the educated mothers reform their children? We have no educated mothers and this is why our young men who have the natural advantage of being six-foot stalwarts find themselves helplessly chained in the irons of slavery. Not only this. They present, one and all, the sad spectacle of being so many bundles of nerves. Our Ministers have been reared in the laps of those mothers who had nothing to sing but the songs of slavery. Naturally these people do not know what it is to be free. Thoughts of freedom have always been shut out from their heads. This is why these gentlemen always complain that we accuse

them both inside this House and outside it of apathy towards freedom. But we cannot help it. We see that everything which is said on behalf of the Government here is open to serious objection. After all where is the harm in allowing boys and girls between the ages of 6 to 14 years to be educated together. Why is a bogey held up before our eyes? We have no objection to giving education to our daughters freely. If they are educated to-day, they will be able to sing songs of freedom to their children to-morrow when they become mothers. With these words, I strongly oppose the motion moved on behalf of Government.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban), (*Urdu*): Sir, as I have already stated, the amendments relating to the ages of scholars were moved by me under this impression that male teachers would impart education to the girls and boys in the co-education schools to be opened under the provisions of this Bill. But as I have been assured by Government that no such co-educational institutions would be opened, I have decided not to press my amendments. Now, my honourable friends opposite have raised this point that there would be no harm if the school-going age of girls is raised to 12 or even to 14 years and that the age of boys must be increased up to 14 years. They have quoted the Bombay Act in support of their contention. They say that in Bombay the people at the helm of affairs were, for the advancement of primary education, prepared to raise the maximum age limit of scholars even to 15 years. True. But I may tell them that it is not obligatory on the Punjab Government to blindly copy or follow in the foot-steps of other provinces in every matter. We should have things suited to our own conditions. Besides, Bombay is far ahead of the Punjab in the matter of education. Here the Bill under consideration is intended to impart elementary knowledge to our children. I, therefore, find it difficult to agree to the proposal that the maximum school-going age of girls should be fixed at 13 or 14 years. Thanks to the sagacity of the Honourable Minister for Education, only a short while ago he made an important pronouncement in deference to the susceptibilities of the Muslims in general and those Hindus in particular who do not like their young daughters attending co-educational schools. The Honourable Minister declared on the floor of the House that by virtue of this legislation Government would not compel any girl to go to a co-educational institution. Thus it would be left to the discretion of the guardians to send their children to primary co-educational schools voluntarily. I welcome this decision on the part of the Government.

Now I would like to state why I am opposed to the proposal of raising the age-limit of boys. My honourable friends opposite are sufficiently well off and they can conveniently afford to keep their boys at school for longer periods. But they should look at the other side of the picture also. It is an admitted fact that Muslims are generally poor. They naturally expect that their sons after having attained the age of 12 years or even earlier should earn something and add to their meagre incomes, so that their families may to some extent conveniently make their both ends meet. Then, take for instance the case of a poor labourer whose daily earnings come to 5 or 6 annas. He would naturally desire that his son should take to some job as soon as possible so that his wages may prove another string to the proverbial bow. Obviously he cannot afford his son to continue

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his studies in the primary school after he has attained the age of 12 years. In the circumstances if the age limit is raised to 14 years the father would not be able to send his boy to the school to complete his primary education. Consequently the object of this Bill would be defeated. I, therefore, entirely agree with the age limits provided in the Bill. With these words I close my remarks.

Minister for Education (The Honourable Mian Abdul Haye): Sir, my honourable friend, Master Hari Singh has drawn my attention to the report of the Compulsory Education Committee and said that one of the recommendations of that Committee was that primary course should be extended from 4 to at least 6 years. I have very carefully read that report. I only want to point out to my honourable friend that in order to attain a permanent and lasting literacy it is not at all essential that the course of the primary education should be beyond 4 years. This is the latest opinion of experts and they have given very cogent reasons. I have in my hand a book called the "Primary Education in India," most probably written by a Congressman, Mr. Desai, in which he has made a reference to many a thing including the Wardha scheme. As regards the course of primary education, at page 28, the author says that a 4 years' course would be adequate. We are now thinking of increasing it to 5 years provided the funds permit. My honourable friend, Sardar Hari Singh, while quoting the Compulsory Education Committee's report said that 6 years' course was recommended, but further on the committee pointed out "we know that the obstacle in the way of the Government would be of finance." I admit that. If I have unlimited resources, so far as funds are concerned, I believe in acquiring knowledge from the cradle to the grave, while you only talk of 4 or 5 or 6 years. But the question is where that money is to come from. If our resources are limited, then, is it better to educate people between the ages of 6 and 12 all over the province and give them permanent literacy or would you like to confine it to a portion of the Punjab and educate people from 6 to 14?

Lala Duni Chand: It is your business to find out means and secure funds.

Minister for Education: Yes, it is my business and before long my honourable friend will hear more about that and then he will stand up from those benches and protest against the measures that will be on the anvil of this House and then he will become an urbanite, a money-lender and a capitalist. Now, that author says as follows:—

A 4 years' course would be adequate to begin with. It can be shown that a child can attain not only literacy but as much general knowledge as is necessary in life within a period of 4 years. We have a 4 years' course in the Punjab, Central Provinces and the North-West Frontier Province. A study of primary education in these provinces.....

Please mark these words. These are the words—

A study of primary education in these provinces would show that the results obtained in these provinces are in no way worse than those in other provinces where duration of primary education covers a period of 5 years. On the contrary they indicate that a reduction in years helps expansion of primary education. One of the reasons why wastage is the least in the Central Provinces can be attributed to the short duration of the primary school course. Speaking about the 4 years' primary course in the Punjab Mr. Arthur Mayhew wrote

that if children were to attend regularly and receive effective instruction, a course satisfying the present needs of India could be completed in 4 years. . . . The Royal Commission on Agriculture in India has expressed the opinion that a period of 4 years schooling would be sufficient to give a child lasting literacy.

Then in the case of Philippines, perhaps the honourable members are not aware that it stands head and shoulder above all other Eastern countries, in the matter of literacy the period is only 3 years. Further on, at page 85, the author says thus—

A similar comparison between Bombay and Madras with their 5 years' course, and Punjab and Central Provinces with their 4 years' course during the decade is equally illuminating. It shows that while literacy in Bombay and Madras increased by 14 per cent and 10 per cent respectively, the increase was 37 per cent and 35 per cent in the Punjab and Central Provinces respectively.

Under these circumstances, Sir, there may be some sort of propaganda by saying with clear head-lines that the period has been increased. But what about the financial difficulties and particularly when the opinion of experts is that lasting literacy can be attained even in 4 years?

Mr. Speaker : Question is—

That in part (i), line 3, for the figure "6", the figure "5" be substituted.

The motion was lost.

Chaudhri Krishna Gopal Dutt : Sir, I beg to move—

That in part (i), line 3, for the figure "12", the figure "14" be substituted.

The Assembly divided : Ayes 25, Noes 66.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Sharma, Pandit.
Duni Chand, Lala.
Duni Chand, Mrs.
Hari Lal, Munshi.
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 Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din,
Mian.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib
Sardar.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Badar Mohy-ud-Din Qadri, Khan
Sahib Sayad.

Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chau-
dhri Sir.
Dasaundha Singh, Sardar.
Faqr Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.

Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Haibat Khan Daba, Khan.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jogindar Singh Man, Sardar.
 Manohar Lal, The Honourable Mr.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Sardar.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 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.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

Lala Duni Chand : Sir, I beg to move—

That in part (i), line 3, for the figure "12", the figure "13" be substituted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): In my humble opinion the clause under discussion contains certain provisions which are open to serious objections and which could be eliminated or at least improved upon, but since Government have not cared to take into consideration our suggestions with a view to improving upon certain things which are objectionable, I feel called upon to oppose the entire

clause. The reasons for opposing the entire clause are as follows: I refer you to the definition of the words "compulsory scholar" in sub-clause (a) of clause 2. 'Compulsory scholar' means any boy or girl whose guardian is required by section 8 or section 16 to cause his or her attendance at a recognised school. In sub-clause (h) "recognised school" means a school or department of a school recognised by the Director as suitable for imparting primary education." At the time when these sub-clauses were under discussion we moved amendments to this particular sub-clause. We regard the question of the recognition of schools as being very important, because we feel and not only we feel but the educationists in this province feel and they have given expression to their feelings in the columns of the *Civil and Military Gazette* as well as the *Tribune*, that with the present number of recognised schools in the province it would be well-nigh impossible to attain that laudable object viz., the diffusion of primary education in this province, and that primary education will be achieved, if at all, in a very halting manner. If we want that every girl and boy of school going age be educated compulsorily then it is necessary and it is essential that there should be a much larger number of recognised schools than the present one. Why is it that the present number of recognised schools in this province is very small and out of consonance with the needs of the province? It is because the policy followed by the Education Department in this province in this matter is very harsh and stringent. Thousands of times we on this side of the House have appealed to the honourable Minister for Education to relax these stringent conditions in regard to recognised schools, but so far the Minister of Education has turned a deaf ear to our entreaties. At one time he got up and said that it was not possible for the Education Department to recognise all the schools in this province because these schools do not come to a particular standard. I accept that statement. I do not want that every school however bad or indifferent, which has not observed a particular standard of education should be accorded recognition by the Education Department; but my complaint is that there are thousands of schools in this province which have got a reasonable standard of education and which have got the same standard of education as provided for in the other recognised schools which are not recognised by the department. Competent people in the province feel that there are ulterior motives for not doing so. I will not go into that question why the department does not accord recognition to these thousands of schools which have got the same standard of education as the recognised schools have got.

Leaving aside this matter and without imputing any motive to the Department, I say that it is in the interest of the primary education in the province that the requisite number of recognised schools be created in the province. I, therefore, submit that the Education Minister should have accepted my amendment which I moved when this clause was being discussed; that is to say, that a committee should be set up which should go into this question and which should have the power and authority to recognise schools because we feel that the policy followed by the Department of Education is not satisfactory from many points of view and persons other than those in this department should interfere and should have the power to deal with this important question.

According to the report on the progress of Education in the Punjab during the quinquennium 1937-38, the number of recognised primary

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schools in this province was 5,862 and that of un-recognised schools was 6,591. I am not sure whether this figure is correct as I am quoting from memory. But these figures are substantially correct. May I put it to the Minister of Education that the number of recognised schools in the province is less than the number of unrecognised institutions and he has come forward with a very laudable Bill which aims at the spread of primary education? May I ask him whether with this limited number of recognised schools he will be able to achieve that object? In my opinion he will not be able to do so. I therefore, submit that it is necessary that a committee should be appointed with power and authority to examine all the institutions and to go into the standard of education provided for in all the primary schools in the province and then arrive at definite conclusions. Unless that step is taken immediately the object of the Bill will not be achieved to the extent which is desired by the Honourable Minister of Education.

The second point which I have to submit before the House is this. We find that the present Government have got prejudice against certain political parties in the province; they are imbued with political bias against many classes and communities. The education which is being imparted in the schools and the manner in which it is being done is open to serious objection. This important matter should not be left in the hands of the Government. Government have not got satisfactory, suitable and unbiased experts who can give their opinion on this question. I therefore suggest that we should appoint a Provincial Board of Education in this province which should be a non-official, independent body and independent of politics so that there should be no political ends in education. At present the pity is, I would rather say the tragedy is, that a particular type of education is being in our schools in order to consolidate the position of our opponents on the other side. This question should be entirely left to a body of independent experts. I am not bringing in any new idea; this suggestion was made by the Central Advisory Committee of Education which was appointed by the Government of India. That Committee sent a circular to all the provincial Governments desiring them to create Provincial Boards of Education so that those Boards of Education should be able to advise in setting up a uniform standard of education in the province. There are so many divergent schemes of education in the country and there should be some committee which should establish homogeneity in that heterogeneity; which should establish uniformity in that mass of diversity. That suggestion was accepted by the Premier of Bombay and the Bombay Government recently appointed a Provincial Board of Education. I will impress upon you the importance of this subject by telling you something which will appeal to you. Mr. Kher, the then Premier of the Bombay Government who was the author of the idea brought forward a Bill in the Bombay Assembly providing for such a Board. The Bill went through and finally received the assent of the Governor. It so happened that when that Provincial Board of Education was created Mr. Kher was not in office; he had resigned. A difficulty arose as to whether he should be allowed to continue to be a member of that board and the question was referred to the Working Committee of the All-India Congress Committee.

Mr. Speaker : The honourable member should speak on clause 2 and not on the new clause which he has given notice of.

Chaudhri Krishna Gopal Dutt : That does not matter. Discussion on this important point cannot be stifled because there is a new clause of which I have given notice. I am only making a suggestion in general while that new clause contains the details of the constitution of the Education Board.

I was submitting that in view of the importance of the subject, the Working Committee of the All-India Congress Committee decided that Mr. Kher should be allowed to continue as a member of the Provincial Board of Primary Education. I would urge upon the Government to set up an independent board which should be entrusted with the power of prescribing primary courses and other important matters on the lines of the Bombay Government and on the lines of the instructions issued by the Central Advisory Committee of Education. I would appeal to the Minister of Education that even if he has gone through this sub-clause and rushed through this sub-clause through the House, he should see that an impression may not be created in the province that the Government in the name of the diffusion of primary education is out to exploit this Primary Education Bill for political reasons.

Now I come to sub-clause (2) referring to school age. Much has been said on this question, and since an amendment stood in my name when this Bill in its amended form came before this House from the select committee I expatiated on this subject. Therefore I need not repeat all those arguments which I gave then on the floor of this House in favour of raising the compulsory age from 12 to 14. I should, however, like to express my opinion on the minimum age which is prescribed in the Bill. The minimum age prescribed in this Bill is six years. You might be surprised to know that in my opinion it is not the right age. The minimum age below 6 is out of question and there is an honest difference of opinion on this point whether the minimum age should be six years or more. I have gone through this question not to-day only, but I became interested in this question many years ago when I began to take interest in matters educational or in the educational health of the country. I came to the conclusion that the age of six was not a suitable age for this country or for any country in the world and that the age should be raised from 6 to 7. The span of primary education should, in my opinion, be from 7 to 14 years and not from 6 to 12 years. But since there is no question of party prejudice in this matter and as I said I wanted to eschew politics from education, I may point out that although some of my congress friends here had said that they had no quarrel on the question of the minimum age, I have my own quarrel. Not only I but those who are competent to speak on the subject are unanimously of this opinion—there is no dissentient voice on this point—that the minimum age should not be 6, but that it should be 7. Why? This is in my opinion a very important subject, because this is going to be the basis of the foundation which we are out to lay for the huge and noble structure of primary education in this province. If, therefore, the basis is wrong, if therefore, the foundation is weak, then in my opinion, the whole super-structure of primary education is likely to totter to the ground. If we are going to sow

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seeds on wrong soil, then we will not reap good harvest. From the physiological and from the psychological point of view, the medical authorities and the pedagogic authorities are of the opinion that from 1 to 7 years is one epoch in the life of man and that during this period there should be no education whatever, education in the sense that we understand it, education in the sense in which that word is used in this Bill, that during these 7 years the child should enjoy life and till the end of 7 years we should not touch the child. There is only one country in the world where the minimum age-limit is 5 and that is England. In no other country is the age limit 5 years and the analogy of England is quite different from any instance which we can find in any other part of the world. Why? Because from 5 to 7 years education is imparted there not in the sense in which we understand education. In England children from 1 to 5 are not admitted in the ordinary normal primary schools. There are separate schools for these children of the age of 5 to 7 and those are called the infant schools. They are not sent to primary schools, but they are sent to a special type of schools which are called infant schools and the education imparted there is more homely and more natural; there it is not very literary. They in fact enjoy life rather than get this education in the three R's. Therefore the analogy of England does not at all hold good. Now I would read out to you from the report of a committee of experts which was appointed by an international organisation in Europe which was interested in this question. The report says—

With regard to the age of admission, the Committee arrived at the conclusion: "All those competent to judge emphasise the fact that in many cases children are not yet ripe for school at the age of six." The Committee further observed:

The development of the organs of the sense also is still incomplete in the six-year old child. The eye of the child is by nature long-sighted. If then it has to adjust itself too early to class work, as is the case at school, this may give rise to derangement of the nervous system.

This is the opinion of experts. There is a possibility of the derangement of the nervous system if the child is given education at the age of six. What are those who are interested in educating our boys and girls going to do in this matter? This may ultimately lead to the nervous derangement of our boys and girls.

The same remarks apply to the development of the kinesthetic feeling. The six-year-old child has often insufficient command over its voluntary muscles to the extent required by school work. This often finds expression in derangements of speech and manual clumsiness.

Then the Swiss authorities on Education, on physiology and psychology also subscribe to this view—

The experience gained every year with six-year-old children confirms the fact that they are generally not yet fit for school. They tire quickly both physically and mentally and it frequently happens that a child who has started too young and has been described by its parents as very forward, fails after a short time and is overtaken by other children. Moreover, in many cases the harm done only becomes apparent later, i.e., on transfer to a middle grade school. An increasing number of far-sighted parents are preferring to give to the child one more year free from school, when admission to school is possible, at the age of 6 or 6½ years; which allows the child another year to recruit its strength undisturbed.

That is not an ordinary question, as the Honourable Minister for Education seems to think. You cannot play with this matter. This, as I said, concerns the very foundations of primary education, this concerns the health of the mass of our boys and girls and it is a pity that there are not many people in this province who are interested in this subject, otherwise they would have raised a hue and cry against the age being fixed at 6 years. It is time even now for the Honourable Minister for Education to give us an assurance here that he would increase the age from 6 to 7 years. This is a serious subject, a very delicate subject and particularly when the pedagogic authorities, when the health authorities, the educational authorities, the physiological authorities and the psychological authorities are convinced that the age of 6 is not the proper age, he should say that he would go into this question and try to adjust his views accordingly. I should be satisfied with that assurance. I may also point out to you that a committee of experts was appointed here in India, a committee known as the Committee on the Wardha Scheme.

Mr. Speaker : Not quite relevant.

Chaudhri Krishna Gopal Dutt : Why? Simply because I have mentioned the name of the Wardha Scheme. I am only quoting authorities and I am not saying anything about the Wardha Scheme.

Mr. Speaker : I have absolutely no prejudice against Wardha Scheme as such.

Chaudhri Krishna Gopal Dutt : I do not know why you feel shy at the mention of the Wardha Scheme? It is perfectly relevant when I say that the age should not be six years. This is the opinion of authorities in Europe that I have quoted and I now want to quote the opinion of the educational experts in India. The Committee which went into that question of Wardha Scheme consisted of men like Zakar Hussain and Saiyadain and other gentlemen who are competent to speak on the subject, and that committee came to the conclusion that the minimum age should be seven years and not six years. That is what I wanted to say. It appears to me that with some gentlemen here the Wardha Scheme is tabooed and that should not be discussed here in this House. This is the only time when we members of the Assembly can discuss the Wardha Scheme; otherwise there is no occasion for it. The Wardha Scheme concerns primary education, it is following a particular type of education, a particular curriculum and it is for us to discuss that scheme and express our feelings on that.

Mr. Speaker : There is no objection to discussing that scheme so far as relevancy permits, and it has been discussed by various members in this House.

Chaudhri Krishna Gopal Dutt : But, Mr. Speaker, in fairness to the Opposition, you will permit me to say that the remark made by the Honourable Minister for Education should not be allowed to go unchallenged. Such a serious remark and in my opinion such an irresponsible remark has never been made by a minister. In the course of his speech he was addressing Sardar Hari Singh who seems to have provoked him and as a result of that provocation the Minister for Education said something which was highly undesirable and which was not worthy. He could have retorted

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in a manner which the sense of humour of the House could have appreciated, but he went out of his way and damned the Wardha Scheme of Education. The remark made by Sardar Hari Singh was that he went to Bombay with his eyes shut. He said that he did not shut his eyes but he was told by a certain gentleman who was perhaps a headmaster of a school that he was thoroughly disgusted with the Wardha Scheme and that he was teaching under compulsion. I am prepared to concede that the Honourable Minister for Education did not visit the place with his eyes shut. He went there with his eyes open.

Minister for Education : And with his ears open.

Chaudhri Krishna Gopal Dutt : I beg your pardon. I said it the other way. What I meant to say was that he went there with his eyes shut but with his ears open which he easily lent to some teacher. A certain teacher who was perhaps incompetent to speak on the subject or who perhaps was in the pay of some enemies of this country or perhaps was instigated by men like Mr. Jinnah or men of his way of thinking, spoke to him something, but it was not wise of the Honourable Minister for Education to generalise from hearsay and pass such a remark. The Wardha Scheme was evolved by very competent people of this country and the king of these experts was an Indian who is considered by many people to be one of the greatest men that were ever born on this earth. Not only that, the scheme was originally thought, and as I said when this Bill came before the House for the first time, was evolved by men like Zakar Hussain and Saiyadain who is a Director of Education in Jammu and Kashmir State and who is one of the most brilliant educational experts in this country. I have known the gentleman personally for a long time and I can say that that gentleman knows more of education than some of those who pose as educational experts. Therefore the Wardha Scheme was not evolved, as is said, by a Hindu, or that the Wardha Scheme is out to crush the Muslim culture. If you can accuse Zakar Husain or Saiyadain of crushing Islamic culture, you may be right, but I do not think anybody would be bold enough to make a statement of that kind against these two gentlemen. So, I hope the Honourable Minister for Education will take into account this fact also and reconsider the matter as regards raising the age from 12 to 14 years. I still stick to that and I hope he will find out some *via media* in which he may be able to meet the suggestions humbly made by the members of the Opposition. With these words I oppose the clause.

Lala Duni Chand (Ambala and Simla, General, Rural) : I would like to add only a few words as to why we oppose this clause. My general attitude and that of my party is that in so far as this Primary Education Bill is concerned we welcome whatever is possible to be given to this province by way of primary education. We shall never refuse to have it. In spite of that you may well ask, why is it that I oppose this clause? I will tell you. The reason is that the Bill as framed by the Government does not set up any effective machinery that will help in the growth of development of primary and compulsory education. Our grievance is that it is merely a white-wash. The Honourable Minister for Education and the Punjab Government merely want to have the credit of doing a lot in the matter of spreading primary

education all over the province. They want to give a false consolation to the people that they are really in earnest about primary education. Unless the Government is prepared to set up an effective machinery, may be a provincial primary education board or maybe some other effective machinery, as long as that is not done, it will be futile to convince the Punjab that there will be any appreciable advance in the direction of primary education. We know that the municipal committees and the district boards are the bodies that are expected to advance the cause of the Bill.

We know it as well as the Honourable Minister knows. Speaking generally, the district boards and municipal committees have got neither the inclination nor the capacity nor the character to undertake a task like this. A task like this must be taken by a body of people, more earnest, more public-spirited and more patriotic than the municipal committees and district boards. They generally busy themselves in all kinds of intrigues and things of that kind. Another way of spreading education is that the general body of parents and guardians of little girls and boys should be made interested in the working of the primary compulsory education. Unless the Government is prepared to take into confidence this body of parents and guardians in the matter of spreading primary education, no achievement can be made. The Honourable Minister might say that there is the Punjab Government and there is the Minister of Education who is the advocate and sponsor of primary education and I can well understand that. If the Honourable Minister had taken any real responsibility upon himself I would have trusted him and I would have trusted the Government. What responsibility are they going to take under this Bill? The entire responsibility is left to local bodies.

Mr. Speaker : Is the honourable member opposing the whole of clause 2 or the Bill?

Lala Duni Chand : I am opposing clause 2 only. I oppose clause 2 for the reason that there is no earnestness on the part of the Government to bring in such a clause that will really help the growth and development of primary compulsory education. I was submitting that if the Government had taken the responsibility upon itself, I would have welcomed the Government and I would have trusted the Government. But the Government has not done it. I understand that the Honourable Minister is not going to accept independent suggestions. We have been making and we shall make independent suggestions in order to make the Primary Education Bill a really useful Bill and a good instrument. But as the Government is not prepared to accept any of these suggestions, therefore, not as a matter of principle or policy, but as a matter of retaliation, we oppose this clause. The Government is not prepared to do anything and therefore we do not want to give them any credit for saying that they want to do anything by way of spread of primary education. The Government is not honest and I refuse to give it that false credit. With these words I oppose clause 2.

Minister for Education (The Honourable Mian Abdul Haye): Sir it is very difficult to understand the position of my honourable friend, Chaudhri Krishna Gopal Dutt. At the tail end of the debate he stood up in his seat and said that he opposed this clause because in his opinion the minimum age for compulsion should be 7 years and not 6 years. Earlier

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in the debate, when I had the privilege of hearing him and several others, including Master Hari Singh, I found that the honourable members sitting on the opposite benches were in complete agreement with the Government so far as the minimum age of 6 years prescribed in this Bill was concerned. In fact, more than one honourable member opposite made it clear that so far as the minimum age of 6 years was concerned, they had no quarrel with the Government. I find that as many as 15 or 16 amendments were tabled as regards school age, but there was not a single amendment saying that the age should be raised from 6 to 7 years. Now, my honourable friend stands up in his seat and says that he opposes this clause because he finds that in a certain book it has been made clear by certain author that it should be 7 and not 6 years. Then, he made a reference to the Wardha Scheme saying that the Wardha Scheme fixes the minimum age limit at 7 years. Earlier in my speech I made it clear that the Wardha Scheme had suggested that the minimum age should be 7 years, but I also pointed out that during the discussion the point was raised that the age before 7 years was a very impressionable age. In fact, if I remember aright the gentleman said, "Give me a boy from 5 to 7 years and you can keep him for the rest of his life. I shall not worry about his future." Such is this impressionable period in the life of a child. It was discussed threadbare before the sponsors of the Wardha Scheme and the only reply they could make was that the child should not be ignored before the age of 7. He should receive some sort of education. Where and how? They simply said, privately in his own house he should receive some sort of education which is called pre-Wardha education. I have no such schools here. I have no infant or kindergarten schools here. I realise that an average father cannot give any sort of education in his own home to his children. It is why I have decided that compulsion should be applied at the age of 6. Then my honourable friend said, "I oppose this clause." Why? He referred to the definition of compulsory scholar. He said, "here is this definition of a compulsory scholar where a boy is to be required to go to a recognised school, but why to a recognised school". He said that he had moved an amendment suggesting that the boy may be required to go to any school, not necessarily a recognised school. I gave a complete answer when my honourable friend moved that amendment. It is our duty here to see that proper education which we call primary education, is being imparted. It is our business to see that the school to which a child goes does contain arrangement for imparting primary education. Supposing I were to substitute the word "any" for the words "a recognised", then the boy, who goes to a Panda will not learn anything beyond a certain amount of calculation or arithmetic. Would it not be open for the child or the parent of the child to go to a court and say that he is not in any way infringing the law and that the boy goes to a school over which I have no control, or for the matter of that, would not some dishonest people in this country start absolutely bogus schools where no education is imparted? They simply keep a register, enter the names of children on the rolls, charge a small fee and make some money by dishonest and reprehensible means in the hope that if children are hauled up by a court or their parents are hauled up by a court, they will give good evidence that those children have been to a school.

4 p.m. A child's name appears on the rolls of the school, but it would not be open for the Inspector of Schools or the Education Department or for the matter of that to the Magistrate to enquire into the question as to what sort of school it is and what arrangements for imparting primary education or literacy exist in that school. It is for this and for very many cogent reasons that I stated that I am unable to accept any of the amendments proposed by the honourable members opposite. And then if the speech of my honourable friend is boiled down it comes to this. He has imputed political motives to the Government. He says this Government has got that political motive. "We cannot trust this Government. We cannot trust the Director of Public Instruction appointed by this Government." He went to the extent of saying that even to-day the education is being imparted with these pernicious political motives. May I remind my honourable friend that so far what we have done in the matter of reforming the system of education is only this, that we have appointed a committee called the Syllabus Reform Committee. An excellent report has been produced by this Committee. This report was circulated to the honourable members, and if I remember aright, my honourable friend paid a tribute to the authors of that report. Beyond that we have done nothing. No new system has been introduced. No new books have been prescribed. But the very first thing that we did on assuming charge was that we passed orders that without the permission of the Government text-books should not be changed until further orders. May I ask, on what authority he says that we were actuated by political motives in making new departure, in imparting a type of education that suits our political ends? It was an unwarranted attack and I shall submit that if the speech of my honourable friend is boiled down it comes to this: "We are not going to trust you. It is very unfortunate that we are sitting in the Opposition. We have not got any power. Therefore, we want a Bill which would give power not to the Government, who are accredited representatives of the people, but the power should be given, should be vested in the Opposition, who lost at the polls." Then he said that he would not trust the Director of Public Instruction, who recognizes the schools. He has an imaginary grievance that schools are not being recognized. He quoted figures and said that a large number of schools are not recognised and that only a few schools are recognized. He made a similar statement once before in this House, when he was moving his amendment and my Parliamentary Secretary corrected his figures. May I remind him that there is a large number of unrecognized schools? They are *maktabs* and *Patshalas*. People who run these *Maktabs* and *Patshalas* do not want recognition for various reasons, which I detailed in one of my previous speeches. But it is not the fault of the Government. If they want recognition, they will have to come up to a certain standard laid down by the Education Department and then we shall have no hesitation to accord recognition to them. Then my honourable friend says—"You have got only a limited number of primary schools. How can you make any progress with this Bill for imparting primary education? How can you make your Bill effective? How can you make compulsory education universal with these limited number of schools?" He suggested: "Why do you not take over all these schools which are not recognized? May I tell him that I am perfectly willing to take over all

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these *Maktabs* and *Patshalas*. But how can I recognize them without any application from the people who control those schools? When they do not want recognition, how can the Punjab Government or the Director of Public Instruction accord recognition to them?

Then, Sir, I may point out to the honourable members that we have got a definite provision in the Bill. If you will refer to clause 9, sub-clause (c) of the Bill, you will find that we have clearly stated there that if a parent is prosecuted, it would be a valid defence for him to state that his boy or girl is receiving education otherwise, although they do not go to a recognized school. The case of every such unrecognized school will be carefully examined. After inspecting this unrecognized school the officers shall be in a position to make recommendations that the child is going to a certain unrecognized school and that he should not be compelled to go to a recognized school.

I submit, that my honourable friend, when he made a reference to the scheme, which has been introduced by the Bombay Government, went to the extent of saying that the primary course should not be prescribed by the Director of Public Instruction, but by the so-called non-official body and the power of recognition should also be handed over to that non-official body. May I remind him that on a previous occasion I made it clear that if your intention is that the Punjab Government should establish a Provincial Advisory Board of Education, I am entirely willing to establish one? But if their intention is that the powers now vested in the Government, the powers now vested in the Director of Public Instruction and the powers now vested in the officers of the inspecting line, should be taken away from these officers and should be given to the members of this Board, may I submit that we cannot agree with them? We cannot follow the Bombay Government blindly. The scheme is that there should be a District School Board in every district and the members of that School Board should elect the representatives, who would serve in the Provincial Board of Education. Well, if this Board of Education is to have only an advisory capacity, I am prepared to establish one. I would not give them any administrative powers. I would not give them any powers to examine or approve the curriculum or any scheme. I would not delegate any powers entrusted to the Director of Public Instruction. I would delegate no powers to these Boards, for the obvious reason that we are the representatives of the people. We are in power. The policy which is approved by us is to be followed. The schools are to be recognized by the Director of Public Instruction and the primary course is to be prescribed by the Government. Now, Sir, one word more with regard to these School Boards, which my honourable friend wants to establish and to which all these powers are to be delegated. Who are going to be the members of these Boards? What will be their qualifications? The qualification laid down is, a Matriculate or a man who has passed the Middle School Examination.

Chaudhri Krishna Gopal Dutt : I did not say any such thing.

Minister for Education : I am replying to your arguments—arguments advanced by you.

Chaudhri Krishna Gopal Dutt : The Honourable Minister is discussing several parts and not the individual case.

Mr. Speaker : The honourable member's motion relates to a new clause which may or may not be allowed to be moved.

Minister for Education : You allowed this aspect of the question and that is why I was replying. This is what has happened.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.

The motion was carried.

New clause.

Chaudhri Krishna Gopal Dutt : I beg to move—

That leave be granted to introduce the following new clause :—

That after clause 2, the following new clauses be added :—

- 2-A. (1) There shall be a Provincial Board of Education consisting of 12 members, of whom six shall be elected by the school boards in the manner prescribed and the remaining six shall be appointed by Government. The said members shall hold office for such period as Government may direct.
- (2) The Provincial Board of Education shall have the following powers and duties, namely :—
- (a) to examine, approve and co-ordinate schemes for the organisation and expansion of primary education with the system of education as a whole in the province;
 - (b) to advise Government generally on all matters connected with primary education; and
 - (c) to exercise such powers as may be conferred on it and to perform such duties as may be prescribed by rules or by any other law for the time being in force.
- 2-B. (1) For every local authority there shall be a School Board.
- (2) The School Board shall consist of 12 members elected by the local authority in the manner prescribed. Of such members, at least one shall be a person experienced in education as prescribed, two shall be representatives of minorities and backward communities and one shall be representative of women. The remaining eight members shall be persons—
- (a) who have passed either the matriculation examination held by the Punjab University or the vernacular final examination held by the Department or any other equivalent prescribed examination, or
 - (b) who possess any other educational qualification as prescribed.
- Explanation.*—Minorities and backward communities mean such classes and communities as may be declared so by Government by notification in the official gazette in this behalf.
- (3) The term of office of such members shall cease on the expiry of the term of the local authority for which it was constituted :
- Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the local authority is dissolved or superseded ;
- Provided further that notwithstanding the expiry of the term of office of the members the said members shall continue in office, until the members of new School Board are elected or appointed as the case may be.
- (4) If the term of office of the members of a School Board expires during the period of supersession of a local authority for which it was constituted, a new School Board shall, from time to time, be constituted as provided in subsection (2), until the local authority

[Ch. Krishna Gopal Dutt].

is re-established, provided that the members of such School Board shall, instead of being elected, be appointed by Government. The terms of office of the members of a School Board so appointed shall be for such period not exceeding three years as Government may direct :

Provided that if during such period the local authority is re-established, the term of office of the members of the School Board shall expire on the date on which a new School Board is elected by the local authority.

(5) Casual vacancies during the term of a School Board shall be filled for the remaining period by election or appointment, as the case may be.

The Assembly divided : Ayes 29, Noes 68.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao
Chanan Singh, Sardar.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gauba, Mr. K. L.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
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 Nurullah, Mian.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Sahib Ram, Chaudhri.
Santokh Singh, Sardar Sahib Sardar.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Ashiq Hussain, Captain.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chau-
dhri, Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Khan, Khan Sahib Raja.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.

Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Baha-
dur Maulvi.
Ghulam Rasul, Chaudhri.
Gopal Singh (American), Sardar.
Guest, Mr. P. H.
Gurbachan Singh, Sardar Bahadur
Sardar.
Habib Ullah Khan, Malik.
Hari Chand, Rai Sahib Rai.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Bedi, Tikka.
Karamat Ali, Shaikh.
Manohar Ali, The Honourable Mr.
Muhammad Akram Khan, Khan
Bahadur Raja.

Muhammad Amin, Khan Sahib Shaikh.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Ashraf, Chaudhri.	Pohop Singh, Rao.
Muhammad Azam Khan, Sardar.	Pritam Singh Siddhu, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.	Ram Sarup, Chaudhri.
Muhammad Hussain Khan Gurchani, Khan Bahadur Sardar.	Ranpat Singh, Chaudhri.
Muhammad Hussain, Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Jamal Khan Leghari, Nawab Sir.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Nawaz Khan, Major Sardar Sir.	Shahadat Khan, Khan Sahib Rai.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Shah Nawaz, Mrs. J. A.
Muhammad Sarfraz Khan, Chaudhri.	Shah Nawaz Khan, Nawab Sir.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Sikander Hyat-Khan, The Honourable Major Sir.
Muhammad Yasin Khan, Chaudhri.	Sohan Lal, Rai Sahib Lala.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sultan Mahmood Hotiana, Mian.
Nasir-ud-Din Shah, Pir.	Sumer Singh, Chaudhri.
Naunihal Singh Mann, Lieutenant Sardar.	Sundar Singh Majithia, The Honourable Dr. Sir.
Nawazish Ali Shah, Sayed.	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.
	Wali Muhammad Sayyal Hiraj, Sardar.

The Assembly then adjourned till 2.30 p. m. on Friday, 26th April, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 26th April, 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.

PROVINCIALIZATION OF DISTRICT BOARD HIGH SCHOOLS AT
SAMRALA AND RAIKOT IN LUDHIANA DISTRICT.

***6653. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that several representations have been made to the Government by the District Board, Ludhiana, and also by the residents of the localities that the district board schools at Samrala and Raikot in the Ludhiana district which were sometime ago raised to the status of high schools be provincialized ;
- (b) whether it is also a fact that in the address presented to the Honourable Premier, Honourable Revenue Minister, Honourable Minister for Development, Honourable Minister for Public Works and the Honourable Minister for Education on 25th of February, 1940, at Jagraon in the Ludhiana district, it was pointed out that the question of provincialization of these two schools deserved sympathetic consideration at the hands of the Government on account of the District Board being unable to meet their expenses and that the Zamindara League of the Ludhiana district also stressed this point for the consideration of the Government ;
- (c) whether it is further a fact that the Honourable Premier and his colleagues including Education Minister promised to take over these two high schools in their replies to the address mentioned above ;
- (d) if answer to the above be in the affirmative, whether and if so when he intends to fulfil the promise made by him and his colleagues on that occasion ?

The Honourable Mian Abdul Haye : (a) The District Board, Ludhiana, made a representation in April, 1939. No other representation has been made.

(b) Yes.

(c) No such promise was made.

(d) Does not arise.

**APPOINTMENTS IN THE REVENUE DEPARTMENT ACCORDING TO
DIVISION-WISE PERCENTAGES.**

***6658. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of vacancies which occurred in the Revenue Department division-wise after the new percentages community-wise and division-wise came into force and the number division-wise and community-wise of those appointed to fill up these vacancies ;
- (b) whether at any place in the Punjab these new percentages have not been strictly observed ; if so, the names of such places and the reasons for not complying with the instructions issued by the Government in this behalf ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Two vacancies have occurred in the cadre of naib-tahsildars in the Jullundur division but they have not yet been filled up.

The question of extending the scheme of divisional percentages to kanungos and patwaris is expected to be decided shortly.

(b) No.

**LISTS OF CANDIDATES IN THE OFFICES OF DEPUTY COMMISSIONERS
IN THE PUNJAB.**

***6659. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number community-wise of candidates for clerkship in each of the offices of the Deputy Commissioners in the province ;
- (b) whether the lists of these candidates have now been revised and are being maintained in conformity with the percentages recently fixed division-wise and community-wise for the Revenue Department ; and if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which the honourable member may bring to my notice in a more informal way.

KANGRA TAX-PAYERS.

***6571. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the Kangra Tax-payers Association has made a representation to the District authorities against the illegal way in which the tax-payers are being assessed year after year ; if so with what result ;

- (b) whether the statements of the complainants have been recorded in the court of the tahsildar ;
- (c) whether any departmental or judicial action is pending in this matter ?

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

(b) and (c). Do not arise.

Pandit Shri Ram Sharma : May I know from the Parliamentary Secretary if the Kangra District Board has not enhanced the haisiyat tax to an extent which is objectionable ?

Parliamentary Secretary : How does this question arise out of the original question ?

—

**PROCLAIMED OFFENDERS, ABSCONDERS AND PERSONS ON REGISTER NO. 10
IN LUDHIANA DISTRICT.**

***6623. Chaudhri Muhammad Hasan** : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of proclaimed offenders, absconders and persons bound down at present under section 10 of the Indian Penal Code and those who are on Register No. 10 of the Police in the Ludhiana district ;
- (b) the number of proclaimed offenders, absconders and of those who were on Register No. 10 in the above-named district in the years 1937-38 ;
- (c) the number excluded out of those referred to above from Register No. 10 in the present year ;
- (d) number of those excluded from Register No. 10 in the years 1937 and 1938 ;
- (e) the number of inspection visits paid by the Superintendent of Police in the years 1939 and 1940 to each thana in the district ;
- (f) the occasions on which bad characters on Register No. 10 in each thana in the district appeared before the Superintendent of Police ;
- (g) the number of the Register No. 10 bad characters at present in each thana of the district ;
- (h) whether he is aware of the fact that the crime has gone up during the last two years in the aforesaid district ; if so, the action taken to check the crime in the district ?

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

Chaudhri Muhammad Hasan : But information under section 110 of the Criminal Procedure Code might have been given, though not under Register 10.

Parliamentary Secretary : That information has not yet been collected.

Lala Duni Chand : May I know if the number of badmashes is so large in the Ludhiana district that it is impossible for the Parliamentary Secretary to let the House know? (*Laughter.*)

SHRIMATI SHANNO DEVI'S ELECTION.

***6632. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that the lorries carrying the voters of Shrimati Shanno Devi were stopped on 1st March, 1940, by the police and detained for three hours during her recent Assembly election;
- (b) whether it is a fact that Shrimati Shanno Devi complained in writing on 1st March, 1940, to the District Magistrate of Muzaffargarh alleging that the lorries carrying the voters of R. B. Sewak Ram, the rival candidate, were permitted to ply on the same day and at the same time when the lorries carrying her voters were stopped by the police;
- (c) what action was taken on the complaint of Shrimati Shanno Devi?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) No.

(b) Shrimati Shanno Devi does not appear to have made any complaint to the District Magistrate, but a report in the sense indicated was made by one Mohinder Lall to the officer presiding at the polling station at Muzaffargarh.

(c) Inquiries made by the District Magistrate showed that there was no substance in the complaint.

LICENCE TO MONOPOLIST LORRY DRIVERS ON THE LYALLPUR-JHANG
P. W. D. ROAD.

***6637. Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the authority that sanctions the licence to monopolist lorry drivers on the Lyallpur-Jhang P. W. D. road;
- (b) the period for which the monopoly is granted;
- (c) the names of those who hold the monopolies at present;
- (d) whether the Government intend to consider the case of poorer people possessing better lorries than the capitalists that now hold the monopolies?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The road in question is one of those which was scheduled under rule 25 of the old Punjab Motor Vehicles Rules, 1931, and only those bus and lorry owners have been allowed to operate their vehicles on it who had obtained a special permit from the District Magistrate of Lyallpur or the District Magistrate of Jhang, in addition to the ordinary public motor vehicle licence. Under the new system of control, in force from the 1st April, 1940, these documents will be replaced by permits issued by the Regional Transport Authority concerned. (The road falls in the Lahore Region.)

(b) and (c). There has never been any monopoly on the road. A list of the owners holding permits for it is laid on the table.

(d) This is a matter for the Regional Authority, who will deal with applications for permits in accordance with the procedure prescribed in Chapter IV of the Motor Vehicles Act, 1939.

List of owners holding permits.

<i>Name.</i>	<i>Number of permits held.</i>
1. North-Western Transport Company, Limited ..	10 permits.
2. Sardar Bahadur Risaldar Dilbagh Singh ..	1 permit.
3. Lala Ram Lal	1 permit.
4. Raja Ghulam Rasul Khan.. ..	1 permit.
5. Chaudhri Sahib Din	1 permit.
6. Sardar Mohan Singh	1 permit.
7. Lala Kanshi Ram	1 permit.
8. Sardar Jewan Singh	2 permits.
9. Lala Karam Chand	1 permit.
10. Chaudhri Muhammad Tufail	1 permit.

Mr. Dev Raj Sethi: May I know if there are such lorry-owners on the list who have been permitted to ply more than one lorry?

Parliamentary Secretary: Probably my honourable friend has not seen the list. If he had, he would have noted that there are at least two such persons.

Mr. Dev Raj Sethi: I belong to Jhang and know the real situation.

Parliamentary Secretary: There is no question of the honourable member belonging to Jhang. The list shows that there are more than one such person.

Mr. Dev Raj Sethi: What was the reason for allowing them more than one lorry?

Parliamentary Secretary: Those who applied were granted permission.

Mr. Dev Raj Sethi: When there were more applicants than one, why was it that some of the applications were rejected? What were the grounds for discrimination?

IRRIGATION IN THE BURALA DIVISION.

***6638. Makhdumzada Haji Sayad Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that since the opening of the Burala Extensions irrigation in the Burala Division has been adversely affected and there is a general complaint of shortage of water supply to the irrigators of this area ;
- (b) whether the Government has proportionately increased the supply of water in that division as compared with the area to be irrigated ; if so, whether he would be pleased to place the relevant facts and figures on the table of the House ;
- (c) the supply run in the Rajbah Bhojia before and after the extension ;
- (d) whether it is a fact that the irrigators on the Rajbah Bhojia have suffered greatly by the extension ;
- (e) how it is intended to restore the previous supply of water in the Rajbah Bhojia ;
- (f) whether the land was acquired from the zamindars for the construction of the Burala Extension, and whether any compensation was given to them ;
- (g) if so, at what rate ;
- (h) the total amount of the compensation given ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) (i) No.

(ii) Government is not aware of such general complaints.

(b) Yes. Before the opening of the Burala Extension permissible discharge at head of Burala Branch was 1,370 cusecs. During the seven summer months, 25th March to 25th October, the permissible discharge is 1,704 cusecs.

(c) Bhoja Distributary was previously the tail portion of Samundri Distributary. When the Samundri Distributary from 0 to 91,000 was converted into the Burala Branch Extension, the remaining portion was given a new head at R. D. 320,000, and was named Bhoja Distributary. This is being given the same discharge as the old portion of Samundri Distributary from 91,000 to tail, namely, 126 cusecs.

(d) and (e) Does not arise in view of reply to (c) above.

(f) Yes.

(g) Rates varied in different chaks. 260·8 acres of proprietary land were acquired at an average rate of Rs. 481 per acre.

(h) Total amount of compensation given was Rs. 1,25,447.

GRANT OF LOANS UNDER STATE AID TO INDUSTRIES ACT.

***6645. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of the applications received for the grant of loans under the State Aid to Industries Act from the rural areas of the Lahore, Multan, Ambala and Rawalpindi divisions, separately ;

- (b) the names, home addresses, educational qualifications and the nature of the industry for the advance, encouragement or improvement of which the loans have been granted ;
- (c) the total amount granted to different persons in the Amritsar, Sialkot, Ambala, Multan and Rawalpindi cities in the shape of loans or subsidies ;
- (d) whether any amount by way of loan or subsidy was given to Chheharta Textile Mills, Ltd. ;
- (e) if so, in how many instalments the loan was to be repaid and with what interest ;
- (f) whether the industrial survey of the province has been completed ; if so, when it was completed and if not yet, when it is likely to be completed ;
- (g) the number of applications for below Rs. 5,000 loan that were received during the years 1937, 1938, 1939 and the number of those out of these that were accepted and for which grants of loans were made in favour of people of the rural areas ;
- (h) whether any loans for the advancement of industry were granted to members of Notified Agricultural Tribes on the security of land or their residential houses ;
- (i) whether Government has ever considered the question of receiving land as security for the loans ; if so, the decision arrived at in this respect ?

The Honourable Chaudhri Sir Chhotu Ram : (a)

Lahore Division	..	..	..	5
Multan Division	..	..	..	1
Ambala Division	..	..	..	7
Rawalpindi Division	..	..	..	29

(b) A statement is placed on the table. There is no record of the educational qualifications of the borrower.

				Rs.
(c)	Loans ..	..	..	2,96,700
	Subsidy	..	..	4,000

(d) No.

(e) Does not arise.

(f) No. It is anticipated that it will take at least three years to complete.

(g) 92 applications were received from rural areas, out of which nine were accepted.

(h) Yes.

(i) The reply to the first part of the question is in the affirmative. Land is accepted as security if the title is clear.

Lala Duni Chand : May I know if care is taken that loans are advanced only to those people from whom they can be recovered ?

Pandit Bhagat Ram Sharma : With respect to part (c) of the question I want to know the amount which is given by way of subsidies.

Minister : I have already stated in reply to part (c) that the amount of subsidy was Rs. 4,000.

Lala Duni Chand : May I know how many loans advanced have turned out to be bad debts ?

Minister : I am afraid that without a fresh notice I cannot answer this question.

Lala Duni Chand : May I know if it has not come to the notice of the Honourable Minister of Development by this time that some or none of these loans have proved to be bad debts ?

Mr. Speaker : That question does not arise.

Mr. Dev Raj Sethi : Is it not possible to expedite the industrial survey of the province ?

Minister : I am afraid, not.

Statement showing the names of persons belonging to rural areas of Lahore, Multan, Ambala and Rawalpindi divisions to whom loans have been granted under the Punjab State Aid to Industries Act, 1935.

Serial No.	Name and address of the borrower.	Amount of Loan.	Industry assisted.
		Rs.	
1	Lala Nand Lal, Weaver, village Haiderabad, District Mianwali.	500	Handloom Weaving.
2	Zaman, Weaver, village Haiderabad, District Mianwali.	100	Ditto.
3	Messrs. Ahmad Bux-Wahid Bux, Weavers, village Haiderabad, District Mianwali.	150	Ditto.
4	M. Mohd. Saeed, Chak No. 121-J. B., District Lyallpur.	700	Tanning.
5	Sohana, Weaver, village Haiderabad, District Mianwali.	200	Handloom Weaving.
6	M. Karim Bux, Weaver, village Haiderabad, District Mianwali.	75	Ditto.
7	Lala Hira Nand, Weaver, village Haiderabad, District Mianwali.	95	Ditto.
8	Lala Bhoja Ram, Weaver, village Haiderabad, District Mianwali.	300	Ditto.
9	Lala Mangha Ram, Weaver, village Haiderabad, District Mianwali.	300	Ditto.

Serial No.	Name and address of the borrower.	Amount of Loan.	Industry assisted.
		Rs.	
10	Lala Ram Chand, village Haiderabad, District Mianwali.	300	Handloom weaving.
11	Bhai Jinda Singh, village Haiderabad, District Mianwali.	200	Ditto.
12	Chaudhri Khair-ud-Din, Proprietor, Bombay Thread Ball Manufacturing Company, Lahore, village Manali, District Ambala.	2,500	Thread Ball Manufacturing.
13	Chaudhri Harphul Singh, Proprietor, Modern Fabrics Manufacturing Company, Amritsar, village Kanonda, District Rohtak.	5,000	Manufacture of Silk Sahrís.
14	M. Din Mohd., Weaver, village Nagoki, District Amritsar.	1,000	Handloom Weaving.
15	Chaudhri Harphul Singh, Proprietor, Modern Fabrics Manufacturing Company, Amritsar, village Kanonda, District Rohtak.	10,000	Manufacture of silk shirts blankets and Namdas.
16	Pandit Keshab Narain, village Silliana, Tahsil Palampur, District Kangra.	200	Handloom Weaving.

CONSTITUTION OF MUNICIPAL BODIES.

***6650. Lala Duni Chand:** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the finding of the Royal Commission on Decentralization (1909) and the endorsement thereof by the Government of India, namely, that the municipal bodies should be constituted on the basis of substantial elective majority and the Municipal Chairman should be elected from among elected non-official members and that Government officials should not as a rule be allowed to stand for election;

- (b) whether there has been a departure from the aforesaid principles in case of any of the municipal committees of the Punjab; if so, their names?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Government are aware of the recommendations contained in paragraphs 849 and 852 of the Report of the Royal Commission upon Decentralization in India to which the honourable member is presumably referring. They are also aware of the views expressed by the Government of India on these recommendations.

(b) There has been no departure, as it was recognised that Local Governments must be left to decide how far the circumstances of their provinces admitted of an advance. A statement showing the names of the municipal committees which have not got an elective majority or in which a nominated president is still required, is laid on the table.

[Sh. Faiz Muhammad.]

Statement.

I.—Names of municipal committees which do not have an elected majority :—

- | | |
|----------------|-------------------|
| (1) Kasumpti. | (6) Dharmesala. |
| (2) Pindigheb. | (7) Dalhousie. |
| (3) Isakheh. | (8) Murree. |
| (4) Kalabagh. | (9) Khanewal. |
| (5) Simla. | (10) Mian Chanun. |

II.—Names of municipal committees which have not the right of electing a President :—

- | | |
|---------------|----------------|
| (1) Kasumpti. | (3) Dalhousie. |
| (2) Simla. | (4) Murree. |

REPRESENTATION OF HINDUS ON THE LAHORE MUNICIPAL COMMITTEE.

*6651. **Lala Duni Chand** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he has recently received a memorial signed by about ten thousand residents of Lahore and sent on their behalf by Raja Narendra Nath on the question of the representation of the Hindus on the Lahore Municipal Committee;
- (b) whether it has been considered by the Government; if so, with what result?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) and (b) A representation was received through Raja Narendra Nath. Information which was collected indicates that the Hindu representation in the services of the Lahore Municipality is adequate. I intend to show the statements which have been prepared to Raja Narendra Nath as soon as a suitable occasion offers.

Lala Duni Chand : May I know if the facts stated in that report are correct or not?

Mr. Speaker : Disallowed. The honourable member may refer to rule 81.

Lala Duni Chand : A certain representation was made and I want to know whether it was considered or not.

Mr. Speaker : That has been replied to.

Lala Duni Chand : I want to know whether the facts were verified.

Mr. Speaker : There is no ambiguity on this point.

PERSECUTION OF KISHEN SINGH IN THE MONTGOMERY JAIL.

*6656. **Sardar Sohan Singh Josh** : Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that one Kishen Singh, son of Bhai Pall Singh, of village Timmowal, police station Jandiala, district Amritsar, confined at present in the Central Jail, Montgomery, is being persecuted in jail for giving evidence

against Lala Chaman Lal, recently convicted of murder, and he is also confined in a separate grinding cell; if so, the reason therefor and the action Government intends to take in the matter;

(b) his present state of health?

The Honourable Mr. Manohar Lal : (a) No. He is confined in a cell for purposes of safe custody under paragraph 399 (3) of the Punjab Jail Manual.

(b) Satisfactory.

Sardar Sohan Singh Josh : Will the Honourable Minister of Finance be pleased to state as to whether the Honourable Premier has received any representation to the effect that such a treatment was being meted out to the person in question?

Minister of Finance : The honourable member must give me notice about it.

Sardar Sohan Singh Josh : With your permission, I would like to read out the letter which was sent to the Premier. It reads as follows :—

In January, 1939, when Superintendent Jail Lala Chiman Lal punished two prisoners to death and wounded six, I was the one who gave evidence against Lala Chiman Lal. I was transferred from Multan Jail to Central Jail, Montgomery, on 20th June, 1939. The Jail authorities have kept me as solitary prisoner in the grinding cell for the offence of appearing against Lala Chiman Lal. Three times I have been beaten very severely and still say that you are suffering because you gave evidence against Lala Chiman Lal. 'You won't be spared but you will die here. So I fear lest I may not be murdered like this. They maintain that they shall declare that the prisoner concerned has committed suicide. This is why they keep me separate, so that no real witness would be available.

Now, may I know as to whether the Premier has received any such letter?

Minister : I have already stated that the honourable member must give me notice so far as any letter is concerned.

Diwan Chaman Lal : May I take it that a letter like that containing such serious allegations was not handed over to the Honourable Minister to deal with?

Minister : I have not received any such letter myself.

Diwan Chaman Lal : Probably the Honourable Premier would enlighten us on this point. May I take it that the Honourable Minister is going to look into it immediately?

Mr. Speaker : That is a request for action.

Diwan Chaman Lal : May I know whether the Government have decided to look into that matter immediately? May I ask whether in view of these supplementaries, my honourable friend is going to expedite looking into this matter?

Mr. Speaker : That is a request for action.

WITHERING OF WHEAT CROP IN OKARA TAHSIL.

***6657. M. Jafar Ali Khan :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that in tahsil Okara in the Montgomery district the wheat crop of this year has withered for want of a sufficient supply of water; if so, the action Government propose to take in the matter of giving relief to the zamindars affected thereby?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is incorrect to state that the wheat crop has withered. But it is true that a crop which in February promised to be a bumper crop has not come up to expectation because abnormally low supplies in the rivers did not permit of the normal supply of water being given to wheat during the maturing period. In spite of this the wheat crop is generally up to Settlement average and in many parts well above Settlement average. Government does not consider that a special remission is called for.

ENHANCEMENT OF RATES OF ASSESSMENT IN AMRITSAR DISTRICT.

***6660. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware that the Settlement Officer, Amritsar, has recently been going round and declaring in the villages in tahsils Amritsar and Tarn Taran that it has been decided to enhance the rate of assessment as a result of the settlement of the Amritsar district; if so, approximately by how much these rates have been decided to be enhanced?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The attention of the honourable member is invited to the reply given to Assembly question No. 6549¹ (starred). The average revenue rates proposed by the Settlement Officer were duly published under rule 19 of the Land Revenue Assessment Rules, 1929 for inviting the objections, if any, of the revenue payers. A statement showing the rates sanctioned by Government together with the rates of the old settlement in the case of the Tarn Taran tahsil is laid on the table. These rates are of course subject to the sliding scale. In accordance with the promise given the demand will not exceed the old assessment for five years from the introduction of the new assessment. The new rates will apply only in cases where the new assessment is lower than the old one. The rates proposed by the Settlement Officer for the Amritsar tahsil are at present under the consideration of Government.

Sardar Sohan Singh Josh : May I know as to whether after a period of 5 years this enhancement would take place as a result of sliding scale system?

Parliamentary Secretary : I have already stated that the demand would not exceed the old assessment for 5 years, and so the question of enhancement does not arise. I may be allowed to read out the answer given by me to question No. 6549¹ on a previous occasion. It reads as follows :—

Government is not aware that any such apprehension exists. In any case any such apprehension is groundless. The Settlement Officer, Amritsar, made the position quite clear when announcing the new demand in tahsil Tarn Taran.

A relevant extract from the announcement made by the Settlement Officer is placed on the table.

¹ Vide the debates of 23rd April, 1940.

Tarn Taran thasil.

Class of land.		AVERAGE RATES PER CULTIVATED ACRES.	
		Last Settlement.	Present Settlement.
(1) Upper Manjha assessment circle	Chahi ..	Rs. A. P. 2 6 0	Rs. A. P. 2 8 0
	Nahri ..	2 4 0	2 14 0
	Sailab ..	1 4 0	1 4 0
	Barani ..	1 6 0	1 6 0
(2) Central Manjha assessment circle	Chahi ..	1 14 0	2 2 0
	Nahri ..	1 12 0	2 4 0
	Barani ..	1 4 0	0 14 0
(3) Bet Bangar assessment circle ..	Chahi ..	2 0 0	1 12 0
	Nahri ..	1 12 0	2 4 0
	Sailab ..	1 4 0	1 4 0
	Barani ..	1 1 0	0 12 0

MR. MUNSHI RAM 'NATHAWAN'.

***6661. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) the condition of health of Mr. Munshi Ram 'Nathawan' of Batala convicted under the Defence of India Act and confined in the Gurdaspur Jail ;

(b) the law under which he is detained ;

(c) the class he is placed in the jail ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Fairly good.

(b) Rule 38 of the Defence of India Rules, 1939.

(c) C class.

CONVICTIONS IN KANGRA DISTRICT UNDER THE DEFENCE OF
INDIA ACT.

***6662. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the number and names of the persons convicted under the Defence of India Ordinance in Kangra district up to 10th April, 1940;
- (b) the number and names of persons against whom cases under the Defence of India Ordinance were started in Kangra district up to 10th April, 1940;
- (c) the number and names of persons out of these against whom cases were dropped or withdrawn at the initial stage in Kangra district during the period mentioned in (a) above with reasons for doing so;
- (d) the period for which the persons referred to in (b) above remained in judicial lock-up?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) One.
- (b) Eleven.
- (c) *First part.*—Three.

Second part.—Two tendered apologies and were let off. The case against a third was found to be weak and was withdrawn.

It is not in public interest to give names.

(d) The period of detention in the judicial lock-up varied, in respect of ten persons, between 15 days and about 4 months. The eleventh person was arrested on 8th April, 1940, and up to the 21st April, 1940, he was in the judicial lock-up.

SUPPLY OF DRINKING WATER TO VILLAGES IN KANGRA DISTRICT.

***6663. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Education be pleased to state the amount spent every year by the Punjab Government in each such village of the Kangra district from 1st April, 1937, up to 1st April, 1940, for the supply of drinking water which suffer from the dearth of drinking water with the names of such villages?

The Honourable Mian Abdul Haye : A statement containing the required information is laid on the table.

Statement showing the grants sanctioned by the Punjab Government for the improvement of drinking water-supplies in the villages of Kangra district from 1st April, 1937, to 31st March, 1940.

Year.	Serial number and name of village.	Grants sanctioned by Government.	Grants actually given.	Nature of grants.
1937-38 ..	No grant was sanctioned by Government during the year from Special Development Fund.			
	(Kangra Tahsil).	Rs.	Rs.	
1938-39 ..	1. Sudhed.. ..			
	2. Garh			
	3. Tundu			
	4. Upparla Dobh			
	5. Chhen.. ..			
	6. Nand			
	7. Jaloh			
	8. Jangroti	2,600	2,600	Special Development Fund.
	9. Tipri			
	10. Tiara			
	11. Jhikla Dohb			
	12. Nerti			
	13. Sinwan			
	14. Sarah			
	15. Bhalun			
	16. Maujhgaran			
	17. Bohrkwalu			
	18. Shakoh			
	(Hamirpur Tahsil).			
1939-40 ..	1. Pat Naun			
	2. Gaura.. ..			
	3. Gazota			
	4. Ambot			
	5. Tika Ladiar			
	6. Ajiana			
	7. Sohari	2,600	2,600	Special Development Fund.
	8. Lohakhar			
	9. Ayanwin			
	10. Pohnch			
	11. Bhaletth			
	12. Jandrahel			
	13. Tapra			
	14. Papoh			
	15. Rangar			
	16. Nagnambri			
	17. Neri			
	18. Toana.. ..			
	(Palampur, Hamirpur and Dehra (Tahsils).			
1939-40 ..	1. Tika Bheri			
	2. Umri			
	3. Khajurnu	1,24,000	19,395	Special Development Fund.
	4. Thural village	for special		
	5. Tika Phangarh	rural water-		
	6. Tika Ghundera	supplies in		
	7. Tika Matial	the Pro-		
	8. Mungal	vince.		
	9. Kurang			

[Minister for Education.]

Year.	Serial number and name of village.	Grants sanctioned by Government.	Grants actually given.	Nature of grants.
		Rs.	Rs.	
1939-40— <i>contd.</i>	10. Thehr Buhli .. 11. Samletar .. 12. Bagh Kuljan .. 13. Kotlu .. 14. Jaisinghpur .. 15. Lambagaon .. 16. Alampur .. 17. Kheri Tappa .. 18. Tika Hareta .. 19. Bijri .. 20. Ghori .. 21. Tika Dhabraryana .. 22. Lahra Pucca .. 23. Tanda .. 24. Otpur .. 25. Chanaur Khas .. 26. Tika Har .. 27. Tika Natsuha .. 28. Tika Badhal .. 29. Kanol .. 30. Bathra .. 31. Tika Thor .. 32. Lag .. 33. Tika Ambi .. 34. Tika Jalera .. 35. Bholi .. 36. V. Khanpur Jagir Dada .. 37. V. Mehra Jagir Dada .. 38. V. Rori Kori .. 39. V. Chaplah .. 40. Tatahan Kalan .. 41. Dhalyara .. 42. Sarad-dai .. 43. Kharoti .. 44. Samnoli .. 45. Bari Jagir Dada .. 46. Sanda .. 47. Rakkar .. 48. Barnali .. 49. Ugrala .. 50. Bandhol .. 51. Badhal .. 52. Bhial .. 53. Bhatoli Pakkorian .. 54. Ghati Bilwan .. 55. Ghamrur .. 56. Bari .. 57. Tika Ladhiara .. 58. Maheshra .. 59. Daili .. 60. Tika Bihni .. 61. Chatwal .. 62. Dadhoa .. 63. Tika Batli .. 64. Tika Chalafi ..	1,24,000 for special rural water- supplies in the Pro- vince.	19,395	Special Develop- ment Fund.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) On 29th February 1940.

(b) *First part.*—District Jail, Gurdaspur.

Second part.—The present state of health of the prisoner is indifferent, that is practically the same as it was on his admission to the jail.

Third part.—‘C’ Class.

***6665.** *Cancelled.*

HONORARY MAGISTRATES.

***6666. Sardar Ajit Singh :** Will the Honourable Minister for Finance be pleased to lay on the table of the House a statement giving the number and educational qualifications of Honorary Magistrates appointed by Government in various districts of the province since the inauguration of Provincial Autonomy in the province ?

The Honourable Mr. Manohar Lal : Altogether 67 honorary magistrates have been appointed since the 1st April, 1937. Detailed information in regard to their educational qualifications is not available, but I may mention that before appointing any person to be an honorary magistrate Government invariably satisfy themselves that he is at least able to read and write the vernacular fluently.

Mr. Dev Raj Sethi : Has the list been supplied ?

Minister : No.

Mr. Dev Raj Sethi : What are their minimum qualifications ?

Minister : I have answered that question.

LEVY OF ROAD TAX ON THE NURPUR-SHAHAN ROAD.

***6668. Khan Muhammad Yusaf Khan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether representations have been made to him by the Sajjada Nashin, Nurpur-Shahan in the Rawalpindi tahsil and by some other persons complaining against the levy of Road Tax by the District Board, Rawalpindi, on the Nurpur Shahan Road during the annual Urs ;
- (b) whether it is a fact that the Nurpur-Shahan Road has been recently given over by the District Board, Rawalpindi, to the Public Works Department ;
- (c) if so, the reasons for allowing the District Board to levy tax on a road under the control of the Public Works Department ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that answer to this question is not yet ready.

SPECIAL TRAINING CERTIFICATE FOR UNTRAINED TEACHERS.

***6669. Khan Muhammad Yusaf Khan :** Will the Honourable Minister of Education be pleased to state whether the Government have issued a circular regarding the grant of Special Training Certificate under certain conditions to untrained teachers ; if so, the reasons therefor in view of the provision of Article 177 (a) of the Punjab Education Code ?

The Honourable Mian Abdul Haye : Yes. The revised regulations issued recently do not affect Article 177-A of the Punjab Education Code under which the holders of University diplomas only receive provisional special certificates in Arabic, Persian, Sanskrit Urdu, Hindi or Punjabi after they have put in not less than two years' satisfactory work as a teacher of that subject in a recognized secondary school.

DESTRUCTION OF CROPS IN ATTOCK DISTRICT.

***6670. Khan Bahadur Nawab Muzaffar Khan :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that a severe hailstorm broke out in several villages in the Attock tahsil of the Attock district totally destroying wheat, tobacco and fodder crops like methi, shuftal, etc.; if so, the names of the villages visited by the hailstorm and the action that Government has taken in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The hailstorm occurred in 18 villages of the Attock tahsil, the damage in villages Shadi Khan, Walia and Sirka being the heaviest. Wheat suffered most, but tobacco and fodder crops were not damaged. Relief where due will be granted in due course according to rules.

SUPPLY OF DRINKING WATER TO ILAQA BEIT IN DISTRICT HOSHIARPUR.

***6671. Chaudhri Kartar Singh :** Will the Honourable Minister for Education be pleased to state what has been done so far by the Government in furtherance of the scheme for the supply of drinking water to Beit ilaqa in district Hoshiarpur and how long will it take Government to complete this scheme ?

The Honourable Mian Abdul Haye : The honourable member is referred to the reply given by me to question No. 6496¹.

GRANT OF COMPENSATION TO PERSONS FOR THEIR BRAVERY ON THE OCCASION OF DACOITY AT ISAKHEL.

***6672. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of officials and others who displayed conspicuous bravery on the occasion of the dacoity committed at Isakhel, district Mianwali, on or about 12th February, 1940 and put their lives in danger on that occasion ;
- (b) whether any rewards have been given to any of them ; and if not, the reason why their claims to rewards have not been recognised ;

(L. Duni Chand.)

- (c) whether it is a fact that some of them recently approached the authorities concerned for recognition of their claim ; and if so, what replies were given to them ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b). Government have seen a list of officials and non-officials who distinguished themselves in the defence of the town, but as the list is not complete I think it better not to lay it on the table. Certain cash rewards have already been granted by the Superintendent of Police and the cases of other men who did well are under consideration. The honourable member may be assured that Government will not be remiss in rewarding those who cooperated in this remarkably successful operation.

(c) Only one person appears to have made a definite application to the local officers, and this is still under consideration ; but, as indicated above, services rendered on this occasion will be properly rewarded, irrespective of any applications.

Lala Duni Chand : May I know if the local sub-inspector of Police, who showed conspicuous bravery and other persons made any representation claiming reward and if so, whether their claims have been recognised ?

Mr. Speaker : It does not arise.

Lala Duni Chand : May I know if there was a scramble for rewards and in that scramble the deserving people could not get any reward while undeserving people got the rewards ?

Parliamentary Secretary : I have replied that cases are under consideration. There is no question of scramble. The deserving people will be rewarded.

Lala Duni Chand : May I again ask whether the Parliamentary Secretary understands what I mean by scramble ? Does he not think that on such occasions there is a scramble for rewards ?

Mr. Speaker : That question does not arise.

Lala Duni Chand : May I know how many people have applied for rewards ?

Parliamentary Secretary : One person applied for reward and his case is under consideration. A list of certain officials and non-officials who deserve the reward has been prepared but it is not yet complete.

Lala Duni Chand : May I know if the rewards were conferred upon the people without their asking for them ?

Mr. Speaker : No rewards have been conferred yet. Next question.

COMPLAINT AGAINST THE CONDUCT OF THE TAHSILDAR ON THE OCCASION OF MOHARRUM PROCESSION AT BOARIA IN TAHSIL JAGADHRI.

***6673. Shaikh Karamat Ali** : Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that Thakur Narain Singh, Tahsildar at Jagadhri, in the Ambala district, who was put in charge of the Moharrum procession at Boaria in tahsil

Jagadhri on the occasion of the last Moharrum quite contrary to the age-long practice, induced the Hindus of the locality not to allow the processionists to tie and raise aloft the overhanging branches of the *pipal* tree on the sanctioned route for the procession to go by;

(b) whether he is also aware that the obstruction thus caused to the peaceful passage of the procession resulted in exciting the mob collected there on either side and that the Revenue Assistant at Jagadhri had to run to the spot to pacify the excited mob in order to enable the procession to pass on peacefully;

(c) if the answers to (a) and (b) above be in the affirmative, the action taken or intended to be taken against the said Tahsildar for acting against the interests of the public peace?

The Honourable Major Sir Sikander Hyat-Khan : (a) No. A branch of the tree was actually tied up but on reaching the spot the Taziadars demanded that the branch be cut as they were not satisfied with its being merely tied up. The tahsildar told them that they should approach the Boaria municipal authorities for permission to cut the branch and that in the meanwhile the Tazia should be allowed to proceed. On this the Tazia was taken on and buried.

(b) Yes. The Revenue Assistant subsequently went to the spot and a branch of the *pipal* tree was cut.

(c) No action is called for.

MONOPOLY OF SAHALA-KAHUTA ROAD.

*6677. **Sardar Ajit Singh :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether he has recently received a representation from Sardar Anup Singh, S. Dyal Singh and Sardar Kapur Singh, Government Mail Contractors and lorry owners of Sahala-Kahuta Road, against the monopoly of Sahala-Kahuta Road;

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

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

(b) The matter is now one for the Regional Transport Authority at Rawalpindi.

SHORT NOTICE QUESTIONS AND ANSWERS.

MOTOR VEHICLES RULES.

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

(a) whether the Motor Vehicles Rules, 1940, have been enforced from 1st April, 1940; if so, whether they apply to all roads in the Punjab or their application is restricted to particular sections in the province;

[Mr. Dev Raj Sethi.]

(b) whether Regional Authorities have been appointed as contemplated in these Rules ; if so, their detailed description including their jurisdiction ;

(c) whether the Lyallpur-Jhang Road' has been placed under any Regional Authority ; if so, under what terms and conditions ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) The new rules came into force on the 1st April, 1940 and apply generally throughout the province.

(b) Yes. The main notification on the subject is Punjab Government notification No. 380-HG-40/14042, dated the 20th March, 1940. The names of the non-official members and secretaries have been published in later notifications which the honourable member will be able to trace without difficulty.

(c) The Lyallpur-Jhang road falls in the Lahore region. No special orders have been issued by the provincial Government but the Regional Transport Authority, which under the new Act has discretion to limit the number of transport vehicles permitted to operate on any route, will doubtless maintain restrictions similar to those which have been in force on this road ever since it was metalled.

Mian Muhammad Nurullah : Were these rules enforced before they were discussed in the Assembly ?

Mr. Speaker : Yes. That was said on the floor of the House.

Mian Muhammad Nurullah : May I know whether the Government is prepared to issue instructions to the Regional Authority of Lahore that preference should be given to self-owning drivers on the Lyallpur-Jhang road ?

Mr. Speaker : That is a request for action.

Mr. Dev Raj Sethi : May I know if any agreement has again been made with N. W. companies to the effect that licences will be granted to public lorries ?

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

Mr. Dev Raj Sethi : From part (c) where it is said that the old order will be restored. I want to know whether there was any new agreement with the companies or not.

Minister : I have already said that it is for the Lahore Regional Transport Authority to decide what conditions should be enforced on this road and probably similar conditions will be enforced by the Regional Transport Authority as on other roads.

Mr. Dev Raj Sethi : Has the Government issued any instructions to the Lahore Regional Authority about it ?

Minister : None are necessary.

COMMUNAL FRACAS AT VILLAGE LAHRARA.

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

- (a) whether it is a fact that a communal fracas took place at village Lahrara, district Rohtak, on the 7th April, 1940 ;
- (b) the number of injured and those admitted into the Hospital giving separately the names of those who sustained serious injuries ;
- (c) what steps the Government is taking to control the situation ?

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

(b) About thirty-nine received injuries, of whom thirty were treated in the hospital. Five persons received serious injuries. It is not in the public interest to give their names.

(c) Necessary steps have been taken to control the situation which is normal.

Pandit Shri Ram Sharma : Will the Honourable Minister be pleased to state the details of this communal fracas so that we may understand its nature ?

Minister : I have already stated the number of injured. As to the nature of the dispute between Hindus and Muslims at the *mela*, there are two versions as to how the trouble started. Which version is true, of course, will be decided by a court of law in due course.

Pandit Shri Ram Sharma : Will the Honourable Minister kindly let me know which version is correct — that of the police supplied to him or the other or both ?

Minister : There are two versions. If the honourable member wants to know them I will state them here. One is that a Muslim who was selling *ber*, molested a young Hindu Jat girl, hence the trouble ; and the other is that Muslim hawkers selling vegetables, etc., were asked by the Jats to pay more by way of rents and an altercation took place, hence the clash. Which of these versions is true, of course, a court of law will decide.

Pandit Shri Ram Sharma : Is this matter under judicial inquiry or has a magistrate been appointed ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I know if the police was already present there before the riot took place ?

Minister : The honourable member should wait till his next question is answered and then he will get the reply.

Pandit Shri Ram Sharma : The riot at Sonapat is different. I ask about the Lahrara riot. Was the police present there before the riot ?

Raja Ghazanfar Ali Khan : What is your object in asking this question ?

Pandit Shri Ram Sharma : My object is to show that the police failed in its duty of maintaining peace and order and the Government is incompetent and incompetent. (*Laughter*).

Mr. Speaker : I disallow that question as it does not arise out of the answer given.

Pandit Shri Ram Sharma : Sir, I was asked to disclose the object of my question and I have told that it was to show that the Government is good for nothing. The Honourable Minister says that there are two versions and the final decision will be made by the law court. May I now ask if the police was present before the riot took place?

Mr. Speaker : Disallowed.

Lala Duni Chand : May I know if the riots like the one in question are due to the lack of any firm policy on the part of the Government in such cases?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I ask if the police was informed after the riot had taken place or it knew of the coming riot before hand?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Is it a fact that a person whose name is entered in register No. 10 of the Police and who remains in the thana every now and then was responsible for the riot?

Premier : You might know it better.

COMMUNAL TROUBLE AT SONIPAT.

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

- (a) whether it is a fact that a communal trouble and fracas took place at Sonipat on the evening of 7th April 1940; if so, the steps that the local police took to control the situation;
- (b) the time at which trouble started and the time when the police was at the scenes of occurrence;
- (c) the number of injured persons with the injuries received by them and the number of those admitted in the Hospital?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes. The local police reached the spot within half an hour of the occurrence of the trouble and brought the situation under control.

(b) The trouble started between 5-15 and 5-30 p. m., at village Lahrara which is about half a mile from Sonipat. The Station House Officer arrived at the scene of occurrence with a posse of Police at about 5-45 p.m. and dispersed the mob.

(c) Of the nine persons including one police constable who received injuries and were admitted in the hospital, one received 14 injuries; one 11, two 6 each; one 4; one 3; one 2 and two 1 each. Only 2 of them had grievous injuries.

Pandit Shri Ram Sharma : Will the Honourable Minister kindly let me know if this riot of Sonipat took place as a result of the riot of Lahrara?

Mr. Speaker : Disallowed. Does not arise out of the original question.

Pandit Shri Ram Sharma : Sir, it does arise.

Mr. Speaker : It does not arise from the answer given to the original question. I sympathise with the honourable member; but Rule 81 restricts supplementary questions to matters arising out of the answers given to a question.

Diwan Chaman Lall : The expression "to elucidate an answer given" obviously refers to the answer given in reference to the question. If the answer is not satisfactory qua the question, supplementary questions, cannot be asked to elucidate the meanings that were not clear qua that answer.

Mr. Speaker : Supplementary questions cannot be asked or based on answers given to supplementary questions. If the honourable member wishes to ask a supplementary question to elucidate an answer given to the original question, he is welcome.

Premier : May I ask Diwan Chaman Lall to request one of his back benchers not to ask such communal questions? Communal questions should be asked as rarely as possible. My honourable friend is very fond of asking questions about communal riots. Communal questions should be curtailed, unless they are absolutely necessary. The honourable member asked a question and a reply has been given, we should not ask further supplementary questions just to create further trouble.

Lala Deshbandhu Gupta : Is it a fact that sometimes the police itself incite communal riots?

Premier : It is not the police. Other people incite these communal riots. The people who ask such questions incite communal riots.

Pandit Shri Ram Sharma : My questions as tabled show nothing of communalism whatsoever.

An honourable member : What else do they show?

Pandit Shri Ram Sharma : The Honourable Minister has replied that the police had reached the scene of the riot within half an hour. May I ask as to which place the police reached and where the riot had taken place in the beginning?

Minister : Somewhere near Mundi Trevaskas in Sonipat the clash took place. You should know the locality better than myself.

Pandit Shri Ram Sharma : Is it a fact that 4 or 5 hundred persons had already collected there for creating trouble?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I know if the police knew of the riot of Sonipat before its occurrence or after it had taken place?

Mr. Speaker : This question is not based on the answer given to the original question. Therefore, I disallow it.

Pandit Shri Ram Sharma : Did the police come to know of it before or after the riot? If it was already there why did it not prevent the riot?

Mr. Speaker : Where does it arise from ? It does not arise from the answer given to the original question.

Pandit Shri Ram Sharma : Sir, if you would persist in this strict attitude of yours that you have lately adopted, not a single supplementary question will in future be possibly asked in the House.

Lala Duni Chand : May I know whether these communal riots are causing no anxiety to the Government ?

Mr. Speaker : Disallowed. This question is far wider than the original question.

Lala Duni Chand : Sir, you should not interpret Rule 31 so strictly. You have not been so strict before.

Mr. Speaker : Yes.

UNSTARRED QUESTIONS AND ANSWERS.

EXTENSION OF JAMNA CANAL FOR IRRIGATION OF LANDS IN HISSAR DISTRICT.

1131. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Revenue be pleased to state—

(a) whether Government have adopted any scheme of extending Western Jamna Canal or any other canal flowing in the Hissar district for the purpose of irrigating Hissar district ;

(b) if so, when the work of extension is to be taken in hand ;

(c) what areas will be irrigated by the proposed scheme ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) A scheme has been prepared .

(b) The scheme is being examined and a decision about the construction of the scheme will be made in the near future.

(c) A plan¹ is laid on the table showing the areas proposed to be irrigated.

COLLAPSE OF A PORTION OF THE BUILDING OF VETERINARY HOSPITAL, JAMPUR.

1132. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Development be pleased to state—

(a) the date when a Veterinary Hospital was built at Jampur ;

(b) the amount of loss sustained by the Government owing to the collapse of a portion of this building ;

(c) whether it has been ascertained why this portion of the building collapsed so soon after its recent construction ?

¹ Kept in the Assembly Library.

The Honourable Chaudhri Sir Chhotu Ram : (a) The building is an old one but was repaired in March, 1939.

(b) Government did not sustain any loss as the building is the property of the District Board, Dera Ghazi Khan.

(c) The cause of the collapse was waterlogging.

TRANSFER OF GAZETTED OFFICERS OF CATTLE FARMS.

1133. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Development be pleased to state—

(a) whether the practice of transferring officers after three years applies in case of gazetted officers of Cattle Farms also ;

(b) the period which has elapsed after the present Superintendent and Deputy Superintendents of the Cattle Farms were posted to Hissar ;

(c) the names of other officers of the Department with the period for which each one of them has been posted to the Cattle Farm, Hissar ?

The Honourable Chaudhri Sir Chhotu Ram : (a) The practice of transferring gazetted officers after three years is not in vogue in the Civil Veterinary Department.

(b) The periods which had elapsed up to the 31st March, 1940 since the present Superintendent and Deputy Superintendents were posted to the Government Cattle Farm, Hissar, are as follows :—

Name of officer and designation.	Date of posting to the Farm.	Period involved from the date of posting up to the 31st March, 1940.
		Yrs. Ms. Ds.
Mr. P. N. Nanda, Officiating Superintendent.	15-1-1939	1 2 17
Shaikh Mumtaz Hussain, Deputy Superintendent (North).	21-2-1928	12 1 11
Bh. Dalip Singh, Deputy Superintendent (South).	4-3-1939	1 0 28

[Minister for Development.]

(c) The names of other officers of the Civil Veterinary Department and the period for which each of them was posted to the Government Cattle Farm, Hissar, are given below :—

Serial No.	Name of officer.	Period for which posted at the Farm.
		Ys. Ms. Ds.
1	Mr. B. N. Handa, Superintendent, Civil Veterinary Department, Lahore division at Ferozepore.	1 6 0
2	Mr. S. M. A. Shah, Professor of Surgery, Punjab Veterinary College, Lahore.	1 10 17
3	Mr. S. I. A. Shah, Superintendent, Civil Veterinary Department, Multan division, Multan.	1 11 24
4	Mr. S. M. Sarwar, Superintendent, Civil Veterinary Department, North-West Frontier Province, Peshawar.	1 5 7
5	Mr. R. R. Ghulati, Superintendent, Civil Veterinary Department, Rawalpindi division, Rawalpindi.	2 11 18
6	Chaudhri Mam Chand, Assistant to the Professor of Animal Husbandry, Punjab Veterinary College, Lahore.	0 5 19

SUSPENSION OF TACCARI AND LAND REVENUE IN MAHEM IN ROHTAK DISTRICT.

1134. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Revenue be pleased to state whether any enquiry was instituted on a number of representations made to him on behalf of the people of Mahem in Rohtak district requesting him to suspend repayment of *taccari*, payment of land revenue and *abiana* and remission of the penalty of Rs. 800 imposed upon them ; if so, the result thereof ?

The Honourable Dr. Sir Sundar Singh Majithia : Attention of the honourable member is invited to the reply to Assembly Question no. 5981¹. No mention has been made in regard to the remission of penalty of Rs. 800 in any of the representations made to Government.

LOANS FOR INDUSTRIAL IMPROVEMENT.

1135. Rana Nasrullah Khan : Will the Honourable Minister of Development be pleased to state the names of persons in each district

in the province to whom loans are advanced for industrial improvement during the last three years ?

The Honourable Chaudhri Sir Chhotu Ram : A statement containing the information is laid on the table.¹

MUSLIMS ON THE LAW COLLEGE STAFF.

1136. Khan Muhammad Yusuf Khan : Will the Honourable Minister for Education be pleased to state—

- (a) the number of clerks, community-wise, in the Law College, Lahore ;
- (b) the number of peons and other menials, community-wise, in the same college ;
- (c) the number of professors and part time tutors in the above-named college ;
- (d) whether he is aware of the fact that the *Muslims* in all the three categories of service mentioned above are poorly represented, and are deprived of their due share ;
- (e) if the reply to (d) above is in the affirmative, what steps the Government propose to take to remove the legitimate grievances of the *Muslims* in this respect ?

The Honourable Mian Abdul Haye : (a) to (c). The honourable member is referred to the answer to Assembly Question No. 1075² asked by Khan Sahib Khawaja Ghulam Samad, M. L. A., during the current session of the Assembly.

(d) and (e). The appointments under the University of the Punjab are made by the Senate and Syndicate of the University and the Punjab Government has nothing to do with them.

GRANT OF GUN, RIFLE AND REVOLVER LICENCES IN FEROZEPORE DISTRICT.

1137. Malik Barkat Ali : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of gun, rifle and revolver licences, respectively, granted to the Muslim, Hindu and Sikh population of the Ferozepore district ;
- (b) the number of the gun licences, community-wise, granted in the aforesaid district under the Village Defence Scheme ;
- (c) the percentage of the Muslims, Hindus and Sikhs in the population of the Ferozepore district ?

¹Kept in the Assembly Library.

²Volume XII Page 653.

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

	Guns.	Rifles.	Revolvers and Pistols.
Hindus	302	15	14
Muslims	466	52	30
Sikhs	611	53	60

These figures include residents of the Ferozepore district who originally obtained licences elsewhere, but do not include Government officials who hold licences.

(b) Hindus 24

Muslims 52

Sikhs 151

(c) The honourable member will find these figures in the last census report.

REPRESENTATION OF HINDUS AND HINDU ZAMINDARS AMONG SUB-INSPECTORS, ASSISTANT SUB-INSPECTORS AND HEAD CONSTABLES OF POLICE.

1138. Chaudhri Suraj Mal : Will the Honourable Minister for Public Works be pleased to state—

(a) the percentage at present of Hindus among Inspectors, Sub-Inspectors, Assistant Sub-Inspectors and Head Constables of Police throughout the province giving separately the percentage of the Hindu zamindars among them ;

(b) whether it is a fact that the percentage of Hindus in these posts is much less than 30 per cent allowed in the case of Hindus in the province and that Hindu zamindars are also not adequately represented ; if so, what steps are intended to be taken to make up this deficiency and if no steps are intended to be taken in the matter, the reasons therefor ?

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

	Percentage of Hindus to the total number of appointments. (On 1-1-1940).	Percentage of Hindu agriculturists (compared with the total number of Hindus in the rank).
Inspectors ..	30.1	29.5
Sub-Inspectors ..	24.8	33.1
Assistant Sub-Inspectors ..	21.4	34.6
Head Constables ..	25.2	41.1

(b) In the case of the police, no definite communal proportions have been fixed; and the figures given above are not such as to call for any special action.

RECRUITMENT OF ASSISTANT SUB-INSPECTORS OF POLICE IN EASTERN RANGE.

1139. Chaudhri Suraj Mal : Will the Honourable Minister for Public Works be pleased to state—

(a) the number, community-wise, of persons with the names of the places of their residences recruited as Assistant Sub-Inspectors in the Police Department from the Eastern Range in the years 1937 to 1940 ;

(b) the number of candidates during this period with their educational qualification who appeared before the Board or Boards appointed to select candidates for appointment as Assistant Sub-Inspectors of Police during these last four years and who belonged to the Hissar district and whether any one of them was selected for the post, if not, why not ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) A statement is annexed.

(b) Sixteen, comprising eight B. As. and eight F. As.

One candidate belonging to the Hissar district was selected in 1937.

Candidates appointed as Assistant Sub-Inspectors in the Eastern Range.

[illegible]

**REPRESENTATION OF HINDU AGRICULTURISTS AMONG DEPUTY
COLLECTORS, ZILLADARS AND OVERSEERS IN
IRRIGATION BRANCH.**

1140. Chaudhri Suraj Mal: Will the Honourable Minister of Revenue be pleased to state—

- (a) the number at present of the Hindu agriculturists among the deputy collectors, zilladars and overseers in the Public Works Department, Irrigation Branch ;
- (b) whether it is a fact that their percentage is much less than their population in the province, if so, whether any steps are proposed to be taken to give special consideration to the claims of Hindu zamindars at the time of future recruitments to these posts ?

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

	No. of Hindu agriculturists.	Total Hindus on Rolls.
Deputy Collectors.. ..	3	11
Zilladars	28	62
Overseers	16	210
Lower Subordinate (Residue) ..	1	5
Upper Subordinate (Residue) ..	2	10

(b) The average percentage of Hindu agriculturists to Hindus amongst deputy collectors, zilladars and overseers in the Irrigation Branch is approximately 15 per cent compared with 10 per cent (approximately) Hindu agriculturists to Hindu population in the Punjab. As far as possible 60 per cent agriculturists are being recruited in every cadre.

**REPRESENTATION OF HINDU ZAMINDARS IN PUNJAB EDUCATION
SERVICE.**

1141. Chaudhri Suraj Mal: Will the Honourable Minister of Education be pleased to state—

- (a) the number of Hindu zamindars in the Punjab Education Service (Men's Branch, Class 1I), Subordinate Education Service (A. V. Section) and (V. Section), Miscellaneous posts (Men) (Reserved), Miscellaneous posts (clerks) (Reserved) and Miscellaneous (Transferred) ;
- (b) whether it is a fact that their percentage is much less than their population in the province ; if so, whether any steps are proposed to be taken to give special consideration to the claims of the Hindu zamindars at the time of future recruitments for these posts ?

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

**EXTENSION OF DOOMWALI MINOR FOR IRRIGATION OF LANDS IN
DABWALI SUB-TAHSIL OF HISSAR DISTRICT.**

1142. Chaudhri Suraj Mal : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that there was a scheme to extend the Doomwali minor from the Sirhind Canal for providing water for irrigation to some villages in the Dabwali Sub-Tehsil of the Hissar district ;
- (b) whether it is a fact that survey of those villages had been completed long ago ;
- (c) if so, the stage at which the scheme has reached now and the approximate date on which Government proposes to start actual work of digging the channel and make available irrigation facilities to these villages by the proposed extension ?

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

(b) & (c). The contour surveys were done last year and the survey plans were received from the Survey of India Department in January 1940. Field surveys for alignment have not been done yet and the scheme is first being examined on the contoured plans. It is not possible, therefore, to say at this stage when the construction of the scheme will actually start.

EMPLOYEES OF THE MUNICIPAL COMMITTEE, LAHORE.

1143. Lala Duni Chand : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number, community-wise, of the employees of the Municipal Committee, Lahore ;
- (b) the number, community-wise, of the employees of the Municipal Committee, Lahore, getting salaries between Rs. 25 and Rs. 50 and between Rs. 50 and Rs. 100 per mensem and the number, community-wise, of those getting salaries above one hundred per mensem ;
- (c) the number, community-wise, belonging to the above classes of the Municipal Committee, Lahore, on the date on which the Committee was superseded ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : A statement is laid on the table.

Statement.

(a) Muslims .. .. .	..	..	..	2,016
Hindus .. .. .	..	..	..	588
Sikhs .. .. .	..	..	..	108
Christians .. .. .	..	..	..	765
Balmiks and others .. .. .	..	..	..	1,219
	<i>Rs. 25 to</i>	<i>Rs. 50</i>		<i>Above</i>
	<i>Rs. 50.</i>	<i>to Rs.</i>		<i>Rs.</i>
		100.		100.
(b) Muslims	553	120		38
Hindus	260	85		18
Sikhs	63	11		3
Christians	28	5		8

	<i>Rs. 25 to Rs. 50.</i>	<i>Rs. 50 to Rs. 100.</i>	<i>Above Rs. 100.</i>
(c) Muslims	351	121	31
Hindus	168	74	25
Sikhs	41	15	3
Christians	15	3	6

NOTE.—The figures given in (a) and (b) above do not include the Municipal Treasurer and his staff and the audit staff. The Treasurer is a representative of a Hindu firm and receives Rs. 375 per mensem as a contract allotment, out of which he pays a staff of four Hindu cashiers, one of whom draws between Rs. 50 and Rs. 100 and the other three between Rs. 25 and Rs. 50 per mensem. As regards the audit staff on account of which Rs. 12,500 is paid to the Accountant-General, Punjab, the Resident Senior Auditor, whose salary is Rs. 310 per mensem is a Hindu. Of the rest of the audit staff among those drawing above Rs. 100 there are three Muslims. Of those drawing between Rs. 50 and Rs. 100 there is one Hindu and of those drawing between Rs. 25 and Rs. 50 there is one Hindu, one Muslim and one Sikh.

**REPRESENTATIONS OF SIKHS IN THE OFFICE OF THE DEPUTY
COMMISSIONER, FEROZEPORE.**

1144. Captain Sodhi Harnam Singh: Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of permanent and temporary vacancies that occurred in the office of the Deputy Commissioner, Ferozepore, in 1938 and 1939;
- (b) the number community-wise of those who were appointed to these posts;
- (c) the proportion of each community in the establishment in this office on 1st January, 1938;
- (d) whether it is a fact that the Sikhs have not been given their proper share, i.e., 20 per cent in these new appointments temporary or permanent; if so, the reasons therefor?

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

<i>Year.</i>	<i>Permanent.</i>		<i>Temporary.</i>	
(a) 1938	11		31	
1939	6		27	
	<i>Hindus.</i>	<i>Muslims.</i>	<i>Sikhs.</i>	<i>Total.</i>
(b) 1938.—(i) Permanent	2	6	3	11
			(27 %)	
(ii) Temporary	9	16	6	31
			(19·35 %)	
1939.—(iii) Permanent	2	3	1	6
			(about 17 %)	
(iv) Temporary	8	15	4	27
			(about 14 %)	
	<i>Per cent.</i>			
(c) Hindus			42·48	
Muslims			37·91	
Sikhs			17·65	
Christians			1·81	
Scheduled Castes			·65	

(d) The percentage fixed has not been reached but endeavours are being made to make up this deficiency in the new recruitments.

**REPRESENTATION OF SIKHS AMONG SUPERINTENDENTS, HEAD
VERNACLULAR CLERKS AND HEAD CLERKS IN THE OFFICES
OF THE DEPUTY COMMISSIONERS.**

1145. Captain Sodhi Harnam Singh : Will the Honourable Minister for Revenue be pleased to state—

- (a) the total number community-wise of superintendents, assistant superintendents, head vernacular Clerks and head Clerks, respectively, in the offices of all the deputy commissioners in the province ;
- (b) whether it is a fact that the Sikhs are not adequately represented in these important posts ;
- (c) whether Government intends to remove the grievances of the Sikhs in this matter by giving them 20 per cent in these posts ; if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The attention of the honourable member is drawn to the information given in the annual consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on 1st January, 1940.

(b) and (c) Yes, but it is presumed recent Government orders would obviate this difficulty and secure correct communal representation in the ministerial establishment throughout the Punjab as a whole.

EMPLOYEES OF THE FACTORY AND BOILER INSPECTOR'S OFFICE.

1146. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Development be pleased to state—

- (a) the names of the employees, community-wise, working in the offices of the Factory and Boiler Inspectors, respectively ;
- (b) whether the Muslims are adequately represented among them ; if not, the reasons therefor and the action Government propose to take in the matter ;
- (c) whether the Government has recently issued any circular prohibiting the employment of closely related people with a view to avoiding the formation of cliques in Government offices ;
- (d) whether he is aware of the fact that some of the clerks and peons employed in the offices mentioned in (a) are closely related ; if so, the action Government propose to take in the matter ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Statements are laid on the table.

(b) No. Most of the employees in the superior service were appointed several years ago when orders regarding communal proportions in services had not been laid down. Government propose to redress the inequality progressively as vacancies occur.

(c) A circular requiring all officers and ministerial ranks to furnish their heads of departments with a statement showing their relationships with other gazetted officers was issued in 1936 but it did not prohibit the employment of closely related persons in one and the same office.

(d) There are no employees in the office of the Chief Inspector of Factories either amongst the clerks or peons who are related to one another. In the office of the Chief Inspector of Boilers there are two peons who are real brothers ; but there is no relationship amongst clerks.

Statement of officials community-wise in the office of the Chief Inspector of Factories, Punjab.

Designation.	COMMUNITY.			Date of appointment.
	Christians.	Hindus.	Sikhs.	
1. Chief Inspector of Factories, Punjab	Mr. W H. Abel	..	..	31st December, 1920.
2. Personal Assistant to the Chief Inspector of Factories, Punjab	Bhai Sant Singh	1st May, 1914.
3. Head Clerk	Lala Lal Chand.	..	20th October, 1925.
4. Clerks	Bhai Singh. Bhai Mehar Singh. Bhai Sant Singh	9th January, 1923. 20th May, 1932. 1st May, 1927.
5. Peons	Mukand Ram Chinta Mani Ram Das	.. .. ..	1st July, 1925. 6th June, 1939. 2nd February, 1940.

Statement of officials community-wise in the office of the Chief Inspector of Boilers, Punjab.

Designation .	COMMUNITY.			Date of appointment.
	Hindus.	Sikhs.	Muslims.	
1. Chief Inspector of Boilers, Punjab.	..	Sardar Indar Singh.	..	30th June, 1922.
2. Inspector of Boilers.	Pandit Sant Ram.	..	..	23rd June, 1925.
3. Ditto	..	Sardar Asa Singh.	..	29th June, 1925.
4. Head Clerk ..	..	..	Chaudhri Mohd. Tufail.	2nd March, 1925.
5. Clerks ..	Pandit Shiv Ram.	..	..	7th March, 1925.
	Pandit Harbans Lal.	..	..	9th April, 1930.
	Chaudhri Hans Raj.	..	..	2nd August, 1935.
6. Peons ..	Balo Ram ..	..	..	1st December, 1908.
	Shiv Ram ..	..	..	1st September, 1925.
	Baboo Ram ..	..	..	9th July, 1928.
	Lachman ..	..	..	1st June, 1931.

ADJOURNMENT MOTION.

LATHI CHARGE BY POLICE OF LADWA, KARNAL DISTRICT.

Lala Duni Chand : As it is our duty to respect your rulings I have accordingly drafted the adjournment motion to meet your wishes. I beg now 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 lathi charge made by the police of police station Ladwa, Karnal district, under the orders of its sub-inspector upon an innocent and peaceful crowd numbering about 150 persons on the evening of 23rd April, 1940 while they were returning to their homes after attending a Congress public meeting.

I have literally carried out your ruling of yesterday. I leave it to you now.

Mr. Speaker : The honourable member may answer one or two things. Is it within the personal knowledge of the honourable member ?

Lala Duni Chand : This information was received by me from those people who were actually there.

Mr. Speaker : They may be interested persons.

Lala Duni Chand : I have put the adjournment motion within 40 hours of this occurrence.

Premier : When did the honourable member get the information ?

Lala Duni Chand : The information has been supplied to me not only by the injured persons but also by perfectly respectable and responsible people. They came to me at Ambala when I was there on the 24th and I made full inquiries. I know them personally and they fully satisfied me that the information given by them is correct.

Minister for Public Works : Nothing of the sort has happened. There was no lathi charge. The information of my friend is totally incorrect. (*Hear, hear*).

Lala Duni Chand : I emphatically contradict the statement that the Minister for Public Works has made. I can prove that about a dozen persons received serious injuries.

Mr. Speaker : How can this be proved ?

Diwan Chaman Lall : May I ask for your ruling? It is possible that my honourable friend's information may or may not be correct : it is possible that my honourable friend's information is correct. He is taking the entire responsibility for the statement made in the adjournment motion, and if there is any foundation for the statement contained in the adjournment motion certainly the matter is of urgent public importance. The question is whether my honourable friend can satisfy the House that the information is absolutely baseless : what is the source of his information ?

Lala Duni Chand : I shall be ready to be condemned by the House if this information is incorrect.

Minister for Public Works : May I submit what information I have got? What happened was this that at Devi Mandir in Dera village which is at a distance of about half a mile from Ladwa town a meeting took place at which a particular gentleman Jagdish Chandar made a speech which fell under the definition of Rule 34(6) of the Defence of India Rules and as such is culpable under Rule 38 of the said Rules. The offence is non-bailable and cognizable. Jagdish Chandar was arrested at 10 p.m. When he was being taken away some people collected and followed the police shouting slogans like "Jagdish Chandar Zindabad" and "Police Murdabad". For the safe custody of the accused the police had to warn the crowd from time to time to keep themselves away. These warnings were verbal and nobody was touched. This is my information.

Lala Duni Chand : This is three-fourths admission of what I have stated (*laughter*).

Minister for Public Works : If my words are synonymous with lathi charge then it is correct.

CODE OF CRIMINAL PROCEDURE (PUNJAB AMENDMENT) BILL.

Minister for Finance : Sir, I beg to present the report of the select committee on the Code of Criminal Procedure (Punjab Amendment) Bill.

I also beg to move—

That the Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee be taken into consideration.

Diwan Chaman Lall : May I, before my honourable friend proceeds ask him when the select committee completed its report, when it was circulated to the honourable members, and when it was received by the honourable members ?

Minister for Finance : All this information is available to the honourable member who has just spoken. The report of the select committee, which has been presented, states that the select committee met yesterday, the report was duly prepared and it was made available to the honourable members yesterday as an advance copy.

Diwan Chaman Lall : At what time ?

Minister for Finance : It was made available in the House at about 4.30.

Munshi Hari Lal : I rise on a point of order. I have to raise a very important constitutional point and I want a decision on that point from you, Mr. Speaker. My submission is that this Bill is *ultra vires*. In section 108, subsection (2) of the Government of India Act you will be pleased to see it is laid down—

Unless the Governor-General in his discretion thinks fit to give his previous sanction there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment.

Now the Minister for Finance has moved that the Bill be taken into consideration. I want to raise at this stage a point of much constitutional importance—

Mr. Speaker : I wish the honourable member had given notice of the point to be raised by him.

Munshi Hari Lal : You will see that section 162 of the Criminal Procedure Code is going to be amended. It is a point of procedure and the point of procedure laid down in that section does not make any distinction between an Indian and a European and affects both of them equally. It says—

No statement made by any person to a police officer in the course of an investigationnor shall any such statement.....be used for any purpose.

This section is to the interest of the accused. It confers a benefit upon the accused. It is now proposed to amend it. The privilege that was hitherto enjoyed by an accused is going to be taken away. The privilege was

enjoyed by an Indian as well as a European alike. There is no discrimination. In other words the law is going to be amended in a way that will affect a European also. In the Simla session when the Motor Traffic Offences Bill was under discussion the learned Advocate-General raised a point of law. One of the provisions of that Bill was that an accused could be tried in his absence. The Advocate-General said :—

The point deals with the same clause, namely, clause (d) of part (2) of section 108 of the Government of India Act. It says—

(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

* * * * *

(d) affects the procedure for criminal proceedings in which European British subjects are concerned.

The learned Advocate-General went on to say :—

The other provision is contained in clause 5 of the Bill which is—

....notwithstanding anything contained in the Code, proceed to determine the case in the absence of the accused.

The consequence of this provision will be that if a European British subject was being tried under this provision he could be convicted in his absence. That is clear from the provision. According to the Code of Criminal Procedure no accused person can be tried in his absence.

After that he said :—

Under the existing provisions of the Code of Criminal Procedure no person, if he does not so desire, can be tried in his absence. According to the provisions of this Act he may be tried in his absence. Therefore you are affecting the procedure as regards persons including European British subjects. If this Bill did not refer to European British subjects there would be no difficulty.

My point is similar. As you are affecting the procedure which affects Europeans it is *ultra vires* of the Government of India Act under section 108 (d).

Mr. Speaker : I quite understand the honourable member. I will state my opinion. The honourable member has based his objection on section 108 (2) (d) which lays down :—

Unless the Governor-General in his discretion thinks fit to give his previous sanction there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

* * * * *

(d) affects the procedure for criminal proceedings in which European British subjects are concerned ;

The honourable member is now invited to section 100 (2) :—

Notwithstanding anything in the next succeeding subsection, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in.....the 'Concurrent Legislative List'.

Now I would refer the honourable member to that list. Item No. 2, under which a provincial legislature has got power to enact laws, says :—

Criminal Procedure, including all matters included in the Code of Criminal Procedure at the date of the passing of this Act.

As the Criminal Procedure Code applies to Indians as well as Europeans there is no inconsistency, so far as I can see.

Diwan Chaman Lall : You have pointed out that section 100 of the Government of India Act gives the right to this legislature to deal with matters of criminal procedure affecting anybody, may be a European or an Indian. Following upon section 100 is the head line, Chapter II—Restrictions on Legislative powers, and section 108 puts down a restriction on that particular power and it says not unless the Governor-General has given his consent will it be possible for anybody in a provincial legislature to move a Bill or an amendment which affects the procedure for criminal proceedings in which European British subjects are concerned. The question to decide is this: whether this particular subsection (d) relates only to those particular matters which are referred to in the Criminal Procedure Code as the exclusive matters concerning the Europeans only or whether it relates also to general criminal procedure matters which affect both Europeans and Indians. You will note that in the Criminal Procedure Code there is a particular chapter to be applied where the Europeans are the accused persons. Does this restriction in section 108 relate to that particular chapter only or does it relate to what my honourable friend says, namely, to all criminal procedural matters wherein Europeans might be involved? My honourable friend has pointed out a precedent in regard to this particular matter in this Assembly. In the Simla session, my honourable friend, the Premier said :

May I rise to a point of order? I beg to submit that in going through this Bill my honourable friend, the Advocate-General, has found there is a question on which there may be difference of opinion and there is a legal doubt with regard to which we are not quite sure whether it has been dealt with. In view of that I suggest that you might allow the Advocate-General to put that particular point before you and if you come to the conclusion that our doubts are well founded, and as we will have to look up whether all the formalities have been gone through, I would submit that we might be allowed to suspend the debate on this particular Bill until that doubt has been removed.

Mr. Speaker : May I know whether the European British subjects, as such, are concerned in the whole of the Criminal Procedure Code or only in the Criminal Procedure for certain criminal proceedings or cases? Are there not certain provisions or chapters of the Criminal Procedure Code (e.g., Chapter XXXIII) in which only the European British subjects are concerned?

Diwan Chaman Lall : I was about to refer to that. I raised that very point in my own preliminary remarks when I stated that the point at issue was this, whether that special chapter in the Criminal Procedure Code which relates to Europeans is the chapter which is contemplated under section 108 or whether the entire Criminal Procedure Code is affected by the provisions of section 108 (d). I was referring to the fact that on a previous occasion when the Motor Traffic Offences Bill was under discussion, the Honourable Premier raised this particular doubt and the Advocate-General proceeded to state that :

The other provision is contained in clause 5 of the Bill which is—
.....notwithstanding anything contained in the Code, proceed to determine the case in the absence of the accused.

It is not a question of European and Indian, but any accused would be affected.

The consequence of this provision would be that if a European British subject was being tried under this provision he could be convicted in his absence. That is clear from the provision.

According to the Code of Criminal Procedure no accused person can be tried in his absence.

Under the existing provisions of the Code of Criminal Procedure no person, if he does not so desire, can be tried in his absence. According to the provisions of this Act he may be tried in his absence. Therefore you are affecting the procedure as regards persons including European British subjects. If this Bill did not refer to European British subjects there would be no difficulty.

If my honourable friend had said that the European British subjects are immune from the provisions of this Bill, then there is no necessity to get the permission of the Governor-General.

Mr. Speaker : Are they not immune in certain cases ?

Diwan Chaman Lall : I am only referring to what actually happened. Whereupon you said :

This is a new point that a person cannot be convicted in his absence ;

and the decision was that the Bill was withdrawn. This is a precedent which is parallel with the case that my honourable friend has quoted before you. The question for decision now is this. I do not know if my honourable friend, the Premier, has taken the opinion of the legal authorities on this point. The question is whether this section 108 (d) refers to criminal procedure in reference to all classes or whether it refers only to those sections in the Criminal Procedure Code which affect the European British subjects only. That is the point to decide and I submit that in view of what actually has happened on the floor of the House, a precedent having been created, my honourable friend may take legal opinion in regard to this matter and deal with this subject after due opinion of the competent authorities has been obtained.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I speak as a layman. There is not the slightest doubt that this particular part of subsection (2) deals only with that part of the procedure which specifically relates to Europeans only. For instance they have got a right to claim jury ; they have got a right to be tried by the High Court itself in certain cases in its original jurisdiction and it is only with regard to those portions of the Criminal Procedure that this subsection deals. With regard to the precedent which my honourable friend has quoted, it was I who drew your attention then to that doubt, and that doubt arose from the fact that in that particular case we had decided to try certain cases in the absence of the accused and that affected those sections which dealt with the procedure for dealing with Europeans. For instance, if a European could claim that those specific rules or regulations made for the trial of Europeans would be affected by that particular law which was passed because they would be tried in absentia, the argument would have some force, and that is why we had our doubt. In this case there is no such doubt. As you rightly pointed out, if we are going to accept the position which my honourable friend has taken up, we might as well shut up shop so far as amendment of Criminal Procedure Code is concerned, for which power has been specifically delegated to this legislature. I am surprised that my honourable friends, instead of extending the scope of this legislature, are trying to restrict it merely because my honourable friend thinks that it will probably give him a point in his favour at this juncture. He is trying to restrict the powers of this House.

[Premier.]

which I think is in itself a very reprehensible thing. Where there is a question of doubt, I will go to the extent of asking you to interpret it in favour of this House and not in favour of the Central Legislature, and I think that this House should defend its rights; and even if there is any doubt, I submit that your ruling should go in favour of this House and against restricting its power to legislate.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : I agree with my learned friend on my right that the restrictions contained in section 108 will certainly control the various legislative powers of the central or the provincial legislature, but when it is said by him that the restriction which is contained in clause (d) of section 108 (2) namely—

affects the procedure for criminal proceedings in which European British subjects are concerned.

stands in the way of this House considering legislation of the kind which before us, I regret that I cannot accept that contention. You have very rightly pointed out that in the Criminal Procedure Code there are special provisions that relate to cases in which European British subjects are concerned. For instance, I draw your attention to Part VIII of the Code of Criminal Procedure, Chapter XXXIII. This Chapter is headed 'Special provisions relating to cases in which European and Indian British Subjects are concerned.' I agree that if the present Bill were in any wise or manner to interfere with the various provisions contained in this Chapter, then the objection would certainly be well-founded. Similarly there is another section 285 (a). Therefore my respectful submission is this that to the extent that there are special provisions regarding the procedure in those cases in which European British subjects are concerned, *qua* these special proceedings, there is certainly this restriction on the power of this House contained in section 108 (2) (d). But the Bill we are going to consider, namely, whether the old law should be restored or not, is a matter in which certainly it cannot be said that the special procedure for criminal proceedings against European British subjects is affected. Therefore I think that the interpretation you have been pleased to place before us is the correct interpretation.

(*Mian Abdul Aziz rose to speak.*)

Mr. Speaker : Before the honourable member speaks, I may mention one or two points which he may answer. Paragraph (2) (d) of section 108 of the Government of India Act, on which the objection is based runs as follows :—

Any law which affects the procedure for criminal proceedings in which European British subjects are concerned.

It is clear that "criminal proceedings" are not the same thing as the "Criminal Procedure".

Mian Abdul Aziz : Where is criminal procedure defined?

Mr. Speaker : In the Criminal Procedure Code and it is followed in criminal cases or proceedings against offenders. Further, I may invite the attention of the House to certain chapters and sections of the Criminal Procedure Code in which Europeans only are concerned.

Mian Abdul Aziz : I hope you have not given your ruling yet.

Mr. Speaker : No, I have yet to hear the honourable member.

Mian Abdul Aziz : The question is a very simple one. We need not go through the various chapters, but we should see whether the amendment as proposed by the Honourable Finance Minister if passed will affect the European British subjects or not—this is the only question—and if it does, whether there is a special provision in the Code of Criminal Procedure or not about the trial to be held against European British subjects. Supposing a European is involved in criminal proceedings. He has pointed out certain things connected with crime which are recovered and evidence led under section 27 of the Evidence Act. Section 27 of the Evidence Act has become practically redundant on account of the ruling of a Full Bench of the Lahore High Court—a ruling which is based as a matter of fact on a ruling of the Privy Council. Now, will it not be open to the court to say that because such and such Bill has been passed by the Punjab Legislature, therefore you have no right to come forward and raise the objection at that time before the court though according to section 108 (2) (d) of the Government of India Act the legislature had no right to do so? Will the court at that time decide that this Assembly had no right to pass such proviso to section 162, Criminal Procedure Code, which has affected the right of British Europeans? Under these circumstances, I would submit that it is not a question that we may deal with. We are concerned at the present moment with section 162, as it is intended to be modified by this Bill which will affect the right of a British European and for which we have no power under section 108 of the Government of India Act and we cannot assume that power. The other thing which is very important and to which I would draw your attention is that a reference has been made to the Motor Vehicles Bill by Munshi Hari Lal and Diwan Chaman Lal. Kindly see what the Honourable Premier was pleased to say at that time. Has he changed his views since or taken any further advice from the Advocate-General or any legal authority? Here is what he says—

If he so desires come himself.

Further on—

If he does not want to exercise the option, he can send the fine. But as my honourable friend the Advocate-General pointed out, he may not like to send the fine and he may decide not to attend the court. In that case this difficulty would arise. He may later on plead that as a European British subject, the magistrate had no business to try him and pass an *exparte* order against him, as he wanted to be tried by a jury.

Therefore there is a doubt and in view of that doubt we may further consider the question. That is, even the Honourable Premier was not definite at that time. As a matter of fact he created himself the doubt which doubt was based on section 108 of the Government of India Act. Now the position is not a different one. The same principle applies. We know this much that if the Premier or the Ministerial benches want to pass this, they have got a majority at their back and they will pass it just like other Bills. It is a substantive law and it is one of the important provisions and we have already got the opinions of the highest court of the province consisting of at least 5 judges on the one side. It is not a question that we should pass over this matter. We have to see whether section 108 is applicable or not. My honourable friend raised the point that there was a separate

[Mian Abdul Aziz.]

chapter for the trial of Europeans and that the procedure does not affect the trial of Europeans. That procedure is different, and it is a different thing altogether. There may be several other chapters. There are 4 or 5 kinds of trials.

Mr. Speaker : There is a difference between procedure and criminal proceedings.

Mian Abdul Aziz : What is a proceeding? It is nowhere defined. Proceedings under the Criminal Procedure Code will be criminal proceedings. I humbly submit that as a matter of fact there is no difference between the procedure and criminal proceedings in this case. There is no other distinction. Therefore, it is a matter that should not be lightly dealt with. I request the Honourable Premier that he might at this stage get the opinion of the Advocate-General. (*A voice : Koi lor nahin.*) My friend says '*Koi lor nahin*'. If you want to pass it, we shall sit quietly and you may pass it, whether *ultra vires*, as you have done so before in several matters, having no *lor* of legality or illegality, on the strength of your Unionist majority.

Munshi Hari Lal : Sir, the Honourable Premier has been pleased to attribute motives but I can assure him that it is not my motive at all. A question of law has arisen and that question is to be settled. Now, Sir, the point is whether the words "affects the procedure for criminal proceedings in which European British subjects are concerned" are only to be taken as meaning to affect "Special provisions" in the Criminal Procedure Code. No. The "special provisions" by themselves postulate that in addition to the general provisions that are in the Criminal Procedure Code, there are "special provisions" applicable to the accused. These "special provisions" will over-ride the general provisions in the Criminal Procedure Code so far as the latter are inconsistent with the former. For example, in the case of a trial if there is a different special procedure laid down in the Criminal Procedure Code for Europeans, they will be governed by "special provisions". But does it mean that at present a statement made by a European leading to a discovery will be admissible under section 162? Or does it mean that the "special provisions" over-ride the procedure laid down in section 162 and a European accused cannot take advantage of section 162? No. In no case it over-rides section 162. Section 162 gives the benefit to the accused and Europeans can come and can claim benefit arising under section 162 as Indians. Section 162 is not at all over ruled by the "special provision". Then, Sir, another point that was taken by the honourable Mr. Barkat Ali was that there was another section 285-A. It may be so, but these sections are supplementary. They govern European, in supersession of the similar provisions in the Criminal Procedure Code. At Simla, when the point was raised that the accused would not be tried in his absence, was not section 205 in the mind of the Advocate-General? It was pointed out, as it appears from the report, that section 205 can also be used by Europeans, though it does not occur in the "special provisions." Section 205 says thus :—

Whenever a Magistrate issue a summons, he may, if he sees reasons so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

Europeans can also very well come in and take advantage of section 205. A similar provision does not appear in the chapter dealing with "special provisions" for the Europeans. The absence of provision of trial in the absence of the accused in the "special provisions" would not mean that section 205 is inapplicable to Europeans. Section 108, which has been passed by the Parliament, is only to the point that where by a Bill or amendment European British subjects are affected, in criminal proceedings the legislature cannot pass any such law which will be importing into clause (d) of section 108 something which was never in the minds of the framers of that Act. Therefore, I submit that the present Bill affects the procedure. The question to be determined is whether section 162 deals with a point of procedure or not. If it does, it affects the procedure in criminal proceedings so far as Europeans are concerned. The Bill under consideration will be in that case beyond the pale of the constitution.

Premier : Sir, I have nothing very much to say except one thing which I want to bring to your notice. I am a layman, but I was surprised that my learned friend, Mian Abdul Aziz, should have tried to labour the point that discussion in this House should be restricted and our justification should be circumscribed. I submit that if there had been a doubt I would have been entitled to request you to give a verdict in favour of the House, because we do not want that the jurisdiction and the powers of this House should be restricted in this particular matter. At Simla, there was something different. As a matter of fact I raised the point myself. It was something quite distinct because there we were trying to legislate for trial in the absence of the accused person and, therefore, it affected the procedure. And here also, as you very pertinently pointed out, the words are "affects the procedure for criminal proceedings in which European British subjects are concerned." They definitely affected the procedure because we were making an innovation of law by allowing the trial in the absence of the accused person. Therefore, the Europeans had a perfect right to come forward and say that under the Chapter they had the right to be heard in person. Therefore, it could not be done without the sanction of the Governor-General. But here in this case it is quite a different thing. I give you another point which will make it clear. If the interpretation which is sought to be put by my honourable friends opposite, namely, that we cannot amend the Criminal Procedure Code without the sanction of the Governor-General, is accepted, the framers of the Act would have clearly said that no portion of the Criminal Procedure Code would be amended without the sanction of the Governor-General. Why then this limited restriction? It is obvious that this limited restriction is meant for a specific purpose, and that specific purpose, as has been explained by my honourable friend, Malik Barkat Ali, is with regard to a particular chapter which affects the procedure with regard to the trial of Europeans.

Mian Abdul Aziz : We will see when the time comes.

Premier : My honourable friend says, "We will see when the time comes". He is a learned, experienced and ripe lawyer and I am a layman. But may I know why the framers of the Act should have gone to the length of putting in this section consisting of 2 pages and giving specific distinctions? They should have merely stated that so far as concurrent power with regard

[Premier.]

to the Criminal Procedure Code was concerned, no amendment of any kind could be passed by this House without the sanction of the Governor-General. Actually, it is with regard to certain specific points that they have hedged in our rights to legislate concurrently about the Criminal Procedure Code and certain other matters. Those limitations have been laid down in these various sub-clauses. I submit that it is as clear as daylight. My honourable friends are unnecessarily trying to weary the House. The merits will be discussed later on when we start the consideration of this Bill.

Mr. Speaker : Now, I will give my ruling as briefly as possible. I have carefully gone into section 108, sub-clause (2), Part (d) and section 100 (2), and also item 2 of the Concurrent Legislative List of the Government of India Act, and my reading has led me to the conclusion that the Bill is in order (*hear, hear*) and there is absolutely nothing against it. I may tell honourable members that there is difference between criminal procedure and criminal proceedings. Section 108 does not relate to criminal procedure. The section says that any Bill or amendment shall not be moved or introduced which affects the procedure for criminal proceedings in which European British subjects are concerned. The whole of the Criminal Procedure does not apply to the European British subjects.

Malik Barkat Ali : It applies to all European British subjects just as much as to Indian subjects but there are special provisions for the protection of the privileges of European British subjects.

Mr. Speaker : The whole of the Criminal Procedure Code does not apply to European British subjects.

Mian Abdul Aziz : It does apply, but there are certain special protections provided for them in the Criminal Procedure Code.

Mr. Speaker : It is clear that all sections of the Criminal Procedure Code do not apply to European British subjects. (*An honourable member :* They do.) Absolutely not.

Mian Abdul Aziz : They do apply except with certain exceptions.

Mr. Speaker : A European British subject is entitled to a trial by jury. In that case—

Shaikh Karamat Ali : You may put it in this way that all sections of the Criminal Procedure Code apply to all alike, except that there are certain protections provided for European British subjects.

Mr. Speaker : All sections do not apply to European British subjects. They are entitled to be tried by jury. The trial by jury does not apply to Indians.

To my mind it is clear that by passing the Bill under consideration this House will not be violating the provisions of section 108 of the Government of India Act; but assuming for the sake of argument, that it does and amends section 162 of the Criminal Procedure Code, the amendment shall not apply to European British subjects, and, therefore, will not be *ultra vires* on the ground raised by honourable Munshi Hari Lal. So, let us now proceed with the motion.

Finance Minister : Sir, I beg to move—

That the Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee be taken into consideration.

Sir, at this stage I do not propose to say anything in addition to what I said in commending the same measure to this House three days ago. If it be necessary for me in the course of the debate to answer any question, I will do so.

Diwan Chaman Lall : May I ask one question before the Honourable Minister sits down?

Mr. Speaker : He has already sat down.

Diwan Chaman Lall : May I ask whether any instruction was given to the select committee when the Bill was referred to it that it should report by such and such date?

Mr. Speaker : This motion was adopted by the House yesterday.

The motion moved is—

That the Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee be taken into consideration.

Rai Bahadur Mukand Lal Puri : I rise on a point of order. I will draw your attention to Rule 96, which is as follows :—

After the presentation of the final report of a select committee on a Bill, the member in charge may move that the Bill as reported by the select committee be taken into consideration, provided that any member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days and such objection shall prevail unless the Speaker in the exercise of his power to suspend this rule allows the Bill to be taken into consideration.

Sir, this matter is of considerable importance. This report was not available to honourable members till late yesterday. How could any one send considered amendments on such an important Bill in such a short time? This is a Bill of a very controversial nature and the opinions of those who are best entitled to speak on this measure differ.

Diwan Chaman Lall : May I just ask a question? I do not think that my honourable friend sitting over there, the mover of this measure, has himself read this judgment, which is in my hand. This judgment is very relevant as far as this Bill is concerned.

Premier : I have.

Diwan Chaman Lall : My honourable friend may read it twenty times; but as he is not a lawyer, he cannot understand it.

Mr. Speaker : The objection taken by Mr. Mukand Lal Puri is a very fair one. Honourable members may remember that I ruled, perhaps more than two years ago, that I will not generally allow any Bill to be moved without 7 or 5 days' notice, as the case may be, but I stated then and I repeat what I said then, that there may be cases when I would be obliged to allow a Bill to be taken into consideration even without or on a shorter notice. Bills of a very important nature are moved, considered and passed the very day, on which they are introduced in Parliament. Honourable members are probably aware that the Bill is exactly the same as introduced on the first day. Not a comma has been changed, added to or omitted from it. It is for this reason that I have allowed the motion to be moved.

Rai Bahadur Mukand Lal Puri : You have entirely misunderstood me.

Mian Muhammad Nurullah : May I ask a question? Is there any case pending before the Government that it wants to rush through the Bill to-day?

Mr. Speaker : I disallow the question.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General Urban) : I beg to move—

That the Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee be circulated for eliciting opinion thereon by January 31, 1941.

Constitutional persuasions and legal discussions on the point raised by my honourable friend Munshi Hari Lal have left you cold and unconvinced, but one thing has come out crystal clear to this House in the course of discussion on the point raised by my honourable friend that you seem to be open to conviction at least in this particular case, because on the one hand you have brushed aside the very weighty, authoritative and authentic opinions of some of the legal stars of this province who are adorning the Opposition benches while on the other hand

Mr. Speaker : Is the honourable member criticizing the Chair? I refuse to allow him to proceed unless he withdraws all he has said about the Chair.

Chaudhri Krishna Gopal Dutt : Perhaps you did not hear what I said.

Mr. Speaker : The honourable member should speak to the amendment moved by him.

Chaudhri Krishna Gopal Dutt : I was speaking to the amendment.

Mr. Speaker : Will he please withdraw all he said about the Chair?

Chaudhri Krishna Gopal Dutt : Not a word of insinuation was said against you. If you will hear what I said—

Mr. Speaker : I do not say that the honourable member has made insinuations. The honourable member has no right to criticize my ruling in the way he has done.

Chaudhri Krishna Gopal Dutt : You seem to be suffering from some prejudice in this case.

Mr. Speaker : I request the honourable member to withdraw what he has said and to proceed with his speech.

Chaudhri Krishna Gopal Dutt : I repeat those words and if you still think that I should withdraw I will withdraw. I said you did not accept the opinion—

Mr. Speaker : That is an insinuation in a way.

Chaudhri Krishna Gopal Dutt : No.

Mr. Speaker : This is the last time that I ask the honourable member to withdraw his words and proceed with his speech.

Chaudhri Krishna Gopal Dutt : Let me finish the sentence and then if any gentleman asks me to withdraw it I will withdraw.

Mr. Speaker : I do not allow the honourable member to speak on his motion without withdrawing all his words.

Chaudhri Krishna Gopal Dutt : What I meant was.

Mr. Speaker : I do not want an explanation. Please withdraw.

Chaudhri Krishna Gopal Dutt : You do not allow me to finish the sentence. If you hold that it is unparliamentary I will withdraw.

Mr. Speaker : After moving his motion the honourable member began to speak about the independence of the Chair. That was not fair.

Chaudhri Krishna Gopal Dutt : You are doing me the greatest injustice. This is tyranny : you do not hear me.

Mr. Speaker : The honourable member has again used objectionable words about the Chair.

Chaudhri Krishna Gopal Dutt : You are not allowing me to finish the sentence. (*Voices from the Ministerial benches : Order, order.*)

Mr. Speaker : As the honourable member has disobeyed my order. I order....

Chaudhri Krishna Gopal Dutt : In the interest of the motion that I have moved I withdraw the words which you want me to withdraw. (*Voices : Order, order.*) Please ask them not to howl and shout.

Mr. Speaker : Now the honourable member may proceed with his speech.

Chaudhri Krishna Gopal Dutt : It augurs very well for the future of the Punjab Assembly that you were pleased to give due weight to what a layman, that is the Honourable the Premier, said on the floor of the House on a matter which was rather legal and constitutional, and I request from the same standpoint that just as you held that there was much weight in what the Premier said you will give weight to what other members on the Opposition who are laymen have to say. That was what I was going to say and nothing more. That was the only thing which I said to which you objected. It augurs very well that you differed from the opinion of the lawyer members of the House and attached weight to what a layman said. On the basis of that I expect and hope that you will be favourably influenced by the arguments to be given by a layman who is not a lawyer. This Bill is said merely to aim at removing certain legal flaws or legal difficulties which hamper the progress and the working of law in this province. If that were the only object, I would not have bothered about it or interfered with it, but I may point out to you as I pointed out the other day that this measure is not merely a legal measure, it is not merely a technical measure. Therefore I was not interested in the legal, judicial or constitutional quibblings resorted to a few minutes ago. What I was concerned with was the spirit of the Bill. I was perfectly willing to consider this Bill in the House so that I may be able to put my standpoint before honourable members of the House, those honourable members who thought that this was a very unimportant Bill, merely a technical Bill. You can well realize the anxiety of the Government and the anxiety of the Honourable Premier to rush through this Bill. They have circulated the text of a judgment given by the High Court. I think this is the first time that a judgment of the High Court has

[Ch. Krishna Gopal Dutt.]

been placed before members for consideration, although it has been placed not merely at the eleventh hour but I would say at the twelfth hour. When I was about to move this circulation motion I was handed a copy of the judgment. The Government wanted to impress upon the members that the judges of the High Court are quite in agreement with the Bill which is now before us. I draw your attention to the Statement of Objects and Reasons which is misleading. It goes on to say—

The High Court judgment itself indicated that the ruling might necessitate an amendment of the Code, and the present Bill has been framed to restore to the law the meaning which has generally been attached to it in the past.

It is sought to convey the impression as if the High Court has itself suggested to the Government that such a Bill is desirable and the contradiction in law which exists as a result of contrary and paradoxical provisions under the Indian Evidence Act and the Criminal Procedure Code should be rectified. But may I point out what the Chief Justice has stated in his judgment? The Chief Justice has not suggested to the Government or to the Assembly that this thing should be done as the impression is given in the Statement of Objects and Reasons. Here is what he has said—

In my opinion, therefore, section 27 of the Indian Evidence Act is *pro tanto* repealed by section 152, Criminal Procedure Code, and evidence of information, whether it amounts to a confession or not, which relates to the fact discovered in consequence of such information must not now be considered admissible in evidence. It will be for the Legislature to consider the effect of this decision and to amend section 162, if that is thought to be advisable.

He says it is for the legislature to consider the question and he has not given any advice on the point, whether or not such a thing is necessary in the interest of carrying on justice in the province properly so far as this matter is concerned. He merely gives his judgment on a point of law that there exists a contradiction between the Indian Evidence Act and the Code of Criminal Procedure and that the latter must prevail.

The Indian Evidence Act was passed in the year 1872 and with your permission I will read section 27 of that Act which is under reference—

Provided that when any fact is deposed to as discovered in consequence of information received from person accused of any offence in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

On the other hand section 162 of the Code of Criminal Procedure says—

No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the persons making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made;

Provided that.....

Now these Judges of the High Court who are the authority on the subject are of the opinion that the provision contained in section 162 of the Criminal Procedure Code militates against section 27 of the Indian Evidence Act. The Indian Evidence Act was enacted in the year 1872 while the Criminal Procedure Code was amended in the year 1923. Now may I ask which of these two should be considered to be more valid and more authoritative? There should be no two opinions on the fact that section 162 of the Criminal Procedure Code is more valid and more authoritative. My contention is that section 27 of the Indian Evidence has

been automatically abrogated, repealed and rescinded by section 162 of the Criminal Procedure Code and now an attempt is being made by the Punjab Government to restore the provisions of section 27 of the Indian Evidence Act by this small amendment although a very vital one. Do you think that this is all for nothing? Do you think that it is merely for the sake of justice which is being carried on from day to day in the province? No. It is not a legal measure; it is a political measure; it is a war measure. The Government should know why the members of the Opposition are so much against this measure. It is not merely because it is a technical measure. We are passing through extraordinary circumstances. There is already some repression going on in the province and it is my information that there is going to be a reign of terror in this province and this Bill is going to be utilized for the reign of terror which we are going to witness very shortly in this province.

My information goes that the Government now has, somehow or other taken it into its head that in the name of the successful prosecution of the war, it should crush its political opponents and this Bill is going to be used to crush its political opponents. Otherwise, do you think that you will be well justified to arm the police with a power like this? A person goes to the police and does not say anything and makes no confession which may lead to any discovery but the police fabricates that he has in his possession this and that which has led to a particular discovery, but that discovery was not made by the police but was actually perpetrated and originated by the police. Instances are not wanting in this province, most ignominious instances are not wanting in this province, where the police have actually laid in the houses of political workers certain things which could be used as evidence, certain articles which could be used as admissible evidence against those poor people, against those unfortunate persons whose only fault was that they loved their country. We have had bitter experience of the police particularly the police of this province. (*Hear, hear.*) I have some knowledge of the ways and methods of the police in other countries. The police of England for instance in my opinion is on the whole honest, truthful and above reproach, and therefore in England the police might be armed with such powers, but if you say that we should have some such measure in this province, I would say that the promises are wrong. Here the police is influenced, here the police is corrupt, to say the least, not above reproach. Here the police in my opinion are hounds in uniform and the Government is out to vest these hounds with such comprehensive and terrible powers, so that with the help of the police the Government may be able not only to prosecute, to send to jail and even to hang certain persons who are called revolutionaries, but even those people who are constitutional opponents of the Government. Such instances are not wanting in this very province where honourable members of this House were sent to jail merely on the basis of evidence which was produced by the police before the courts and the courts here—I do not want to use a strong word—sometimes do not take a lenient or a correct view of the matter. The courts also have given more than due importance, more than due weight, to the evidence of the police. One of the most sensational cases before the High Court of this province was the case of Syed Ata Ullah Shah Bukhari. What was the intention of the police? The intention of the police was to prove that Sayed Ata Ullah

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Shah Bukhari was a criminal of the worst type and that he excited the people who were in the gathering to violence. I can never believe and no man who has got a sane head on his shoulders can ever believe that a man like Sayed Ata Ullah Shah Bukhari, who is a devotee of non-violence, could ever be guilty of preaching violence. In spite of that—I am giving you one instance of how the police behave—he has been prosecuted for preaching violence and for inciting the mob to violence. But what is the opinion of the High Court? The opinion of the High Court is that there is no case against that gentleman. If we had been living in freer times, if we had been living in a freer atmosphere, if we had been living in England, the consequences and the implications of that case might have been much greater and more serious than you might imagine. It is only because we are slaves in this country that the natural consequences of that case did not follow. Government does not want to enquire as to who were the policemen or police officers who gave that evidence which was proved to be false, the evidence on which the High Court was not prepared to rely. This is only one instance which I have given. But there are hundreds of such cases where the police have misused their powers and therefore we are not prepared to give the police such powers. Now there is war and the Honourable Premier says that his first and foremost business to-day is the successful prosecution of war and he now wants to show that everybody in this province is in favour of the successful prosecution of the war by suppressing difference of opinion. You know that in the province there are many gentlemen who although their feelings are against Germany—

Mr. Speaker : Please do not go so far.

Chaudhri Krishna Gopal Dutt : Do you think you will be satisfied and the House will be satisfied if I merely say that this is a mere political measure and do not give any instance to substantiate my statement?

Mr. Speaker : The honourable member should speak to the motion.

Chaudhri Krishna Gopal Dutt : My submission is that a Bill about which we have got our misgivings and misapprehensions—not only we but people outside have got their misgivings—should be sent to them so that they may be allowed to express their opinion on it. They should be allowed to have their say on such an important matter like this. Otherwise would you call it democracy? The manner in which such important measures are being rushed through does not augur well for democracy. This thing is being done in the name of democracy. Is that democracy or is that mobocracy? Because the Government have got a comfortable majority they are not prepared even to refer such an important measure to the people who are our masters outside, who are the electorate, to the Judges of the High Court and to the members of the bar who are competent to speak on this subject. If we do not refer this Bill to the public and to all those competent authorities, we would allow other people to form a very bad opinion of us as legislators. As I said the other day, if Government is going to rush through such measures in this indecent haste, then there will be people who will come out and ask for a second chamber in the province so that there might be a check on the indecent haste of a

single chamber. They may say that this is the result of the experiment which is being tried with a unicameral legislature. The indecent haste with which we are going will give a handle to those people who are asking for a second chamber. Their case would thus be strengthened. I would therefore appeal to the Government not to show such indecent haste, not to rush through this Bill but circulate this measure to elicit public opinion thereon.

The last point which I want to mention is this. The Indian Evidence Act is an all-India measure. It is a central measure. The Code of Criminal Procedure is a central measure. This being an all-India question, why should the Punjab Government particularly bother about it? Why does this thing get on the nerve of the Punjab Government, when no other province in India has thought it fit or desirable to amend the Code of Criminal Procedure? May I ask the Honourable Finance Minister, who is in charge of the Bill—and I appeal to his sense of justice—he claims that he is a very reasonable man and I am prepared to take him at his face value—and appeal to his sense of reason—why such an important measure is being rushed through the Assembly?

Why does he not leave this matter to the Central Legislature? He can make a recommendation to the Government of India that this difficulty has arisen and it is high time that this difficulty is tided over and therefore the Central Government should move in the matter. He should not do it himself. Let him ask the Government of India. But if he insists on rushing through this Bill through the Punjab Legislative Assembly, there should at least be one thing and that is that he should take the opinion, he should invite the opinion of the Honourable Judges of the High Court and members of the Bar so that we should see that honest, impartial independent opinion has been taken on this Bill, particularly now that we have our fears and apprehensions that this Bill is going to be applied against us, this Bill is going to be worked against us. Therefore I would ask him, I would beseech him to see that this Bill is circulated for eliciting opinion thereon. With these words I move my motion. (*Cheers.*)

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

That the Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee be circulated for eliciting opinion thereon by January 31, 1941.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir originally I intended to make a speech in English, but considering that the honourable members, who can possibly have acquaintance with methods of police investigations, and whose attention I should draw to my submissions, are not very well conversant with English, I have changed mind and will therefore now speak in Urdu.

It is an admitted fact, Sir, that the Criminal Procedure Code and the Evidence Act are applicable throughout India, and obviously the matter now before the House is a subject for the central legislature.

Mr. Speaker : Please do not repeat the arguments.

Mian Abdul Aziz : Supposing I say that this is the object, is that repeating the arguments?

Mr. Speaker : Arguments should not be repeated.

Diwan Chaman Lall : May I make a request ? This is a very intricate piece of legislation. May I make a humble request ?

Mr. Speaker : Is that the reason why arguments should be repeated ?

Diwan Chaman Lall : When arguments are advanced, some repetition must take place.

Mr. Speaker : I am sure honourable members can advance arguments without repeating a single word that has been said before.

Diwan Chaman Lall : It is difficult for an honourable member to bring his point home without repeating to some extent what has already been said.

Mian Abdul Aziz : Sir, I would certainly obey your order but will you allow me to point out that while it is quite possible for me to avoid repetition of arguments that have already been advanced, repetition of words cannot by any means be helped ? Therefore, if you consider me capable of knowing what arguments have been advanced already, you should rest assured that I will try as far as possible to avoid their repetition.

As you are aware, section 162 of the Criminal Procedure Code was amended by the Central Legislature in the year 1923. In this connection you will bear me out, for you were a member of the Central Assembly at that time, that this matter was discussed threadbare for days in that Assembly. This was clearly a matter on which the Government and the Opposition held contrary views, but the amendment was accepted after a long discussion, as a result of settlement arrived at between the two. Obviously the Government accepted the amendment in the form in which it appeared more proper. Let me ask my honourable friend whether the need of a change in section 162 is more imminent in this province than in the rest of the country, that he has felt it advisable to bring forward this amendment. May I know why our Government is so fond of entrusting the police with wider and wider powers when this House and the highest court have condemned the actions of the police officers on more than one occasion ? As you are aware, sections 24, 25 and 26 of the Indian Evidence Act are meant to restrict and control the police so that they may not be able to abuse their powers. Let me point out that the Government is out to introduce a change in law without studying the significance of the rulings of Privy Council and the High Court, which are alleged to necessitate this change. The brevity of the Bill under consideration—a Bill of two lines—should not lead us to think that it is an unimportant measure. I would appeal to my honourable friends who claim to have acquaintance with the activities of the police to look at this question in the light of their personal experience, and not through the party coloured glasses. (*Interruptions.*) On the deaf ears of the ministerialists it would not have any effect, but on others it may have. Why do I speak ? Because I want to bring to the notice of the honourable members. Whether they accept it or not is a different matter. We have to say all these things which are reasonable whether they fall on deaf ears or otherwise.

Chaudhri Muhammad Hasan : We want to make you wiser.

Mian Abdul Aziz : Mr. Speaker, you being an old and experienced lawyer, know full well that sections 24, 25 and 26 of the Indian Evidence

Act were enacted for the purpose of restricting the unlimited powers of the police in this connection. As a matter of fact the various High Courts in India have condemned the action of the police under these sections at various times. And for this my honourable friends may refer to any digest of Law and they will find the rulings of the various High Courts on the subject.

At this stage, I want to read a few lines from the Statement of Objects and Reasons, in order to impress upon the House that by this Bill, our Government is trying to give those powers to the police which it did not possess so far.

Police work would be seriously impeded, if it were no longer permissible for evidence to be produced regarding discoveries of weapons, property and the like on the basis of an accused person's confession, as has been done in the past.

Now it means that the Government want to empower the police so that they may be able to put a noose in everybody's neck. This is the only reason that has been given in the Statement of Objects and Reasons.

Now I want to make a few submissions in regard to one or two very important issues which deserve the attention of the Honourable Minister. At present the decision of the Privy Council is final so far as India is concerned and section 162 is in force all over India. May I know if it is the intention of the Government to invest the Punjab Police with greater powers than is the case in any other province? Would it not make the position of this province anomalous?

Let me illustrate this fact by citing an example. Suppose a dacoity or a murder or theft is committed in the United Provinces. Some stolen articles are kept in the United Provinces while others are brought to the Punjab, now if the trial of the culprit takes place in any of the two provinces, the position, as envisaged in this Bill, will be that the articles recovered in the Punjab will be included as evidence against him while those recovered in the United Provinces could not be so because the law in force at present does not recognise such evidence. May I know from the Honourable Minister if it is possible to produce the same stolen articles as evidence against any person under the same law in one province and not to be able to do so in other provinces?

Finance Minister : May I reply to that question? In the United Provinces, section 27 of the Indian Evidence Act is in full force. It happened only in the Punjab by virtue of this Full Bench ruling that the validity of section 27 has disappeared.

Mian Abdul Aziz : No, I will try to meet this objection. The Honourable Minister has raised a very pertinent question, but it seems that he is labouring under a delusion. This ruling that has been given by the High Court is an interpretation of the ruling given by the Privy Council which is binding on all the judicial courts in this country.

Finance Minister : The Privy Council ruling has been interpreted in this Full Bench ruling in the Punjab. In Madras, in Patna, and in Nagpur this very ruling of the Privy Council has been considered and the High Courts there have held that the validity of section 27 has in no manner been affected.

Mian Abdul Aziz : This is the information I want. I would like him to quote one High Court where it has been considered as such. We want circulation for this simple reason, so that it may be duly considered. Why rush through it and why this hurry? Let us consider all these rulings and let us see all these things. You do not mean to say that you want to rush through this matter just in the same way as you sometimes rush through others.

Sir, the other day in the course of the debate on the Factories (Amendment) Bill when my honourable friend Dr. Sir Gokul Chand Narang proposed an amendment to the effect that the period of six months prescribed in the Bill should be reduced to two months, the Honourable Premier dubbed it as: —————

and said that by prescribing a period of six months the Government wanted that there should be no hurry in respect of such an important matter as permission for extension or establishment of a factory. Now it appears the same is coming true of the Government, and they are being guilty of ————— haste in connection with this Bill.

It was only last week that this Bill was referred to the select committee and notwithstanding the fact that many of the members of the committee including the Advocate-General whose opinion on the matter was very essential were not present and three members have appended their minutes of dissent to the report and while some were absent, the meeting was held at 11 A.M. yesterday, the deliberations of the committee lasted till 12 noon and the Bill as reported by the select committee was circulated at 4-30 P.M. Moreover, the ruling, which has necessitated this amendment, covers 35 pages and its copies have been supplied to the honourable members of this House only 5 minutes before taking the Bill into consideration, although I had on the very first day requested that the copy of the ruling should be made available to the members of the House. We have not been able even to glance through its pages and I cannot say if the Honourable Minister in charge had an opportunity to read through the whole of it. It is no doubt true that the Government can if they so wish pass this measure in a single day on the strength of the majority at their command but they should not disregard public opinion and take leave of all sense of justice under the intoxication of having an overwhelming majority at their back. You must realize that you are taking a step, by introducing this amending Bill which is not approved by other High Courts in this country. Does not the Government think that this ruling of the Punjab High Court will be cited as an authority in other provinces? No other High Court has as yet given a ruling which militates against the one given by the High Court of our province. In these circumstances there seems no justification on the part of this Punjab Government for setting aside this ruling. Suppose you have your own way in this matter. Have you ever considered that you are nullifying the Act which is equally in force all over India from so many years, by introducing a one-line Bill? In view of the fact that you are tampering with an all-India measure, why do you not leave it to the Central Legislature which is competent to amend legislation that affects the whole of the country?

Mr. Speaker : This argument has been given by other speakers as well.

Mian Abdul Aziz : I bow to your ruling. But I cannot accept the orders or rulings by the Ministerial Benches because they are in the habit of always criticising everything. Am I bound to follow your orders or the orders of any of the Ministerial benches ? This has become the fashion. This is not good. I never interfere unless through you. But here this has become the fashion that they will go on making criticisms as if they can defend their wrong policy. Let them hear patiently and then reply in an ordinary way.

Now, Sir, if the Government is bent upon enacting this shortest as well as the most mischievous measure in the legislative history of the Punjab with a view to amend section 162 of the Criminal Procedure Code, I am perfectly justified in suggesting to the Government the introduction of another measure for the purpose of making corresponding amendments in sections 24, 25, 26 and 27 of the Indian Evidence Act. You cannot safely and conveniently brush aside all the judgments that have been so far given in the light of these sections. By amending section 162 of the Criminal Procedure Code and allowing section 27 of the Evidence Act to remain as it is, you are rendering all the relevant sections of the law absurd and meaningless. I have reasons to fear that section 162 if amended would militate against the spirit of section 27. It is not expedient in the interests of justice to amend only section 162. In fact the Government wants to enable the police to investigate and unearth criminal cases by means of backdoor methods. Although the law clearly provides that confession made by an accused to a police officer cannot be proved against him, yet the police so cleverly conducts the prosecution that the same confession or statement turns into a battering ram against the accused. But now attempt is being made to arm the police with such arbitrary powers as can be abused at any time if the police so desires. I need hardly say that the powers as contemplated in the present measure would play havoc with the rights and privileges of the persons accused of any offence. And it is not improbable that several innocent persons would fall a victim to the high-handedness of the police as a result of this mischievous amendment.

In the end, Sir, I would request the Government not to rush through this measure which contains great potentialities for mischief. The circulation motion is quite reasonable and so it should not be arbitrarily turned down. Since it is feared that speedy enactment of the proposed measure would have a far-reaching effect on the criminal proceedings in the province the Government should kindly invite the opinions on the matter of the Honourable Judges of the High Court, the district and sessions judges and all the Bar Associations of the province. Before I sit down I would request the three eminent and distinguished lawyers who are at present adorning the Cabinet to give a patient hearing to our submissions and just ponder over the matter before attempting to demolish our arguments with the weight of the numerical strength of their following in the House. In this respect I would particularly request the Honourable Mian Abdul Haye who took certain Honourable Judges along with him to Khanewal or so where certain

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articles were alleged to have been discovered. He cannot possibly forget the strictures that were passed by them against certain police officials involved in the case. Now does he think that those Judges would be prepared to go back upon their remarks? Can he expect any one of them to change his opinions about the atrocities of the Punjab Police? I hope he would try to realise the gravity of the situation and interfere in the matter. I also appeal to the Honourable Minister of Development who has been gifted with great legal acumen by the providence to give a dispassionate consideration to this highly important problem. With these words I whole-heartedly support the circulation motion under consideration.

Chaudhri Muhammad Hasan (Ludhiana, Muhammadan, Rural) (Urdu): Sir, on the previous occasion when this Bill was introduced in the House I had submitted that the proposed amendment in section 162 of the Criminal Procedure Code as contemplated in the present measure, if accepted, would materially affect the nature of the criminal proceedings in the province. It appears from this amending Bill that the Honourable Minister in charge has not taken the trouble of going through the ruling given by the honourable High Court in connection with section 27 of the Indian Evidence Act. Now, before I proceed with my speech I would like to say a few words to my honourable friend Mian Abdul Aziz who has requested the Honourable Mian Abdul Haye, the Minister of Education, to interfere in the matter and exercise his influence in order to dissuade the Honourable Minister of Finance from pressing his motion. But let me point out to him that he should not entertain any high hopes from the Minister of Education. In fact the latter has put out of his mind the whole criminal procedure during all these three years. Now instead of defending the accused persons he is upholding the cause of the prosecuting agency. So it is no use imploring him to come forward and bring pressure to bear upon the Finance Minister to accept the circulation motion moved from this side of the House.

Now, coming to the merits of the present measure I would like to quote the ruling given by the Full Bench of the Honourable High Court, Allahabad, which says that section 27 cuts down the operation of sections 24, 25 and 26 of the Indian Evidence Act. Besides, there is a similar ruling given by the Honourable Mr. Rankin, the Chief Justice of Calcutta High Court, on this very point. Moreover, all the High Courts in India without exception have followed the majority decision in the matter. But now in view of the ruling recently given by Their Lordships of the Privy Council an acute difference of opinion has arisen with regard to the operation of section 27. One school of thoughts says that this section seems to be intended to be a proviso to section 26 and the other school holds that section 27 controls the operation of sections 24, 25 and 26 of the Evidence Act. In fact there is a conflict between section 27 on the one hand and sections 24, 25 and 26 on the other. Whereas sections 24, 25 and 26 provide that no confession made to a police officer shall be proved as against a person accused of an offence, section 27 says that such a confession or statement can be proved against him in the course of prosecution.

Now, it has been repeated *ad nauseum* inside as well as outside the House that the Punjab has been leading other provinces. Although I am strong

enough to question the veracity of this oft-made statement, yet it was incumbent upon the Punjab Government to prove itself true to its professions at least in connection with this legal point of great importance. I would have congratulated the Punjab Cabinet if it had taken the initiative and given lead to other provinces by safeguarding the interests of the accused persons. Besides, it was the bounden duty of the Honourable Ministers to express their gratitude to their Lordships of the Privy Council and of the Punjab High Court for the fact that they have clarified the position by remarking that section 162 of the Criminal Procedure Code repeals section 27 of the Indian Evidence Act. I may be allowed to mention here that originally section 162 was provided solely for the benefit of the accused. And it is a fact that subsequent amendments in the section were made simply to safeguard the interests of persons accused of any criminal offences.

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

I am pleased to see that you have occupied the chair when I am referring to practical legal points which can only be understood by a practising lawyer. You would, therefore, know that in courts confessions are made in different ways by which, we cannot say that it is very difficult to make out a discovery. But in this connection, I may also point out that the roots of this section have gone deep into the soil as it has been on the statute book for the last 70 years. Does the Honourable Premier not know that during the last 70 years none of the High Courts has pointed out that this section has not been properly utilized and that not even a single judge has taken objection to it? I may also submit that certain courts have been issuing instructions to subordinate courts to the effect that that part of the said section should have been considered relevant under which discovery had been made. And if a police officer happens to be a friend of a lawyer like my honourable friend Mian Abdul Haye, who is sitting opposite then the case may fall under section 27. Another submission I would like to make in this connection is that if an accused person says that after committing murder he has concealed the clothes at such and such place this can be proved and if an accused makes a statement that some persons A, B and C were with him when the burglary was committed and that A carried such and such articles and they concealed those articles in such and such a field, it is admissible as evidence against A, B and C. My submission, therefore, is that by amending this section of the Code of Criminal Procedure the powers of the police will be strengthened and it is just like giving deadly weapon in the hands of the police who will leave no occasion to use it against people whenever they like. I am afraid the honour of the people will thus be put at stake and the police will be given liberty to make their cases successful by hook or by crook. Some of my honourable friends—lawyers by profession—are sitting on the opposite benches and I am well aware that they hold this contention that section 162, Criminal Procedure Code, should not be amended, but I do not know why they are sitting mum. I am afraid either they have changed their views or they prefer to keep silent in this respect for the simple reason that they are not supposed to speak against the Treasury benches.

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The next point which I am unable to understand is the hurry with which this measure is intended to be rushed through. In spite of the fact that Chaudhri Riasat Ali and the Advocate-General were not present in the meeting of the select committee in which the presence of the latter at least was very essential, the Minister in charge is bent upon finishing the second and third reading of this Bill just now. I would once again submit with all the emphasis and force at my command that this amendment will prove very unhealthy and dangerous for the public safety and again I may also point out to my friends sitting on the Ministerial benches that if to-morrow they do not occupy those benches but sit on some other side of this House then they will realise the fatality and destruction of this ill-advised measure. The sponsor of this Bill has very kindly handed over to us the copies of the judgment of the Honourable High Court of Judicature. I wish the Honourable Minister for Finance himself had gone through the remarks of the Honourable Justice Din Muhammad. I am sure he would not have brought forward this measure if he had done so. In 1928, subsection (1) of section 62 was completely redrafted. I should like to read out a part of the judgment in which the Honourable Justice Din Muhammad has opined that section 27 stands repealed by virtue of section 162 and sections 24, 25 and 26 are saved. I, therefore, submit that if section 27 is repealed let it be repealed. The judgment referred to above is as follows :—

On behalf of the convicts, it was urged that the Indian Evidence Act could in no circumstances be characterised as a special law within the meaning of section 1 (2) of the Criminal Procedure Code and that, at any rate, section 162 was specific provision to the contrary. It was further stressed that the Legislature was aware of the apparent conflict between the two provisions of law to the extent indicated above and has expressly manifested its intention to abrogate section 27, while enacting section 162.

Sir, this was also the contention of Mr. Mukand Lal Puri and the Honourable Justice Din Muhammad also supported it. May I now ask the Honourable Premier whether under these circumstances it was not open to the Central Legislature to amend this section if it was at all wrong and faulty? It is absolutely incorrect to say that the Central Legislature is not aware of the so-called flaws and drawbacks of this section. I am at a loss to understand the argument advanced by the Honourable Premier to the effect that if he wants this section amended for the reasons best known to him he should not look to the Central Legislature, and that he is in duty bound to amend it at any moment. I beg to differ from him at this point too. As this section after having been considered for a long time has been approved by the Central Legislature, I do not see any justification in the coming forward of a person who calls himself a layman, to place this measure before the House. He has, as a matter of fact, no right to do so. A layman cannot anticipate what will be the legal consequences of this amending Bill.

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

And if a layman amends this section of vital importance merely on the strength of his majority it is nothing but a serious blunder on his part. I should like to read out another portion of the judgment of Mr. Justice Din Muhammad so that the deaf ears of my friends opposite should listen to the voices of the Judges of the Honourable High Court of Judicature in

this respect. If you see the rulings given by the Honourable Judges of the High Courts, you will find that so far as accused persons are concerned, an alteration has been made in section 162, Criminal Procedure Code, by the Central Legislature. But they have not lost sight of certain important points in that respect too, for instance they have not touched section 32, clause (2). As regards this particular matter I would like to quote a few lines from the judgment of the Punjab High Court. It runs as follows :—

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the Indian Evidence Act, 1872.

If that was the object of the legislature, nothing could have stood in its way of bringing in an amendment. But it is a pity that the man who said that he was a mere layman has now been entrusted with the position of sponsoring this measure. He considered it unnecessary in the past. May I ask whether if this Bill is not rushed through, the earth would be rent asunder and the heavens would fall? There is no harm if the public prosecutors and other responsible persons are asked to express their opinions on this amendment. This can be done even now. I am sure if the Bill is circulated, 90 per cent or 99 per cent of the Bar Associations and lawyers would disapprove of this amendment. In the absence of this expert legal opinion, the hasty passage of this very important measure would be highly harmful to the people of the Punjab. The Chief Justice and Mr. Justice Din Muhammad have both held the section to be correct, valid, and according to the intention of the legislature because if the Legislature wanted to cancel this, it would have cancelled it long ago. But it did not feel advised to do so. From whom did the Ministry seek advice? A few laymen and such lawyers as were out of practice were collected by it and they produced this amendment. And now the Government wants to pass this amendment in an indecent haste. The matter is very important and requires many days' deliberation.

I have pointed out on some earlier occasion that in the famous case of Jinda, confession as well as discovery was made and yet the court held that the confession was not to be relied upon as the police had obtained it by force. The plea of the Government was rejected. I may remind the Government once again that the amendment is very important and the Government should not say that as the Bill contains only a few lines, therefore, it should be passed very quickly. It is not the size which matters; it is the importance of its contents, which should be borne in mind. The Honourable Finance Minister should devote his anxious care and thought over this Bill. He is an able lawyer himself. He would easily realise that if this Bill is passed a great injury will be done to the accused in the future. I do not hold a brief for the accused. But justice requires that the accused should not be treated with scant regard. Even they deserve justice at the hands of the Government. Their interests will not be safeguarded if this measure is passed into law. Adequate protection will not be afforded to them. The Law of Evidence is already such that leaving alone the High Court, the other courts do often commit mistakes under it. I do not mean any disrespect to them. I submit it with due deference to them. The police at any rate must try to prove their cases some how or other. They would not hesitate to abuse this amendment. Their only concern is to secure conviction in every case whether it is a true or a false case. Their

[Ch. Muhammad Hasan.]

duty is to collect evidence to arrange facts and place them before the court. But they care more about conviction and acquittals than they should really do according to their duty. As a matter of fact their promotion depends on the number of convictions they obtain in their cases, and the number of acquittals goes against them. That is a sorry state of affairs. The proposed amendment will offer them a great scope for abusing their power. They will certainly abuse section 27. Even the magistrates, who unfortunately combine in themselves executive powers as well, will have to pass orders for the convenience of the administrative affairs and such orders will sometimes be tantamount to the abuse of section 27 and section 162 of the Criminal Procedure Code. In order to make it clear I would like to quote the following from the judgment of the Chief Justice and Mr. Justice Din Muhammad :—

The Advocate-General has further contended that to hold that section 162 *pro tanto* repeals section 27 would lead to a manifest contradiction of the apparent purpose of the enactment and further cause hardship and injustice, which presumably was not intended by the Legislature, and that, consequently, a modified interpretation can be put on section 162, which avoids these results. There is neither any manifest contradiction of the purpose of the enactment nor will any hardship or injustice result, if oral statements made by persons in the custody of a police officer leading to discovery, are ruled out of consideration. On the other hand, in the majority of cases miscarriage of justice or hardship apprehended will be avoided.

I would invite the special attention of the House to the words I have just read. They should be read over and over again. Their meaning is that if the proposed amendment is adopted, there will be miscarriage of justice or hardship in the majority of cases. I will repeat the words again :—

There is neither any manifest contradiction of the purpose of the enactment nor will any hardship or injustice result, if oral statements made by persons in the custody of a police officer leading to discovery are ruled out of consideration. On the other hand, in the majority of cases miscarriage of justice or hardship apprehended will be avoided.

The judgment proceeds as under :—

In the course of the arguments, it was also considered whether section 27 was a proviso to section 26 only, or whether it was intended to serve as a general exception to all the relevant sections in the Evidence Act. Suffice it to say that the trend of authority of the various High Courts in India has so far been to treat section 27 as a general proviso to all the relevant sections and not only to section 26 (I. L. R. 59 Cal. 1040) and this appears to me to be the correct view to adopt.

Now this judgment has left no manner of doubt about the matter. A Judge of the High Court says that if the amendment is not made, there will be no miscarriage of justice. I, therefore, think that there is no need to bring in this amendment. If the Government holds a different view from this position of the High Court and believes that its interpretation will be approved of by its law officers and the various sessions judges and barristers in the Punjab, let it have the courage of circulating this Bill for eliciting their opinion on it. I am sure the legal opinion so obtained will be against the view held by the Government.

Besides, I would like to invite your attention to an extract from the judgment delivered by Mr. Justice Din Muhammad. It is as follows :—

The only exception that was contemplated by the Legislature while enacting this section was specifically provided for in the body of the section itself, and in the face of such a clear language, it cannot be urged that any other law relating to the subject was kept intact in spite of the provision made in this section.

You will observe, Sir, that the Honourable Chief Justice and Mr. Justice Din Muhammad have abundantly made it clear in their ruling that the legislature had absolutely no intention of abrogating this section. In view of this fact I fail to understand why the Honourable Minister for Finance is opposed to the maintenance of uniformity in the provisions of the Indian Evidence Act. I am of the opinion that even if section 27 stands repealed by implication it does not matter because sections 24, 25 and 26 remain as before. I wish the honourable members opposite had read the High Court ruling, copies of which have been handed over to all of us. I am sure its perusal would have induced them not to make any such amendment in the existing law. After having discussed the matter threadbare in the select committee in the light of this ruling, they would have arrived at the conclusion that this amending measure was in direct conflict with the High Court ruling. But it has been argued by the honourable members over there that this amendment has been necessitated because of the interpretation of the law, made by the Punjab High Court, not being in consonance with those of the Patna or Nagpur High Courts. In other words they are keen to bring about uniformity in the interpretations of different High Courts in India. Outwardly my honourable friends pose that they are not actuated by any ulterior motives in putting forward this amending measure, but I have serious doubts regarding their *bona fides*. In this connection I may also add that the Punjab High Court has pronounced this ruling after taking into consideration the hard facts and the conditions prevailing in the province. I, therefore, see no reason why in the face of such a clear ruling, section 162 of the Criminal Procedure Code should be amended. It would not be out of place to mention that the mentality of the Punjab Police is different from that of the police of other provinces. If wide powers are vested in them, their hands would be strengthened beyond description and they are sure to abuse these powers. In this connection I may also bring this fact to the notice of the honourable members that the law relating to this particular subject was contained in sections 147—150 of the Code of Criminal Procedure, XXV of 1861. After the repeal of this Act, these provisions were incorporated in the Indian Evidence Act of 1872. The object of this change was that the police might not have the courage to abuse their powers or commit atrocities on innocent people. It is really regrettable that my honourable friends on the treasury benches still persist in rushing through this amending measure. I may point out to them that by passing this Bill they would be doing more harm than good to the best interests of the masses of the province. They would rather be helping the oppressor to perpetrate still more atrocities on the oppressed. I am, therefore, of the view that the Bill should be circulated to elicit public opinion whether this amendment to section 162 is necessary. I think by circulating this measure we should take advantage of the ripe experience of the magistrates, the sessions judges, the bar associations, etc., who as well as the police freely come in contact with the masses. We should first invite their considered opinion in regard to this matter and then bring this amending measure on the Statute Book. I, therefore, strongly support the circulation motion moved by my honourable friend Chaudhri Krishna Gopal Dutt.

Khan Bahadur Sardar Muhammad Hasan Khan Gurchani (Dera Ghazi Khan South, Muhammadan, Rural) (*Urdu*): Sir, with your permission

[K. B. S. Muhammad Hasan Khan Gurehani.]

I would like to make a few observations in regard to the matter now before the House. Undoubtedly it is a legal matter of vital importance. It has been discussed threadbare by the honourable members, majority of whom are practising lawyers. I do not claim to be an expert in legal knowledge. I am only an orthodox *Baloch*. What I gather from the speeches that have been delivered on the floor of this House is that Police Department is the most maligned department in the whole administration of the province. It has been stated that if this amending Bill is carried, the police would be vested with enhanced powers. Consequently it will abuse these powers, because it is already in the habit of committing atrocities on the innocent people, and instituting false cases on the basis of false evidence. I characterise this statement as sheer propaganda on the part of my honourable friends opposite. It is a thousand pities that my friends lose sight of the other side of the picture. They totally forget the difficulties and perilous nature of the duties entrusted to the police. I do not hold any brief for the police. Although the Police Department has been made the target of adverse criticism owing to the malpractices of certain subordinates or unprincipled officers, yet the fact remains that so far as their responsibilities and duties are concerned, there can be no two opinions about the sincerity, honesty and singleness of purpose with which they discharge them. It is crystal clear in the Punjab as well as in India, how much pains the police take in carrying out their daily duties. They have to exert hard mentally and physically in tracing out cases. Sometimes in apprehending bad characters and dacoits they have to risk their lives even. In other words they render help to the oppressed and the aggrieved at the peril of their lives. In olden days the police officers successfully traced out stolen property, lethal weapons, with a little tact and by putting in a small amount of labour and endeavour. The reason was that the people at large had no legal knowledge of any sort. But now the conditions have changed. One can see even in far-flung places, like Dera Ghazi Khan, copies of Indian Penal Code, Criminal Procedure Code, Evidence Act, etc., lying in the shelves of the zamindars in the villages of the Punjab. Besides, judgments and instructions issued by the High Court have so much enlightened the people that what to speak of police officers, even a magistrate or sub-judge dare not commit irregularities. If unfortunately any police officer happens to be guilty of a misconduct, he is severely dealt with by the higher authorities. I am, therefore, of the opinion that now repression by the police has become a thing of the past. Even corruption has almost been rooted out as the anti-Corruption Department has inflicted condign punishment on certain corrupt police and civil officers. This has put both the people and the Government servants on the alert. Besides, the practice of tracing stolen property has been in existence for a long time. It is gratifying to note that people's representatives and responsible persons like zaildars, lambardars, sufedposhes, etc., and sometimes honorary magistrates participate in the investigations conducted by the police. The police regularly prepare a list of recoveries. If any person from among the conductors of investigation feels that recovery was made by unfair means, he should refuse to put his signature on the said list. He should apprise, the Superintendent of Police as well as the District Magistrate of this fact, so that the police may not be able to institute a false case. Again I consider highly improbable that a bad character who has committed a murder

theft in the house of a villager or an urban resident, would confess before the police that he was the real culprit. I am sure he would never plead guilty or give clue to the lethal weapons of his own accord.

Nowadays we are surprised to see that the bad-characters and dacoits, by acquiring the help of lawyers are taking undue advantage of the provisions of the present law. What to speak of using force, none can dare raise his little finger against them. The honourable members would be amazed to hear that in the Central Punjab the police ask the culprits, with the folded hands, whether they have really committed a certain theft. Strictly speaking theft cases in the province are on the increase in cities. The number of thieves dressed like gentlemen is legion. As regards my own district of Dera Ghazi Khan the police, during investigation of a case, ask the suspects in a very mild manner whether they have stolen the said property. Naturally they reply in the negative. What I think is that if the police should use a little force or keep them under custody for a short period they would certainly blurt out the truth. I am of the opinion that if the suspects or the mal-characters were not sternly dealt with at the time of making recoveries, the poor law-abiding people would be put to great hardships. They will have to hand their all to the badmashes. In this connection I may point out that cattle lifting has become rampant in our district. Bands of six or seven armed badmashes move about in the villages and harass the poor zamindars by breaking open their cattle farms and lifting away the animals. If anybody offers resistance to them, they attack him and either mortally wound him or murder him. But sometimes they return the cattle after receiving a certain amount of ransom. This has become a regular practice with these badmashes. In our district this practice is termed as *bhonga*. In the circumstances no action can be taken against such badmashes under section 110, Criminal Procedure Code, for want of written evidence. Consequently no heed is paid to the complaints made by the poor zamindars, howsoever reliable evidence they may produce. I submit that with a view to maintaining law and order in the country, it is necessary that we should extend a helping hand to the police, up to a reasonable extent. And it is our bounden duty that we should co-operate with the police in order that normal conditions may prevail. I may also point out that nowadays in the whole of the Punjab the police is performing the duties of military as well. Not a week or a month passes when the police is not required to carry out perilous duties with a view to maintain order in the country. I would, therefore, strongly request the honourable lawyer members not to be unduly apprehensive that enhanced powers are being vested in the police. I may add that the police is already enjoying these powers, which are quite reasonable and proper. If my honourable friends feel averse to giving these powers to the police, the latter should be relieved of all the responsibilities and let the Government make other arrangements which it may deem necessary for the maintenance of peace and advancement of the province. With these words I strongly support the motion that the select committee report on the matter under discussion be taken into consideration.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, at the very outset I must confess that a layman as I am, I cannot discuss this measure as thoroughly as a lawyer can. However, I want to say a few words in regard to it in the light of those facts which

[K. S. Kh. Ghulam Samad.]

daily come to our notice. To begin with I may point out that this subject has been exhausted by my honourable friends over there and I would not now waste the precious time of the House by repeating the arguments already advanced by them. But this much I must say that if we glance over this Bill we would find that its object is to give enhanced powers to the police, which has already assumed nowadays the rôle of a Pharaoh in the province. (*Hear, hear, from the Opposition benches.*) The state of affairs that is at present prevailing in the province goes to show that the powers of the police, particularly during the past two or three years, have increased tremendously. Who does not know that during the past two or three years the police of this province have tried their level best to terrify and demoralize the public at large? I must frankly admit that in the seven provinces where the Congress was in power, and where it is regrettable that deadlock is now prevailing, the Congress governments controlled the police in such a manner that they dared not demoralize the public as they have done in this province. In fact they brought about a complete change in the mentality of the police of their provinces so much so that they became public servants in the real sense of the word. I go further and say that if they had treated the minorities in the manner which was expected of them, in that case, there would not have been any doubt that their governments would have been the best in the whole of India. In fact the governments of those provinces imposed great restrictions on the powers of the police, while the Punjab Government could not but widen their powers. (*Hear, hear.*) My submission is that although the amending Bill appears to be a very small and insignificant measure yet in fact it is a dangerous and far-reaching amendment. (*Hear, hear from the Opposition benches.*) If this Bill is placed on the Statute Book it would be tantamount to giving a dangerous weapon in the hands of the police inasmuch as if any accused made any statement before them which led to the discovery of any dangerous weapon or stolen property or any other thing which had something to do with the offence, that part of the statement would be admissible in evidence. My submission is that the Punjab police is notorious for releasing the real culprits for corrupt motives and fabricating evidence and instituting false cases against innocent persons. As a matter of fact everybody is aware of their methods of conducting inquiries. They are experts in involving innocent persons in such cases and they let go the real offenders. What they generally do is that they catch hold of an innocent person and give out that he has made a statement which has led to the discovery of a stolen property to which supposed recovered stolen property the lambardars, zaildars and sufedposhes who are the agents of police append their signatures without a moment's reflection simply in obedience to the orders of the police. Moreover, this measure would afford opportunities to lambardars, etc., to harass their enemies in the village. In my opinion the police should not be given the wide powers which are intended to be given by the proposed amending measure. Let me point out that previously section 162 of the Criminal Procedure Code did not affect in any way the provisions of section 27 of the Indian Evidence Act as two Honourable Judges of the Full Bench hold and many High Courts are of the same opinion. I may add that even their Lordships of the Privy Council have held that the words of section 162 of the Criminal Procedure Code were plainly wide enough to exclude

any confession made to a police officer in the course of investigation whether a discovery was made or not. I think the procedure which has so far been followed was perfectly plain and there was no ambiguity in it. Now if the powers of police are increased it would mean that the general public would have to face many new difficulties and the responsibility for all that would lie on the shoulders of the Government. My submission is that if the High Court has expressed the opinion that the amendments made in section 162 of the Code of Criminal Procedure in 1928 have by implication repealed section 27 of the Indian Evidence Act, 1872, in that case there is no obligation on the part of the Punjab Government to amend section 162 of the Code referred to above. This is, in fact the duty of the Central Legislature. When this ruling comes to the notice of the Government of India they would themselves carry out the necessary amendment. This judgment will surely be printed in the Indian Law Reports and if the Central Government deem it advisable they can carry out this necessary amendment by bringing in an amending bill before the Central Legislature. I personally fail to understand why the Punjab Government have taken upon themselves to move in the matter. After all I ask why should the Punjab Government become the target of criticism of other provinces. In my opinion this Bill should not have been moved in this House. If at all it was to be moved, in that case it should have been thoroughly considered. The best way to achieve this object is to circulate it for eliciting public opinion thereon. Unless and until public opinion is elicited on this Bill it should not be passed. But it is a matter of great regret that the Government are rushing through this measure. The other day this Bill was referred to the select committee and at that time I requested the Government to fix a date for submitting the report of the select committee on this Bill. I was told that the report of the select committee on this Bill would be presented to this House some time in the next session. At that I was satisfied and thought that this measure would receive careful consideration. But it is very surprising that after three days the report of the select committee on this Bill has been presented to this House with a dissenting note appended to it. I think this is most regrettable that such an important Bill is being rushed through. I request the Government to think twice before they enact this measure so very hurriedly. The best course for them to follow would be to circulate this Bill for eliciting public opinion thereon. With these words I strongly support the motion now before the House.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, I sincerely think that this Bill is being pushed through with undue haste without the Government seriously realizing what harm it will do to the public in general. We have only to look up the various rulings of the High Court to see what the police is doing everyday in the matter of discoveries of stolen property. It is clear that people are made to confess by force and are forcibly made to give a clue to the discovery of the stolen property so that the confession may be brought within the purview of section 162 of Criminal Procedure Code, and section 27.

I cannot refrain from saying that this Bill is definitely harmful to the zamindars inasmuch as it will make it possible for the police to embarrass those zamindars who refuse to become tools in the hands of police, specially in the matter of discoveries of stolen property. At any rate, it will demoralise those who are already playing second fiddle to them.

[Mian Muhammad Nurullah.]

I cannot understand how the necessity of giving such wide powers has arisen, when the police has been doing its job without the proposed amendment, for such a long time. I can even now foresee the evil consequences of this amendment. I seriously believe that you have been sleeping over the excesses committed by the police, that you have sheltered them against the worst crimes that they have committed. I honestly think that the unfortunate tragedy of 19th of March would not have happened if you had not given them the impression that you will support them at all costs. By your support through thick and thin the police appear to be so much puffed up with a sense of its importance that it cannot differentiate between the right and wrong course. Apparently this mentality of the police is responsible for many unfortunate happenings that have brought the Government into disrepute with the people. There is not the slightest doubt that the police will exercise the powers that are proposed to be given to them, against the innocent zamindars of this province in the name of law and order. I am a strong supporter of law and order and have always been constitutional, preaching to people never to break the law as I believe that energies of the Government, instead of being wasted in these useless pursuits, should be directed into more fruitful channels such as scientific research and development of the resources of the country. I strongly support the circulation motion, so that not only the views of the zamindars may be known, but that the Government may have time to calmly reconsider the various implications of the Bill.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammdan, Rural) (Urdu): I rise to support this Bill, because I sincerely believe that it is a measure which is not only important but highly necessary. Yet it is a pity that the opposition has thought fit to oppose it without seriously considering its implications. It is being asserted that the zamindar will be ruined as a result of this Bill which, it is alleged, gives more powers to the police. However, my conviction is that there is no question of giving more powers to the police at all. If that had been the position I would have been the first to oppose this measure. This is merely clarifying the doubtful position created as a result of the High Court ruling.

My honourable friend Chaudhri Muhammad Hasan has been pleased to remark that many members have not studied this ruling seriously. In this connection, let me tell my honourable friend that after giving most serious attention to it, I was already of the opinion that an amendment was necessary to restore the original position. As a matter of fact, I would have actually brought forward a Bill on some non-official day, with the object of rectifying the position created due to this ruling—which is a Full Bench ruling. But no consideration is being paid to the fact that the Judges differ on this question and have made no secret of their divergent views regarding this matter. Two Honourable Judges have disagreed. I for one think that it is very necessary for the Government to come forward with this amendment, especially when there is a difference of opinion among the judges of the High Court. In such a state of affairs it was essential that the spirit of the original law be restored.

It is stated that public opinion should be elicited regarding the question. May I know what particular type of opinion you proposed to

consult? I can say without fear of contradiction that the opinion of members of the Bar Association, the most authoritative in this matter, will be against this Bill for the simple reason, that the lawyers stand to lose if this Bill is passed. Therefore, as a citizen and not as a lawyer I strongly welcome any legislation which aims at improvement in law for the safety of human life and property. We are passing through a transitional period, during which there is increase in murders, dacoities and other crimes of serious nature. May I ask whether it is not your duty as responsible legislators to see that the progress of crime is checked?

Chaudhri Muhammad Hasan : Is the increase in dacoities and robberies due to not repealing this section?

Khan Muhammad Yusuf Khan : Sir, it has been asked by my honourable friends, if the increase in dacoities has been due to the fact that section 162 has not been repealed.

6 p.m.

That is what I have been submitting, that there has been a considerable increase in crime in spite of the fact that section 27 of the Evidence Act was in full force and when it has been repealed by the ruling of the Hon'ble High Court, there shall be a greater increase of crimes unless the *status quo* is restored and the ruling is nullified. The conflicting rulings of the High Courts are in existence and the Evidence Act is there and it is clear that on account of the transitional period the crime is on the increase. Even if this ruling had not been given, which has necessitated the introduction of this amending Bill, there would have been no decrease in the number of crimes. But as a result of this ruling the crime is going to increase rather than the case being otherwise. If the guardians of law and order who guard our lives and protect our homes are deprived of their powers, an increase in the number of crimes is bound to be its natural consequence.

It is quite erroneous to say that the amendment of the Code of Criminal Procedure would adversely affect the zamindars. It is not the zamindars but the thieves, dacoits and the murderers whom it will affect.

So far as the question of using such powers against innocent persons is concerned we all know that now an element of a new kind is being introduced into the police force which being adorned with the light of education realizes its own responsibility in the matter. They shall not be acting unconscientiously, but if they do, the law gives them no protection.

Sardar Sohan Singh Josh : Will not this Bill enhance the powers of the police?

Khan Muhammad Yusuf Khan : Not a bit. The powers with which the police had from years been invested were taken away by this ruling and now it is sought through this measure only to restore those powers to them. Even among the police officers, a responsible section exists and no police officer would try to implicate innocent persons in false cases and haul them up before a court. The Government only intend to let that power remain in the hands of the police by which they can prove a case against a criminal on the evidence of the recovered articles.

The argument of my honourable friend opposite that merely because the Act is being amended the police would highhandedly implicate and inveigle innocent persons is very erroneous. Any officer who is guilty of such an unpardonable act is nothing but an unconscientious and contemptible wretch.

[Khan Muhammad Yusuf Khan.]

The recovery of articles affects only the case of those who retract their statements in the law courts after making them before the police. I have in the short period of my practice, never come across a lawyer who having been apprised of the fact that his client had committed a murder and confessed would have advised him not to retract the confession and admit his guilt, before the court. All that they say is that their client is innocent and that the confession was made under torture of the police or it was an induced one. In view of these facts would it be fair to take away all the powers from the hands of the investigating officers who bring such criminals to book?

Mian Abdul Aziz : Can I ask the honourable member if he has ever conducted a case under section 27 of the Evidence Act?

Khan Muhammad Yusuf Khan : My honourable friend is a very old lawyer of great reputation but perhaps because of his age, he has forgotten that no case can be challaned under section 27 of the Evidence Act. Therefore no question of my conducting a case under this section does arise. (Laughter). In the end, Sir, being sure of the fact that the powers of the police have not been increased in any manner whatever and considering it to be most necessary for keeping law and order in the province I do not consider that there is any need for circulating this Bill for eliciting public opinion and for these reasons I oppose the circulation motion.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) (Punjabi) : Mr. Speaker, I am deliberately going to speak in Punjabi, because although honourable members are capable of understanding the issue at present under discussion, yet they have not been able to understand it in spite of all the debate that has so far taken place. I will, to begin with, try to state the object of the amendment which has been moved by the Government and would also give an idea of the extent to which it is going to affect our province and the whole criminal law administration. Section 162 of the Criminal Procedure Code says that the statements made by an accused before an investigating police officer do not need to be put in black and white and if at all they are so put in black and white they need not be signed. If according to a certain statement that the gun was buried in a field, a gun is actually found, it means that the accused who made that statement was either in complicity with the criminals or was in the know of the whole incident. Such a statement had heretofore been used as evidence against a person in a court of law.

Pir Akbar Ali : It had never been so used before nor would it ever be when this Bill is passed.

Sardar Lal Singh : I wonder how the Pir Sahib could make such a remark. He has made that statement as if all the cases under the said section have been conducted by him. Anyway, what I wanted to impress upon the House was this that in case where the police prosecutes persons on the basis of confessions, generally extorted under threats or promises, it is not improbable that innocent people are often implicated.

Now, Sir, the Full Bench of the Punjab High Court have recently given a ruling to the effect that evidence of information, whether it amounts to a confession or not, which relates to the fact discovered in consequence of such

information, must not now be considered admissible in evidence. It means that any confession made by an accused to a police officer with regard to the discovery of any weapon, property or blood-stained clothes would not be proved as against him. Certain honourable members opposite have made very interesting speeches in this connection. My friend the honourable Mr. Gurchani was pleased to remark that if this Bill is not passed the police work would be seriously hampered and that we should devise some means to make its task easier. But my submission is that we are not here to create conveniences for the police. On the other hand our sacred duties as legislators enjoin upon us to frame or amend the law in a manner that may prove conducive to the dispensation of justice. I think it expedient in the interests of justice that confessions made to a police officer should not be held admissible for the purposes of evidence. I am sorry to say that our police has always exploited the ignorance of the persons involved in criminal cases. In all other civilized countries the accused is plainly and expressly told that he should remember that any statement which he would make would be used against him. Recently these very words were told to Udham Singh the alleged murderer of certain persons in England. But here the accused is at first given the impression that any confession made by him to the police would not be used against him and yet it is considered admissible in evidence. Now our object is that the principles of justice and equity should be upheld and no innocent person taken to task. We would not object to it if 5 or 7 criminals get acquitted on account of faulty or defective evidence but we cannot tolerate the conviction of a single innocent person as a result of section 27 of Evidence Act. The Government should realise this point that the proposed addition to section 162 would materially affect the criminal proceedings in the province. It is a matter of daily occurrence that the police induces the accused, by means of threats or promises, to make confessions in theft, murder or dacoity cases. Now if the police manages to secure orders of death sentence or rigorous imprisonment for he accused on the basis of such confessions it is not at all creditable on its part. Justice demands that the police should display its own skill and ingenuity and resort to scientific methods in unearthing such cases. The Phillaur School was opened with the express purpose of imparting training to police officials in these scientific methods of investigation. But still there is a general complaint in the province that the police extorts confession from the accused by means of rod. In fact the Punjab police generally employs third degree methods in investigating criminal cases. These methods are not made use of in civilised countries. The police of those countries refrain from even injuring the self-respect of the accused person. My friends would be surprised to know that in England when Udham Singh was arrested the police put one handcuff on him and the other on the constable. In fact these are the ways by which the police can inspire confidence in the mind of the accused. Indeed such are the methods by which the principles of justice and equity can be upheld. But the Punjab police so unscrupulously and callously deals with the accused that the High Court has felt constrained on several occasions to pass strictures against its various officials. In this connection I would like to refer you to the statements made by the police officials before the Khaksar Enquiry Committee in Lahore. Careful perusal of those statements would go a long way

[S. Lal Singh.]

to acquaint the reader with the calibre of intelligence and ability of the police employed in the capital of this province. And now this amending Bill if enacted would give wide powers to the police. In fact it contains great potentialities for mischief. I have good reasons to fear that after having been armed with these powers the police would not hesitate to penalise even innocent persons. It is a pity that the Government intends to empower an agency which does not believe in any canon of justice or morality. In my district—I mean Ludhiana—which is surrounded on all sides by the Indian States there is a common saying that if you want to buy an unlicensed arm you should approach some police official for the purpose and he would direct you to the right person. When the police has no scruple to debase its uniform by stooping so low in the matter of dishonesty how can we safely trust that it would not abuse the powers envisaged in this amending Bill? Now let us look at the other side of the picture and see as to who are those against whom these powers would be used. The people who would fall victim to these powers would be those illiterate and ignorant villagers who do not know even this much that the police is not competent to summon them to a *thana* without warrant. Their ignorance has become proverbial now. They are ignorant of the law so much so that even a single constable can goad the whole population of village to a *thana*. They do not know that whatever statement they would make would be used against them. A learned lawyer from the other side of the House was pleased to ask the nature of public opinion that we would like to elicit on the Bill. Let me point out to him that we want to know the opinions of those who are generally pilloried by the police on account of their own confession. Just ask the opinion of those people who generally fall victims to the high-handedness of the police and who have a pathetic tale to tell in this respect.

My personal opinion in this respect is this. If the Honourable Minister who has brought forward this measure rises in his seat and says that before placing this amendment before the House he had consulted three or four judges of the High Court and they had said that this section if amended will prove useful and beneficial, I will not utter a single word on the floor of this House. He may take it from me.

Minister of Finance : In that case you may resume your seat.

Sardar Lal Singh : If the Honourable Minister would agree to what we say, I will not go a step further and waste the time of the House. But I think that the Minister in charge has not taken this trouble. One word more and I have done. When we see that the people at large are ignorant of the law of the land, I am of opinion that it will be nothing but throwing them at the mercy of the Police. I think, by the passage of this measure injustice is sure to crop up and the poor people of the country-side who are generally lacking in legal knowledge will suffer a lot because in rural areas crimes are rampant. With these words, I close my remarks.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (*Urdu*) : Sir, I had no intention to speak on this subject but the speeches made from the opposite benches are so unfounded and baseless that I cannot help saying a word or so.

in this respect. The question before the House is that section 27 be amended. Nobody is going to touch the whole law as a matter of fact. I understand certain honourable members opposite are under the impression that if this section is amended the lawyers will have no chance to show their abilities in regard to criminal cases. It is absolutely wrong to think that their capabilities will come to a stand-still, if this section is amended. As no doctor wants that disease should spread in the country we also who belong to the class of lawyers do not like at all that there should be disturbances and riots in the province so that we may have chances to earn money. If there is crime we should follow the dictates of law in such a manner that no mistake should be committed by courts of law. Supposing there is no evidence in a case it is not the duty of a lawyer to produce evidence. If an evidence is good let it be there and if it is otherwise let it be there. Lawyers have nothing to do with the quality of evidence. In fact it is the business of legislature to make laws and what a lawyer is to do is to follow the dictates of the law honestly and if he derives benefit out of it legally, he is welcome to do so. But it does not befit my friends opposite to say day in and day out that the police is good for nothing and the administration is unsatisfactory. The police has to please both the parties. Supposing a burglary takes place and the police arrests an accused person and commits atrocities on him, he will complain that violence is done to him and if the police does not do so the other party would say that the police is sleeping over this matter. The police as a matter of fact cannot ring out the confession from an accused person by saying "my dear brother, tell us if you have committed burglary." My friends may take it from me that such methods cannot succeed in our province. The criminals of our country have been made of some extraordinary stuff. Let me in this connection give an instance. Supposing a burglary has been committed in the house of a tenant of Mian Muhammad Nurullah's village. Now the accused person is arrested and his statement is recorded by the police. This will not come under section 27. But if a burglary of cattle takes place and the accused person makes a confession that the stolen cattle are in such and such village and the recovery of the cattle is made consequent on his confession then the statement of the accused leading to the recovery comes under section 27. Supposing at the time of recovery a police officer takes some of the members of the panchayats and Mian Muhammad Nurullah too with him, will these people be so weak minded and coward that instead of saying how the recovery was made they will state before the court what the police wanted to be said? Is this the spirit which my friends opposite are proud of? In fact the people are incorrigible.

Dr. Sir Gokul Chand Narang : This is a libel, Sir, on the whole of India.

Pir Akbar Ali : I am not responsible for that.

Dr. Sir Gokul Chand Narang : You are. When Lord Curzon said this, the whole country rose against him. (*A voice :* Baden Powell said that). Lord Curzon was the first offender in this respect and here is an Indian who is blackguarding all Indians.

Pir Akbar Ali : Sir, this remark was made by the opposite benches that the whole of the province is full of thieves. Particularly my friend Mian Muhammad Nurullah has said that all the people living in his village were thieves.

Mian Muhammad Nurullah : Sir, I never said that.

Pir Akbar Ali : My friend should not be afraid of it. He is not going to be handcuffed for giving false evidence. I shall lay the truth naked in this House and will not spare anybody big or small. Well, Sir, I was submitting that police was always accused by the public of making false cases. In this connection, some of my honourable friends opposite were pleased to refer to the police of England and other countries. May I submit to them, through you, that there is no comparison between the standard of morality as observed in England and in India, so much so that the English thieves do not hesitate in telling the truth, whereas in our country great public personalities do not refrain from speaking a lie ?

I have a great respect for Dr. Sir Gokul Chand Narang. But I would point out that the statement which is now being regarded as a libel by the honourable members of the Opposition was really made by Mian Muhammad Nurullah and Mian Abdul Aziz. I have only referred to it.

We must remember that every law can be attacked in the manner in which the present Bill is being attacked. It is always possible to rightly apply law or abuse it. Even the best law can be abused and wrongly applied. The present Bill can only prove harmful if it is abused. But what is the guarantee that a particular law will not be misused ? If the Government were to accept the view point of the Opposition, thieves and dacoits will manage to go scot free in most of the cases. They would simply say that they did not commit a certain crime and that the police has wrongly implicated them. Now if this Bill is not passed, all the criminals will be unduly protected. In view of these facts I would say that it is no use circulating the Bill for eliciting public opinion on it. Whose opinion do you want to seek ? We have listened to the eminent lawyer members of this House. There is nothing new in the Bill to be elucidated any further. All that the Bill seeks to do is to maintain the *status quo*. The need has only arisen due to some misinterpretations. Otherwise the intention of the law is quite clear. I, therefore, oppose the circulation motion.

Mian Abdul Aziz : May I ask from the Pir Sahib if he deliberately and honestly holds the view that police does not place articles and then recovers the same as if they were stolen properties ?

Honourable Members : Question may now be put.

Diwan Chaman Lall : May I appeal to you not to accept the closure motion ? I have accommodated my honourable friend and not called a division and I think it is only right that I, as representing at present my party, should be allowed to say a word in regard to this matter.

Premier : I think six or seven members on that side have already spoken.

Mr. Speaker : The honourable member absented himself and half a dozen members on his side have already spoken.

Diwan Chaman Lall : It is a most important measure and when I did rise you did not call me to speak. I rose on three different occasions and you called other members.

Mr. Speaker : They were members of the other party.

Mian Abdul Aziz : I may submit that you know that a Bar Conference is going to be held at Amritsar to-morrow and the day after where this important point might be discussed.

Premier : Oh, yes.

Mian Abdul Aziz : What does the Honourable Premier mean, Sir? The whole of the Bar of the Punjab is going to be there and this is one of the important points. But I cannot reply to that 'Oh, yes.'

Premier : Because the Judges of the High Court have agreed to it and the Bar is not higher than the High Court.

Mian Abdul Aziz : Then accept the High Court decision.

Lala Harnam Das : On a point of order, Sir? Is it not a great pity that the poor people whom the Bill will hit hard are not being listened to?

Mr. Speaker : Question is—

That the question be now put.

The Assembly divided : Ayes 60, Noes 27.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Ghazanfar Ali Khan, Raja.
Gopal Singh (American), Sardar.
Guest, Mr. P. H.
Gurbachan Singh, Sardar Bahadur Sardar.
Hans Raj, Bhagat.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jagjit Singh, Man, Sardar.
Jogindar Singh Man, Sardar.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.

Mubarik Ali Shah, Sayed.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Amin, Khan Sahib Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Muhammad Hussain, Chaudhri.
Muhammad Jamal Khan Leghari, Nawab Sir.
Muhammad Nawaz Khan, Major Sardar Sir.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Mustaq Ahmad Gurmani, Khan Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sardar.
Muzaffar Khan, Khan Bahadur Nawab.
Nasir-ud-Din, Chaudhri.

Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib Tha-
 kur.

Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J.A.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.

NOES.

Abdul Aziz, Mian.
 Ajit Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Ghulam Samad, Khan Sahib Kha-
 waja.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.

Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri
 Lal Singh, Sardar.
 Muhammad Hasan, Chaudhri.
 Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Pertab 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.

Mr. Speaker : The question is—

That Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee be circulated for eliciting opinion thereon by January 31, 1941.

The Assembly divided: Ayes 28, Noes 63.

AYES.

Abdul Aziz, Mian.
 Ajit Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Ghulam Samad, Khan Sahib Kha-
 waja.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Kabul Singh, Master.

Kapoor Singh, Sardar.
 Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Muhammad Hasan, Chaudhri.
 Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Pertab 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.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri, Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Jogindar Singh, Man, Sardar.
 Khizar Hyat 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 Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.

Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat Khan, The Honourable Major Sir.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—

That the Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee be taken into consideration.

The Assembly divided: Ayes 64, Noes 26.

AYES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan Chaudhri.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Fiayaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.

Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh, Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

NOES.

Abdul Aziz, Mian.
 Ajit Singh, Sardar.
 Bhagat Ram Sharma, Pandit.

Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.

Duni Chand, Lala.	Muhammad Hasan, Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.	Muhammad Nurullah, Mian.
Gopi Chand, Bhargava, Dr.	Mula Singh, Sardar.
Hari Lal, Munshi.	Partab Singh, Sardar.
Harnam Das, Lala.	Rur Singh, Sardar.
Kabul Singh, Master.	Santokh Singh, Sardar Sahib Sardar.
Kapoor Singh, Sardar.	Sant Ram Seth, Dr.
Kartar Singh, Sardar.	Shri Ram Sharma, Pandit.
Krishna Gopal Dutt, Chaudhri.	Sohan Singh Josh, Sardar.
Lal Singh, Sardar.	Sudarshan, Seth.

The Assembly then adjourned till 12 noon on Monday, the 29th April, 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

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 29th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

PERCENTAGE OF MUSLIMS IN GOVERNMENT SERVICES.

***4954. Khan Sahib Chaudhri Muhammad Shafi Ali Khan :** Will the Honourable Premier be pleased to state—

- (a) the percentage that has been fixed by the Government in Subordinate service, for the Muslims in the Rawalpindi, Multan and Ambala Divisions and whether this percentage is the same for all the above-mentioned divisions or it is different in each division ; if so, the percentage for Muslims in each division separately ;
- (b) whether the Government has issued any instructions to the Commissioners, Deputy Commissioners and Canal Superintending Engineers of these divisions in this respect ;
- (c) if there is any deficiency in the percentage of the Muslims in any district or Canal Division, in the three above-named divisions what steps Government intends to take to make up the deficiency ?

The Honourable Major Sir Sikander Hyat-Khan : (a), (b) and (c) Instructions have been issued that communal proportions for recruitment to services be fixed generally at 50 per cent Muslims, 30 per cent Hindus (including Scheduled Castes and Others) and 20 per cent Sikhs. These proportions are fixed for the province as a whole. For district office establishment further details have been worked out on a divisional basis and the order in which appointments are to be made within each division has been prescribed. For Rawalpindi, Multan and Ambala Divisions the percentages fixed for Muslims are 75, 65 and 80, respectively. There is no such detailed scheme in other departments, but the proportions prescribed for the department as a whole will in time remove communal disparities.

FEE CONCESSIONS IN GOVERNMENT HIGH SCHOOLS, ROHTAK DISTRICT.

***4957. Khan Sahib Chaudhri Muhammad Shafi Ali Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that out of three Government High Schools of Rohtak district, namely, Jhajjar, Bahadurgarh and Gohana, in two first named schools the agriculturist students pay half fee while in Gohana they pay full tuition fee;
- (b) whether it is a fact that on account of this difference of fee the number of students in Gohana is much less than that in the other two schools;
- (c) if the answer to (a) is in the affirmative, the action the Government intends to take in the matter?

The Honourable Mian Abdul Haye : (a) Yes, because the Gohana tahsil is not included in the list of areas where the children of agriculturists are allowed half-fee concessions in the secondary classes of Government and board schools.

(b) The grant of the half fee concessions might be one of the causes of the better enrolment in the schools at Jhajjar and Bahadurgarh.

(c) The list of areas where the children of agriculturists are allowed half fee concessions was drawn up after very careful consideration and it is not possible for financial reasons to make any additions thereto.

ELECTIONS TO DISTRICT BOARD, ROHTAK.

***6141. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the electoral rolls for the elections of District Board, Rohtak, are under preparation; if so, the dates fixed for the elections;
- (b) whether the District Board, Rohtak, have already passed a resolution requesting the Government for the postponement of the elections ordinarily due to be held in June, 1940; if so, the reasons given for the postponement and the meeting in which the resolution was passed;
- (c) what the Government intends to do in this matter?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a), (b) and (c) The electoral rolls have been prepared and elections would have been held in June, 1940. But Government have postponed for one year, on account of the war, all elections which were due to be held before the 1st July, 1940. Government have received no resolution passed by the District Board of Rohtak asking for postponement.

LAWYERS TAKEN AS PROSECUTING SUB-INSPECTORS.

***6654. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of lawyers taken as prosecuting sub-inspectors in the Eastern Range in 1939 together with their names, home addresses and educational qualifications;

- (b) the basis on which the above-mentioned selection was made ;
- (c) whether any selections to the prosecuting sub-inspectors' posts are to be made in the Eastern Range this year also ;
- (d) whether Government intends to restrict recruitment to these posts for only those people who are residents of the Eastern Range ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) Ten. A statement is laid on the table showing the home districts and educational qualifications of the men selected. It does not seem necessary to give names.

(b) On the basis of their suitability for the duties of the appointment.

(c) Probably not, but it depends on vacancies.

(d) Speaking broadly, yes. But the restriction is not a rigid one.

Chaudhri Muhammad Hasan : Is the period of practice of these candidates also taken into consideration ?

Parliamentary Secretary : Everything is taken into consideration.

Chaudhri Muhammad Hasan : How many cases conducted by him is also taken into consideration ?

Mr. Speaker : This does not arise out of the original question.

Statement.

Serial No.	Home district.	Educational qualifications.
1	Jullundur	B.A., LL.B.
2	Hoshiarpur	B.A., LL.B.
3	Do.	B.A., LL.B.
4	Ferozepore	B.Sc., LL.B.
5	Jullundur	B.A., LL.B.
6	Hissar	B.A., LL.B.
7	Muzaffarnagar (United Provinces) ..	B.A., LL.B.
8	Ludhiana	B.Sc., LL.B.
9	Jullundur	B.A., LL.B.
10	Rohtak	B.Sc., LL.B.

ARREST OF PROCLAIMED OFFENDERS, DACOITS AND SUSPECTS IN ROHTAK, KARNAL AND OTHER DISTRICTS.

***6667. Chaudhri Muhammad Hasan** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of proclaimed offenders, dacoits, suspects and bad characters arrested during the last three months in the

[Ch. Md. Hasan.]

districts of Rohtak, Karnal, Ludhiana, Ambala and Ferozepore, through the efforts of the special police staff appointed by the Government ;

- (b) how many raids were arranged by the officers of the Special Police Staff in the various districts mentioned above during the period of the last three months ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : I regret that it is not possible for me to have this information collected, as the terms " suspects " and " bad characters " are indefinite. It is also a matter of doubt what would constitute a " raid " for the purpose of part (b) of the question.

The honourable member has doubtless heard that during the last few weeks the special police, working in co-operation with the regular district police and the police of the adjoining States, have been able to report several successes, two of the leading outlaws having been shot while resisting arrest and another desperado arrested who was wanted in a number of cases. The value of the measures which have been taken can be better judged by these results than by any attempt to collect figures of the number of " raids " or of suspects arrested.

Chaudhri Muhammad Hasan : Has the situation in these districts improved since the special staff was posted ? If there is an improvement may I know how many bad characters and absconders have been arrested by the police ?

Parliamentary Secretary : I have given the reply. The situation has definitely improved : two leading dacoits have been shot dead, and one has been arrested.

Chaudhri Muhammad Hasan : By the special staff ?

Parliamentary Secretary : The district police, the special staff, and the police force of the adjoining States all joined in rounding up these dacoits.

Chaudhri Muhammad Hasan : Who initiated the raids in which these men were shot ?

Minister for Public Works : The Deputy Inspector-General of Police in charge of the special police force directs all these operations.

REALISATION OF SUSPENDED LAND REVENUE IN AMBALA DISTRICT.

*6674. **Lala Duni Chand** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the portion of the land revenue suspended last time is being now realised from tahsil Kharar, district Ambala ; and if so, the number of villages from which the suspended land revenue is being realised and the amount of the same ;

- (b) whether it is also a fact that the realization of the suspended land revenue is being objected to on the ground that the *kharif* crop has been very poor and the people concerned.

are unable to pay the land revenue due on account of the *kharif* harvest and the suspended land revenue ?

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

(b) Does not arise.

SUSPENSION AND DISMISSAL OF LAMBARDARS IN AMRITSAR DISTRICT.

***6675. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state tahsil-wise, the number and names of the lambardars ; if any, suspended or dismissed during the last one year in the Amritsar district for their political activities ?

The Honourable Dr. Sir Sundar Singh Majithia : Five lambardars were dismissed in tahsil Ajnala on charges of refusal to perform their duties and taking prominent parts in conferences held in their villages by the socialist party in which filthy abuse was showered on the local tahsil and the thana officials. The appeals of four of them are pending in the court of the Commissioner.

Sardar Sohan Singh Josh : May I know whether the lambardars who took part in the socialist party's conferences also showered filthy abuse on the local officials ?

Minister of Revenue : The reply is quite plain.

Sardar Sohan Singh Josh : May I know whether the lambardars were dismissed merely because they took prominent part in the meeting ?

Minister : No. The whole reply as given may be referred to.

Sardar Sohan Singh Josh : Will the Honourable Minister be pleased to state what was the duty which the lambardars refused to perform ?

Minister : Kindly read the reply and see for yourself whether this matter comes in or not.

Master Kabul Singh : May I know whether they were dismissed because they refused to prepare ' chilams ' for the officials ?

Minister : I am not aware of this, but does my friend perform such a duty ?

Sardar Sohan Singh Josh : Will the Honourable Minister be pleased to state the reason for their dismissal ? What objectionable thing they did in the meeting ?

Minister : I know only this much that in Ajnala, five lambardars have been dismissed because of their refusal to perform their duties and taking prominent parts in conferences held in their villages by the socialist party in which filthy abuse was showered on the local tahsil and thana officials. The appeals of four of them are pending in the court of the Commissioner.

Sardar Sohan Singh Josh : What was it that they did in the conferences ?

Minister : This will be known after their appeals have been decided by the Commissioner.

Pandit Shri Ram Sharma : What prominent part did they take in those conferences ?

Minister : I very much regret I cannot satisfy the curiosity of my honourable friend.

Pandit Shri Ram Sharma : There is no question of curiosity here. I merely want to know what prominent part they actually took in those conferences.

Premier : All these matters will be dealt with in the appeals.

Minister : I am afraid the honourable member has not listened to the reply carefully.

Pandit Shri Ram Sharma : Yes, I have listened to it as carefully as it was possible. I want to know in the light of the Honourable Minister's statement that they took prominent part in the conferences, and that they refused to perform their duties, in what way they took prominent part. May I know whether they offered subscriptions or volunteered ?

Premier : This is not the only reason and there can be other reasons as well.

Sardar Sohan Singh Josh : Will the Honourable Minister please state the names and addresses of those lambardars ?

Minister : They are very well-known to my friend.

Sardar Sohan Singh Josh : Is it or is it not a fact that all the four lambardars belong to village Bhite Wadh ?

Minister : An appeal has been preferred by them and the honourable member can know their names and their residence from that appeal.

Sardar Sohan Singh Josh : To which place does the fifth belong ?

Minister : That too can be ascertained by the honourable member from the same sources.

Chaudhri Muhammad Hasan : May I know who frames these answers ?

Minister : The replies are based on the information received by the Secretariat.

PROSCRIPTION OF 'SADA-I-DARD'.

***6678. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) the date on which 'Sada-i-Dard' by Sayad Ali Husain Shah 'Ali' was proscribed by Government and the objectionable portions in the booklet on the basis of which it was proscribed ;

(b) the number of copies seized by Government on the search of the author's house ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjai Singh) :
(a) 28th December, 1939, I must decline to give further publicity to objectionable poems by placing them before the house.

(b) 26.

Sardar Sohan Singh Josh : Will the Parliamentary Secretary kindly enquire from the Honourable Premier, if he is not aware himself that Sada-i-Dard does not contain even a single objectionable line on the basis of which it could be proscribed ?

Parliamentary Secretary : That is a matter of opinion, Sir.

Sardar Sohan Singh Josh : If there is anything objectionable, kindly point out any line or word to which exception can be taken ?

Premier : I will get the book and will let my honourable friend know after reading it.

Sardar Sohan Singh Josh : It does not contain a single word which may be taken as objectionable.

Premier : May be my honourable friend is correct and it is possible that I may also agree with him after reading through the book.

Lala Deshbandhu Gupta : May I know if this pamphlet was proscribed without the Honourable Premier or any of his Parliamentary Secretaries having gone through it ?

Premier : It is not the duty of a Parliamentary Secretary to go through such cases. Sometimes a book has to be proscribed very quickly and the papers come up later on. As the honourable member has drawn my attention to this particular case, I will get the book and will have a look at it.

Lala Deshbandhu Gupta : May I know if Government's permission is invariably taken when a book is proscribed ?

Premier : Normally, yes.

Lala Deshbandhu Gupta : Was any permission taken in this particular case ?

Premier : I require notice for that.

Lala Deshbandhu Gupta : Are pamphlets proscribed sometimes without the permission of the Government ?

Premier : In some cases books and pamphlets, proscribed in other provinces, are proscribed in this province automatically.

Lala Deshbandhu Gupta : May I take it then that in cases where certain books have been proscribed in other provinces, they are automatically proscribed here by the officials concerned without any permission of the Government ?

Premier : I believe some kind of notification is published. If the honourable member will give notice I will give a definite reply.

Lala Deshbandhu Gupta : Do Government delegate powers in this respect to the subordinate officials ?

Premier : There is no question of delegation of any power. As I have said, a notification is published, but I would like to investigate the matter before giving a more definite reply.

Lala Deshbandhu Gupta : Is the Honourable Premier aware that the number of books and pamphlets proscribed in this province is the largest throughout the country and still harmless books are being proscribed over the head of the Government by the officials ?

Mr. Speaker : That is much wider than the original question.

Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state the reason why exception has been taken to that portion of the book which the Government declines to place before the House ? Is it objectionable for preaching violence or does it create hatred between two sections of His Majesty's subjects ?

Premier : For the reason mentioned in the reply to the original question.

Mr. Dev Raj Sethi : May I know if it is a fact that thousands of copies of Sada-i-Dard have been sold during the last year and the Government have proscribed it only now on account of war ?

Premier : The war has nothing to do with it.

ARREST OF *Khaksars* IN LUDHIANA DISTRICT.

*6679. **Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state—

- (a) the number, names and home addresses of the *Khaksars* arrested in Ludhiana between 20th of March and 1st of April, 1940, and the offence alleged to have been committed by them ;
- (b) whether any of the above-mentioned persons has since been released on bail ; if not, why not ;
- (c) whether any demonstration, parades or military activities were alleged to have been carried on by those who were arrested ; if so, when and how many days before the arrests took place ;
- (d) whether it is a fact that some of the arrested *Khaksars* tendered unconditional apologies ; if so, their names, home addresses and parentage ;
- (e) whether it is a fact that some non-*Khaksars* were brought to the Ludhiana City Police Station and their statements were recorded by a Magistrate ;
- (f) whether it is a fact that some of the persons, who had severed all connections with the *Khaksar* organisation several days before 19th March, 1940, were summoned by the police between 20th March and 1st April, 1940, and were then let off after their statements had been recorded by the police ; if so, the reasons for obtaining the statements of these persons ; and if not, the reason why one Mr. Mushtaq Karami was summoned by the police and produced before the Magistrate in the Officers Club and allowed to go after making a statement though he had severed his connections with the *Khaksar* movement and had intimated this fact to the District Magistrate and the Superintendent, Police, Ludhiana ;

(g) whether any houses were searched in Ludhiana town on or after 20th of March in connection with the *Khaksar* movement; if so, whether any incriminating articles or literature was taken possession of by the Police during the searches with the names, home addresses, parentage and educational qualifications of those from whose possession incriminating articles were found during house searches;

(h) whether any of the *Khaksars* arrested in Ludhiana has been given better class; if so, the names of all those who have been given a better class with their home addresses and educational qualifications; and if not, the reasons for not allowing better class to some of the persons who deserved to be kept in a better class;

(i) whether it is a fact that private food was not allowed to the *Khaksars* arrested in Ludhiana on 22nd of March till the evening of 28rd of March, 1940; if so, why?

The Honourable Major Sir Sikander Hyat-Khan :—(a) Six *Khaksars* were arrested during the period in question under section 17 (2) of the Indian Criminal Law (Amendment) Act. It is not in the public interest to give names and other details.

(b) None, as the offence is a non-bailable one.

(c) (i) No.

(ii) Does not arise.

(d) No.

(e) Yes, one person who was suspected to be a *Khaksar* was summoned to the Police Station. As enquiries showed that he was not a *Khaksar*, he was not prosecuted. His statement was not recorded by a Magistrate.

(f) One person, Mr. Mushtaq Karami, submitted an application to the City Inspector and the Deputy Commissioner to the effect that he had severed all connections with the *Khaksar* organisation. It was considered necessary to verify this, and he was summoned by the police on the 20th March to make a statement before a Magistrate.

(g) Yes. It is not in the public interest to give names or other details.

(h) (i) One. It is not in the public interest to give names and other details.

(ii) Does not arise.

(i) (i) No.

(ii) Does not arise.

ADULT EDUCATION UNDER THE ANTI-ILLITERACY SCHEME.

*6680. **Mr. Dev Raj Sethi :** Will the Honourable Minister for Education be pleased to state—

(a) the number of adults, division-wise, receiving education at present under the Anti-Illiteracy Scheme under the auspices of the Punjab Education Department through the media of Hindi, Punjabi and Urdu, respectively;

[Mr. Dev Raj Sethi.]

- (b) whether the Department of Education has published any Primers for these adults ; if so, whether these Primers have been published in all the three scripts, namely, Hindi, Persian and Punjabi ; and if so, their number respectively ;
- (c) whether it is a fact that no Primers have so far been published in Hindi script ; if so, the reasons for the same ;
- (d) the expenses incurred by the Government for Adult Education during 1939 ?

The Honourable Mian Abdul Haye : (a) --

Name of the Division.	NUMBER OF ADULTS RECEIVING EDUCATION THROUGH THE MEDIUM OF —		
	Hindi.	Punjabi.	Urdu.
Ambala	7,228	1,240	4,830
Jullundur	1,883	2,796	7,884
Lahore	1,098	3,036	19,097
Rawalpindi	208	334	8,452
Multan	175	661	9,501
Total	10,592	8,067	49,764

(b) The Department has published and purchased the following adult primers :—

			Copies.
(i) Urdu	..	Ilm-ki-Chabi	.. 39,000
		Talim-i-Balghan—Yamini	.. 40,000
		Qaida Urdu—Yamini	.. 50,000
		Urdu ka Asan Qaida—M. Asghar Ali	.. 50,000
		Qadia Urdu—Bedi Shiv Singh	25,000
(ii) Hindi	..	Qaida Balghan	.. 25,000
(iii) Punjabi	..	Gurmukhi Character—Pandran Paurian	.. 25,000
		Persian Character—Ilm-di-Kunji	55,000

(c) Does not arise.

(d) A sum of Rs. 22,800 was provided in the budget for the year 1939-40 for the purpose and nearly the same sum was spent on the printing, etc., of the adult primers and follow up literature out of the savings from the Special Development Programme Fund.

Mr. Dev Raj Sethi : The statement shows that only 25,000 copies of one Hindi primer were published while over two lakhs of copies of Urdu primer have been printed. What was the reason for not printing as many copies of other primers ?

Minister : As need was felt and demands were made more copies of certain primers had to be printed.

Mr. Dev Raj Sethi : On whose behalf were these demands made ?

Minister : As the number of those who were learning Hindi was smaller than those learning Urdu the number of primers printed in Urdu was naturally larger.

Lala Deshbandhu Gupta : Does the Honourable Minister mean that of the 10,000 adults who took up Hindi none progressed further than the elementary stage and, therefore, other Hindi books were not printed ?

Minister : My honourable friend thinks that adult literacy campaign seeks to give instruction in all the books required for primary classes. This campaign was started for making people literate. Besides these primers we are now supplying follow-up literature also.

Lala Deshbandhu Gupta : What I want to know is that when it was considered necessary to publish more books in Urdu why was it not deemed fit to do the same in respect of Hindi books ?

Minister : There are only alternative primers in Urdu.

Lala Deshbandhu Gupta : Were any arrangements for teaching Hindi and Punjabi made at the very start of the literacy campaign ?

Minister : Yes.

HINDI AS MEDIUM OF INSTRUCTION.

*6681. **Mr. Dev Raj Sethi :** Will the Honourable Minister for Education be pleased to state—

- (a) the number respectively of Primary and Middle Schools in the Ambala and Multan Divisions in which Hindi, Punjabi and Urdu are media of instruction ;
- (b) whether there are any rules providing for an arrangement being made for giving instruction through the medium of Hindi in case a certain number of students express a desire through their parents to be so taught ; if so, whether he will be pleased to lay a copy of these rules on the table of the House ?

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

Lala Deshbandhu Gupta : May I ask a supplementary question ?

Mr. Speaker : Supplementary questions are asked to elucidate the answers given and as no answer has been given in this case, the supplementary question is inadmissible.

Lala Deshbandhu Gupta : Sometimes silence is more eloquent than words and a negative reply also means a reply.

Mr. Speaker : Very good. Ask your question.

Lala Deshbandhu Gupta : The question relates to Hindi as medium of instruction in Primary and Middle schools in Ambala and Multan divisions. May I know if there is any school where Hindi or Punjabi form the media of instruction ?

Mr. Speaker : That question does not arise. The Honourable Minister has already stated that his answer is not ready.

Lala Deshbandhu Gupta : There is no question of the reply being not ready because as a rule the Punjab Government has so far not allowed Hindi or Panjabi to be made the media of instruction anywhere.

Premier : Then why ask this question ?

Lala Deshbandhu Gupta : What we want to show is the treatment meted out to Hindi and Punjabi in the Punjab.

MOTOR STAND, BUREWALA, DISTRICT MULTAN.

***6682. Sardar Ajit Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the motor stand at Burewala, district Multan, has not been notified by the District Magistrate, Multan, under rules 7-2 and 7-12 to 7-14 of the Punjab Motor Vehicles Rules, 1940 ;
- (b) whether the Notified Area Committee, Burewala, auctioned, this motor stand for rupees 3,800 in the month of March, 1940 ; if so, the conditions of the auction ;
- (c) whether the motor stand contractor charges one pice per maund from public and private carriers as *addah* commission ;
- (d) whether the Punjab Motor Union made a representation to the Colonization Officer, Nili Bar, Pakpattan, as President of the Notified Area Committee against this auction of the motor stand ;
- (e) if the answers to parts (a) to (d) be in the affirmative, the action taken or proposed to be taken in the matter ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) No licence has yet been given by the District Magistrate.

(b) Yes. (The figure is Rs. 3,600, not Rs. 3,800.) The terms of the contract are attached.

(c) and (d) Yes.

(e) It will be for the consideration of the District Magistrate, subject to the control of the Regional Transport Authority, whether he will grant a licence to the Notified Area Committee for this stand, and, if so, on what conditions.

Conditions of the auction of Motor Stand at Burewala during the year 1940-41.

1. The lease will be auctioned on behalf of the Notified Area Committee, Burewala. Assistant Colonization Officer, Nili Bar Colony and member of the Notified Area Committee, Burewala, will conduct the auction. The highest bid will be accepted unless in the exercise of his discretion without specifying any reason he may deem it fit to reject it.
2. The bid will be the equivalent of the monthly rent. The highest bidder whose bid is accepted provisionally will deposit $\frac{1}{4}$ th of the annual rent as advance immediately after the auction, the deposit being held by the Committee as security and will be deducted towards the last three monthly instalments of rent. No interest will be paid on the sum held in deposit.
3. If the bid is on behalf of two or more persons, their liability will be joint and several.
4. On the acceptance of the bid, the bidder will at his own expense furnish requisite stamp according to the value of the annual rent for executing the lease deed and surety bond in favour of the Notified Area Committee, Burewala. On the same day he will execute the lease deed bearing the stipulation given hereunder, failing which the auction will be liable to be cancelled by the order of the officer conducting the auction and the deposit forfeited in favour of the Notified Area Committee. On re-auction, the lessee will be bound to make good the loss which may accrue to the Notified Area Committee, Burewala; and his property will also be held liable.
5. For the satisfaction of the officer conducting the auction the bidder will furnish a surety who will undertake to make good the loss which may accrue to the Committee on the lessee's default in the observance of the stipulations of the lease. In case a separate surety bond is executed, the stamp will be furnished by the lessee at his expense. Such a surety bond will be executed on the date the auction is held.

Conditions of the Lease.

1. The lease will be for one year from April, 1940, to 31st March, 1941.
2. The contractor will at his own accord pay $\frac{1}{4}$ th of the contract money in 9 equal monthly instalments each payable by the 7th day of a month. On failure of the payment of rent on the due date he will be liable to pay further rent at the rate of annas four per day and in the event of failure continuing till the end of the month the contract sanctioned by the Committee will be cancelled. The first instalment of rent will fall for payment in April, 1940.
3. The contractor will be competent to disallow any lorry driver who has refused to pay adda fee to park his lorry in the adda.
4. If in order to pick up passengers any driver parks his lorry at a place within the limits of Notified Area Committee but outside the adda, it will be the duty of the contractor to report such person to the Secretary of the Notified Area Committee, Burewala, for criminal proceedings under section 182 of the Punjab Municipal Act, 1911, or any other law.
5. The contractor will not be allowed to include any person as his partner without the previous sanction of the Notified Area Committee; nor will the contractor be allowed to transfer the contract in favour of any other person.
6. The contractor is not allowed to park his motor or lorry in the adda nor will he be allowed to run his lorry for hire in his own name or in the name of any other person.
7. The contractor will collect adda fees from lorries and cars carrying passengers or goods and plying for hire from the adda or any other part of the town at the rate given below:—

	Rs. A. P.		
(i) Motor Taxi	0	3	0
(ii) Lorry two tons	0	10	0
(iii) Lorry one ton	0	5	0

In case a lorry is used for carrying goods, the adda fee will be calculated at the rate of three pies per maund.

Note.—Personal luggage of passengers will be exempt.

8. If the contractor contravenes any of these stipulations contract will be rescinded by the order of the President, Notified Area Committee, Burewala, and the contractor will be ejected under a notice of 24 hours and money recovered from the contractor will be forfeited to the Committee from the date of rescission of the lease. In case of contravention of stipulation No. 2 the lessee will be liable to penalty at the rate of annas four per diem from the date of default to the date of restoration of the contract. The lease will then be restored by the order of President, Notified Area Committee, Burewala. Any loss sustained by the Committee due to the rescission of the lease will be recovered from his movable and immovable property in his hands or in the hands of his heirs and legal representatives.

9. The contractor will peacefully and without any hinderance hand over the motor stands to the Notified Area Committee on the termination of the lease or its cancellation or rescission.

10. In case the contractor does not reside within the limits of the Notified Area Committee he will appoint agent residing within the Notified Area limits who will be bound to carry out all orders issued by the Committee and the stipulation of lease. Information in writing of the appointment of such an agent will be communicated to the Secretary, Notified Area Committee, Burewala. In case the Committee requires the use of the said adda, then at any time during the currency of the lease and without specifying any reasons or without paying any compensation, on delivery of a week's notice, the Committee will have the right to resume the lease and enter into possession of the adda, the contractor will, however, be entitled to recover any excess amount of rent paid by him for the unexpired period of the lease.

11. In case there is any dispute between the Committee and the contractor regarding the aforesaid stipulations the Colonization Officer, Nili Bar Colony, will settle such dispute as an arbitrator. The contractor and the said Notified Area Committee have mutually agreed to appoint the Colonization Officer as their sole arbitrator. Each party will have the right to present for settlement any dispute arising out of the conditions of the lease. The award of the arbitrator will be final and binding on the parties.

LABANA TRIBES.

***6683. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state, with reference to my previous starred questions Nos. 478¹ and 2314² and their answers, whether he has arrived at any decision to declare the Labana Tribes of the Multan and Muzaffargarh districts as notified agriculturists?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Government has considered the matter and found that no case has been made out for declaring Labana Sikhs of the Multan and Muzaffargarh districts as an agricultural tribe because they do not fulfil the requisite conditions.

Sardar Ajit Singh : Sir, the Honourable Minister of Revenue was pleased to state the other day that the case of Labana tribes of the Multan and Muzaffargarh districts was under the consideration of the Government and now it has been stated that those tribes could not be declared as notified agriculturists. Now may I know the reasons as to why these tribes have been refused to be declared as agriculturists especially when they have long been notified as such in other districts of the province?

Parliamentary Secretary : I have already stated that the Labana tribes of the Multan and Muzaffargarh districts do not fulfil the conditions necessary for such declaration. Here I may be allowed to mention that when the Government says that such and such a case is under consideration it does not necessarily imply that the Government would ultimately decide in favour of the applicants.

Sardar Ajit Singh : May I know the conditions the fulfilment of which is necessary before making the said declaration?

Parliamentary Secretary : There are two main conditions. Firstly the Commissioner of the Division makes necessary enquiry into the matter whether that particular tribe solely and mainly depends upon agriculture, and secondly, it is ascertained at the time of land settlement whether the total area belonging to that tribe is gradually decreasing or not. Now our information is that the total area in their possession is much greater than they possessed at the time of the previous settlement. Hence they do not stand in need of any such safeguard.

¹Vol. I, page 1541.

²Vol. IV, page 360.

Sardar Ajit Singh : Is it or is it not a fact that the Labana tribes of the Multan district have come from the districts of Gujrat and Jhang to settle there ? May I further ask as to whether they do not depend on the yield of lands granted to them in recognition of their war services ?

Parliamentary Secretary : It has been definitely laid down in the rules that the tribes desirous of being declared as agriculturists should fulfil the necessary conditions in the district where they have settled at present.

Sardar Ajit Singh : What I mean to say is this that the Labana tribes mainly depend on agriculture. Now may I know the reasons as to why my honourable friend thinks otherwise ?

Parliamentary Secretary : Careful enquiry has brought this fact into light that these tribes do not solely depend on agriculture.

Sardar Ajit Singh : When was this enquiry made ?

Parliamentary Secretary : Two years ago.

SEARCHES MADE THROUGHOUT THE PROVINCE ON 28TH JANUARY, 1940.

***6684. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state whether it is a fact that searches were made throughout the province on the 28th of January, 1940, simultaneously to discover communist literature ; if so, the number of searches and the names of the persons whose homes were searched in this connection and also the authority under which these searches were made ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
First part.—No.

Second part.—Does not arise.

Sardar Sohan Singh Josh : Does the Parliamentary Secretary mean to say that no such searches have been made ?

Parliamentary Secretary : No.

Lala Deshbandhu Gupta : If no search was made on the 28th, may I know as to whether it was made on the 27th, 29th or on the 30th ?

Parliamentary Secretary : The question related to simultaneous searches throughout the province on the 28th of January. My answer is a clear 'no.'

Lala Deshbandhu Gupta : My question is whether searches took place simultaneously in the province if not on the 28th January, then on any other date either after or before 28th January.

Parliamentary Secretary : No searches took place simultaneously throughout the province.

Lala Deshbandhu Gupta : Was any special programme for searches followed ?

Mr. Speaker : I cannot allow that question, as the original question related to a specific date.

Lala Deshbandhu Gupta : The object merely is to find out whether searches did take place or not. The Parliamentary Secretary is taking shelter behind the word 'simultaneously'.

Mr. Speaker : The question was expressly about the 28th January. Now the honourable member is going beyond that.

Lala Deshbandhu Gupta : The Parliamentary Secretary is taking shelter behind the word 'simultaneously'. I want to know whether searches did take place simultaneously or otherwise.

Parliamentary Secretary : No searches took place throughout the province on the 28th January.

Diwan Chaman Lall : Did any searches take place on any date ?

Parliamentary Secretary : I require notice for that question.

BRIDGE ON NALLA KARAN OR SAKKI.

***6689. 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 when the Nalla Karan or Sakki situated in tahsil Ajnala, district Amritsar, is in flood in the rainy season the inhabitants of the neighbouring villages experience great difficulty in crossing it and sometimes people even lose their lives in doing so ;

(b) whether Government was recently considering the question of constructing a bridge on the above-named nalla at Sorrian, Tilla and Madh Bheelowa ; if so, the decision arrived at in the matter and the date when the Government proposes to construct the bridge in question ?

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

(b) The matter is primarily the concern of the District Board of Amritsar. The Board has already built three bridges over the Sakki within the last two years.

RETURN OF GRANT PAID TO MUNICIPAL COMMITTEE, JAGADHRI, BY PUNJAB SANITARY BOARD.

***6690. Chaudhri Jugal Kishore :** Will the Honourable Minister for Education be pleased to state whether he is aware that the Secretary, Punjab Sanitary Board, in his letter No. 15-5-SB/7945, dated the 31st October, 1939, to the address of the Commissioner, Ambala Division, demanded the return of Rs. 2,179-13-6, sanctioned and paid by the said Board to the Municipal Committee, Jagadhri, as grant-in-aid for effecting improvements in sanitation in the limits of the said municipal committee and for other allied purposes ; if so, the reason why the money was demanded back ?

The Honourable Mian Abdul Haye : After the completion of the main drainage scheme at Jagadhri there was an unspent balance of Rs. 4,859-11-0. As the Sanitary Board had given a grant of 50 per cent, the Municipal Committee was asked to refund Rs. 2,179-13-6. The Committee has asked for permission to utilize the savings on the construction of further drains and pavements ; and its request will be considered at the next meeting of the Sanitary Board.

Diwan Chaman Lall : May I ask as to what statutory authority has the Sanitary Board to deal with the finances of this province ?

Minister : The grant was made by the Sanitary Board and it was subject to certain conditions, namely, that fifty per cent shall be spent by the local body concerned and as there was a balance, the Sanitary Board was perfectly justified in demanding back the fifty per cent of the balance.

Diwan Chaman Lall : I am referring to a different thing. I am asking another question. What is the statutory authority of the Sanitary Board to deal with the finances of the province ?

Minister : They have no statutory authority. Certain grants are made available and they are distributed by the Board.

Diwan Chaman Lall : How can the Sanitary Board distribute the finances of this province ?

Minister : Sanitary Board makes a recommendation and the orders are passed by the Government.

Diwan Chaman Lall : The Honourable Minister will find that it is the Sanitary Board that demanded the return of the money and it is the Sanitary Board that made the grant.

Minister : I have said that only recommendations are made by the Sanitary Board and the final orders are passed by the Government.

Diwan Chaman Lall : The question arose some time ago and a reply was given that notice should be given as to whether there is any authority for the Sanitary Board to deal with the finances just as the Communication Board. Has my honourable friend decided to look into this matter whether there is any statutory authority ?

Minister : I do not think this point was ever raised.

Pandit Shri Ram Sharma : May I know as to whether the representation made by the Committee contained this particular point also that the grant was needed for effecting improvements in the sanitation of the Harijan settlements ?

Minister : I require notice of that question.

SCHOLARSHIPS FOR SCHEDULED CASTE STUDENTS IN GOVERNMENT HIGH SCHOOL, NARAINGARH.

*6691. **Chaudhri Jugal Kishore :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of scholarships set apart for the scheduled caste students in the Government High School, Naraingarh, in Ambala district ;
- (b) the number of scholarships that these students are actually enjoying at present ;
- (c) whether it is a fact that the number of scholarships that the scheduled caste students in the said school are at present enjoying is less than the number reserved for them ; if so, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Nil. The scholarships reserved for the children of the weaver class and of the special classes, like other scholarships paid from public funds are awarded to the scholars who are eligible under the rules and secure the highest number of marks. They are not set apart for the students reading in any particular school.

(b) One.

(c) Does not arise.

[DEPUTY SUPERINTENDENTS OF POLICE.]

***6692. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state the names of the Inspectors who have been promoted during the year 1939-40 to the rank of Deputy Superintendents of Police ?

Parliamentary Secretary [Sarwar Bahadur Sardar Ujjal Singh] : A statement is laid on the table.

Statement.

1. Mr. W. J. G. Fearn.
2. M. Ghulam Hussain.
3. M. Muhammad Riaz-ud-Din Ahsan.
4. Malik Haq Nawaz Khan.
5. Khan Sahib Agha Saffdar Ali Khan (deceased).
6. S. Azmat Ali Shah.
7. Khan Sahib Mir Mumtaz Hussain.
8. Khan Bahadur Khwaja Taj-ud-Din.
9. Khan Sahib Mirza Ata Ullah.
10. Mian Shamsher Singh.
11. Sardar Bishan Singh.
12. Mr. A. S. M. Deane.
13. Sardar Sahib Bakhshi Sampuran Singh.
14. Pandit Devi Dyal.

DISALLOWED CLAIMS OF CREDITORS.

***6695. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) the number of creditors in the Punjab the whole or any part of whose claims was disallowed by the courts under Section 37 of the Punjab Relief of Indebtedness Act since its enforcement ;
- (b) the amount of the claim in each case ;
- (c) the amount disallowed in each case ;
- (d) the number of cases where no action was taken or only a warning was given ?

The Honourable Mr. Manohar Lal : To collect this information it would be necessary to examine the records of all the money suits decided by the civil courts in the province during the last five years—a task which would entail an expenditure of time and labour out of all proportion to the results.

OFFICES OF ASSISTANT REGISTRARS OF CO-OPERATIVE SOCIETIES.

***6699. Mian Muhammad Nurullah :** Will the Honourable Minister for Development be pleased to lay on the table of the House—

- (a) number of offices of Assistant Registrars of Co-operative Societies in the province ;
- (b) number of clerks working in them ;
- (c) number of clerks working in other than their own residential divisions ;
- (d) number of clerks working at their present stations for the last
 - (i) five years ; (ii) seven years ; (iii) nine years and (iv) ten years or over ;
- (e) the steps which have been and are being taken to shift the clerks in No. (iii) and (iv) above ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 26.

(b) 100.

(c) 41.

(d) (i) 2.

(ii) 2.

(iii) 2.

(iv) 6.

(e) None ; as it is not the policy of Government to move clerks unless this is necessary in the interest of work.

JUDGMENT OF THE HIGH COURT IN THE CASE CROWN *VERSUS* JINDA.

***6700. Master Kabul Singh :** Will the Honourable Minister for Public Works be pleased to state whether his attention has been drawn to the remarks made during the course of the judgment in the criminal appeal Jinda *versus* Crown by a Division Bench of the High Court, Lahore, consisting of Honourable Chief Justice Sir Douglas Young and Honourable Mr. Justice Ram Lal ; if so, the action taken by the Government in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The attention of the honourable member is invited to the reply given to question *6575¹ put by the honourable member for the Ambala and Simla (General) Rural Constituency.

**EMPLOYMENT OF PERMANENT COURT SERVANTS RETRENCHED ON THE
ABOLITION OF THE COURTS OF SUBORDINATE JUDGES.**

***6701. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of Subordinate Judges recently transferred to the Executive Branch of the P. C. S.; and the number of Civil Courts abolished throughout the province on these transfers ;
- (b) the number separately of permanent clerks (Readers, Ahlmas, Naib Nazirs, Execution Muharrirs and Orderlies) attached to these courts who have been absorbed elsewhere and have been brought under reduction ;
- (c) whether any action is proposed to be taken to find employment for those who have been retrenched and have thus been thrown out of employment ?

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

**DISPOSAL OF APPLICATIONS FOR RESTITUTION OF MORTGAGED LANDS IN
JULLUNDUR DISTRICT.**

***6702. Malik Barkat Ali :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of applications that have so far been filed in the Jullundur district under Section 4 of the Punjab Restitution of Mortgaged Lands Act, 1938 ;
- (b) the number of applications out of them so far disposed of by the Collector of the said district or such other officers as have been especially empowered by the Government to perform the duty of a Collector for the purposes of the said Act and if no such application has been disposed of so far, the reason for the delay that has taken place and whether Government intends to take any action with a view to expediting the disposal of these applications made so far ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 350.

(b) None. The applications were not in order and were returned for completion and return. The question of appointing an extra officer for dealing with such applications is under consideration.

Khan Sahib Chaudhri Sahib Dad Khan : Is it not a fact that there are certain districts of the Punjab which are so situated ?

Parliamentary Secretary : I think, unfortunately, it is true.

Khan Bahadur Raja Muhammad Akram Khan : May I know the number of applications that have been filed in the Jhelum district ?

Parliamentary Secretary : I cannot give an exact number, but a very large number was there.

Khan Bahadur Raja Muhammad Akram Khan : May I know whether the practice of filing application with stamps of two rupees is still existing ?

Parliamentary Secretary : I am sorry I cannot give any exact answer without notice, but as far as I know district people are not acting on these rules and some of them do not understand the significance.

POSTING OF E. A. CS., TAHSILDARS AND OTHER GAZETTED POLICE OFFICERS.

***6703. Khan Sahib Chaudhri Muhammad Shafi Ali Khan :** Will the Honourable Premier be pleased to state—

(a) whether there is any rule or practice under which E. A. Cs., Tahsildars and gazetted Police officers are not posted in their home districts and similarly the sub-inspectors of police are not posted to the police stations to which they belong ;

(b) if the answer is in the affirmative, will the Honourable Minister be pleased to state such rule or practice and whether there is any provision in these rules to allow such an officer to be posted to his home district for training for a period of six months ; if so, why ;

(c) if the answer to (a) is in the negative, the action Government intends to take in this respect ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : There are no rules or orders which debar Government from posting gazetted Government servants to their home districts, but the policy of Government has been to avoid doing this unless there are special reasons to the contrary. This policy does not apply generally to officers under training, who, as a rule, are posted to their home districts if they so desire.

In regard to sub-inspectors of police, the attention of the honourable member is invited to rule 14-47 of the Punjab Police Rules.

Pandit Shri Ram Sharma : Do I take it that under-training magistrates can have good training in their home district ?

Premier : This question is not about the magistrates. It relates to tahsildars and Extra Assistant Commissioner candidates. When they are under training, and do not get any pay, they are often posted in their home district. But when they are given a substantive post they are transferred from their home districts.

Pandit Shri Ram Sharma : Do they work in the capacity of magistrates and get any allowance when they are under training ?

Premier : When they work as magistrates they get an allowance. Sometimes they officiate and in such cases they get their pay.

Khan Sahib Chaudhri Muhammad Shafi Ali Khan : Is it a fact that they are vested with full powers when they are under training ?

Premier : When a tahsildar or Extra Assistant Commissioner is under training actual powers are vested in another officer.

Khan Sahib Chaudhri Muhammad Shafi Ali Khan : Are they allowed to remain in their home districts when powers are vested in them ?

Premier : When powers are vested in them they are not posted in their home districts.

ELECTORAL ROLLS FOR THE DISTRICT BOARD, ROHTAK.

***6726. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether the electoral rolls for the District Board, Rohtak, are under preparation ; if so, at what stage are they now ;

(b) when the next elections of the District Board are expected to take place ;

(c) the period for which these electoral rolls will remain in force ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The rolls were prepared in connection with the elections which were due in June, 1940. But the elections were postponed.

(b) June, 1941.

(c) Electoral rolls which are finally published remain in force until fresh rolls are prepared and republished for the purposes of the next general elections.

Pandit Shri Ram Sharma : As the Parliamentary Secretary has not replied to the last portion of part (a) of the original question, may I ask him at what stage are the electoral rolls now ?

Parliamentary Secretary : The electoral rolls have been completed.

Pandit Shri Ram Sharma : May I know if the time to raise objections has expired ?

Parliamentary Secretary : Yes, that time has expired and the electoral rolls being completed have been published.

ANNUAL GRANT-IN-AID FOR PRIMARY DEPARTMENT OF PUBLIC HINDU HIGH SCHOOL, RUPAR.

***6727. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Education be pleased to state—

(a) whether the Public Hindu High School, Rupar, is getting any grant-in-aid annually for its primary department ; if so, the amount of the grant ;

(b) whether any building grant was given to this school ; if so, its amount ?

The Honourable Mian Abdul Haye : (a) Yes ; it received a grant of Rs. 848 for the year 1939-40.

(b) Yes ; Rs. 27,500.

BUILDING GRANT FOR PUBLIC HINDU HIGH SCHOOL, RUPAR.

***6728. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Public Hindu High School, Rupar, was given a grant of Rs. 27,500 in 1928—1930 as building grant ;
- (b) whether it is a fact that under the rules the school committee was bound to satisfy the department that they were in a position to contribute one-half of the cost of the building ;
- (c) whether it is a fact that the school committee showed fixed deposit receipts and some amount in current account with the Punjab Co-operative Bank, Ltd., Rupar ;
- (d) if the reply to (c) above be in the affirmative, whether he will be pleased to lay on the table of the House full particulars of it ;
- (e) the amount shown in the application by the school committee for building grant as fund of the school with full particulars of fixed deposit receipts regarding the amount, date of deposit, date of withdrawal and the current deposit amount ;
- (f) the amounts of building grant paid or advanced from time to time, with dates by the department to this school ?

The Honourable Mian Abdul Haye : The honourable member is referred to my reply to question No. 6529¹ (starred).

STOPPING OF RECRUITMENT TO PUBLIC WORKS DEPARTMENT OF
CANDIDATES BELONGING TO A CERTAIN COMMUNITY.

***6729. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that recruitment to the Public Works Department, Buildings and Roads Branch, of qualified Engineers belonging to a certain community has been stopped ; if so, since when and the reasons for doing so ;
- (b) whether it is also a fact that the vacancies of Engineers in the said Department are being filled by subordinates in excess of the number permissible under the rules ; if so, why ;
- (c) whether there is any other department under the Honourable Minister to which qualified candidates from a particular community are not to be recruited for some time in future, and, if so, the reasons therefor ?

¹ Vide debates of 7th November, 1940.

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

(b) The number of Sub-Divisions to be held by Subordinates has been fixed at 12 but at present 14 Sub-Divisional charges are held by Subordinates (two in excess of the number fixed for them) on account of two Engineer Officers (P.S.E. old) being absent on leave.

(c) Not that I know of.

DESTRUCTION OF RABI CROPS IN THIRTY VILLAGES IN SHEIKHUPURA DISTRICT.

***6745. Tikka Jagjit Singh Bedi :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that a total destruction of the rabi crop was caused by the hailstorm in about thirty villages in the Sheikhupura district on the evening of 14th March, 1940 ;

(b) if so, the special facilities the Government proposes to give to the affected people ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The attention of the honourable member is invited to the reply to Assembly Question No. *6550¹.

SUPPLY OF WATER IN WESTERN JUMNA CANAL TO AFFORD PROTECTION TO AGRICULTURISTS IN HISSAR.

***6746. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

(a) the measures taken during the last ten years by Government to afford protection to the agriculturists of Hissar district against famine by ensuring full supply of water in the Western Jumna Canal during sowing and maturing periods of crops ;

(b) whether any efforts in that direction were made during the years of recent famine ;

(c) whether any help in this direction was asked for or given by the ruler of the adjoining state or the United Provinces Government to afford relief to the famine-stricken areas after the famine broke out ; and if no such help was asked for, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Ever since 1932 the capacity of the Western Jumna Canal has had the special attention of the irrigation officers. Since 1936 banks of the Canal, Branches and Distributaries have been strengthened and measures taken to ensure even more than full supply being run in the channels without risk. There has been no famine in the Canal irrigated tract.

(b) During 1989 a scheme has been estimated for carrying flood season supply into about 8½ lakhs of arid area of the Hissar District and is under examination.

(c) Water was taken to barani tanks as far as it could be led in water-courses. Even if more water was available it could not have been taken any further into the famine areas. The United Provinces Government and the Patiala State were suffering from a shortage of Canal water and could not be asked to relinquish any part of their shares of the river supplies.

As it was feasible on the Sirhind Canal, help was asked from the Patiala State for taking water from the tails of the State channels to the barani ponds of the Sirsa tahsil.

DISTRIBUTION OF WATER BETWEEN LOWER CHENAB CANAL AND
UPPER CHENAB CANAL.

*6747. **Mian Muhammad Nurullah:** Will the Honourable Minister of Revenue be pleased to state—

(a) the principles on which the water of the Chenab is distributed between the Lower Chenab Canal and the Upper Chenab Canal ;

(b) the quantity of the authorised full supply and the actual supply given in the Lower Chenab Canal for three months of January, February and March, (i) for three years before the opening of the Upper Chenab Canal ; (ii) for the last three years i.e., 1988, 1989, 1990 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) The water of the Chenab River is not distributed between the Lower Chenab and Upper Chenab Canals. The Chenab River also supplies water to the Lower Bari Doab canal and receives water from the Jhelum River. The question of distribution is very complicated and technical.

(b) A statement is laid on the table.

Lower Chenab Canal.

Name of month.	AUTHORISED FULL SUPPLY.						ACTUAL SUPPLY.					
	Three years before the opening of the Upper Chenab Canal.			Last 3 years.			Three years before the opening of the Upper Chenab Canal.			Last 3 years.		
	1910.	1911.	1912.	1938.	1939.	1940.	1910.	1911.	1912.	1938.	1939.	1940.
	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.
January	10,001	10,001	10,001	9,956	9,956	9,956	7,328	6,971	6,127	6,666	5,079	6,063
February	10,001	10,001	10,001	9,956	9,956	9,956	7,252	9,126	7,154	6,751	5,714	6,888
March	10,001	10,001	10,001	9,956	9,956	9,956	8,509	8,055	7,621	9,471	7,994	7,257

1938, 1939, 1940 are years of abnormally low river supply.

1938, 1939, 1940 are years of abnormally low river supply.

Mr. Dev Raj Sethi : Has any representation been received so far from any quarters ?

Minister : I am not aware of that.

CLOSING DOWN OF CERTAIN GOVERNMENT HIGH SCHOOLS AND COLLEGES.

***6756. Lala Duni Chand :** Will the Honourable Minister for Education be pleased to state—

- (a) whether by this time he has decided which schools are to be closed down as a measure of economy ; and if so, their names ;
- (b) the broad considerations which will be kept in view at the time of closing down Government High Schools ;
- (c) whether the Government intend to give an opportunity to the localities concerned to send representations against the proposal of closing down schools ;
- (d) whether the Government is aware of the existence of a strong feeling of dissatisfaction on the part of the public of the Punjab against the proposed closing down of certain Government High Schools and Colleges ; and if so, how the Government intend to satisfy the public ?

The Honourable Mian Abdul Haye : (a) No.

(b) The Retrenchment and Resources Committee has recommended the following schools for closure :—

- (i) A Government school situated in a locality where other good private schools are functioning ;
- (ii) A Government school in which the number of pupils is less than 200.
- (c) Any representations received will be duly considered.
- (d) Yes. Due consideration will be given to this.

***6777. Cancelled.**

BURNING OF SIKH HOLY BOOKS IN ALA, DISTRICT GUJRAT.

***6778. Sardar Partap Singh :** Will the Honourable Premier be pleased to state—

- (a) when the incident of burning two holy books of the Sikhs and burning of the Gurdwara building occurred in village Ala, district Gujrat ;

[S. Partap Singh.]

(b) how many miscreants have been arrested so far in this connection ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) On the 21st March, 1940.

(b) None.

EMPLOYMENT OF GRADUATES OF UNIVERSITIES OUTSIDE THE PUNJAB.

***6779. Rai Sahib Lala Sohan Lal :** Will the Honourable Minister for Development be pleased to state—

(a) whether he is aware that the Superintendent of Industries and the Additional Inspector of Factories, Lahore Circle, has recently issued a circular letter to the various commercial houses in the Punjab inquiring from them whether they can employ on wages the graduates of a particular University which is not in the Punjab ;

(b) if the answer to (a) above be in the affirmative, the special reasons or considerations which have actuated the officer mentioned in (a) to issue that letter not on behalf of the graduates of the Punjab University but of another University and also the authority under which that letter has been issued ?

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

(b) No special reasons or considerations actuated the Superintendent of Industries and the Additional Inspector of Factories, Lahore Circle, in issuing the circular letter. The inquiry was intended to be only a formal one and was made on behalf of the Executive Council of the Aligarh Muslim University who had requested the Director of Industries, Punjab, to furnish information with regard to industrial and commercial bodies which were likely to take students of that University for practical training and possibly for employment.

Diwan Chaman Lall : Was Government money utilized ?

Minister : I beg your pardon.

Diwan Chaman Lall : Were provincial funds utilized for this purpose ?

Minister : No funds were employed for this purpose. Of course officers who are paid by Government made certain enquiries and must have spent a few hours of their time. And if the honourable member means by his question that some money must have been thus spent on the pay of these officers for the work, that is true.

ADJOURNMENT MOTION.

DEMONSTRATIONS AND PARADES OF KHAKSARS IN LAHORE.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban) :
I beg to ask for leave to make a motion for the adjournment of the business.

DEMONSTRATIONS AND PARADES OF KHAKSARS IN LAHORE.

of the House to discuss a definite matter of urgent public importance, namely, the failure of the Lahore police to arrest the Khaksars who have been holding demonstrations and parades in uniform within the precincts of certain mosques in Lahore.

Mr. Speaker : When did this happen ?

Lala Deshbandhu Gupta : During the last six or seven days. That is very recent.

Mr. Speaker : The motion is silent. The next thing which I wish to ask is : which mosque ?

Lala Deshbandhu Gupta : A number of mosques.

Mr. Speaker : Can you name them ?

Lala Deshbandhu Gupta : Golden mosque, Tajbazan mosque, Niwin mosque, Unchi mosque, etc.

Mr. Speaker : Have they been holding these demonstrations in the mosques or in the precincts of the mosques ?

Lala Deshbandhu Gupta : In the precincts of the mosques.

Let me bring to your notice the statement made in the *Tribune* which is as follows :—

At 12 last night they (city police) had to come out twice on receipt of information that the Khaksars were coming out from the Golden Mosque and Niwin Mosque inside Delhi gate. Armed police reached the scene, but the Khaksars did not come out. They continued to parade inside the mosques keeping the police in suspense outside.

Mr. Speaker : The next question is, what evidence is there to support the allegations made in the *Tribune* ?

Lala Deshbandhu Gupta : Not only the *Tribune* but other papers of the province, both Hindu and Muslim, have also made such statements.

Mr. Speaker : That is all ?

Lala Deshbandhu Gupta : I have no personal knowledge but I can say that almost daily such news are appearing in Muslim as well as Hindu papers which, I presume, is within the knowledge of the Government.

Khan Sahib Khawaja Ghulam Samad : Sir, I rise to lodge my strong protest against moving such adjournment motions. They are a disgrace to mosques as well as to Islam.

Mr. Speaker : Has Government any information on the point ?

Premier : I have received no information that they have been holding parades inside the mosques except what my honourable friend has read out from the newspaper.

Mr. Speaker : I hold the motion to be out of order.

Diwan Chaman Lall : Why should it be ruled out of order ? My honourable friend has failed to supply any information. He has only referred to parade. He has not referred to demonstration. (*Interruptions*).

Mr. Speaker : May I know under what law or rule the honourable member has got up and begun to speak ?

Diwan Chaman Lall : The only law is that you have not explained as to why and how this motion is out of order.

Mr. Speaker : I have given reasons. I put three questions to the honourable member and his answers to all of them were unsatisfactory. He is relying upon statements given in newspapers. They are not to be relied upon.

Diwan Chaman Lall : The motion is out of order merely because you are not convinced with the evidence given by my honourable friend and that it is not satisfactory.

Mr. Speaker : I hold the motion to be out of order.

Diwan Chaman Lall : But there are definite rules.

Mr. Speaker : Will he please read them ?

Diwan Chaman Lall : The rule is that the matter must be definite, urgent and of public importance.

Mr. Speaker : I have held the motion to be out of order, as it is not based on any corroborated evidence or information.

Diwan Chaman Lall : But where is the rule or law to that effect ?

Mr. Speaker : Will the honourable member please refer to *Campion*, page 133 ? There a definite matter is defined as follows :—

It must not deal with a hypothetical case or be based on uncorroborated report.

Diwan Chaman Lall : But where is the uncorroborated report when my honourable friend himself gives you the evidence ?

Mr. Speaker : Order, order. The honourable member has plainly and expressly told the House that the information on which his motion is based is given in and taken from newspapers.

Dr. Gopi Chand Bhargava : May I know whether the Honourable Premier has denied it ?

Mr. Speaker : There is no question of his denial. The burden of proof is on the mover of the motion. I have asked the Premier and he says that he has not received any such information.

Dr. Gopi Chand Bhargava : But he does not say so.

Diwan Chaman Lall : That is the point. (*Interruptions*).

Mr. Speaker : I hold the motion to be out of order.

Munshi Hari Lal : On a point of order.

Mr. Speaker : Not in connection with this motion but on any other matter. I have finished that motion so far as I am concerned.

Lala Deshbandhu Gupta : I submit that it is in order.

DEMONSTRATIONS AND PARADES OF KHAKSARS IN LAHORE.

Mr. Speaker : Not in my opinion.

Lala Deshbandhu Gupta : A member has a right to make a submission (*Interruptions*).

Mr. Speaker : No, he has no right. I put three questions to the honourable member and received their answers.

Lala Deshbandhu Gupta : Do you mean to say—

Mr. Speaker : I mean nothing. No discussion please.

Munshi Hari Lal : On a point of order. I want to know one thing. My submission is this.

Mr. Speaker : Order, order. I am not going to allow any speech on, or any criticism of, my ruling.

Munshi Hari Lal : I will not make any speech. I want you to clarify your own ruling.

Mr. Speaker : I will make it clear when necessary.

Munshi Hari Lal : I want to ask a definite question from you.

Mr. Speaker : Which I may not answer.

Munshi Hari Lal : You do not want to answer a question ?

Mr. Speaker : That will depend on the nature and substance of the question.

Munshi Hari Lal : My submission is wherefrom are we to know whether a case is corroborated or uncorroborated. The rules say ?

A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

Of course, so far as your consent is concerned that is there. Then further on the rule says :—

A member asking for leave must, not less than half an hour before the commencement of the sitting of the day, hand to the Speaker a written statement of the matter proposed to be discussed.

Mr. Speaker : I know these rules. What is the point of order ?

Munshi Hari Lal : I am reading out the rules which relate to adjournment motions and my point of order is that in these rules there is not the slightest mention of any corroboration.

Mr. Speaker : I have read out the Parliamentary practice which we have been following in the past.

Munshi Hari Lal : My point of order then is, where our rules are definite, are we to follow the rules of Parliament ?

Mr. Speaker : There are three things, the matter must be definite, it must be urgent and it must be of public importance. As to the matter being definite, it is said on page 138 of *Campion* :—

It must not deal with a hypothetical case or be based on uncorroborated report.

The honourable member's motion is based on uncorroborated report and therefore, I have held it to be out of order.

Lala Deshbandhu Gupta : My request to you was only this much.

Mr. Speaker : I do not want to hear any more. I have given my ruling twice.

Dr. Gopi Chand Bhargava : But who is to corroborate ?

Mr. Speaker : The honourable member should know this.

Dr. Gopi Chand Bhargava : I understand very well that this question has been raised in this House many times and I know that even on the very first day—(Interruptions).

Mr. Speaker : I regret to say that I cannot allow the motion.

Lala Deshbandhu Gupta : May I bring to your notice—

Mr. Speaker : I do not wish to hear any more on this point.

Lala Deshbandhu Gupta : Before sending the adjournment motion I also put a short-notice question on this subject to the Honourable Premier.

Mr. Speaker : That is a matter between the Premier and the honourable member. I have decided the matter on the information given by him.

Lala Deshbandhu Gupta : Do you mean that members should bring evidence with them ?

Mr. Speaker : I would not hear any more.

Lala Deshbandhu Gupta : I request you to explain the position so that—

Mr. Speaker : I do not want to explain it any further.

Lala Deshbandhu Gupta : Do you want us to remain in the dark ? (Interruptions).

Mr. Speaker : Now, Master Kabul Singh may move his next motion.

Diwan Chaman Lall (Addressing to Master Kabul Singh) : Do not move any adjournment motion.

Sayed Mohy-ud-Din Lal Badshah : On a point of order. If Lala Deshbandhu Gupta wants to say anything further, let him do so, so that he may have full satisfaction that he has had his full say in the matter.

PROGRAMME OF BUSINESS.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, for the information of the House I may state that we have decided in consultation with the Leader of the Opposition that the two items standing on the agenda for to-day will be finished by to-morrow, even if we have to sit beyond usual hours. I also understand that a party is going to be given to my honourable friend, the Leader of the Opposition to-morrow. I think that if we have to sit beyond the usual hours, we will have a break for a short while to attend that party and then resume the business after that so as to finish those items on the agenda.

Diwan Chaman Lall : What are those two items ?

Premier : The Code of Criminal Procedure (Punjab Amendment) Bill and the Punjab Trade Employees Bill. After that it will depend on whether it will be possible to finish the other item, which is not included in the agenda for to-day, that is, the Primary Education Bill. If my honourable friends can see their way to help us in getting it through in two days, I might possibly then request the House to sit for two more days and finish that item also. But if they find that it would not be possible for them to finish that item in two days, then we will make arrangements accordingly. I will inform the House to-morrow, what further business, if any, we will take and whether we shall continue to sit beyond to-morrow, or not.

CODE OF CRIMINAL PROCEDURE (PUNJAB AMENDMENT) BILL.

Mr. Speaker : The House will now proceed to discuss the Code of Criminal Procedure (Punjab Amendment) Bill as reported by the select committee, clause by clause.

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I feel that the debate on this Bill to some extent has been lacking in the sense of reality. The real point that should be discussed is whether section 27 of the Indian Evidence Act should remain on the statute book in a modified form or it should go altogether. Really this is the point that should be taken into consideration. It is only from that point of view that I move my amendment which runs as follows :—

That at the end, the following words be added :—

“If the fact referred to in that section is of material and incriminating nature. ”

And whatever I shall say will be confined to this aspect of the question. Sir, section 27 of the Indian Evidence Act has been on the statute book for the last 68 years. This Indian Evidence Act was passed in the year 1872. I know that the working of section 27 of the Indian Evidence Act has been the subject matter of criticism by different High Courts, but at the same time the hard fact remains that no attempt has been made by any Government before this time to remove this section from the statute book. Sir, even when the Criminal Procedure Amendment Act was passed in 1928, even after that nobody ever thought of deleting section 27 from the Indian Evidence Act. Section 27 has been working in two ways. It has been in certain cases working properly, but in other cases it has not been working properly. If section 27 is altogether taken away from the statute book, I submit that a serious state of things will arise. All that I want is that the sting that there is in section 27 of the Indian Evidence Act should be taken away

[L. Duni Chand.]

from it, and my amendment is aimed at achieving that object. What I want to say is this that every fact mentioned in section 27 of the Indian Evidence Act should not be taken as an incriminating evidence. The qualification that I want to attach to section 27 is that if the fact deposed to is the result of the information given by an accused person while in custody, if that fact is of material and incriminating nature, in that case the information given by the accused, even while he is in police custody should be admissible in evidence. Sir, I know that in certain rulings the two aspects of section 27 have been dealt with and have also been commented upon in certain cases very adversely. Section 27 is applied in a large number of cases. I gave some of those instances. For instance, a man has committed a murder. He has concealed or buried the dead body. Well, he is arrested by the police and he gives this information to the police that he has murdered such and such man and that he has thrown the dead body in a certain well, or that he has buried the dead body in the sand. He gives that information and acting on that information the police takes him to the spot, where he had buried the dead body. As a result of the information given by the accused the dead body is recovered. I think that the information of that kind even given by an accused person, while in police custody, should be a sufficient guarantee of its truth. The police cannot kill a man and put the dead body there to involve the accused. It would be impossible for any police officer to murder somebody and put the dead body there, or put the dead body in the sand and then ask some person to go along with him and recover the dead body. Sir, I give another instance. A burglar has committed a burglary in the house of some one. He has taken away from that house jewellery worth ten or twelve thousand rupees. The accused concealed that jewellery in some place or buried it in the ground or concealed it in the sand and the police has reason to believe that this man has committed the burglary. He says : yes, I committed the burglary ; I have concealed the jewellery at such and such place. The police take him to that place and at his instance jewellery worth 10 thousand or 15 thousand is recovered. In a case like this it will be impossible for anybody to say that the police produced jewellery worth ten thousand and fastened it on any innocent person. Instances like that can be quoted in hundreds. There can be other cases also in which section 27 is used properly and there should be no grumbling about that, but there can be no other cases in which section 27 can be used improperly. I would like to give by way of example a few instances of improper use of section 27. I have seen in certain cases the police take the accused from place to place and get information that the accused drank water at a certain well or sat under a certain shady tree or sat in a certain *kotha*. The police get that information and take the accused from place to place and then through his information collect evidence to the effect that the accused at such and such place sat under a certain shady tree or drank water from a certain well. I say instances of this kind show that section 27 is abused. There is no doubt that section 27 is abused in many cases and many an innocent person has been convicted on account of the improper use and abuse of section 27. I want really that the legislature should draw a line of distinction between the two kinds of cases that I have placed before the House. The fact that the accused was

1 p.m.

found drinking water at a certain well or sitting under a shady tree, of course, is no evidence, yet the police from all these facts draw inference against the accused. Even in murder cases the accused have been challaned and in certain cases their conviction has been secured on the strength of evidence of that kind. I want that cases of this kind should not come within the scope of section 27 of the Evidence Act. If the fact deposed to is discovered as the result of the information given by the accused while in police custody and is of material and incriminating nature, in that case the information given by the accused should be treated as a piece of evidence. In other cases if the fact discovered is neither material nor incriminating, in those cases the information given by the accused should not be admissible. If section 27 remains as it is, then it will be liable to be abused. It is in order to prevent the abuse of section 27 that I had the courage of moving my amendment. My amendment will meet all the criticism that has been levelled against the operation of section 27 in different judicial pronouncements. Section 27, as it stands, brings within its scope lot of things that should not be really admissible. With this object in view I have moved my amendment. I venture to submit that I have had sufficient experience of criminal cases. I have also done in my professional capacity a large number of criminal cases including a large number of murder cases and I have experienced that difficulty. I have seen very proper use of section 27 made in certain cases, while very improper use of section 27 made in other cases. I am prepared to say that there is no other consideration underlying this Bill. I do not think there is anything else. There is the simple fact whether section 27 should remain on the statute book in its present form or in a modified form. I suggest a remedy to Government. If my amendment is accepted, of course all the difficulty that arises will disappear, and the adverse comments made in different rulings regarding the operation of section 27 will be met. With these words, I move my amendment and do hope that if the Honourable Minister in charge of the Bill gives due consideration to my amendment he will accept it and the object I have in view of this amendment is worthy of being accepted.

Mr. Speaker : The question is—

That at the end, the following words be added—

If the fact referred to in that section is of material and incriminating nature.

The motion was lost.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (*Urdu*) : Sir, the reason for my opposing clause 2 is that so far as an amendment of section 27 of the Evidence Act is concerned it would affect the procedure of the courts to such an extent that it would be difficult for them to conduct proceedings in a proper manner. But on the other hand, if section 27 is repealed it would not make any difference to the procedure.

I would like to make one or two submissions in this connection. In regard to the confession by an accused person a separate provision is already in existence under section 164, Criminal Procedure Code. The confessional statement is duly recorded before a magistrate who informs the accused

[Pt. Bhagat Ram Sharma.]

- person at the very outset that he is under no compulsion to say anything that he does not want to say but once he says something it will be produced as evidence against him. Such a provision of law exists and the present interpretation of section 27 does not prevent you from making it admissible as evidence before a court of law. If according to the confession certain articles are recovered a list of such articles can be produced in the court. Now the question whether such articles are recovered from the accused person or from some other source or have been so recovered on information supplied by him is a matter which needs evidence to substantiate it. Such proof is not needed under section 27 of the Evidence Act.

It has been given in the statement of objects and reasons that if the High Court ruling is followed the police work will be seriously impeded. I fail to understand why, when it has been universally accepted as a principle of law that no confession made before a police officer can be admissible as evidence in any criminal proceedings and when in the eyes of law it is not as reliable as when made before a magistrate, in so far as a provision has been made under section 164 to the effect that only a statement made before a magistrate can be permissible as evidence, why the Government want to give powers in the hands of the police. We are all aware that our police is not so honest in the investigation of cases as is the case in other countries. Why do not the Government get confessions recorded before the magistrates?

Mr. Speaker : It is all repetition.

Pandit Bhagat Ram Sharma : I am not repeating, Sir. I will finish in one minute.

It is a well known fact how the police make the accused persons confess before magistrates. Even in cases which are not cases in the eyes of the law, recoveries are shown to have been made. Those who come for recording first information reports are asked by the police to produce a certain article if they want to make a strong case.

I beg to submit that this ruling is a boon for those innocent persons who used to be implicated in criminal cases and it saves them from the hardships inflicted upon them by the police. I would therefore impress this fact upon the honourable members in this House that the section as it stands does not require any amendment. Moreover a provision already exists according to which articles recovered on the strength of a confession can be admissible as evidence if proper proof is given. With these words I oppose the clause now under consideration.

Mr. Speaker : Question is—

That clause 2 stand part 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.

Minister of Finance (The Honourable Mr. Manohar Lal) : I move—

That the Code of Criminal Procedure (Punjab Amendment) Bill be passed.

Mr. Speaker : Motion moved is—

That the Code of Criminal Procedure (Punjab Amendment) Bill be passed.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*) :
 Sir, I rise to oppose the Bill now under consideration. I think the additional powers that are being delegated to the police, by means of this measure, would play havoc with the rights and privileges of the accused persons. It is a pity that none on this side of the House has made any reference to the probable difficulties of the political workers in this connection. I have reasons to believe that the police, by means of the wide powers as contemplated in the Bill, would manage somehow or other to implicate innocent political workers. I am free to admit that in the year of grace 1940 conditions have to some extent improved here, but I would request you to recollect the state of affairs prevailing in the province about 5 or 6 years ago when the police often implicated several honest and straightforward political workers in crimes involving moral turpitude. Many of them were involved in abduction cases. Several of them were apprehended in connection with illicit distillation. The only reason for launching such a repressive campaign against those disinterested workers was this that they had never hesitated to lay charges of corruption against dishonest police officials. These workers were arrested and then thrown into jails where they used to rot for months together. It is a matter of common knowledge that these workers were often molested and belaboured by the police. But when later on the courts when trying the cases came to know of the fact that the accused were free from any moral wrong they thought it fit to acquit them. Now the measure that is undergoing the third reading stage would empower the police to induce the accused to make such confessions, under threats and promises, as may be conveniently used against them. I hope the House would bear me out that at the time when certain conspiracies of political nature were unearthed by the police, it made no scruple to victimise and molest even hundreds of innocent people by inducing them to make suitable confessions from the police standpoint. Even nowadays political workers when arrested are most inhumanly treated in the Lahore Fort, although whenever we put questions in the House with regard to barbarous treatment meted out to them, the Government tries to evade the matter by replying that it is not aware of that. I, therefore, request the Government not to delegate such wide powers to the police which has always been responsible for doing such scandalous acts as an average man cannot but condemn. Let me assure my friends opposite that I would be the last man to condemn the whole police force. There may be some honest and upright persons in the department, but I am sorry to say that their number is so small that we cannot expect any improvement in the conditions by their presence. In order to show how the police generally implicates innocent people, I would like to read out certain figures from the statement given in reply to a question put in connection with the work done by the Special Police staff in the Amritsar district. The report says that in 1939 the Special Police staff handled as many as 452 cases under section 457, and 154 cases under section 379, Indian Penal Code. In other words the police registered 606 cases in all. But only 286 cases under section 457 and 96 cases under section 379, Indian Penal Code, could be proved. It means that out of 606 cases only 382 cases were successfully made out. Now the acquittal of as many a

[S. Sohan Singh Josh.]

274 persons clearly shows that they were callously and most light-heartedly involved in criminal cases by the police. Although these people had committed no offence, yet they were arrested and molested by the police. When high-handedness is carried on in the Amritsar district to such a large measure, you can easily imagine the state of affairs prevailing in other less important districts of the province.

Now, Sir, I need hardly say that by enacting this measure you are giving immense powers to the police to act arbitrarily in connection with criminal proceedings. I can assert without fear of contradiction that all those who have a soft corner in their hearts for innocent persons dare not support this most mischievous measure. With these words, Sir, I strongly oppose the Bill under consideration.

Munshi Hari Lal (South Western Towns, General, Urban) : I rise to oppose this motion. My submission is that there is no necessity whatsoever of passing this Bill. This Bill should not be thought of in a province where there is so much opposition to the separation of judicial and executive functions. On the other hand, we see that the trend of legislation is towards strengthening the executive. This Bill is another instance of that tendency. It was stated by one of the honourable members on the other side that this provision has been in existence in the Indian Evidence Act from 1872. He went further and said that this has been borrowed from the English Law of Evidence. If I remember aright, Taylor was quoted on this subject. But I submit that the law in England, if it is the same in India, is administered quite differently from how it is done here in India. This is quite evident that in England the powers and privileges of the courts are far superior to those of the executive. The executive is always subordinate to the judgment of the courts. Courts are the custodians and guardians of the liberty of individuals. While here such is not the condition. To argue that the rule has worked so well in England does not mean, specially in the light of our experience, that it will work or has worked equally well in this country, particularly in this province, where there is a tendency to usurp the rights of the court and to invest the executive with vast powers. Then, Sir, it was stated that this is as old as Queen Anne. But what is the present state of affairs? We see that the old civilization is now crumbling, we see that the old morals and manners are being dissolved, we see that the old barriers are being smashed, we see that the old forts are being demolished. Should old section 27 of the Evidence Act be resurrected? A new order is being evolved. A new order in the light of the situation of the present day is being brought into existence. Day in and day out we see the adverse criticism of the High Court of Judicature of Lahore and other High Courts. We also feel that the authorities are so much averse to it. I quoted the other day the opinion of Justice Rankin, the Chief Justice, Calcutta High Court. I also cited the opinion of other judges which show that they are against it. There is absolutely no reservation in this condemnation. They are unanimous in their opinion that section 27 is an archaism in the province of law and requires to be redrafted and remodelled. The question arises, when section 162 was passed by the legislature, was the Indian Evidence Act before the mind of the Central Legislature? Did not the Central Legislature consider that they were enacting a law, and they were

drafting section 162 in such a manner as to repeal *pro tanto* section 27 of the Indian Evidence Act? There are, Sir, abundant indications of this in section 162 which suggest that the Indian Evidence Act was before the mind of the legislature at the time of amending section 162. In section 162 there is a reference to section 32. Subsection (2) says clearly that it will not affect the provisions of section 32 of the Indian Evidence Act. There is a reference to section 145, that is, certain parts of the statement of a witness can be proved in the manner laid down in section 145. There is an indirect reference to section 157 inasmuch as its use is prohibited. Now, if the Central Legislature had any idea of making section 162 in such a way as to save section 27, surely they would have inserted section 27 also in it. But the omission of section 27 means that so far as the accused is concerned, no statement whatsoever made by the accused while in police custody whether it leads to a discovery or not would be proved. That was a later expression of the will of the legislature and the later expression must override a previous expression.

Mr. Speaker : The honourable member is supporting the Full Bench ruling of the High Court.

Munshi Hari Lal : I am not at all referring to the judgment delivered by the High Court. I am referring to the legislature.

Mr. Speaker : Though the honourable member is not using the word judgment, he is in fact supporting the judgment.

Munshi Hari Lal : I am criticising this Bill. This Bill seeks to add only one line and I am opposed to this. The judgment does not require any support from me. I am trying to show that section 27 of the Evidence Act was not saved by the Indian Legislature when they amended section 162 of the Criminal Procedure Code.

Mr. Speaker : That is admitted. It is on this assumption that the Bill has been moved.

Munshi Hari Lal : I am giving reasons why it was so. It was not a mere omission. I am giving reasons for opposing the Bill. I am strengthening my arguments by stating that at the time when section 162 was enacted the legislature did think of section 27 and they did not want it to be saved. This is my argument.

Mr. Speaker : That argument is irrelevant.

Munshi Hari Lal : The Criminal Procedure Code is an all-India Act. It should not have been amended here in this province. It should have been left to the Central Legislature to amend it.

Mr. Speaker : The honourable member is repeating the objection already raised and overruled.

Premier : Why does not the honourable member give a written speech so that it can be published in the press and put in the official report?

Munshi Hari Lal : When making the rules, you made a mistake in not allowing written speeches. If you now amend the rules, I will be the first to support you.

[Munshi Hari Lal.]

This is a most important Bill, because it touches the liberty of the subjects and that is why this Bill is being opposed. With these words I resume my seat.

Mr. Speaker : The honourable member is in fact arguing that the Full Bench ruling of the Lahore High Court is correct.

Premier (The Honourable Major Sir Sikander-Hyat Khan) (Urdu) : Sir, I have listened attentively to the speech of my honourable friend, Munshi Hari Lal, who has said nothing new in his speech but has only repeated the arguments which he advanced on three different occasions before. I think he would have done better, and saved the time of the House, if he had read out his previous speech. Whether he repeated these arguments with a set purpose, feigning ignorance of the fact that they had been advanced before, or whether he was labouring under a serious misunderstanding at the time, I cannot say, but, as I have said before, his speech again covered exactly the same ground.

Dr. Sir Gokul Chand Narang : What is feigning ignorance ?

Premier : Speaking with your tongue in your cheek.

Dr. Sir Gokul Chand Narang : We never saw it.

Premier : It is seen by others. Only those people who speak like that know that they speak with their tongues in their cheeks. I was going to explain in brief the object of this Bill before I was interrupted, and the object as has already been explained by the Finance Minister, is quite simple. This Bill is intended to make an amendment in section 27 of the Evidence Act to make admissible again a particular kind of evidence, which was admissible before the Privy Council gave a certain ruling. Three High Courts in India have held that the ruling of the Privy Council referred to above does not affect section 27 in any manner. This means that in the provinces of these High Courts section 27 of the Evidence Act has the same meaning and applicability as it had before that ruling was given, and therefore the necessity of making any amendment does not arise in those provinces. But in the Punjab a different view has been expressed by the Lahore High Court in a ruling recently given by a full Bench of that court. According to that ruling section 27 of the Evidence Act stands repealed by section 162 of the Criminal Procedure Code and hence a particular kind of evidence, admissible before, will become inadmissible in future. It was, therefore, thought advisable that the position so upset by the ruling of the Lahore High Court should be restored and that certain evidence relating to discoveries should be made admissible as before, under section 27 of the Evidence Act. In other words the only object of this Bill is to bring about a uniformity in the effect of the provisions of the Indian Evidence Act all over India. Now I will proceed to show how far it is impracticable to give effect to the suggestion made by the opposition. Supposing, as urged by them, this Bill is not passed; it is easy to see that we will have to depute one magistrate to testify to the recovery of articles in each criminal case and, as is very well known to my friends over there, the standard of morality in our province is not very high, and there is a very large number, reaching thousands, of burglaries committed here, so it will become necessary to employ thousands of magistrates to cope with the increased amount of work. And it is also quite easy

to see that we have not the wherewithal to employ so many magistrates. (*An honourable member*: Honorary magistrates are there.) I know that honorary magistrates are there, but I also know that honourable members opposite have no love for them and I am sure that if we employ them to discharge this duty many of my friends opposite would become even more angry and restive. I may also assure the Opposition that no new powers are being given to the police. I believe, after the assurance I have given to the honourable members sitting opposite that they will not hesitate to co-operate with me and allow the Bill to be passed as soon as possible. Let me once again point out that by this amendment we are only restoring the *status quo*, and that the part of section 27 of the Evidence Act which we want to restore lays down that a particular kind of evidence is admissible, but not that it is binding upon the courts before which such evidence may be put to accept it *in toto*. That court has full and unfettered discretion to accept or to reject that evidence. The matter is a simple one and I am surprised to find that some persons who are well educated have not understood this Bill. Even some newspapers have misunderstood it, and thought that Government are going to give new powers to the police. It is absolutely incorrect. The amendment as a matter of fact means nothing more and nothing less than giving back the power which the police previously possessed, and even now possess, all over India. If we act as my friend Munshi Hari Lal advises us, then God save us from our friends. As a matter of fact his suggestions are untenable. What he wants is that the evidence produced in the courts should be considered as irrefutable and that punishment should be inflicted upon the accused on the basis of that evidence. But I say that the courts can reject evidence if they find that it is not correct.

Munshi Hari Lal: If you have studied the law you have studied the law in vain.

Premier: I do admit that I am a layman. But I may assure my honourable friend over there that he has taught me what is permissive and what is obligatory. However I must confess that I have no liking for sophistry. I might learn to do so if I have to enjoy my friend's association any further.

Next comes the Bar Conference held at Amritsar. My friends sitting over there have also asked why this Bill is being rushed through with so much hurry and why we have not consulted the Bar Conference regarding this matter. I would say that this amendment consists of a few words. But it is a matter of gratification that the Bar Conference did not make any suggestion that the Government should drop this Bill. As my honourable friend opposite was present there, he will bear me out that this is a fact. The Bar Conference fully realised that it could not afford to make itself a laughing stock by offering opposition to this Bill on flimsy grounds. The persons at the helm of affairs of the Conference could not act like my honourable friend Munshi Hari Lal or other honourable members of the House, who try to throw dust into the eyes of the public by indulging in tall talk. However, what I want to emphasise is that even the Bar Conference did not oppose this measure. I have no mind to make a lengthy speech in regard to this matter as I have made the object of the Bill abundantly clear. But an objection was raised by the Opposition that we did not consult the Hig-

[Premier.]

Court on a matter of such vital importance. I fail to understand how my honourable friends over there arrived at this conclusion. I may tell them that we did hold consultations with the High Court authorities regarding this legal matter. I have great pleasure in conveying this information to the honourable members that the Honourable Judges had no objection to section 162, Criminal Procedure Code, being amended. As a matter of fact they unanimously supported this measure.

Mr. Speaker : The question is—

That the Code of Criminal Procedure (Punjab Amendment) Bill be passed.

The Assembly divided : Ayes 56 ; Noes 27.

AYES.

- | | |
|----------------------------------|--------------------------------------|
| Abdul Hamid Khan, Sufi. | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Abdul Haye, The Honourable Mian. | Muhammad Hassan Khan Gurchani, |
| Abdul Rab, Mian. | Khan Bahadur Sardar. |
| Abdul Rahim, Chaudhri (Gurgaon). | Muhammad Hussain, Chaudhri. |
| Ahmad Yar Khan, Chaudhri. | Muhammad Saadat Ali Khan, Khan |
| Ali Akbar, Chaudhri. | Bahadur Khan. |
| Badar Mohy-ud-din Qadri, Khan | Muhammad Sarfraz Khan, Chau- |
| Sahib Sayed. | dhri. |
| Bhagwant Singh, Rai. | Muhammad Sarfraz Khan, Raja. |
| Chhotu Ram, The Honourable | Muhammad Yusuf Khan, Khan. |
| Chaudhri Sir. | Muzaffar Ali Khan Qizilbash, Sar- |
| Dasaundha Singh, Sardar. | dar. |
| Faiz Muhammad Khan, Rai. | Nasir-ud-Din, Chaudhri. |
| Faiz Muhammad, Shaikh. | Nasrullah Khan, Rana. |
| Faqir Hussain Khan, Chaudhri. | Nawazish Ali Shah, Sayed. |
| Fateh Khan, Khan Sahib Raja. | Pir Muhammad, Khan Sahib Chau- |
| Fateh Muhammad, Mian. | dhri. |
| Fazl Ali, Khan Bahadur Nawab | Pohop Singh, Rao. |
| Chaudhri. | Prem Singh, Chaudhri. |
| Fazal Din, Khan Sahib Chaudhri. | Ranpat Singh, Chaudhri. |
| Few, Mr. E. | Ripudaman Singh, Rai Sahib Tha- |
| Ghazanfar Ali Khan, Raja. | kur. |
| Ghulam Mohy-ud-Din, Khan Baha- | Sadiq Hassan, Shaikh. |
| dur Maulvi. | Sahib Dad Khan, Khan Sahib |
| Gopal Singh (American), Sardar. | Chaudhri. |
| Gurbachan Singh, Sardar Bahadur | Shahadat Khan, Khan Sahib Rai. |
| Sardar. | Shah Nawaz, Mrs. J. A. |
| Hans Raj, Bhagat. | Shah Nawaz Khan, Nawab Sir. |
| Hari Chand, Rai Sahib Rai. | Sikander Hyat-Khan, The Honour- |
| Het Ram, Rai Sahib Chaudhri. | able Major Sir. |
| Indar Singh, Sardar. | Sundar Singh Majithia, The Honour- |
| Khizar Hayat Khan Tiwana, The | able Dr. Sir. |
| Honourable Major Nawabzada | Suraj Mal, Chaudhri. |
| Malik. | Tikka Ram, Chaudhri. |
| Kishan Das, Seth. | Ujjal Singh, Sardar Bahadur |
| Manohar Lal, The Honourable Mr. | Sardar. |
| Muhammad Akram Khan, Khan | |
| Bahadur Raja. | |

NOES.

Ajit Singh, Sardar.
 Barkat Ali, Malik.
 Chaman Lal, Diwan.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Muhammad Hasan, Chaudhri.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sant Ram Seth, Dr.
 Shanno Devi, Shrimati.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

TRADE EMPLOYEES BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I beg to move—

That the Punjab Trade Employees Bill as reported on by the select committee, be taken into consideration.

I should also like to make a few brief observations on the changes that were made by the select committee. The select committee added three definitions. One of "apprentice", the other of "family" and the third of "factory." The original Bill did not contain the definition of any of these three terms and it was found necessary to define all these terms. Clauses 3, 8, 9 and 10 were omitted by the select committee. Clause 3 provided for closing hours; clause 8 provided for compulsory closure on Sundays; clause 9 provided for compulsory payment of wages on holidays and clause 10 provided for compulsory closure on public holidays. All these 4 clauses, that is, clauses 3, 8, 9 and 10 were omitted by the select committee and in their place one comprehensive clause, that is clause 6, was substituted.

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

In clause 6 the select committee provided in all 52 holidays in a year, four at least of which must be given every month. After having provided for 52 compulsory holidays in a year and four compulsory holidays in a month the select committee felt satisfied. What they intended was to provide compulsorily for 52 holidays in a year and four holidays in a month. Having secured this they left it to the employers themselves to make arrangements for running their shops or commercial establishments in any manner they liked. All that was needed according to the select committee was that the employee should get the minimum number of holidays in a month and the minimum number of holidays in a year. There was no intention on the part of the Government or on the part of the select committee that business should be hampered. Therefore they decided that clause 3 should

[Minister for Development.]

be omitted and should be replaced by clause 6. Later on after the report of the select committee had been published there was a good deal of dissatisfaction expressed by various people in the press. Leading members of the Congress Party also suggested that the Bill instead of having been improved during the select committee stage had actually deteriorated and they suggested that the original provisions of the Bill should be restored. Personally I was not at all opposed to this being done. As a matter of fact the original Bill contained clauses to this effect. It was the select committee which omitted them. But if we decide to restore the original provisions of the Bill, then a very large portion of the Bill, as reported on by the select committee, will have to be recast. In view of the keenness of the Congress Party and of the employees, in fact even of a large proportion of employers, I have agreed that the original provisions of the Bill should be restored, at least in their spirit, if not in the language, which had been used in the original Bill. In fact I have decided to adopt practically all the amendments, to which the Congress Party attach weight, and have asked one of the members of the Ministerial Party, my own Parliamentary Secretary to give notice of suitable amendments. May I hope that after this announcement, the honourable members of the Opposition will not move their own amendments because I have adopted most of them in substance.

I may also draw the attention of the honourable members of the House to another change. The select committee changed the maximum number of hours of employment. The original Bill provided for a maximum of 61 working hours for a week and a maximum of 11 hours in any one day. The select committee has suggested that these maximum hours should be replaced by 54 hours in any one week and 10 hours on any one day of the week.

Another amendment which was made in the select committee provides that just as employers are under an obligation to serve a notice upon the employee whom they want to discharge, the employees should also be under an obligation to serve the employer with a notice, when they want to leave service; they must either give one month's notice or forfeit one month's pay.

With these words I commend my motion for the favourable consideration of the House.

Mr. Deputy Speaker : Motion moved—

That the Punjab Trade Employees Bill as reported on by the select committee be taken into consideration.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General Urban): Sir, I would like to say a few words only in order to save the time of the House. At the outset I would say that this measure has the general support of the Opposition Party. There are a number of amendments which stand in the names of the members of the Opposition and some of these are of very considerable importance. Mr. Deputy Speaker, the spirit of these amendments was discussed with the Honourable Minister for Development and at that time he was not inclined to accept these amendments. The question was discussed thread-bare in the select committee and the honourable members of the Opposition have expressed their views in the minute of dissent appended to the report of the select committee.

TRADE EMPLOYEES BILL.

The Honourable Minister for Development has said that we should not move our amendments because he has incorporated some of them, at least, the spirit of our amendments, in his own amendments. I submit, Sir, some of the amendments we have given notice of are very substantial, and very comprehensive. Therefore, I would ask him that unless the amendments he has given notice of are comprehensive, he should not feel any hesitation in accepting our amendments. It does not matter that the authors of those amendments belong to the Opposition. There is no question of taking credit for it.

Now at this stage the Honourable Minister for Development has con-
descended to accept the spirit of the amendments.
2 p.m. There is no reason why he should not accept our amendments *in toto*. If he thinks that our amendments are defective, we are open to consider them. There is one very important amendment which he has not accepted and to which I would like to make a reference. There is no provision for provident fund which, in my opinion, is very important. We tried our best to convince him by giving arguments but somehow or other we unfortunately failed to convince him. Now it is for him to place this matter before the House so that they may realize the importance of this and try to incorporate that amendment in the Bill of which I have given notice regarding the establishment of a provident fund. The condition of the trade employees is deplorable and this Bill aims at the amelioration of those conditions. In my opinion most of the provisions of the Bill under discussion are very happy, encouraging and will go a long way to the amelioration of those conditions; but if this amendment relating to the establishment of provident fund is not accepted by the Honourable Minister for Development there would be a state of insecurity of which the poor trade employees are victims nowadays. These poor trade employees who are living from hand to mouth and who do not get even a living wage should have some security for them for their rainy days. Therefore we should see that at some time in their life when they stand in need of money either on account of poverty or disease or any emergency there is some provision made for them. If there is provision, as we have for many employees in Government service, in schools and colleges, if there can be provident fund for teachers and for Government employees, I fail to see why there should be no provision for provident fund for trade employees who are employed in the shops and commercial establishments as they are defined in the Trade Employees Bill. It is not only my demand; this is the universal demand of these trade employees who have written on this subject in the various newspapers, who have passed resolutions. I myself presided over the Punjab Provincial Shop Assistants Conference, Lahore. One of the resolutions passed in that conference was to urge on the Government the necessity for the introduction of a provision relating to a provident fund in the Trade Employees Bill. I had discussion with the other party to the question, namely, the merchants. I had discussions with the representatives of the Merchants' Association and while they objected to many clauses of this Bill they did not object to the establishment of a provident fund. You would perhaps say that it is almost impossible to provide for the provident fund so far as shops are concerned. You would say that the shopkeepers are poor and illiterate and it is not possible for them to keep relative records and establish

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a provident fund. I agree with you, if you advance this argument or if the Minister for Development advances this argument. Therefore, I would ask you to exempt shops from the provision relating to the establishment of provident fund. But there is no reason why commercial establishments should not be asked to establish or create provident fund when they can easily do so. Commercial establishments are shops on a large scale, with good staff, and literate staff and they have many clerks who can easily do this work. They have to keep well-audited accounts. There should be no obstacle in their way. I cannot possibly see any earthly objection which can be raised against the establishment of provident fund. It is a pity that the report of the select committee in spite of our efforts did not contain any provision relating to the establishment of provident fund.

Then there is one other matter to which I would like to make a reference and that is the definition of the word "apprentice" which occurs in the Bill. The definition of "apprentice" although carefully worded and after mutual consultation, leaves a very important loophole which I would urge upon the House to fill. That loophole relates to the age limit of the apprentice. May I ask whether the House wants that even a boy of 2, 3, 4 or 5 should also be taken as an apprentice in the shops and commercial establishments? I do not think this would be the intention of this House and I do not think this would be the intention of the Minister for Development. So I am irresistibly drawn to the conclusion that there is an imperative need for fixing the age limit. What that age limit should be there may be difference of opinion on that, but so far as the fixation of age limit is concerned I do not see there can be any difference of opinion on this subject. Why do I say that there should be age limit? If we do have any age limit like the one I have suggested it would mean that no person below the age of 11 or 12 years will be taken even as an apprentice. If we do not have this then the whole purpose of the Bill will be defeated. There is a provision in the Bill that no person below the age of 14 shall be employed in any shop or in any commercial establishment save as an apprentice. Now this provision in my opinion is likely to be abused because the employers will get regular employees below the age of 14 and will dub them as apprentices. They will take undue advantage of this provision. Therefore, when we have provided for the sake of apprentices we should also see that there is no abuse of this provision. Now I give another argument from another standpoint. There is consensus of opinion in the world particularly of those people who are authorities on the question relating to labour. There is a convention of the International Labour organization in Geneva. I do not know how far conditions exist in England which justify the application of this convention to this country. All these authorities have protested against child labour. There is no provision in this Bill which prevents child labour, no provision whatsoever. Any shop or commercial establishment can have any apprentice even of the age of 4 or 5 years. Child labour is considered as the most uncivilized form of labour and most of the civilized countries in the world have made provisions against the employment of children. What all the other civilized countries have done, I hope this Government, even if it is not a civilized Government, should also do and should have certain rules which should be civilized. I would, therefore, ask the Honourable Minister of Development

to make some provision so that child labour should be prevented. There are other things also, but I do not want to dwell upon them at this stage. With these words I support the motion under discussion.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Mr. Deputy Speaker, this is one of those numerous Bills in which the Opposition does not have any difference of opinion with the Government in regard to the underlying principle nor is there any marked disagreement in respect of the details of this Bill. But there are certain points connected with the history of this measure which must be brought to the notice of the Government.

In the original Bill there were certain things which were amended by the select committee and then as a result of talks between the representatives of people and the Government certain amendments desired by shop assistants were substantially accepted. But there are still certain matters which deserve the immediate attention of the Government and if they are not attended to the very object of the Bill would be defeated.

The provision of exemption which did not exist in the original Bill has now been inserted, and if the Government insisted on including it in the measure it will prove very disastrous. For instance, the Bill provides that persons employed in a public utility service or in a shop or commercial establishment under the management or control of the Central or a Provincial Government, would be exempt from the application of this Act. Now the Imperial Bank can come under the latter head because it acts as treasurer for the Government and as such is controlled by the Government. We want that the staff employed in the Imperial Bank which is already over-worked should be benefited by this Act but the Government may exempt them from the operation of this Act.

Chaudhri Krishna Gopal Dutt: May I suggest to Mr. Dev Raj Sethi one thing? I do not think that the Imperial Bank is exempt from the purview of this Bill.

Minister for Development: It is not a public utility department.

Mr. Dev Raj Sethi: Moreover, Sir, I am at a loss to understand why the public utility services which operate for more than 10 hours should not be benefited to the extent of a single off-day in the whole week. In the year 1940, when a six or seven hours' day and 40 hours' working week is being fixed, the employees of the public utility services like water and electric supply companies and fire brigades are not being given the benefit of this Bill.

Then, Sir, there was originally clause 4, which has now been deleted. If it is not restored in the form of an amendment, the laudable object of this measure, viz., the protection of the shop assistants will not be fulfilled. The clause intended to stop the practice of keeping the shop assistants employed till late hours after the shop had closed at 9 p. m. as demanded by the law for the purposes of carrying on trade. This came under the head "Provision as to the trade elsewhere than in the shop." In Bombay also this question was taken up and it was said that for fear of unemployment the dumb shop assistants would not object to this extra

[Mr. Dev Raj Sethi.]

duty and therefore the possibility of such a course should be provided against. This clause 4 has been deleted by the select committee and no attempt has been made to restore it.

Besides this, may I know from the Honourable Minister in charge of this Bill the basis on which it has been made applicable to certain towns and not applicable to others? Has this discrimination been made on the score of the business transacted in a town or on its population? I fail to understand why, when a small town like Gojra has been included, an important city like Simla has been overlooked. Even Gujranwala, Ambala and Jullundur have not been brought under the operation of this Bill. In view of the fact that the Government moves up to Simla every year, they ought to have been more familiar with the condition of the shop assistants there.

It is very gratifying to know that the Government have provided for the closing of shops on public holidays. But so far as the closing of shops once every week is concerned it should in no case be left to the option of the shopkeepers because in that case the Hindus will say that they will close their shops on the occasion of Puranmashi and the Muhammadans will insist on closing their shops on Fridays. It is therefore the best solution that, as it is already the case in Government offices, the shops should also be closed on Sundays. In fixing Sunday as closing day, the Government will have given a spontaneous proof of their being free from communal bias.

Now after saying a few words in regard to the method of enforcing this Act I will resume my seat. Is it desirable that the local bodies be given the work of supervising the working of the Act as was the case in England?

Mr. Deputy Speaker : The honourable member is not relevant in discussing that aspect of the question at this stage.

Mr. Dev Raj Sethi : Sir, I beg to submit that the principle underlying this Bill is to give relief to the shop assistants and I wanted to say something regarding the broad principles in this connection so that the Bill might not become a mere paper document. The work of amelioration can only be accomplished if the Government has a broader outlook. They should take advantage of the experiments made by other Governments and should try to follow the example of England where a Shop-assistant Act has been in force. I would like to read out a passage from the report of the committee which was appointed to inquire into the working of that Act :

Your Committee has been impressed with the fact that there is no statutory power lying in any Government department to supervise the administration by local authorities of Shops' Acts and are strongly of opinion that the Secretary of State for Home Affairs and the Secretary of State for Scotland should be specifically entrusted by Statute with the general supervision of the provision of Shops' Legislation. They should also have power to make any regulation necessary for this purpose and to require the regular submission of reports and any other necessary information.

The Government should do what the Government of Bombay did and what has been the result of 60 years' experience of the working of a like measure in England. If amelioration of the condition of shop assistants

is the objective it can only be achieved if the Government takes the work of supervision of the administration of this Act by the local bodies in its own hands.

If the amendments are accepted the passage of the Bill can be accelerated without bringing about other material changes in it.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Chaudhri Krishna Gopal Dutt has suggested that the language of the amendments of which notices have been given by members on this side is not so understandable as the language of the amendments of which notice had been given by certain members of the Opposition. I am a layman and I must admit that the amendments of which notices have been given by my Parliamentary Secretary were drafted by me. The drafts may not be perfect in the way of legal phraseology, but I do not think they lack in being understandable. Anyway if the honourable member suggests a verbal change which helps to make more easily understandable any of the amendments of which notice has been given by my Parliamentary Secretary, those amendments will certainly be considered as sympathetically and as favourably as circumstances permit.

Chaudhri Krishna Gopal Dutt: The same can be said of our amendments. We are prepared to accept verbal changes.

Minister: The honourable member has not been able to shed his old mentality, namely, that if notice of an amendment has been given by a member of the Opposition the amendment must be moved by a member of the Opposition so that credit may go to them.

Chaudhri Krishna Gopal Dutt: The boot is on the other leg.

Minister: I have already stated that I have adopted, as far as possible, all the important amendments given notice of by the Opposition. If there is any question of credit that ought to be quite sufficient to secure credit for the Opposition. But the Opposition must remember that all the amendments which are now being pressed by the members of the Congress Party had been provided for in the original Bill. So it cannot be said that the Government were unwilling to provide the facilities which some honourable members of the Opposition desire.

Chaudhri Krishna Gopal Dutt: You are wrong. Only one was found in the original Bill.

Minister: I am not wrong. But I am not going to accept any more amendments unless I am convinced of their reasonableness.

Now another matter to which my attention has been drawn is the absence of any provision for a provident fund under this Bill. I admit that no provision for a provident fund exists in this Bill. But I never intended that this Bill should contain a provision for a compulsory provident fund. I have stated on the floor of this House at least twice that I have already drafted a Bill which makes a provision for several valuable concessions including a provident fund. Honourable members of the Opposition may hold their souls in patience until that Bill comes forward. It will take some time, but I hope I shall be able to introduce it in the autumn session.

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Chaudhri Krishna Gopal Dutt also drew my attention to the definition of an apprentice. He suggests that unless we insert some sort of age condition, this definition is likely to provide a loophole for the evasion of this Bill. I think one of the members has suggested an age limit of 11. If that amendment is moved, I am inclined to agree to it because I know that under the Compulsory Primary Education Bill, every boy and every girl up to the age of 11 shall be attending a school.

Mr. Dev Raj Sethi said that he saw no reason why the provisions of this Bill should not be applied to public utility services. I am afraid I cannot accept this proposition. I cannot agree to leave public utility services on the same footing as an ordinary shop or a commercial establishment. In all public utility services, the interests of employees are already safeguarded fairly effectively. Again he made a reference to the Imperial Bank and said that the Imperial Bank did not fall within the scope of this Bill. He is entirely wrong. If he would care to have a look at part (b) of clause 2, he will find :

“Commercial establishment” means any premises other than a shop or a factory wherein a trade or business is carried on for profit and includes premises in which business of banking is carried on.

I think the Imperial Bank is a concern with banking business and therefore falls within the definition given in clause 2. He also made a reference to the omission of clause 4 of the original Bill in the Bill as reported on by the select committee. It is perfectly true. It must have escaped my attention, and if a suitable amendment is moved by anybody I will accept it or I will have one moved by my Parliamentary Secretary. After my reply I hope the House will proceed to take the Bill into consideration, and will allow no waste of time on unnecessary discussion.

Mr. Deputy Speaker : The question is—

That the Punjab Trade Employees Bill as reported on by the select committee be taken into consideration.

The motion was carried.

Clause 1.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General Urban) : Sir, I beg to move—

That in sub-clause (1), lines 1-2, for the words ‘the Punjab Trade Employees Act 19 ’, the words ‘the Punjab Shops and Commercial Establishments Act 19 ’ be substituted.

In my opinion the nomenclature of the Bill is not proper and is rather defective and the provisions of the Bill do not justify this nomenclature. This Bill does not merely refer to the rights and privileges of the employees. There are two parties to this Bill, viz., the employers as well as the employees. There are certain duties and obligations imposed upon the employers as there are other duties and obligations imposed on the employees and it is therefore that we should have a proper name. There are, for instance, Mr. Deputy Speaker, provisions of the Bill that the employees will not be able to leave any shop or commercial establishment without any notice. They shall have to give notice to the employer. Then there is a provision that the employers shall have to close their shops, give holidays

to their employees, etc. These are some of the duties and obligations which are imposed on both sides which are included in this Bill. This Bill, therefore, is not merely a trade employees Bill. In my opinion the proper name of the Bill would be the Punjab Shops and Commercial Establishments Act. This is a merely verbal amendment and I hope there would be no objection to it. If a zamindar does possess some aesthetic sense for proper names, I hope the Honourable Minister will accept my amendment. (*Laughter*).

Mr. Deputy Speaker : Question is—

That in sub-clause (1), lines 1-2, for the words 'the Punjab Trade Employees Act 19', the words 'the Punjab Shops and Commercial Establishments Act 19' be substituted.

The motion was lost.

Mr. Deputy Speaker : Question is—

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

The motion was carried.

Mr. Deputy Speaker : Question is—

That sub-clause (2) of clause 1 stand part of the clause.

The motion was carried.

Chaudhri Krishna Gopal Dutt : I beg to move—

That in sub-clause (3), lines 1-8, for the words 'in the first instance... in this behalf', the words 'to the whole of the province of the Punjab' be substituted.

Minister for Development : Did you say the whole of the Punjab?

Chaudhri Krishna Gopal Dutt : Are you not the Minister for the whole of the Punjab? The amendment seeks to extend the jurisdiction of the Bill. As provided in the Bill, the application of the Bill will be to such towns as Lahore, Amritsar, Sialkot, Ferozepore, Rawalpindi and Multan and in the municipal limits of Ludhiana, Lyallpur, Jaranwalla, Gujrat and Okara. Now you will see that quite a number of our friends on this side like Lala Duni Chand, Mrs. Duni Chand, Diwan Chaman Lall and Dr. Sant Ram Seth have given notices of amendments with a view to include certain other important towns of the province. For instance, there is an amendment which stands in the name of Lala Duni Chand who wants that Ambala and Jullundur be included in the Bill. Then there is Diwan Chaman Lall who wants to include Jhelum, Campbellpore, Multan and Ambala. Then again Diwan Chaman Lall wants Ambala, Simla, Gujranwala, Gujrat, Bhera and Sargodha to be included in the ambit of the Bill under discussion. Then again Lala Duni Chand wants Jaranwalla, Lyallpur, and even Gujranwala to be included in the Bill. There is Dr. Sant Ram Seth who has got a similar amendment as moved by me. I would like to ask the Honourable Minister for Development as to why he has included certain towns within the purview of this Bill and not others. There should be some principle guiding this selection. There should be some basis which should be regular, scientific and sensible. In my opinion he has done it in a haphazard manner without taking into account the importance of certain towns in the province. There are many towns in the province which are commercially very advanced and where a lot of labour is employed in the shops and other commercial establishments. If we the members of the Assembly have a soft corner in our hearts for these

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people, these poor, wretched, unfortunate people who work from day to night on low wages, why not include every town? That is the question. Why is it that employees of Lahore should be favoured? Why is it that the employees in Amritsar and other towns should be favoured to the disadvantage of other people who are working in other shops and commercial establishments in many important towns which are not included within the ambit of this Bill? There should after all be a uniform principle so far as the regulation of the working hours of labour in this province are concerned. Why should there be discrimination? This is not understandable, this is not sensible. After all their only fault is that they are employed in these towns, or perhaps that they were born in these towns and they are not included in this Bill. I have another argument in favour of the amendment which I have moved for the acceptance of the House. Let us take Amritsar, Sialkot, Ferozepore and other places to which this Bill applies. According to the provisions of this Bill the shops will remain closed on a particular day, whether it is Sunday or some other day. One day in the week the shops will remain closed. There are adjacent towns and villages. This Bill will not apply to these towns and villages. Does it not mean that to a certain extent, may be to a great extent, trade from these places which are included in this Bill will be diverted to the places which are not included in the Bill? Thus we would be creating an anomaly, we would be creating a discrimination which is not reasonable, we would in fact be harming the towns which we have included in this Bill. We have done it for the benefit of the employees of these places, but we will be harming the interests of these labourers as well as the employers. Why is it that the entire province is not included in this Bill? I fail to find any reason for that. When an amendment was moved by one of the members of the Opposition restricting the operation of the Marketing Bill to a few *mandis*, the Honourable Minister for Development did not accept it. He said certain anomalies would be created and that business would be diverted from one *mandi* to another *mandi* which is not included in that Bill and he said that for this reason there should be uniformity in legislation. In the name of the same uniformity of legislation for which the Honourable Minister for Development put in a strong plea at that time, I move the amendment in the hope that he will accept it, or if he is not prepared to accept it, then as he was reasonable to a great extent in the select committee, he would be reasonable even now and include certain other towns which hitherto have not been included. With these words I move my amendment.

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

That in sub-clause (3), lines 1—8, for the words “in the first instance in this behalf”, the words “to the whole of the province of the Punjab” be substituted.

Lala Sita Ram (Trade Union Labour): Sir, I rise to make a few observations in support of the amendment moved by my honourable friend Chaudhri Krishna Gopal Dutt. It is a matter of gratification that our efforts have moved the Government and at last the Government has taken a step towards the amelioration of the conditions of the labouring classes and the object of this measure, as explained by the Honourable Minister for Development, is to benefit these classes. So far as the principle underlying this Bill is concerned, it has my fullest support and I am sure that nobody will have

the hardihood to oppose it. But there is still one thing in this Bill which I am at a loss to understand much less to justify it. It is the selection of certain towns where, to begin with, this measure will come into force. This is wholly unjustifiable. If a measure is considered to prove beneficial to one place commonsense, justice and equity demand that it shall equally prove advantageous and useful to other places, as a labourer is a labourer everywhere and his lot is the same everywhere. I for one see no difference between the cities enumerated in the Bill and the cities which for the present have been left out and would be notified for the purpose in due course of time. I am of the opinion that if the aim of this measure is to better the lot of labouring classes of one place then it should be brought into force throughout the province so that all the members of the labouring classes may receive equal benefit with even-handed justice. This is not a case of what is one man's meat is another man's poison. The pity is that the Government is granting a long-delayed right, for the first time, to the down-trodden class and is doing it without grace. This very thing may make a person pause to think as to what is the ulterior motive of the Government. If their conscience is clear and they have the betterment of labouring classes at heart, I see no reason why this measure should not be enforced in the whole of the province. I think the Honourable Minister would be well advised to accept this wholesome amendment. With these words I close my remarks and hope that in case he does not accept it, he would advance cogent reasons for this iniquitous discrimination.

Mrs. Duni Chand (Lahore City, Women, General) (Urdu): Sir, the amendment that stands in my name is as follows:—

That in sub-clause (3), line 3, between the words 'Rawalpindi' and 'and' the words 'Ambala, Jullundur' be inserted.

Sir, I want to bring this fact to the notice of Government that the population of Ambala city and cantonment is about one lakh of persons. The city contains big business houses, commercial establishments, cinemas and brick-kilns. Besides, there are a number of big firms dealing in medicines. The conditions in Jullundur city are on all fours with Ambala. Again, both the cities are headquarters of two important divisions. They are of great importance from the Government point of view also. I, therefore, suggest that they should be included in the list of cities enumerated in the said sub-clause. I may also point out that when cities like Sialkot, Ferozepore, Rawalpindi and Multan and their cantonments have been incorporated in the sub-clause, I see no reason why Ambala and Jullundur should be excluded and debarred from deriving benefit from the provisions of the Bill under consideration.

My next amendment relates to the inclusion of the city of Gujranwala. As I do not feel the necessity of making a separate speech in connection with this amendment, I would like to say a few words in this respect in the course of my speech on the subject under discussion. I may submit that the population of Gujranwala amounts to 60 or 70 thousand persons. This city has made a phenomenal progress in the domain of industry and commerce. Here numerous persons are in the employment of big commercial establishments. I am of the opinion that it would be sheer injustice to the employees of this particular city, if the provisions of this Bill were not enforced there. When Government have decided to enforce this measure in cities like Sialkot, Ferozepore, Ludhiana, and Lyallpur and

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mandis like Okara and Jaranwala, I fail to understand why Gujranwala should be left out. I would strongly request the Honourable Minister to include these three well-known places so that the employees of big business houses situated there may also be benefited. One thing more and I have done. I am particularly interested in the uplift and betterment of labourers working in the brick-kilns. I keenly desire that they should be benefited by this measure. If you ever care to look at their miserable plight, you would realise that their life is worse than animals even. Strictly speaking I have the greatest sympathy for these poverty-stricken and down-trodden people. I am of the opinion that in view of making a provision of amenities of life for these poor people, it is in the fitness of things that these three big cities mentioned by me should be incorporated in the sub-clause. With these words I commend my amendment to the House for acceptance.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Sir, I do not think that the matter is such as would require a lengthy speech. It has been laid down in this subsection that the Act shall apply in the first instance to the municipal and cantonment limits of 6 cities and only to the municipal limits of 5 other big cities. In other words it will be applicable to 17 places in the whole of the province. As a matter of fact I fail to understand the principle on the basis of which the selection of the cities enumerated in the Bill, has been brought about. We fully realise that the measure under consideration is intended to benefit the trade employees of the province. But it is a thousand pities that an important division, namely, the Ambala division, has been totally ignored in this respect. May I know if it is due to some pent up animosity in the heart of the Honourable Minister that he has thought it fit to exclude the *munims* and other employees working in the cities of his own division? If the Government wanted to see the efficacy of the Bill by enforcing it as an experimental measure, in certain cities, they ought to have selected one or two places from every division for this purpose. Again, if they intend to benefit the poor people by this measure, they should enforce it throughout the province so that all and sundry may derive the fullest advantage out of it. I certainly deprecate this arbitrary selection of cities for this object which no doubt is laudable. If the Honourable Minister has not made it a point to reject all that emanates from the Opposition, then I think he would be well advised to accept the amendment under discussion. I submit that selection of 1 or 2 cities from every division on the basis of commercial importance and population would go a long way to remove any injustice or heart-burning in the people, that is likely to be caused by the provisions of this subsection. I am sure my observations would not fall flat on the Honourable Minister and he would be disposed to accept this salutary amendment.

Dr. Sant Ram Seth (Amritsar City, General, Urban) (*Urdu*) : Sir, I perfectly agree with what my honourable friend Pandit Shri Ram Sharma has stated just now. As a matter of fact I smell a rat in the intention of Government for not extending the operation of this Act to all the towns of the province. I think that the Honourable Minister for Development wants that the shop assistants of the towns to which this Bill shall not apply should make representations to him, flatter him and wait in deputations.

on him and then he would be prepared to extend the operation of this Bill to those towns. My submission is that if this measure is intended to benefit the shop assistants I do not see any reason why all the towns of the province should not be included in it and thus the shop assistants of the entire province be made to benefit from it. It is a matter of great regret that only some towns have been included in it while others have been left out. In view of these circumstances I would request the Honourable Minister for Development to accept the amendment that has been moved by my honourable friend Chaudhri Krishna Gopal Dutt.

Shrimati Shanno Devi Sehgal (West Multan Division, General Rural) (*Urdu*): Sir, sometimes unexpected things also happen. As a matter of fact the Opposition is always prepared to welcome any good measure sponsored by Government. Anyhow my submission is although the measure now before the House does not come up to our standard yet we think that Government is taking a step in the right direction. The question as to how far it will go in achieving the desired object we have only to pray God that it should turn out to be of good advantage for the people. My submission is that the amendment of my honourable brother Chaudhri Krishna Gopal Dutt is a very simple and harmless one in so far as it says that the operation of this measure should be extended to the entire province and not to any particular towns. It appears that the Government want to use this measure also for strengthening their position in the province. That is the reason why honourable Lala Sita Ram and honourable Dr. Sant Ram Seth have expressed their doubts about the intentions of the Government. Let me point out that if the Government consider this Bill to be for the good of the shop assistants they should not have any hesitation in applying it to all the towns of the province. The refusal of the Government to accept our amendment shows that there is something black in the pulse. If anything is considered to be good by Government I fail to understand why they do not give effect to it in the whole province. If the Government follow this principle I do not think there will be two opinions about it in the House. In my opinion if the Government want to provide any facilities to the shop assistants of any towns they should extend these facilities to shop assistants of all the towns of the province. I fail to understand why there should be some law at one place and another at another. I for one think that the Opposition party will have to make great efforts for getting these facilities for the shop assistants of the entire province. Now I do not propose to take any more time of the House but I would only submit that although the demands of the Opposition party were many but only a few suggestions have been accepted by Government. Anyhow my submission is that no distinction should be made between shop employees of different towns. It does not befit the Government that some employees should get this benefit and others not. With these words I support the amendment now before the House.

Diwan Chaman Lal (East Punjab, non-Union Labour): May I say a word about this matter? May I ask my honourable friend as to why he is not prepared to accept the amendment moved by my honourable friend? Why should he have any difficulty in accepting this amendment? May I suggest that some sort of principle should be laid down as to the town.

[Diwan Chaman Lal.]

to which this particular measure will apply? Now, we have got a list of the towns in the Bill itself. Sub-clause (3) of clause 1 says:—

It shall apply in the first instance only to the municipal and cantonment limits of Lahore, Amritsar, Sialkot, Ferozepore, Rawalpindi and Multan and to the municipal limits of Ludhiana, Lyallpur, Jaranwala, Gojra and Okara; but Government may by notification direct that it shall come into force in any other local area on such date as may be appointed in this behalf.

Under this subsection, no doubt, the Government have power to extend the provisions of this measure to other towns which are not enumerated in sub-clause (3). Let us take an example. Take Simla. Simla during the season is a very busy town and shops are opened there practically all hours. Why should not the provisions of the measure apply to a place like Simla? Why should not the closing hours be fixed for a place like Murree, which during the season is another very busy town? So, if it is to be applied to a comparatively small *mandi* like Gojra, why should it not apply to Gujranwala? Why should it not be applied to Sargodha? Why should it not be applied to my own place, the little town of Rhera? Why should it not be applied to Gujrat? There are many other towns, which on the same basis, which my honourable friend has put forward, can be roped in and to which these provisions of this measure regarding the closing hours of the work or the closing hours of shop, regarding the amenities to be allowed to the employees, should apply. There does not seem to be any particular principle which has been followed in enumerating these towns, the names of which I have read out and which my honourable friend has taken for the first instalment for the application of this measure. Therefore, I would suggest to my honourable friend that since he has accepted our suggestion regarding the compulsory closing of shops, he might also accept our suggestion regarding the addition of certain towns, which may be expressly detailed in the provisions of this measure and should not wait for the power that he undoubtedly is taking in his own hands, to extend the provisions of this measure to the other towns which are not mentioned in sub-clause (3). I rose merely to ask this one question of my honourable friend and I do hope that he will agree with me that there are certain other towns enumerated by me, which require the application of this measure immediately, and regarding which there is no necessity for him to wait.

Dr. Sir Gokul Chand Narang: We should like to know the grounds on which these towns have been selected.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I admit that the selection of these specific towns which have been enumerated in this sub-clause has not proceeded upon any very precise principles. They have been selected more or less on the rule of thumb basis. The original Bill had only 4 or 5 towns mentioned under this clause. When the Bill came up before the select committee for discussion the committee added a few more names. Now, the total number of towns to which this Bill will apply in the first instance stands at 11. I have no particular objection to Simla being added to the list in the first instance. But at present I am not prepared to go beyond that. The Government introduced this Bill deliberately and intentionally as an experimental measure. It is apprehended in certain quarters that this Bill will produce a good deal of effect on business. But if as a result of the limited application of this Bill

as now proposed we find that business has not been in any way seriously upset and business classes are more or less reconciled to it, there will be no difficulty in extending the provisions of this law to other towns in the course of time. Exactly what we have done here has happened in Bombay also. The Bombay Bill also in the first instance was made applicable only to a few towns. If my honourable friends care to know to what places the provisions of the Bombay Bill were applied in the first instance, I will just read to them the relevant clause, which runs as follows :—

It shall come into force only in the city of Bombay, the Ahmedabad Municipal Borough and Cantonment, the Poona City.....

Chaudhri Krishna Gopal Dutt : May I enquire what my honourable friend is reading?

Minister for Development : I am reading from the Bombay Legislative Assembly Debates.

Chaudhri Krishna Gopal Dutt : At what stage?

Minister : The consideration stage.

Chaudhri Krishna Gopal Dutt : I have got a copy of the Bill itself. It says that it extends to the whole presidency of Bombay.

Minister : I was reading from the debates at the consideration stage. Now, I see what the position really is in the Bombay Presidency. If the information given by my honourable friend is correct the Bill seems to have been extended to the province as a whole in the very first instance. But it is not necessary that I should follow Bombay. I was just going to illustrate that the Bombay Government thought of applying the provisions of that Bill in the first instance only to a few towns. If my honourable friends representing trade and commercial interests in this province are very keen, they will find that I will not take very long before this Bill is applied to the whole of the province. But Government must wait to see the initial results of the experiments. One of the reasons why Government is not prepared to apply in the first instance—

3 p. m.

Diwan Chaman Lall : Which were the other towns? You were reading out a list of the towns.

Minister : If later on the Bombay Bill has been amended so as to apply to the province as a whole that does not make any difference. The list runs on as follows :—

Poona Cantonment, Sholapur Municipal Borough and Hubli Municipal Borough but the Provincial Government may by notification in the Official Gazette direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification.

What I contend is that in the first instance even in Bombay it was sought to apply the Bill only to half a dozen towns—.

Diwan Chaman Lall : There are not very many big towns in the Bombay Presidency.

Minister : At least we have an instance of a province in India which thought of applying the provisions of a similar measure only to a limited number of towns in the first instance. We have proceeded on the same basis and if, as I said half a minute ago, the results

[Minister for Development.]

of the experiment show that business has not been seriously prejudiced and commercial classes have reconciled themselves to the application of the provisions of this Bill, Government will consider carefully the question of applying all the provisions of this Bill to the province as a whole.

- Now I was giving one of the principal reasons which prevented the application of the Bill throughout the province in the very first instance. Apart from the apprehension that the application of this Bill may produce a very unsettling effect on the course of business and trade, another important reason is that if the provisions of this Bill are applied throughout the province in the very first instance I think an appreciable addition will have to be made to the establishment which has to work for the detection of crime, and if the volume of crime is found to have increased appreciably, it may become necessary to make a corresponding increase in the number of our magistrates. So, it may mean a good deal of additional expense to introduce the provisions of this Bill in the very first instance throughout the province. These are the two main reasons which have influenced the Government in making this Bill applicable only to 10 or 12 big towns in the first instance.

Diwan Chaman Lall : If the Honourable Minister agrees to the inclusion of Simla may I make a further suggestion that Murree may be included ? It is on the same level.

Minister for Development : I do not agree to Murree also being included in the first instance.

Lala Duni Chand (Ambala and Simla, General, Rural) : I want to say only a few words. My honourable friend the Minister for Development has admitted that he selected certain places in a haphazard manner : that admission he has made. Now that the question has been raised and he has to some extent accepted its importance, let us apply some test or criterion on the basis of which certain places should be selected. There could be only two tests : one test is whether there are shops and commercial establishments in the places selected to which this Bill can suitably apply. Let him have that test in mind. The other test that can possibly apply is their population. The population of my own place, Ambala cantonment and city, is 90,000 : it is one of the biggest cantonments. I fail to understand why he has not included Ambala in the list of the places. I would like to say let him apply these tests : these should be the only tests for all those places selected. Let this Bill apply to these places alone.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Mr. Deputy Speaker, I regret to note that the Minister for Development is in no mood to accept this reasonable amendment. I am glad to know that he admitted that there was no particular reason in favour of or against any particular town so far as the jurisdiction of the Bill under discussion is concerned. He has also admitted indirectly that the selection of these names is very haphazard and has been done at random and that there was no uniform principle for the selection of the towns for the jurisdiction of the Bill under discussion. He has not given one reasonable or cogent argument in favour of rejection of this amendment under discussion except one that this Bill is an experimental measure and therefore he is

very cautious and wants the application of this measure to be slow and gradual. Sir, I anticipated this argument when I asked in my opening speech as to why he did not accept this principle so far as the Marketing Bill was concerned. This very argument was advanced by one or two members although I was not in favour of that. It was urged that the Marketing Bill should be applied gradually in the province, because that Bill was a new measure and the Punjab Government did not have any experience so far as the application of that measure was concerned and it was possible that much harm may be done to the trade and commerce, and that therefore Government should move slowly and cautiously, but the Government was impervious to this argument. It was strange to hear this very argument from the Minister for Development who himself rejected this argument and did not attach any weight to it. To-day he comes out and has the audacity to adduce this very argument before the House. I do not see any consistency in this and I do not see any uniformity in this principle. He might say that consistency is the virtue of an ass (*laughter*), but he has himself admitted that so far as selection is concerned there is no underlying principle and this has been done in a haphazard manner. I ask him, he should be reasonable at least in so far as he has accepted Simla, why he fights shy to include other towns which are equally important.

There are a number of amendments for the inclusion of other important towns like Gujranwala and Jullundur. After all what sensible arguments can the Honourable Minister of Development advance for including certain towns and excluding others? There should be some scientific reason for that and I feel there is none so far. He has not even cared to reply to the most important arguments that could be advanced in favour of this amendment. I would crave your indulgence, Mr. Deputy Speaker, to allow me to repeat my argument that the trade in those places which have been brought within the purview of this Bill will be diverted to those places which are excluded. There will be an anomaly in this province in the business circles. What has the Honourable Minister done to prevent that anomaly from taking place? It is, therefore, that I say that he should accept this amendment as well as other amendments notices of which have been given. The Honourable Minister quoted the Bombay Bill. In that Bill it is proposed to have a provision like this :—

It extends to the whole of the province. It shall come into force in the first instance only in the city of Bombay, the Ahmedabad Municipal Borough and Cantonment, the Poona City and Suburban Municipal Borough, the Poona Cantonment and the Sholapur Municipal Borough.....

Diwan Chaman Lal said that the most important towns of the Bombay Presidency have already been included and then the Government has reserved the power to itself to include others as well. This Government has also reserved that power. We could trust the Bombay Government but we cannot trust this Government because of its past history and its antecedents. I, therefore, press my amendment so that it should be made clear that this Bill would apply to the whole of the province.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) : Before I say anything by way of reply, I must correct one mistake which I made as a result of the wrong information which was supplied by

[Minister for Development.]

Chaudhri Krishna Gopal Dutt. He stated that in Bombay a similar measure had been made applicable to the whole of the province in the very first instance. As a result of that—

Chaudhri Krishna Gopal Dutt : I read the section itself. It does extend to the whole of the province. But to begin with it will—

Minister of Development : I have had the point examined and I find that the section was passed in the form in which I read it over to the Honourable House.

Chaudhri Krishna Gopal Dutt : Wrong statement.

Minister : Truth is always bitter.

Chaudhri Krishna Gopal Dutt : The Bill has not yet been passed. He is making another wrong statement, though unconsciously.

Minister : I had the point examined and found that the honourable member was very hasty in supplying an information which proved to be wrong in the end as a result of its examination by my Parliamentary Secretary. Honourable members opposite have been very keen in suggesting that this selection of towns has been made haphazardly and that it has not been made on the basis of any principle of any kind. May I point out to them that they were members of the select committee; Chaudhri Krishna Gopal Dutt as well as Dr. Sant Ram Seth were there in that select committee; and they did not raise their little finger—

Chaudhri Krishna Gopal Dutt : The Honourable Minister has no authority to disclose the proceedings of the select committee and since he has done that I strongly protest against that.

An honourable member : The honourable member has no right to make a second speech.

Chaudhri Krishna Gopal Dutt : I am not making a second speech. The Honourable Minister gave way. I say that he has made a wrong statement.

Minister : I have made a perfectly correct statement and I am within my rights to draw attention of the honourable members to the proceedings of the select committee's report as published. Long long ago the report was published in the press also. The report is there duly signed by my honourable friends; the minute of dissent is there also duly signed by my honourable friends. There is absolutely no mention or hint of a grievance on the score of the non-inclusion of towns other than those mentioned in the Bill. There is no protest on their part to this particular provision.

When I stated that there was no precise principle underlying the selection of these towns, I simply indicated that we had not gone minutely and carefully into the exact nature of the principle under which we were to make our selection. I proceeded on the assumption that all the honourable members of the select committee possessed commonsense. I further presumed that their common sense told them that we should apply this Bill in the first instance only to selected growing towns; towns where business flourished. We selected them and being Punjabis ourselves we felt sure that we were selecting correct places for the application of this Bill. One more important town which was suggested, I mean Simla, has

been included. But I cannot agree to this Bill being applied to the whole of the province at the very first instance. I gave very good reasons for my attitude. One reason was that this Bill is one of far-reaching importance which may produce more far-reaching effects than we at present imagine. The representatives of business and trade have been silent on this subject. They probably think that it would be better for them to see this "*tamasha*" between the Congress Opposition and the Ministerial Benches and that they should keep mum at the present stage. But I cannot afford to be unmindful of the interests of commercial and trading classes. I must first see the results of the operation of this Bill and if I feel satisfied that it has not produced any deleterious effects, of course I will proceed to apply the Bill to other towns also. Another reason—and a very cogent one—that I gave was that we shall have to make a very appreciable increase in the police force as well as in the magistracy for the detection and punishment of crime under this Act. As the finances of the province are not in a very flourishing condition at the moment, I am not going to incur a penny of expenditure which can be avoided. These are my reasons for applying this Bill in the first instance only to about one dozen towns in the province.

Diwan Chaman Lall : How does it help to exclude Murree ?

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

Mr. Speaker : Question is—

That in sub-clause (3), lines 1-3, for the words "in the first instance in this behalf", the words "to the whole of the province of the Punjab" be substituted.

The Assembly divided : Ayes 27, Noes 64.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
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.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
Muhammad Nurullah, Mian.
Muhammad Raza Shah Jeelani.
Makhdumzada Haji Sayed.
Muni Lal Kalra, Pandit.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Sahib Ram, Chaudhri.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shanno Devi Sehgal, Shrimati.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).

Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.

Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada shlik.
 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 Gurchani, Khan Bahadur Sardar.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.

Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

Diwan Chaman Lall (East Punjab, Non-Union Labour): I beg to move—

That in sub-clause (3), line 5, between the words "Gojra" and "and", the word "Simla" be inserted.

The motion was carried.

Mr. Speaker: Question is—

That sub-clause (3) as amended stand part of clause 1.

The motion was carried.

Mr. Speaker: Question is—

That clause 1 as amended stand part of the Bill.

The motion was carried.

Clause 2.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): I beg to move—

That in part (a), line 1, between the words "person" and "whom", the words "aged not less than 12 years" be inserted.

The motion was carried.

Chaudhri Krishna Gopal Dutt : I beg to move—

That in part (a), line 3, for the word "or" occurring for the first time, the words "with a view" be substituted.

This is more or less a verbal amendment and will make language more correct. Not only that, without my amendment this clause (a) is likely to be abused by the employers. I shall explain how—

"Apprentice" means a person whom an employer undertakes by contract to employ or to train"

This should not be the definition. It is inherent in the word "apprentice" that the man is meant for training and not for employment. There is a likelihood of the employees being treated as apprentices under this definition. I therefore suggest to have the definition, "apprentice" mean a person whom an employer undertakes by contract to employ *with a view to train*—not "or to train"—"or to have trained systematically for a trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employer's service."

Mr. Speaker : Question is—

That in part (a) line 3, for the word "or" occurring for the first time, the words "with a view" be substituted.

The motion was carried.

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

That in part (b), line 2, for the word "a" the word "any" be substituted.

The word "a" is not properly put there. Really the word "any" should be there.

The motion was carried.

Parliamentary Secretary (Chaudhri Tikka Ram): I beg to move—

That in part (b), line 5, for the words "premises . . . banking", the following words be substituted :—

"Journalistic and printing establishments and premises in which business of banking, insurance, stock and share, brokerage or produce exchange".

The motion was carried.

Diwan Chaman Lall (East Punjab Non-Union Labour): Sir, I beg to move—

That in part (d), lines 4-5, between the words "the" and "representative", the words "manager or" be inserted.

This is in reference to the Indian Factories Act and it will bring this measure into conformity with the Indian Factories Act. I hope my honourable friend will accept it.

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

That in part (d), lines 4-5, between the words "the" and "representative", the words "manager or" be inserted.

Chaudhri Krishna Gopal Dutt : Sir, there is one difficulty in regard to this matter. My honourable friend wants the inclusion of the words "manager or" along with the word "representative." So far as I remember we discussed this matter in the select committee also. Why should a manager be responsible for the failings of the employer? So far as the manager was concerned we placed the word "manager" in the category of employees. There were two parties to the Bill, owners and employees, and in the category of employees we included manager. Why should the poor manager suffer for the misdoings of the owner? I quite realise that when sometimes the representative is not there, there must be somebody as a representative. But in my opinion there is a difficulty and we should consider this matter carefully before passing it.

Diwan Chaman Lall : May I say a word in reply to it? I think there is some misapprehension in regard to this measure. After all if a man is the manager of a shop and you pass the clause as it stands with the word "representative," would the manager be the representative or not? Who would be responsible in that case in the shop for the carrying into effect all the provisions of this law?

Chaudhri Krishna Gopal Dutt : There is a difficulty.

Diwan Chaman Lall : There is no difficulty. Would the manager be the representative or not? If my honourable friend says that he would not be the representative, then the Act itself becomes infructuous. Nobody can be found to take the responsibility upon his shoulders, and it cannot be the object of this measure that the responsibility for carrying into effect the provisions of this Act should not be foisted upon somebody. He should be a distinct person and not a vague person. There must be a definite person who is in charge of running the shop. If you put somebody in charge of the shop then he is the manager and he shall be responsible for any breach of this measure. If you look at the Indian Factories Act you will find no difficulty in administering that Act so far as it has been in existence for many years where the very same expression is used, namely, "manager." The manager of a factory is responsible for carrying into effect certain provisions of that Act. Are we going to insert a vague person who would be responsible for running a shop? When we want to foist the responsibility upon his shoulders who takes upon himself the responsibility of running the shop, then he should take upon himself that responsibility according to the law of the land and the law of the land will be as it is stated in this particular measure that my honourable friend is placing before the House. I submit that there is no difficulty whatsoever. There is no question of a 'poor manager.' Managers are supposed to know their business. The manager is supposed to know the penalties of law. If he is not to carry into effect the provisions of this measure, then who else is to do so? If he is not the manager, then who else is going to be responsible for saying that his establishment is running according to the law of the land? Therefore, I submit, both from the point of view of precedents that we find in

the Factories Act and from the point of view of commonsense and practicability, it is necessary that the responsibility should be laid upon the shoulders of the manager.

Chaudhri Krishna Gopal Dutt : I may point out the difficulty. I am thankful to the honourable member for this elucidation.

Mr. Speaker : The honourable member has no right to make a speech.

Chaudhri Krishna Gopal Dutt : May I ask one question? The word 'manager', as he says, appears in the Factories Act and he wants the same word to be applied here.

Mr. Speaker : The honourable member cannot make a speech.

Minister for Development : As the addition of these words makes the penalty sections of the Act more effective, I shall be very glad to accept the suggested amendment.

Chaudhri Krishna Gopal Dutt : The word 'manager', is defined in the Factories Act, but here the word 'manager' is not defined. What will be the definition here.

Mr. Speaker : The question is—

That in part (d), lines 4-5, between the words "the" and "representative", the words "manager or" be inserted.

The motion was carried.

Lala Duni Chand : Sir, I beg to move—

That in part (f) (iv), lines 1-2, between the words "brothers" and "if", the words "of the age of eighteen or below" be inserted.

I understand that the object of the framers of this Bill is to include all those persons in the definition of "family," who depend for their livelihood upon the persons who might be employed in shops or commercial establishments. If this is the object then in that case all those members of the family, whether male or female, whose age is below 18, should be included within the meaning of "family." If this suggestion commends itself to the Honourable Minister for Development, he may be pleased to accept it. I am not particular about it.

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

That in part (f) (iv), lines 1-2, between the words "brothers" and "if", the words "of the age of eighteen or below" be inserted.

Minister for Development : The honourable mover of the amendment does not seem to have appreciated the object of introducing this definition. The definition of "family" has been inserted in order to avoid the application of the provisions of this Bill to the members of the family of an employer. The reason why we desire to exclude the members of the family of an employer is that an employer will not exploit the members of his own family. The guarantee that an employer will not exploit the members of his own family is to be found in close blood relationship that exists between the owner and the employee—if you may call him as such. Therefore no protection is needed for the latter. The provisions of this Bill will not apply to the members of the family of an employer and no protection is needed for them. If a member of 18 years or below, is not likely to be exploited,

[Minister for Development.]

much less is a member of the same family over the age of 18 likely to be exploited. Therefore these words are not needed.

Diwan Chaman Lall (East Punjab, Non-Union, Labour): Sometimes my honourable friend astonishes me with theories that he brings forward on the floor of this House and one of these astonishing theories is that blood will see to it that there is no exploitation. It merely shows that my honourable friend in the varied life that he has led, has not been familiar with the labour legislation. What is that labour legislation in all parts of the world? He does not realize even here in his own province, what is happening with blood relations in the matter of exploitation. Let me give my honourable friend one little example. He will find in the evidence that was led before the Royal Commission on Labour that in a city, which is only 85 miles away from here—the city of Amritsar—what happened? There in that city in a particular Carpet Factory, two little boys of the age of 7 and 9 were discovered to have been sold into this factory by no less a person than their own grandfather, who pledged them into this factory for no wages but for a loan of Rs. 75, re-payable at an exorbitant rate of interest. And the result of that was that these two children were practically slaves in that particular factory. The Central Government was moved to bring in a measure known as the Pledging of Children Act. From that date a few years ago it became a penal offence for any grandfather, or father or any blood relation to pledge his little child in a factory to be exploited for the purpose of making a few annas for himself. My honourable friend should know that in matters of this description, it is the poverty that drives the parents to exploit their little children. And the reason why my honourable friend moved this particular amendment was to make it impossible for the exploitation of blood relation of the type the example of which I have given to my honourable friend.

Mr. Speaker : The question is—

That in part (j) (iv), lines 1-2, between the words "brothers" and "if", the words "of the age of eighteen or below", be inserted.

The motion was lost.

Chaudhri Tikka Ram (Parliamentary Secretary): Sir, I beg to move—

That leave be granted to move the following new clause—

that the following new parts be added in the proper alphabetical order and consequential changes of arrangements be made:—

'Close day' means the day of the week on which a shop or a commercial establishment remains closed.

'Closing hour' means the hour at which a shop or commercial establishment closes.

'Opening hour' means the hour at which a shop or commercial establishment opens.

'Summer' means the period covering the months of April, May, June, July, August and September.

'Winter' means the period covering the months of October, November, December, January, February and March.

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Sir, I beg to move an amendment to the new clause moved by my honourable friend, Chaudhri Tikka Ram, the Parliamentary Secretary. My amendment is—

That at the end of the definition of "Close day" the words "to customers" be added in the end.

Mr. Speaker : New clause under consideration, amendment moved is—

That at the end of the definition of "Close day" the words, "to customers" be added.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I fear that if we agree to the addition of these words, there will be a loophole. A shopkeeper may say that though he has opened his shop, yet it is closed to customers. He may plead that he has to take stock of his goods or to complete his accounts in order to bring them up-to-date, therefore, his shop, though open, is not really open to customers. In view of this loophole I am afraid I shall have to oppose the addition of these words.

Chaudhri Krishna Gopal Dutt : In the select committee we discussed this matter. When we were discussing it with the Minister for Development then I suggested this amendment and the Advocate-General agreed with me, and my honourable friend subsequently agreed to this.

4 p.m.

Mr. Speaker : Please do not refer to any conversation.

Chaudhri Krishna Gopal Dutt : Very well. I will explain to him that there is no doubt that this amendment is likely to be abused, but in this way the whole Act is likely to be abused, but there is the law and if there is an offender he will be punished by a court of law. If a gentleman has left some valuables or some such thing in his shop, he goes to the shop on that particular day and opens the shop to get that thing and the mere fact that he has opened his shop makes him liable under the present definition of the closed day. For instance, a man goes to his shop not for any sale, but wants to get some account book he will be liable. This Bill is for the regulation of hours of work and other things. For all practical purposes the definition will remain in tact, but only a certain handicap which the owner will feel will be removed by the addition of the words suggested. Therefore again appeal to him to consider this matter and add the words "to a customer."

Mr. Speaker : The question is—

That at the end of the definition of 'close day' the words 'to customers' be added.
The motion was lost.

Mr. Speaker : The question is—

That the new clause be added to clause 2.
The motion was carried.

Mr. Speaker : The question is—

That clause 2 as amended stand part of the Bill.
The motion was carried.

New clause.

Chaudhri Krishna Gopal Dutt : I beg to move—

That leave be granted to move the following new clause—

That after clause 2, the following new clause be added :—

“ 2-A. (1) Save as provided by or under any other enactment for the time being in force, every shop shall be closed to customers not later than 9 p. m.

Provided that any customer who was being served or was waiting to be served at 9 p. m. in any shop may be served in such shop during the quarter of an hour immediately following such hour.

(2) Save as provided by or under any other enactment for the time being in force, every commercial establishment shall be closed to customers not later than the time prescribed.

Provided that nothing in sub-clauses (1) and (2) shall apply to—

- (a) shops and commercial establishments dealing in refreshments, newspapers, periodicals, medicines, vegetables, sweets, milk, cooked food and flowers or
- (b) any business or trade under the management or control of the Central Government; or
- (c) any public utility service; or
- (d) cinemas, theatres and other places of public entertainments; or
- (e) persons employed as care-takers, porters, watchmen, travellers, convassers and domestic servants; or
- (f) establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit; or
- (g) clubs and residential hotels; or
- (h) stalls at railways stations; or
- (i) barbers and hairdressers; or
- (j) any other shop or class of shops or commercial establishment or class of commercial establishments or persons which Government may, by notification in the Gazette, exempt from the operation of sub-clause (1) of this section.”

The motion was lost.

New clause.

Chaudhri Krishna Gopal Dutt : I beg to move—

That leave be granted to move the following new clause—

“ That after clause 2, the following new clause be added :—

“ 2-B. (1) The Punjab Government shall after such enquiry as may be necessary, by order to be published in the Gazette, determine the hours during which all or any particular shops or commercial establishment shall remain closed to customers;

(2) such order may extend to all or any part of any of the local areas to which the Act may have been applied :

Provided that nothing in such an order shall apply to—

- (a) any shop or commercial establishment in which persons are employed in the sale of refreshments, newspapers, periodicals, medicines, vegetables, sweets, milk, cooked food and flowers; or
- (b) any business or trade under the management and control of the Central Government; or
- (c) any public utility service; or
- (d) cinemas, theatres and other places of public entertainment; or
- (e) persons employed as care-takers, porters, watchmen, travellers, convassers and domestic servants; or
- (f) establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit; or

- (g) clubs and residential hotels ; or
- (h) stalls at railway stations ; or
- (i) barbers and hairdressers ; or
- (j) any other shop or class of shops or commercial establishments or person or class of persons which Government may, by notification in the Gazette, exempt from the operation of sub-clause (1) of this section."

The motion was lost.

Clause 3.

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

That in proviso, lines 2-3, for the words ' of the first class ' , the words ' or a pleader or advocate ' be substituted.

My object is to increase the scope of the authority for certifying whether or not a person is an apprentice. Magistrates are often difficult to approach and if along with them pleaders or advocates are also regarded as authority for this purpose, that will facilitate matters.

Mr. Speaker : Question is—

That in proviso, lines 2-3, for the words ' of the first class ' , the words ' or a pleader or advocate ' be substituted.

The motion was lost.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : I move—

That in proviso, line 3, between the words ' first class ' and ' to ' the words ' other than an honorary magistrate ' be inserted.

Mr. Speaker : Motion moved is—

That in proviso, line 3, between the words ' first class ' and ' to ' the words ' other than an honorary magistrate ' be inserted.

Lala Sita Ram (Trade Union, Labour) (*Urdu*) : Sir, I rise to oppose the amendment moved by my learned friend Diwan Chaman Lall. So far as I have understood, this proviso means that if a person, whose age is less than 14 years, wants to remain in the employment of any shop or commercial establishment he can do so after producing a certificate granted by a magistrate of the first class attesting that he or she is a *bona fide* apprentice. In my opinion the amendment moved by my honourable friend Lala Duni Chand was far more reasonable, and had it been accepted it would have improved upon the proviso as it stands at present. He had moved that certificates granted even by pleaders and vakils should be acceptable in this respect. Since this amendment has been turned down I would like to request the Government to delete the words " of the first class " from the proviso. All what you want is that attesting authority should be reliable person and the certificates should be genuine cases of need. If this is so, there is no justification in discriminating between a magistrate and a magistrate, as all of them are competent enough to grant such certificates. Need I point it out to the honourable mover, who is a champion of every cause of laymen, that by bringing this amendment on the statute book, he is putting a great obstacle in the way of common people? Who will approach the first class magistrates? And if one does, how much sweat and worry will be wasted to get a certificate? It should, therefore, be open to the public to approach any magistrate for the purpose,

[L. Sita Ram.]

My friend Diwan Chaman Lall has suggested that these powers should not rest with the honorary magistrates. My question is: Why not? If at the time of attesting applications for passports and granting several other certificates of no less importance, we accept an honorary magistrate to be a sufficiently competent person, why should he be denied these small powers in this case? It is not through selfish point of view that I am advocating the cause of the honorary magistrates, but it is the public need which compels me to come to their help. The fact is that if honorary magistrates are not empowered in this respect the public will have to undergo a real difficulty. They, being local public men, know the public well. They are accessible even to the resourceless persons and are available at all hours.

With these words, Sir, I oppose the amendment and urge the Government once again that they should vest these powers in every magistrate so that the public may not feel any inconvenience.

Diwan Chaman Lall: I do not think this House has considered this provision seriously. I want the House to look at this provision from the point of view of practical effects. What is sought to be done is this. We have clause 8 which says—

No person whose age is less than fourteen years shall be employed in any shop or commercial establishment:

But there is a proviso added to that—

Provided that the provisions of this section shall not apply to a person certified by a magistrate of the first class to be a *bona fide* apprentice.

An apprentice has been defined by my honourable friend as a person who is less than 12 years of age. The result will be that any magistrate of the first class can certify a child less than 12 years of age as an apprentice and that child may in reality be employed by an unscrupulous employer and thereby the measure will be nullified. Again this power is given to honorary magistrates also. I ask my honourable friend who is, I think, also an honorary magistrate of the first class—

Lala Sita Ram: No, I am not one. But it would not have changed my attitude if I had been one.

Diwan Chaman Lall: I ask him whether the desired effect will be achieved if this power is given to all honorary magistrates of the first class in the province.

Lala Sita Ram: There will be real practical difficulties, if that is not done.

Diwan Chaman Lall: And what about the practical difficulties of administering this measure? Is it not a fact that time and again factory inspectors have reported difficulties of getting employers fined when cases under the Indian Factories Act come before magistrates because of personal influence that is utilised? Time and again such complaints have been made by them. This question was also gone into by the Royal Commission on Labour and they also reported about the inability of the magistracy to check properly in the matter of offences committed under the Indian Factories Act. Under these circumstances how is it possible for my honourable friend to be in a position to check what is happening under the aegis of the honorary

magistrates in the province? As it is, a particular influential owner of a shop may himself be an honorary magistrate. He can certify and thus employ a large number of young children under the age of 12 in his shop and utilise this power and thus exploit child labour. This is a valid fear, a very grave fear particularly in view of what is happening in the province and in view of the fact that magistrates are averse to taking any action against the employers in regard to offences committed under the Indian Factories Act. If this fear is valid in regard to the magistrates of the first class, how much more valid would it not be in the case of an honorary magistrate who might in all probability be an owner of a commercial establishment himself?

The purpose my honourable friend has in view is that ordinarily no child under the age of 14 should be employed in any shop or commercial establishment. That is the object and a very laudable object, that my honourable friend has in view. I myself would have favoured very much the amendment standing in my name, namely, that the age limit be raised to 16. But I see the difficulty that unless we go hand in hand with the educational development of this province and make it impossible for any child to remain idle up to the age of 16, it would be very difficult to deal with children between the ages of 14 and 16 who have nothing whatever to do. I submit that the laudable object of my honourable friend in keeping out of these commercial establishments children under 14 will be completely frustrated by this proviso in the manner in which we have it before us. There is an argument raised by my honourable friend that honorary magistrates should not be excluded from the purview of this measure, and honorary magistrates should be empowered to give certificates saying that a particular child below 12 is an apprentice working in a shop. I submit there is a grave danger. How is it possible to meet that danger? One is the method I suggest—to restrict the power of giving these certificates to stipendiary magistrates of first class. If we restrict that, then a stipendiary magistrate has a certain responsibility upon his shoulders. He is a servant of the Crown. He has a grave responsibility. He will think twice before he issues a certificate without satisfying himself thoroughly that the exemption that is being sought is genuine and the exemption is not being sought for the purpose of exploiting children below the age of 12 and palming them off as apprentices when in reality they are not apprentices, but employees in the shop or the establishment. The second method of trying to prevent a breach of this measure or a frustration of this measure is to lay down, by means of an amendment, which my honourable friend will think of to-night and present to this House to-morrow, a provision limiting the number of apprentices that are employed in a particular establishment or shop. Suppose there are 20 employees in a particular shop, a limit of say 2 or 3 apprentices will be allowed. This is another way of checking an abuse that might result out of this measure if this proviso is accepted as it stands to-day.

I was not quite able to understand the point that my honourable friend Lala Sita Ram raised, except merely this that he was wanting to stand up for a class of honorary magistrates. Why should he have any objection, I ask, why should there be the slightest objection to the acceptance of this provision? He knows perfectly well, in his own experience it must be

[Diwan Chaman Lall.]

obvious, that an honorary magistrate often is ready to oblige a friend. In a strict measure of this nature we should not create the slightest sense in the mind of any person who is going to be affected by this measure, that the provisions of this measure are likely to be frustrated by these under-hand methods. I do not say that honorary magistrates as a class are of that type. We are as a matter of fact pledged on these benches to see to it that honorary magistrates are abolished as a class and I hope the time will come when honorary magistrates as a class will be abolished and will be done away with. But as long as they exist, there is no necessity for these special powers to be handed over to them. This is a matter of very grave responsibility, a responsibility of seeing that little children are not exploited. Surely my honourable friends sitting on these benches realise that responsibility as much as I do. In the matter of the exploitation of little children every one of us in the Punjab wishes that the children of the Punjabis should not be exploited at a tender age. Therefore everything should be done, every power taken to see that there is no abuse of this measure, everything done to see that the provisions of this measure are strictly enforced and that there are no loopholes left for any one to take advantage of those loopholes in order to frustrate the object that my honourable friend has in view.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram): I have to say just one word in reply to the argument put forward by Diwan Chaman Lall who seeks to make an amendment to the clause as it stands. The clause as it stands gives power to an ordinary magistrate of the first class in the matter of certifying an apprentice as being a *bona fide* apprentice. The effect of the amendment proposed by Diwan Chaman Lall will be that while this power will be used by stipendiary magistrates of the first class, it will not be used by honorary magistrates of the first class. I see no good ground to make a distinction between a stipendiary magistrate of the first class and an honorary magistrate of the first class. If I can depend upon my normal experience of life, I have no hesitation in suggesting that a private person who becomes an honorary magistrate of the first class generally holds a better and more responsible station in life than a stipendiary magistrate of the first class. (*Hear, hear.*) Therefore, there is absolutely no ground for making any distinction between a first class magistrate who is in receipt of a salary and a first class magistrate who is performing his duties without receiving any payment.

Mr. Speaker : Question is—

That in proviso, line 3, between the words "first class" and "to", the words "other than an honorary magistrate" be inserted.

The motion was lost.

Mr. Speaker : Question is—

That clause 3 stand part of the Bill.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, This is a very peculiar measure. Realities of life have not been given proper consideration. My honourable friend sitting on this side of the House has not given his thought to the realities of life as they exist in the province. Even the Bombay Bill fixes the age limit for boys at 12 years, and not 14. Why I object to this clause is this. There are thousands of widows and orphans in cities who maintain their families by the boy going

out at the age of 11 or 12 years and working in a shop and getting a small remuneration of 2 or 3 or 4 annas per day. The boys not only maintain themselves on this but also feed their widowed mothers, and their younger brothers and sisters. This aspect of the question has not been given any consideration by my honourable friends. My honourable friend, Diwan Chaman Lall, has been advancing his arguments on the lines of the Factory Act, forgetting that the factory work is of a hazardous nature but in the case of shops it is not at all so. We will be depriving this class of poor people of their means of subsistence on which they have been depending for centuries, we will shut them out from working in these establishments, without providing any other alternative for them.

At this stage the Assembly adjourned till 12 noon on Tuesday, 30th April, 1940.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 30th April, 1940.

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

STARRED QUESTIONS AND ANSWERS.

SUBSIDIZED HOSPITALS AND DISPENSARIES IN KANGRA DISTRICT.

***6665. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state the number of subsidized hospitals or dispensaries opened in the Kangra district from 1st April, 1937 up to 1st April, 1940 ?

The Honourable Mian Abdul Haye : The scheme of subsidized dispensaries came into being only last year. Two such dispensaries have been opened in the Kangra District.

DACOITY IN VILLAGE SHAHANI, DISTRICT MIANWALI.

***6694. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that a serious dacoity took place in village Shahani, tahsil Bhakkar (district Mianwali) on 1st March, 1940, in the house of Lala Khota Ram, Zamindar, wherein eight dacoits including four Pathans fully armed raided the house ;
- (b) whether it is a fact that although one Pathan dacoit armed with gun was overpowered at the spot and made over to the police by the villagers yet even for five weeks the police has not been able to trace the other dacoits ;
- (c) what action the Government propose taking to trace and punish the persons responsible for the crime ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) A dacoity was committed in the house of Khota Ram by six persons, one of whom carried a fire-arm. There was no loss of life or property.

(b) and (c). Four arrests have been effected, and strenuous efforts are being made to arrest the other persons suspected.

COMPLAINTS AGAINST THE SUB-INSPECTOR OF POLICE, SIDHWAN BET, LUDHIANA DISTRICT.

***6696. Chandhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Sub-Inspector of Police, Sidhwan Bet, in the Ludhiana district, refused to register the case of one

[Ch. Muhammad Hasan.]

Sardar Chanan Singh, a resident of village Sheikh Daulat who was fatally wounded ;

(b) whether it is also a fact that a number of complaints were made to the Superintendent of Police against the above-mentioned Sub-Inspector for not taking proper action in the matter ; if so, the action taken thereon ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I find on inquiry that the cases to which this question appears to relate are *sub judice*, and I must in consequence refrain from comment.

CHARGING OF FEES BY CIVIL SURGEONS AND ASSISTANT CIVIL SURGEONS.

*6697. **Chaudhri Muhammad Hasan** : With reference to his statement made in the current session of the Assembly promising therein to consider the question of prohibiting the civil surgeons and the assistant civil surgeons of the various hospitals in the province from charging fees from patients coming to them for treatment and also of making it obligatory for these medical men to deposit fees if any charged by them in exceptional cases to the Government Treasury, will the Honourable Minister of Education be pleased to state when the Government is likely to come to a final decision in the matter and also state the reasons why the civil surgeons and assistant surgeons are permitted to charge fees in the medico-legal cases and keep the money to themselves and not credit the money thus charged to Government ?

The Honourable Mian Abdul Haye : *First part.*—The question of placing restrictions on private practice by officers of the Medical Department is under consideration and a decision will be made as soon as possible.

Second part.—It is only in private medico-legal cases, which do not fall within the scope of their official duties, that medical officers are permitted to accept fees.

Chaudhri Muhammad Hassan : Is it a fact that this question of prohibiting civil surgeons and assistant civil surgeons to accept fees has been under the consideration of the Government for the last 3 years ?

Minister : Yes, for a number of years.

PUNJAB STUDENTS.

*6704. **Dr. Satya Pal** : Will the Honourable Minister of Education be pleased to place on the table of the House a statement showing the number of students in the Punjab who took and passed the matric, F.A. and B.A. Examinations from 1901 to 1940 ?

The Honourable Mian Abdul Haye : I regret I am unable to reply to the question as the benefit likely to be derived from the supply of the desired information will not be commensurate with the time and labour involved in the collection thereof.

NUMBER OF STUDENTS IN THE PUNJAB HIGH SCHOOLS.

*6765. **Dr. Satya Pal :** Will the Honourable Minister of Education be pleased to place on the table of the House a statement of all high schools in the Punjab with the number of students from 5th to 10th classes on roll as on 31st March, 1940 ?

The Honourable Mian Abdul Haye : The honourable member is advised to consult the current issue of the "List of High Schools in the Punjab", a copy of which was supplied to him by the Education Department in February this year.

FILLING OF VACANCIES IN POSTS OF ASSISTANT SURGEONS.

*6766. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Education be pleased to state—

(a) the proportion of agriculturists and non-agriculturists, and also of graduates of the medical college and those possessing foreign qualifications recently recommended by the Public Services Commission, Punjab and N. W. F. P. and finally taken by the Government to fill the vacancies in the posts of the assistant surgeons ;

(b) whether any proportion in these posts is reserved for those possessing foreign qualifications ; if so, what and why ;

(c) whether before inviting applications from the Medical graduates and calling them for interview by the Public Services Commission any proportions in which candidates belonging to different groups and classes were to be taken were announced ; and if not, why not ?

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

PROSCRIPTION OF THE BOOK " BHARAT MEN ANGREZI RAJ ".

*6742. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the objectionable passages in the book " Bharat men Angrezi Raj " by Babu Sundar Lal proscribed recently in the Punjab by the Government ?

The Honourable Major Sir Sikander Hyat-Khan : I am not prepared to give further publicity to objectionable passages in the book by placing them before the House.

Sardar Sohan Singh Josh : May I know from the Honourable Premier whether the book referred to in the question has been proscribed in the province merely because the Government of India considered it objectionable or the Punjab Government have proscribed it after going through it themselves ?

Premier : This book has already been proscribed in two other provinces. Therefore automatically it should be proscribed in this province as well.

Sardar Sohan Singh Josh : May I know whether the order for proscribing it was issued in those provinces and then withdrawn ?

Premier : In two provinces.

DEPOSITING OF *BELCHAS* IN AMRITSAR DISTRICT BY *KHAKSARS*.

***6743. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number of *belchas* deposited with the authorities by the *khaksars* in Amritsar city after the *khaksar* movement had been banned up to date and the number of *khaksars* who tendered apology to the Government in the same area ?

The Honourable Major Sir Sikander Hyat-Khan : (i) None.

(ii) Three.

**DEMAND OF SECURITY FROM SARDAR SOHAN SINGH JOSHI, M.L.A.,
FOR TAKING OUT "RAFIQ".**

***6744. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) whether Sardar Sohan Singh Josh, Member, Punjab Legislative Assembly, applied for taking out a weekly called "The Rafiq" in the 2nd month of 1940 ;

(b) whether he was asked to deposit Rs. 1,000 as security ;

(c) the reasons for demanding security before bringing out the weekly ?

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

(b) Yes.

(c) As District Magistrate, Lahore, had reasons to believe that the proposed venture was likely to be used for one or other of the purposes enumerated in sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, XXIII of 1931, read with section 16 of the Criminal Law Amendment Act, XXIII of 1932, he demanded security under section 7 (1) of Act, XXIII of 1931.

Mr. Dev Raj Sethi : May I know, due to what activities of Sardar Sohan Singh Josh security was demanded from him for starting a Weekly in the province ?

Premier : I have already stated the reasons for demanding security from Sardar Sohan Singh Josh for starting a "weekly" in the province in part (c) of the reply and I cannot add anything to it.

Mr. Dev Raj Sethi : The Honourable Premier has admitted in his reply that this matter depends on the discretion of the District Magistrate. May I know why the District Magistrate used his discretion for demanding a security from Sardar Sohan Singh Josh for starting that Weekly ?

Premier : As my honourable friend has stated, the demand of security from newspapers depends on the discretion of the District Magistrate. I have already stated the reasons as a result of which the District Magistrate used his discretion and demanded a security for the Weekly referred to.

Lala Duni Chand : May I know the particular reason why the security was demanded from the paper which was going to be started by a responsible man like Sardar Sohan Singh Josh, an honourable member of this House ? May I know if the Government is inclined to reconsider the matter now ?

Mr. Speaker : That is a request for action.

Master Kabul Singh : May I know whether securities are demanded from political and socialist newspapers only ?

Premier : I may point out for the information of the honourable member that the District Magistrate has a discretion to demand security from any newspaper which in his opinion will be guilty of a breach of the law. If, however, the newspaper follows a sane policy that security is refunded as well.

Sardar Partab Singh : The Honourable Premier has stated that this matter depends on the discretion of the District Magistrate. In view of this fact may I know from him whether he agrees with the District Magistrate in his action for demanding a security from the newspaper referred to in the original question ?

Premier : When an officer is allowed to use his discretion it is not proper for the Government, save in exceptional circumstances, to interfere in his work.

AUTHORIZED SUPPLY OF WATER FOR, LOWER CHENAB, LOWER BARI AND FEW OTHER CANALS.

*6748. **Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

(a) the authorized full supply of water at the canal head for three years after opening and for the last three years of the following canals ;

- (1) Lower Chenab Canal ;
- (2) Lower Bari Doab Canal ;
- (3) Lower Jhelum Canal ;
- (4) Upper Jhelum Canal ;
- (5) Upper Chenab Canal ;
- (6) Upper Bari Doab Canal ;

(b) the cultivable commanded area on the above canals for the years mentioned in (a) and the area per acre of water ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The information can be obtained from Part II of the Administration Reports of the Irrigation Branch, Public Works Department. Statement I-A of these Reports contains the required figures.

**ALLOTMENT OF WATER FROM THE MAIN CANALS TO THEIR
DISTRIBUTARIES.**

***6749. Mian Muhammad Nurullah:** Will the Honourable Minister of Revenue be pleased to state the principles on which water in the main canals of the province is allotted to their distributaries during winter and summer and whether these principles apply equally to all the main canals of the province?

The Honourable Dr. Sir Sundar Singh Majithia: The authorized full supply discharge of a distributary is based upon its culturable commanded area and the water allowance fixed for a canal or part of a canal. When the river supply is not sufficient to meet canal indent, the distributaries are run by rotation and all channels, as far as possible, receive the same number of full supply days.

CASES OF MURDER AND OTHER LITIGATION DUE TO WARASHIKNI.

***6751. Mian Muhammad Nurullah:** Will the Honourable Minister of Public Works be pleased to state how many cases of murder and other criminal litigations have come to the notice of the Government due to warashikni in the province in each of the last ten years?

Parliamentary Secretary (Shaikh Faiz Muhammad): The information cannot be collected as the expense and labour involved would be out of all proportion to the result to be achieved.

Mian Muhammad Nurullah: Has the Government ever made any inquiry about this?

Minister: It is extremely difficult for the Government to find out as to how many cases of murder and other criminal litigation has taken place on account of warashikni during the last ten years.

Mian Muhammad Nurullah: Can the Honourable Minister tell me the number of such cases during the last year?

Minister: I require notice for it.

TEA PARTY TO DEPUTY COMMISSIONER, CAMPBELLPUR.

***6755. Chaudhri Muhammad Hasan:** Will the Honourable Premier be pleased to state—

(a) whether the Deputy Commissioner, Campbellpur, was entertained at a tea party by the gentry of Tallagan on 17th March, 1940, in the Government High School;

- (b) the occasion of such a tea party ;
- (c) whether Government has issued any instructions to its officials not to accept such parties without the sanction of the local Government ;
- (d) whether the Deputy Commissioner in question applied for such sanction ; if not, the action Government intend to take in the matter ?

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

(b) The annual Cattle Fair at Tallagang.

(c) and (d) The acceptance of public parties without Government sanction is prohibited. The reason why the Deputy Commissioner did not ask for sanction was that he did not anticipate that the party would be of a public character. As exchange of hospitality at this fair is customary, Government do not propose to take any action beyond drawing the Deputy Commissioner's attention to the meaning of the orders.

Lala Duni Chand : May I know if giving of this party was an infringement of the standing instructions or standing rules of the Government?

Premier : I cannot add anything to the very complete and comprehensive answer I have given.

Lala Duni Chand : I want to know whether the Honourable Premier thinks it to be an infringement of the rules or not?

Premier : My honourable friend has not apparently listened to the reply carefully.

Lala Duni Chand : I simply want to know whether he has considered it as an infringement or not. I do not think he has said anything about that in his reply.

Mr. Speaker : That is a matter of opinion.

6813 and 6814.—*Cancelled.*

REDUCTION IN THE EDUCATION BUDGET OF THE DISTRICT BOARD, JULLUNDUR.

*6815. **Mian Abdul Rab :** Will the Honourable Minister of Education be pleased to state—

- (a) whether any reply has been received by him from the District Board, Jullundur, to a letter No. 6105-A, dated the 13th March, 1940, from the Under Secretary to Government, Punjab, addressed to the Commissioner, Jullundur Division, on the subject of drastic reduction in the education budget of the district board ; if so, whether he will be pleased to lay a copy of the reply on the table of the House ;
- (b) whether he is aware that this reply was drafted by the Chairman District Board ;

[Mian Abdul Rab.]

(e) how much time was allowed to the members of the board to consider the draft reply and how many minutes before the actual meeting of the board copies of the draft reply were supplied to the members;

(d) what action, if any, the Government propose to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) A copy of the resolution passed by the District Board is laid on the table.¹

(b) It is stated in the resolution that it was moved by the Chairman.

(c) Copies of the proposed resolution were distributed to members as they arrived for the meeting. The item could not be included in the agenda in the first instance as the letter from Government was received after the agenda had been printed and circulated and the matter was urgent.

(d) The matter is under the consideration of Government.

Mian Abdul Rab: May I draw the attention of the Parliamentary Secretary to the resolution passed by the district board, which was drafted by the official chairman of that local body that is, the Deputy Commissioner? I will read out a few lines from the last paragraph and then I would ask him a question. It says:—

“Although the district board is satisfied that legally neither any one department nor Government as a whole can take the administration of the district board affairs out of its hands, and that it would not be in accordance with the principles of Local Self-Government for decisions of the district board to be imposed from above, nevertheless in this matter the district board invites the arbitration of the Governor of the Punjab.....”

In view of this sentence and in view of the tone of similar other sentences in a challenging form, does the Government approve of the tone of that resolution which was drafted by the official chairman?

Parliamentary Secretary: The whole question will be considered when the matter comes before the Government.

Mian Abdul Rab: May I know whether it is a fact that no meeting of the district board was held whereby any powers were delegated to the chairman by any resolution of the district board to draft this reply.

Parliamentary Secretary: I would like notice.

Mian Abdul Rab: May I know whether it is a fact that no copies of the letter from the Government were distributed to the members for consideration and only this draft reply was placed before them a few minutes before the meeting?

Parliamentary Secretary: I would like notice for it.

Khan Sahib Chaudhri Sahib Dad Khan: How much educational grant is given to the district board, Jullundur?

Parliamentary Secretary: That does not arise out of the question.

¹Kept in the Assembly Library.

Mian Abdul Rab : May I know whether the facts stated in this resolution are not proved and are wrong according to the educational authorities in the district ?

Parliamentary Secretary : I would like notice, but I may also inform the honourable member that when it comes for consideration, all these matters will be gone into.

Mian Abdul Rab : May I know whether in view of the tone of this letter and in view of the challenge that is thrown to the Ministry in this resolution, the Government has considered the advisability of asking for an explanation of that officer ?

Parliamentary Secretary : I have said that the matter will be considered in all its aspects. It is very difficult to express any opinion at this stage.

Mian Abdul Rab : May I draw the attention of the honourable member to paragraphs 10 and 11 of the Government of the Punjab (Ministry of Education), C. M. No. 3512-A, dated 2nd March, 1932, whereby no modification in the conditions of service of teachers employed by local bodies should be made without the previous sanction of the department concerned ? Is it a fact or not ?

Parliamentary Secretary : The honourable member has referred to a printed letter and naturally it must be correct.

Chaudhri Muhammad Hassan : Is it a fact that the official chairman is the same gentleman who was transferred from the judicial side to the executive because he was in the habit of criticising the rulings of the High Court ?

Parliamentary Secretary : I refuse to discuss personalities.

Master Kabul Singh : May I know whether the Government is aware of the fact that there are definite rules according to which no head can close any institution without first referring the matter to the Government ?

Parliamentary Secretary : Since you are referring to a particular rule, obviously that must be in existence.

Master Kabul Singh : What I want to know is whether the sanction of the Government was sought in this matter ?

Parliamentary Secretary : This matter has not come before the Government in its final form so far, but when it comes all the various aspects of the question will undoubtedly receive full consideration.

Master Kabul Singh : Will the Parliamentary Secretary be pleased to state the number of teachers who were affected by reduction in the budget ?

Parliamentary Secretary : This question does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

PUNJAB STUDENTS.

1147. Pandit Shri Ram Sharma : Will the Honourable Minister of Education be pleased to place on the table of the House a statement showing the number of students in the Punjab who took and passed the Matric, F. A. and B. A. Examinations from 1901 to 1940 ?

The Honourable Mian Abdul Haye : I regret I am unable to reply to the question as the benefit likely to be derived from the supply of the desired information will not be commensurate with the time and labour involved in the collection thereof.

STUDENTS IN THE PUNJAB HIGH SCHOOLS.

1148. Pandit Shri Ram Sharma : Will the Honourable Minister of Education be pleased to place on the table of the House a statement of all high schools in the Punjab with the number of students of 5th to 10th classes on roll as on 31st March, 1940 ?

The Honourable Mian Abdul Haye : The honourable member is advised to consult the current issue of the "List of High Schools in the Punjab", a copy of which was supplied to him by the Education Department in February this year.

GOATS AND SHEEP SLAUGHTERED IN LICENSED SLAUGHTER-HOUSES.

1149. Sardar Sohan Singh Josh : Will the Honourable Minister for Development be pleased to state the number of cows, goats and sheep, respectively, slaughtered in the licensed slaughter-houses of the province during the year 1939 for human consumption ?

The Honourable Chaudhri Sir Chhotu Ram : The information is being collected and will be supplied to the honourable member when ready.

REFERENCE TO DR. GOPI CHAND BHARGAVA.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, it was with the deepest regret that I saw a note in the "Tribune" this morning conveying to us the unfortunate news that my friend the Leader of the Opposition intends to desert us. I got an inkling of that news yesterday, when I received an invitation which said that it was a farewell party, and I thought that perhaps it was not a farewell to my honourable friend on severing his connection with this House, but was to wish him God-speed on his new mission. But this morning the note of the "Tribune" made it clear to me that he was not only severing his connection with the Opposition Party as Leader of that Party, but that he was severing his connection with the Assembly also. I do not think that this is the occasion to go into those passages-at-arms which have been exchanged across the floor of this House. I know perfectly well that at times I, as Leader of my Party, was forced to do things that I would not have otherwise done, and in the same way, he also was forced to do things which perhaps if he had been left free, he would not have done. But in the face of all these difficulties and all these obstacles and all these disadvantages of a democratic system of administration, I must pay him my full quota of tribute for the very sagacious way in which he has led the Opposition. (Hear, hear.) His honesty and integrity is above suspicion and doubt. (Hear, hear.) I

know it, not only on account of my recent association with him as a member of this Assembly, but even before that I had the privilege of working with him in the old Legislative Council and I know the esteem and respect in which he was held by the public for his very public spirited services to his country and to his province. In a democratic system there are of course certain blessings, but there are also a great many disadvantages, and those of us who are associated in this province with this first Assembly, we pioneers of legislative work, know how difficult it is to steer our way clear between the shoals and rocks which we face daily in the task of administration. We know perfectly well that during this transitional period the pioneers have to face many difficulties and it is up to us to face those difficulties. Here again I am grateful to my honourable friend opposite for giving me his fullest support in overcoming those difficulties. In spite of our limitations and in spite of the disabilities which we have faced, I think that when he has severed his connection with this Assembly, he will have a legitimate right to look back with satisfaction at the part he has played here, a part which will be a useful example to those coming after us when we are no longer here on these benches. Dr. Gopi Chand's qualities are known to everybody. I am sure that he will continue to command that esteem and respect which he deserves. I think I am voicing the feelings of all of us when I say that he has always tried to play a clean game, and that is I think the highest praise which any Opposition Leader can wish for. After all politics are not a very pleasant pastime, but the main thing is that we must fight cleanly with our opponent, and, to put it briefly, we must play cricket. So far as Dr. Gopi Chand personally is concerned, I know, and can vouchsafe from personal knowledge, that he has always, in spite of the difficulties which I have mentioned, tried to play cricket. I am sorry that those who arranged the farewell function for him did not think fit to ask me when this function was being arranged, because I can assure my honourable friend that I and my colleagues would have been only too glad to associate ourselves with them in doing honour to a great Leader of the Opposition. In spite of the limitations and in spite of the difficulties as I have said, he has done his very best to lead the Opposition — and a very difficult Opposition if I may say so — with credit and distinction. I wish Dr. Gopi Chand God-speed and I hope he will continue to do unstinted and loyal service to his province and this Assembly. (*Applause*).

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, on behalf of the Independent Party I associate myself with every word that has fallen from the Honourable the Premier with regard to the various qualities of head and heart of the Leader of the Opposition who is unfortunately leaving us so far as the Assembly is concerned. I had the honour of working hand in hand with him for the last one and a half years and I can assure you and through you the whole House that it was indeed very pleasant to work with him. His advice has always been very useful and his pleasant manners won him the admiration and esteem of one and all who came in contact with him. I need say no more and wish the Leader of the Opposition, who is leaving us, God-speed and the fullest measure of success in his new mission.

Sardar Sampuran Singh (Lyallpur, West, Sikh, Rural) : Sir, we suffer doubly on the leaving of Dr. Gopi Chand Bhargava (*Hear, hear*); firstly

[S. Sampuran Singh.]

on account of losing great leadership which he gave us during the last three years and secondly for the withdrawal of his advice which he gave us both in personal and public affairs and also the advice which we took from him in all political matters both in the House and outside. There is one redeeming feature that he will be still living at Lahore and will be quite at hand whenever we want any help from him. Though we say him goodbye at the same time we are looking forward to seek his advice and help in all matters which concern this Assembly and other political matters. It is really very painful to say goodbye to him but such things do happen in life and we have to put up with them.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): Sir, I have great pleasure in associating myself with the remarks made about the Leader of the Opposition who is now leaving us. We are very sorry that we will be missing him but we wish him success. I feel that every zamindar member will associate with me when I say that Doctor Sahib has always been amenable and sympathetic in dealing with problems put before him. I remember when one of my honourable friends Syed Lal Badshah was told that the Leader of the Opposition would be leaving us he said it would be difficult to manage the Opposition. We wish Doctor Sahib success in life.

Pir Mohy-ud-Din Lal Badshah (Attock South, Muhammadan, Rural) (*Punjabi*): Sir, I do not find enough words to express my appreciation of the services rendered by the Honourable Dr. Gopi Chand Bhargava to this province. He has won the hearts and the admiration of the Punjabis through his selfless service of his province in the House as well as outside it. Yesterday when I learnt about his resignation I was overwhelmed. It is very much to be regretted that his departure will greatly affect the Opposition. It will, as a matter of fact, amount to almost a reduction of half their strength. But I hope that his guidance and counsel will always be available to the party and the House as before. I wish to express my gratitude as well as that of my Muslim brethren for the services rendered by him with so much ability to the province.

Mr. Speaker: Dr. Gopi Chand Bhargava has been known to me for very many years. The opinion, I have formed is that his conduct, as a public man, is exceptionally good. His private character is unblemished, admirable and excellent. He is very straight and honest in his dealings. He has discharged his duties, as the Leader of the Opposition, most efficiently, and I am personally obliged to him for the help, he gave me, whenever I needed it. No one is indispensable or irreplaceable. The world shall go on; but we shall not get another Dr. Gopi Chand Bhargava to take his place. I endorse every word used by the Honourable Premier and other speakers. His presence was a great asset and we shall miss him very much; but what cannot be cured must be endured. He has made up his mind to go. So, we must submit to the inevitable.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, I am grateful to you and through you to the Honourable Premier and other honourable members of this House also for the very kind words that have been said about me. I am conscious of my shortcomings, but as I

have the honour to represent an important political organisation in the country, my shortcomings or other personal qualities, good or bad, do not matter at all. All the sweet words spoken this noon I take to be in eulogy of that organisation — the Indian National Congress.

During the course of my association with this House, I have tried my level best to discharge my duties as the Leader of a dignified Opposition. If I had failed in my duties it would have been a blot on the fair name of that organisation. It would have failed in demonstrating its capacity to play the role of a Parliamentary Opposition. The Congress is such a strong organisation that it has enabled me to perform my duty with the greatest possible ease; and now, when I am severing my connection with this august House, I do so in response to the call from my General; and as a soldier, I am duty bound to obey his command. As the General thinks that if I am out of the Assembly I will be more useful in the impending struggle for the country's freedom I have been commanded to get back to the work which I had left when I came here. In these circumstances there is nothing extraordinary nor am I sorry while seeking farewell from my parliamentary colleagues.

Mr. Speaker, before coming to the Assembly I was busy with the "constructive work" under the guidance of Mahatma Gandhi. And when I was ordered to work inside the House I obeyed like a dutiful soldier and contested the seat, although I was perfectly aware of the nature and character of the heavy responsibilities involved. Now, when the constructive work outside the House had assumed a far greater importance I made up my mind to go back to my original post of duty. Accordingly I requested those in authority to relieve me of my present duties. The necessary permission has been accorded to me and I am now leaving this sphere of my legislative activities, for I believe that I would be much more useful to my country by serving outside than inside the House.

Before I bid farewell to you all, I would like to tender my grateful thanks to you for the consideration you have always shown to me inside as well as outside the House. I am much grateful to your staff as well. They have always helped and guided me in my strenuous task as Leader of the Opposition. I have not the least hesitation in admitting that it would have been well nigh impossible for me to discharge my duties in an efficient and dignified manner without the help and co-operation of your staff. I may be allowed to mention here that the only object of my life is to serve my country most honestly and faithfully. It makes no difference whether I am inside or outside the House. It is immaterial to me. I am, as I have already stated, a dutiful soldier, and when duty calls, a soldier must obey.

In the end I must declare that our party would carry on the same policy and programme even after my withdrawal from the legislative fields. I trust the Government would always have due and legitimate co-operation of the Opposition whenever and wherever it is found possible. Besides, dignified criticism of the Government policy would always be forthcoming. With these words I would again express my gratitude to you and through you to other honourable members of the House for the consideration and indulgence they have always shown to me (*Loud applause*).

HOURS OF SITTING.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I move—

That the proceedings on the items (1) The Punjab Trade Employees Bill and (2) The Punjab Consolidation of Holdings (Amendment) Bill appearing on the list of business for today be exempted at this day's sitting from the provision of the Rule 'Sitting of the Assembly'.

The motion was carried.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I move—

That the sitting of the Assembly today unless the business appearing on the list of business is completed earlier shall adjourn at 4-30 p. m. and shall be resumed at 6 p. m.

The motion was carried.

TRADE EMPLOYEES BILL.

Clause 3.

Mr. Speaker : The Assembly will now resume consideration of clause 3 of the Punjab Trade Employees Bill.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I was opposing clause 3 yesterday when the House adjourned for to-day. My friends on the Congress benches in their over-enthusiasm for this measure have overlooked the effect that this measure will produce on thousands of families living in cities, and which comprise of widows and their minor children. This clause, if passed, as it stands, will be highly prejudicial to the interests of that class of people. We are all aware, Sir, that these poor widows with minor children to support have no resources open to them; they have no money to feed themselves with and they have no male adults to look after them. Just imagine these widows praying day in and day out, in fact every moment of their lives for a day to come when the eldest son on attaining the age of 10 or 11 years would be able to do an odd job in a small shop or a commercial establishment which will bring him just a few annas to feed not only himself, but his younger brothers and sisters and also his widowed mother! The effect of this clause, if passed, will be to prolong the agonies of such families by at least another couple of years. I have not been able to understand why there should have been any differentiation between the age limit so far as apprentices and paid employees are concerned. We, the legislators of this province are making a free gift of the services of these young boys between the age of 12 and 14 to these shop-keepers and the business establishments. The law will not touch them so long as they are not paid a pie as wages for the work which they do, but as soon as they get a few annas per day, the law will be operative. It comes to this that the same boy, at the same age, when doing free service is not touched by the law so long as he remains unpaid, but the moment he entitles himself to receive a few annas, the law comes upon him and makes the whole thing illegal. I do not think this was ever the object of the Government, much less of the Congress Party. But, as I have said, in their over-enthusiasm for this measure, the members of the Congress Party have shut their eyes to the realities of the situation. I have just gone through the Bombay Bill as it was introduced in the Bombay Legislative Assembly. In that Bill a

child is defined as one who has not attained the age of 12 years. In our Bill we make the same definition but extend it to the age of 14 years. Now, Sir, our brethren in Bombay may be intellectual giants. They may be the best businessmen. But physically speaking they are not a match to the sturdy Punjabi and if in a place like Bombay an age limit of 12 is considered enough, I for one fail to understand why the Punjab should go out of its way and fix an age limit of 14 years. As I have said, this clause, if passed in the present form will do no good to anybody, will bring no benefit to anyone except to increase the period of agony of these poor widows and orphans who are to be found in their thousands in urban areas, by at least another two years. It is no exaggeration to say that these poor people even now, in the state of things as they exist, are not having two square meals a day. Some of them have to carry on with only one meal and still some others without any meal whatsoever. I put it now to the Government and also to the Congress who are as much responsible for this legislation as the Government—both sides are going hand in hand so far as the passage of this measure is concerned—whether this legislation will do any good to those classes of people of whom I am making this pointed reference. We know that these classes of people exist in their thousands in every big city. What is the object of this legislation? If you want to reduce the working hours of these men engaged as assistants in these shops and business concerns, nobody has any quarrel with that. We will all support it, but if in your anxiety to reduce the working hours of those people, you go out of your way and create, even though it may be unconsciously, difficulties in the way of these unfortunate people, we shall not be doing our duty if we did not raise our voice on behalf of those dumb and unfortunate people. They may not have votes behind them, they may not have the influence to exert on the authorities here, but with all that the fact remains that these unfortunate people are ill-clad, they are ill-fed, they are neglected and nobody either on this side of the House or on that side of the House should do anything consciously or unconsciously to add to their misery. I feel that this thing had only to be brought to the notice of the Government and to the notice of the Congress party for them to so adjust themselves as not to cause any undue hardship to these God forsaken people, and now that this has been done, we may expect a prompt response, in the required direction from both these parties. Even the Punjab Provincial Shop Assistants Union, in the representation which they have sent to all the members of the Assembly, do not at all make any mention as to the fixing of an age limit. They have given their opinions in detail and in as forceful a language as they could, but there is no mention of an age limit, presumably because they knew the conditions that prevailed, better than most of us sitting here do. I know personally that hundreds of boys even at the age of 8 or 9 years do some odd jobs in these shops in the produce exchanges, etc., and earn by way of wages a few annas with which to maintain themselves and their families. The effect of this legislation with this clause will be to deprive those people, those unfortunate people, those God forsaken people, from earning these few annas a day at least for a period of two years. I ask again if that is the intention of the Congress and of the Government? It was very unfortunate that Lala Duni Chand was prevented from moving a very sensible amendment to this clause yesterday. He had suggested that the figure "14" ought to be replaced by

[S. S. Sardar Santokh Singh.]

"12". This would have been more in conformity with the conditions that prevail. I have proved it, that in Bombay where the people are not physically as strong as the Punjabis, they have fixed the age limit at 12. Let it not be said of us that in our thoughtlessness or carelessness we did not think of a class which deserved the most earnest and sincere consideration at our hands. I appeal to the Government, I appeal to the Congress in the name of that unfortunate class of people, in the name of those widows and orphans, that they should not add anything to their misery and to fix the age limit at 12 instead of at 14. There is really no sense in having it at 14.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, I associate myself with the sentiments that have been expressed by my honourable friend, Sardar Sahib Sardar Santokh Singh, on this question. He is rather unnecessarily hard in putting the Congress in the wrong. We are still prepared to make a suggestion to the Government. But it is neither in our power nor in the power of Sardar Santokh Singh to have anything passed which we want to have passed. Really the whole power is vested in the Government. I think I correctly represent the attitude of my party when I say that if the Government is still prepared to reconsider the question, namely that the age limit be reduced from 14 to 12, I do not think there will be any serious opposition on the part of the Congress.

I am also reminded in a way by Sardar Santokh Singh, of the most grinding poverty from which the people of this country are suffering and we should not do anything to add to that grinding poverty. I give one illustration to the honourable members of this House. They know how many children and how many boys between the ages of 8 or 10 and 14 are now working and making a living as cooks or as domestic servants. I know in many cases they are providing bread to the starving members of their families. Once I invited the attention of Chaudhri Sir Chhotu Ram that if he ever goes to the Ambala district he should take the trouble of going to that tract of the country which is below the Shivaliks. I have made a personal study of the poverty of that locality on the spot. In a fairly large number of agriculturist families the breads are cooked in certain numbers and each member of the family is allowed one or two or three breads. On one day one child gets one bread and on another day he gets two. It is this chronic state of poverty that has impelled me to say a few words. The Congress really is out to banish poverty from this country. My honourable friend, Sardar Santokh Singh, tried to give impression that Congress has not discharged its duty, and in fact, he wanted to convey in a way that in this particular case we want to increase the poverty of the country. I want to dispel his idea and the idea should not be created that we want in any way to add to the chronic state of poverty. I am still prepared to make a suggestion—in spite of the fact that I did not move that amendment—that if the Honourable Minister for Development will be pleased to reconsider the matter, I think, he will be doing a certain amount of good to a large number of poverty-stricken people. That is what I wanted to say in regard to clause 3.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Sir, I had no intention originally to speak on this clause, but lest there be any confusion in regard to this matter as to the attitude of the

Congress party, I have considered it my duty to place the views of the Congress party before the House. There were two alternatives before the Congress party or there were two amendments before the Congress party. One was the amendment of my honourable friend Diwan Chaman Lall trying to raise the age from 14 to 16 and the other amendment was by my honourable friend Lala Duni Chand, suggesting to reduce the age from 14 to 12. I cannot divulge any secrets of my party, but this would be germane to the discussion and therefore, I would ask the indulgence of the House to hear me on this point. Diwan Chaman Lall tried his best to insist on his amendment which sought to raise the age from 14 to 16. It is perfectly known that he is very much interested in labour questions and he has got very pronounced socialistic views and therefore he pleaded the cause of these poor and unfortunate employees in order to prevent child labour. There was another amendment in the name of my honourable friend Lala Duni Chand, suggesting the reduction of age. But the attitude of the party was that the age which was mentioned in the clause should be retained. That was the decision of the party and that was the whip issued by the party. I do not want to give any detailed arguments in favour of this decision. I would only mention one fact and that is this that it is a unanimous demand of those poor and unfortunate shop assistants that the age should be retained at 14 and that there should be no employment of boys under the age of 14. That was not only passed in conferences, not in their meetings, but they have issued posters and I have got a poster with me in which they have demanded that there should be no employment below the age of 14. It is, therefore, a unanimous demand of those shop assistants.

Lala Duni Chand : Are you preaching your own socialism ?

Chaudhri Krishna Gopal Dutt : I am not talking of my socialism or of Diwan Chaman Lall's socialism or of the peculiar socialism of Lala Duni Chand. I am merely putting before the House as to what I am asked to do on behalf of the Congress party in this House and I am merely obeying the mandate of the Congress party. If Lala Duni Chand is not prepared to obey the Congress whip, it is his look out. I am interested in this matter. (*Interruptions.*) I particularly who presided over that conference of the Shop Assistants could not take any attitude other than what I am taking now.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : Sir, I think what my honourable friend has said is hardly germane to the discussion. I do not think the House is interested to know anything what any particular conference decided in its own meeting. What this House is interested in knowing is whether this is a desirable amendment or not. That is all. I do not think it is at all desirable that any such thing should be put in the Bill. Apart from that, I do not desire to say very much in regard to what my honourable friend has said just now, as it is certainly a very big question that arises whether the children under 14 should be debarred from employment or whether the age should be raised to 16 or whether the age should be kept at 12. I take it that my honourable friend, the Minister for Development also agrees with the age being 14. If this is the proposition, then I take it that we are generally in accord in regard to this particular matter. I claim that I have very pronounced views with regard to this matter. I do see the practical difficulty that my honourable friend

[D. Chaman Lall.]

will be faced with. A large number of boys would not be able to get any sort of employment either of mind or of profit, because our educational system has not developed to this extent to make compulsorily a boy to remain attached to a school. The boy cannot have any sort of employment during that period. Therefore, I am not in favour of raising the age limit to 16.

- What I would desire is that a child before 16 should not be exploited for profit in any concern. Had I the slightest doubt on the subject, I would have obtained the necessary mandate about which my honourable friend mentioned a little while ago—a mandate for 16 years. The question is this: Are we to stick to 14 years, or are we to reduce it? My honourable friend Dr. Sir Gokul Chand Narang has pronounced his view in regard to the age being 12. I have equally pronounced my views in regard to the age being 16. Therefore let us come to a *via media* and come to an age of 14 on which we can all agree and let us leave it at that.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I had no intention to take part in the debate on this clause, but I earnestly feel that the age limit of 14 would throw thousands of boys out of employment. What I feel is this that there is no reason why this distinction should be made so far as the so-called children employed in commercial houses and shops are concerned. I belong to a village and I know that the village boys, sons of zamindars and peasants, begin working at the age of 6. They have half a dozen bullocks before them, a little *danda* in their hands and throughout the whole day graze cattle in the fields or in pasture grounds. They are used to it since Adam's time. Who can say that the peasantry of the Punjab has become very weak and imbecile? (*Interruptions.*) You are slaves because you have got slavish mentality not because you are physically weak. Can we conquer other people and can we maintain our freedom when we have got this slavish mentality? A child of 9 or 10 or 11 or 12 does much harder work in the fields than a child of that age will be called upon to do in a shop. After all what is the work to be done in a shop? It is either taking down some accounts or taking out something from almirahs and handing it over to the master who gives it to the customer. The work is not very hard or arduous. It is neither hazardous nor hard and it is not continuous. They have hours and hours of rest. Who can say that for the full 10 hours, the shopkeepers are busy without a moment's interval? If that were so, they could build palaces of gold in a short time. They generally use their time in sitting, in reading newspapers, in gossiping or in playing cards. Only when some customer comes they have to get up and sell whatever he wants to him. Probably the total amount of time for which they actually work will not be more than an hour and a half out of 8 hours. These gentlemen, idealists, who have read some books on child labour, on labour problems, etc., want to import these socialistic ideas in this country. You are aware that in this country boys become fathers at the age of 15. They carry on their business. (*Interruptions.*) I am only telling you that if people can support their families at the age of 15 or 16 or are at least called upon or are forced by circumstances to support their families at the age of 16, then it would be cruel to them and to their families if they are thrown out of employment. Everybody in this House knows that there are boys of *khatris*, *aroras* and *banias* who are carrying on independent shops at the age of 14 or

15. If they are born with silver spoons in their mouths, like my honourable friends here and over there—well fathered and otherwise placed in happy circumstances—they would not like to work up to the age of 25. They would do nothing and would merely lie in their *charpois* with a hubble-bubble in their hands. But how many of our people are born with silver spoons in their mouths? The sons of peasants work from morning till evening, they would not mind the sun, they would not mind the cold, they would not mind the wind, they would not mind rain and they have to be in their fields doing far more arduous, hazardous and harder work than the boys in shops are required to do. I think that if this clause is carried—and my honourable friend Sardar Santokh Singh has assured me and no one knows about the trading classes better than he does—thousands of boys will be thrown out of employment in big cities. Who is going to support them? How will they spend their time? Primary education is up to 11. So many of these children will be wandering like street Arabs in streets doing nothing because they will not be employed in shops or commercial concerns before the age of 14. Have you provided any occupation for them? Have you provided any amusement or any kind of education for them? You are throwing them into the streets. Some of them may be obliged to earn their livelihood by most objectionable means. They may become thieves and pick-pockets. Are you really protecting them by enacting this new law that before 14 no one should be employed in shops? Are Bombay people more foolish than we are? They are not less desirous about the interests of their children than we are. What is the reason that they can be content with the definition of a child as one who is not above 12. Why should we raise that age to 14? They have made another provision that between the age of 12 and 17 they may not be allowed to work for more than 8 hours and that they should not be allowed to work before 6 A.M. and after 7 P.M. That is what sections 18 and 19 say. Why cannot we have something of the same kind? Why should we put a bar upon the children between 12 and 14 and drive them into idleness or into crime? I do not understand the logic of those gentlemen who insist that a child below 14 should not be allowed to work for wages.

Mr. Speaker : These arguments have been advanced already.

Dr. Sir Gokul Chand Narang : I was not here when this argument was advanced but still I want to reinforce it a bit. I am not interested in repeating what has been said.

I really cannot understand why Government should insist upon this.
 1 p.m. They seem to be suffering from a surfeit of the milk of human kindness. What will become of widowed mothers and widowed sisters when the boys who have to feed them are thrown out of employment? Why not fix the age limit at 12?

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The Assembly divided: Ayes 45, Noes 9.

AYES

Abdul Hamid Khan, Sufi.

Abdul Rahim, Chaudhri (Gurgaon).

Akbar Ali, Pir.

Ali Akbar, Chaudhri.

Chhotu Ram, The Honourable Chaudhri Sir.	Muhammad Faiyaz Ali Khan, Nawabzada.
Dasaundha Singh, Sardar.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Faiz Muhammad, Shaikh.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Fateh Jang Singh 2nd-Lieutenant, Bhai.	Muhammad Yasin Khan, Chaudhri.
Fateh Muhammad, Mian.	Muzaffar Ali Khan Qizilbash, Sardar.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fazal Din, Khan Sahib Chaudhri.	Nasrullah Khan, Rana.
Fazal Karim Bakhsh, Mian.	Pir Muhammad, Khan Sahib Chaudhri.
Few, Mr. E.	Prem Singh, Chaudhri.
Ghazanfar Ali Khan, Raja.	Ranpat Singh, Chaudhri.
Ghulam Rasul, Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Gopal Singh (American), Sardar.	Roberts, Sir William.
Hans Raj, Bhagat.	Shahadat Khan, Khan Sahib Rai.
Hari Chand, Rai Sahib Rai.	Shah Nawaz Khan, Nawab Sir.
Het Ram, Rai Sahib Chaudhri.	Sikander Hyat-Khan, The Honourable Major Sir.
Jafar Ali Khan, M.	Sundar Singh Majithia, The Honourable Dr. Sir.
Jagjit Singh Bedi, Tikka.	Suraj Mal, Chaudhri.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.	Tara Singh, Sardar.
Kishen Das, Seth.	Tikka Ram, Chaudhri.
Manohar Lal, The Honourable Mr.	
Muhammad Akram Khan, Khan Bahadur Raja.	
Muhammad Azam Khan, Sardar.	

NOES.

Girdhari Das, Mahant.	Mukand Lal Puri, Rai Bahadur Mr.
Gokul Chand Narang, Dr. Sir.	Santokh Singh, Sardar Sahib Sardar.
Gopal Das, Rai Bahadur Lala.	Sita Ram, Lala.
Guest, Mr. P. H.	Sohan Lal, Rai Sahib Lala.
Lal Singh, Sardar.	

Clause 4.

Mr. P. H. Guest (Punjab Commerce and Industry): Sir, I beg to move—

That in sub-clause (1), line 6, between the words "or" and "more", the words "except for banks", be inserted.

In putting forward this amendment I have one object and one object only and that is to remedy the difficulty which is being created by the wording of this clause in connection with the working of banks. This is a universal rule and a banking practice that the accounts and cash should be balanced at the close of each working day. Now that law is as universal and immutable as the law of the Medes and Persians, but this clause seeks to set that aside without any hesitation. We know that mistakes occur in

banks. We know that it is invariably the practice that the clerk who makes the mistake, has to stay behind and find the error before he leaves his work and before the next day's work can be commenced. Sometimes the mistake takes two or three minutes to be found and at other times it may take two hours. In these two cases, this amendment will not be necessary. But sometimes the mistake is of such a nature that it is difficult to find out, and the clerk is obliged to sit till midnight or 1 o'clock in the morning. The bank cannot open the next day until the books and the cash are square. But in the clause, as it stands, if a man makes a mistake at 9 hours and 59 minutes after he started work, he must leave the bank whether that mistake has been found or not. It may not be a matter of any importance to the promoters of this Bill, but it is of great importance to the banking communities. I may point out that the proposed amendment leaves 54 hours a week as an established fact, but it seeks that the banks may have liberty, if a necessity arises, for going beyond 10 hours on any one day. Normally banking hours for the clerks is 40 or 45 hours per week or 10 to 15 hours less than is proposed in the law and therefore it seems to be reasonable that in case of necessity the banks should be privileged to exceed that 10 hours' limit when normally they only work for 8 hours a day. I am putting forward this amendment to provide for that rare occasion when checking up causes delay. Mr. Speaker, I beg to propose the amendment. *(Cheers.)*

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

That in sub-clause (1), line 6, between the words 'or' and 'more', the words 'except for banks', be inserted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : The amendment which has been proposed by my honourable friend, Mr. Guest, is a very important one. Those who are familiar with the working in the banks would know that sometimes it becomes necessary for the clerks to sit very late in the evening so that if any error has been committed, it may be rectified; and still more often to complete their books. You know, Sir, that the banks keep day books, cash books and ledgers of various sorts and entries from day books have to be transferred in the cash books and from the cash books in the various ledgers. The accounts are not complete if any bank on any day falls into arrears. It will be very difficult for them in such circumstances to make up the arrears because the next day again the work has to begin and new entries have to be made. Therefore, any banking house worth the name, if it was to keep its reputation, must complete its work before the clerks are allowed to leave the bank. I fail to understand why there should be such a mania for the reduction of working hours; some people want the limit to be reduced to 48 hours per week; others to 44 or even to 30 hours and there may be some who want no hours at all. When in their own private concerns people can work for 14 hours a day or even 15 hours a day, why should it be necessary to limit the number of working hours for the clerks to 54 a week? Why should they not be allowed to work for more than 10 or 11 hours if it becomes necessary even on a single day in a week? That is, I think, going too far. We are all solicitous for keeping up the health of those people who work for us just as we are for our own. I have been working

[Dr. Sir Gokul Chand Narang.]

14 hours a day not once or twice but day in and day out, week after week without having any adverse effect upon my health. Ordinarily if they work for 9 hours a day, they should not be prevented to work more on a pinch if need be.

Sardar Ajit Singh : They should be paid extra.

• **Dr. Sir Gokul Chand Narang :** That will be a reasonable proposal. In the factories there is provision for over-time work.

Mr. Speaker : That provision is not now under discussion.

Dr. Sir Gokul Chand Narang : As a suggestion has been made which appears to be more reasonable, I have referred to the provision of over-time work. It would be very cheap criticism for anybody to say, "here is a capitalist speaking". I do not employ any persons except my domestic servants; I do not keep any personal office where people are working long hours and even in the concerns with which I am connected, nobody works for more than six hours or so a day. What I object to is this. There should be no such provision which should make it illegal for anybody to make a clerk work at a pinch when it becomes absolutely necessary for more than the usual hours. Otherwise I am quite prepared to reduce the number of working hours from 54 to a smaller number per week. But when it becomes necessary to sit a little more—say to check accounts in a bank or some such thing—it should not be illegal. Let there be some machinery to see that extra payments are made in such cases.

Diwan Chaman Lall (East Punjab, Non-Union Labour): I would like to reply to the maiden speech of my honourable friend Mr. Guest who has just spoken and congratulate him on his maiden speech and reply to my honourable friend on my left who charged me with having been born with a silver spoon in my mouth forgetting that he himself was born with a golden spoon. (*Laughter.*) My honourable friend talked about those who are familiar with banks and those who have a mania to reduce the hours of work. (*Interruption.*) These are his own words. I took them down because in the moment of excitement my honourable friend uses words which he does not remember having used before. He used the word 'mania'—for reduction of the hours of work. Then he went on to say, why prohibit working of more than ten hours a day? Now I ask my honourable friend, does he realise what ten hours a day of work means for an ordinary man who probably has to go back home and cook his own food, who day after day is cooked up in a small office without the liberty that the ordinary individual like my honourable friend or rather an extraordinary individual like my honourable friend will have to stop that work at any time that he chooses? Does he realise that day-light is never seen by these people except inside the house? Has he any idea of the work of those people who year in and year out work more than ten hours a day?

Mr. Speaker : That amendment is not now before the House. The honourable member may discuss his own amendment as well.

Diwan Chaman Lall : The amendment before the House is that which relates to the exclusion of banks from the operation of the hours provision. What I am suggesting is that banks should not be exempted because in these banks the clerks have been working more than ten hours a

day and it is deleterious to their health and it is a most extraordinary proposition which any human being should put forward that there is nothing wrong in clerks working more than ten hours a day continuously year in and year out in these offices and yet to say, when people object to this method, that it is a mania with them.

Mr. Speaker : The honourable member may also discuss his own amendment.

Diwan Chaman Lall : What I was saying was this. My honourable friend asked this question, why prohibit working for more than ten hours a day? (*Dr. Sir Gokul Chand Narang :* On a pinch.) Does my honourable friend know where the shoe pinches these poor people? It is all very well for him to say, "I work 12 or 14 hours a day". Well, I also work 16 or 18 hours a day. Often we do work because we like that work, but these poor people have to work whether they like it or not and they have got to be in office without any liberty to leave it, day in and day out. What has my honourable friend got to say about them? He talks about reading these things in books. It is not a question of reading these things in books. My life of 20 years has been spent with these people, in their factories, in their mills, in their offices. My life has been spent in re-organizing them in every part of India and there cannot be a man who should know better about the conditions of these workers, of miners, of railway clerks, of cotton textile workers, of every type and class of worker to be found in India. My honourable friend says, "what do these people know, what do they know about these conditions?" I ask him, as a human being, would he like his child of say 14 to get into a bank and sit on working ten hours a day continuously for any unlimited length of time? Would he like that? After all we must look upon these people as our own children. We must look upon these employees as our own flesh and blood and we must try and do the best that we can which my honourable friend through this measure is trying to do, for the Punjabi, for the betterment of the Punjabi's health and his conditions. Now I ask my honourable friend another question. Has he read the Bill or has he just taken up the amendment moved by my honourable friend who is a new comer to this House and to whom naturally indulgence must be shown? Has he seen the further portions of this particular clause, where exemption can be given by notification, where the Government has the power? (*Interruption.*) It is not a question of having confidence but it is the method employed.

Government may, by notification in the Official Gazette, exempt from the provision* of this section any shop or commercial establishment for a period of not more than one week immediately before Christmas, Diwali, Id, or any other holiday notified under the Negotiable Instruments Act, or on occasions of seasonal or exceptional pressure of work.

How much further does my honourable friend want to go? There is the power. An application can be made on the basis that there is pressure of work and they cannot complete their books and "therefore for a period of a week or so will you kindly give us the necessary exemption?" And would they not be entitled to that exemption? If there is permanent pressure of work in these banks, then I suggest that the method is not to go and get exemption. The method is to ask for further number of employers to be employed. You will know, Mr. Speaker, that in every railway office the trouble has been that leave reserve is not sufficient. Leave re-

[D. Chaman Lall.]

serve has often been fixed at 20 per cent and in many offices it is fixed at 10 per cent and in banks I do not know if there are any rules regarding leave reserve, but if these rules do exist then leave reserve can be enlarged. A larger number of extra hands employed as leave reserve will be sufficient for the purpose of completing any extraordinary business that there might be entailed upon the staff for the purpose of completing their books. It is a matter of internal management of the office. You may have 20 per cent leave reserve with the result that there would be people to complete your books and not be in a position to violate the provisions of this measure and if at any seasonal time there is a certain pressure of work and the work cannot be completed, the power is all the time there. My honourable friends can say that they have no confidence in the Minister as they say they have none. If so let us make a proposal that when we make an application for a certain limited time, that we shall be given automatically the power to extend our hours of work; the provision is there, the method of applying that provision is really at stake, but not the proposition that my honourable friend has put before this House, namely, that banks should be excluded altogether. Banks can afford. We have got 4 or 5 very big banks in the Punjab. Each one of them can afford to employ a supplementary number of men for the purpose of doing the extra work. Does my honourable friend deny? Is there any member here in this House who is connected with banks, who can deny the fact that each one of these big banks is in a position to employ this extra staff for the purpose of completing their books? They have got the money. They pay ample dividends. Their position is secure and in fact they control practically the finances of the entire province. They are in a position to put up with a little extra expenditure for the purpose of employing extra staff in order to complete their books. There is no difficulty at all of any kind. Therefore, I submit it is only a question of trying to do the best we can with every class of employee including those in the banks.

Sir William Roberts (European): I should like to point out that there is nothing in this amendment tending to absolve the banks from the rule of 54 hours a week and it does not imply that the employees have to work overtime daily. This amendment refers to particular cases when the books cannot be balanced and it is therefore intended to meet a business need and my honourable friend who spoke from the Opposition has definitely, in my opinion, confused the issue. There is no question whatever of doing any harm to the employees. It is only to provide a definite business requirement. In fact there is nothing done to make the number of hours a week of an employee greater than 54 whether he works 14 hours one day and less thereafter. I, therefore, support this amendment.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, in supporting the amendment, I want just to point out that in the first place the bank people do not work for 10 hours a day. It was absolutely a misapprehension on which my honourable friend, Diwan Chaman Lall, tried to make out his case. We all know that bank hours are from 10 to 4, that is, 6 hours a day. I know that on certain occasions banks work up to 5 or 6 o'clock. I will just tell my honourable friends as to how the Congress Government in Bombay got over the difficulty arising out of the

extraordinary nature of the work of banks and commercial establishments. The Bombay Bill relates to all establishments including the banks. It lays down as follows :—

Provided that any such person may be allowed to work in such establishment for more than 220 hours in any month during stock-taking, making of accounts, settlement or other prescribed occasions.

In the first place they in Bombay do not insist upon daily hours of work. Daily hours are limited to 10 hours. They go on working throughout the month and in the month the working hours are not to exceed 220. They may work more or less from day to day, just to make 220 hours in the month. We have fixed 6 holidays in a month and the number of working days comes to 24 and working for 10 hours a day would come to 240 hours during the month, so, there is not much difference. As Sir William Roberts rightly pointed out, the clerks work very smoothly for 8 hours and we should not interfere with the discretion of the banks. We know that the staff in banks is very well treated. There is no occasion for any grouse against the banks and we should not interfere with their working. As a matter of fact a bank servant is considered to be even better off than those in Government service. Why should anybody then poke his nose into the affairs of banks? No reasons have been advanced as to why banks should not be exempted. The banks know how to take work out of their staff. I have been myself in the service of a banking company for a number of years. I know their treatment and I claim to speak from actual experience. The only question before the House is whether the banks should or should not be excluded from these daily working hours. Why do not the other side give any reasons? Why are they beating about the bush? Is there any bank where people work for more than 10 hours? The Congress Government in Bombay thought it fair to bring in a provision exempting not only banks but all business establishments from the rigidity of daily working hours so long as the maximum monthly working hours were not exceeded. A still further concession is given and it is, that in certain eventualities, such as stock-taking, making of accounts, settlement or other prescribed occasions, even the monthly maximum hours may be exceeded. This concession applies not only to banks, but to all commercial establishments. Why should not we do the same here? The narrow issue before us is whether or not we should exempt the banks from the rigidity of daily working hours. No reasons have been advanced to the contrary. I, therefore, support the amendment of my honourable friend, Mr. P. H. Guest that the banks should be exempted from the rigidity of daily working hours.

Lala Sita Ram (Trade Union Labour) (Urdu) : Sir, I rise to say a few words in support of the amendment moved by my honourable friend Mr. P. H. Guest. So far as the question of work-limit is concerned I think certain honourable members are misunderstanding it. As a matter of fact there are two distinctly separate points under discussion which should not be confused with each other. The first is whether the period of work should be 54 or 48 hours a week and the second point is with regard to the exemption of the banks from the operation of this sub-clause. But unfortunately my learned friend Diwan Chaman Lall has hopelessly confused these two points. As a labour representative, I am for less hours. It cuts me deep when I see these labouring classes over-worked,

[L. Sita Ram.]

and I shall be right glad if the hours of work are less than 54 hours. I was in this connection expecting that my friend Diwan Chaman Lall would move the amendment that for the words " Fifty hours " the words " forty-eight hours " be substituted, but I do not know why he has left this amendment unmoved. So far as the exemption of the banks from the operation of this sub-clause is concerned I would submit that the point requires your careful study. Bank work is distinctly different from any other physical labour. Day to day work is to be done in banks. Cash balance must tally and daily posting must finish before another day dawns. Therefore a bank clerk cannot go away leaving his account and books in a mess.

Mr. Speaker : The honourable member is repeating his arguments.

Lala Sita Ram : Sir, my honourable friend has spoken in English and many members could not have followed him.

Mr. Speaker : Whether the previous speaker spoke in English or Vernacular, I request the honourable member not to repeat the arguments already advanced.

Lala Sita Ram : Sir, it would be better, if some repetition is allowed in this case, but I submit to the Chair. Now I will try to meet the arguments advanced by my learned friend Diwan Chaman Lall. One point raised by him was that powers are vested in the Government to allow any concern or its individual to work for more hours. According to clause 4, sub-clause (2)—

Mr. Speaker : Sub-clause (2) is not under discussion.

Lala Sita Ram : I am not discussing it, Sir, I am only referring to it to show that in the cases of banks this is not practicable and the amendment is necessary despite the provision of sub-clause (2). No doubt it is there in the clause that the Government is empowered to exempt on occasions any business concern from this time limit and so they can exempt a bank too. But the case of banks is still different. Besides seasonal or exceptional pressure, of work before or after the holidays or festivals or fairs, mistakes unintentionally creeping into the accounts oblige the workers to sit late hours. Ordinarily even less than 10 hours' work is done in the banks. But sometimes it so happens that for days together the clerks have to sit to set right mistakes. One day the clerk has to sit for more than 10 hours and the next day another has to sit late. These mistakes are unforeseen and nobody can judge what amount of time will be required to rectify an error in the account. Now is it ever possible for a bank to apply to the Government from day to day and from hour to hour for such small concessions? It should not be interpreted that every employee has to work for more than 10 hours in banks. Nothing of the sort. Such mistakes as I have referred to creep in the accounts on occasions which may be few and far between. And even then all the bank hands are not required to sit for longer hours. My submission is that the question of applying to the Government does not therefore arise in this respect and that it is amusingly absurd to suggest that a new staff should be appointed for this purpose. Bank work is not like a relay race. I submit and every one will admit that the man concerned is the only proper person to check his posting and detect the mistake.

I submit that I have not the slightest objection to the number of working hours as have been laid down in the clause under consideration. Let no bank hand work for more than the total number of hours fixed in a week, but he should be allowed to sit longer one day. He may go earlier on another day when his duty is finished. What I want to emphasize is that we do not want to make it a rule in the case of banks, which should be made an exception. I, therefore, wholeheartedly support Mr. Guest's suggestion that the banks should be exempted from the operation of the provisions of this sub-clause. I am of the opinion that Government would be well advised to accept his amendment so that the banking system of our province may not receive a set-back. With these words I close my remarks.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I am in a very happy position because the battles of the Government are being fought by one section of the Opposition itself. A vehement speech was made in opposition to this clause by Dr. Sir Gokul Chand Narang and an equally vehement speech was made by Diwan Chaman Lal in support. (*Dr Sir Gokul Chand Narang: Far more vehement.*) It was certainly equally vehement. Diwan Chaman Lal's speech was made in defence of the present clause. Therefore, I need not put forward any elaborate argument. I will just make a reference to one of the clauses which occurs towards the end. Now, everybody admits that if there is ever any need for a person sitting beyond the usual hours of work, it will be on a rare occasion. Ordinarily a bank works from 10 to 4. (*An Honourable Member: From 9 to 5.*) Even then it will be only 8 hours. Will not a further extension of two hours be sufficient for the bank to find out those mistakes? I think it will be. Then, again, there are hours for opening. You can call your clerk or clerks a couple of hours earlier so that by the time the usual business of the bank starts, the mistakes will be discovered. Then, again, Sir, suppose on the rarest of rare occasions it is necessary for a single clerk or for a couple of clerks to sit beyond the ordinary closing hours, or to sit beyond the period of 10 hours what do you lose? You lose a maximum of Rs. 25 as fine. This money will go to the community. It will come from an individual capitalist or from a body of capitalists into the State Treasury, which is community's property. I think there is no particular injustice if on the rarest of rare occasions, a Bank has to pay a penalty which cannot exceed Rs. 25. Therefore, Sir, I oppose this amendment.

Mr. Speaker: The question is—

That in sub-clause (1), line 6, between the words "or" and "more" the words "except for banks," be inserted.

The motion was lost.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I beg to move—

That in sub-clause (2), line 5, between the words "before" and "Christmas", the words "or after" be inserted.

Sir, my object in moving this amendment is to help the banks in their smooth working. As you are aware, Sir, it is only the banking concerns which experience an exceptional pressure of work even after the holidays

[L. Sita Ram.]

notified under the Negotiable Instruments Act like the Christmas, Dewali or Easter. The other commercial establishments and business houses make arrangements in advance to cope with any seasonal or exceptional pressure of work which they are likely to have before these holidays. But the case of the banks is a little bit different. They experience the pressure before as well as after the holidays. I am of the opinion—

Minister for Development : I accept honourable member's amendment.

Lala Sita Ram : Thank you, Sir, then I need not go into discussion and with your permission, I resume my seat.

Mr. Speaker : The question is—

That in sub-clause (2), line 5, between the words "before" and "Christmas", the words "or after" be inserted.

The motion was carried.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : Sir, I beg to move—

That in the first proviso to sub-clause (2), line 3, for the word "fifteen," the word "ten" be substituted.

Sir, I wanted to limit the number of days for which exemption is to be granted from 15 to 10 days. Clause 4, sub-clause (2), runs as follows :—

Government may, by notification in the Official Gazette, exempt from the provisions of this section any shop or commercial establishment for a period of not more than one week immediately before Christmas, Diwali, Id, or any other holiday notified under the Negotiable Instruments Act, or on occasions of seasonal or exceptional pressure of work :

Provided that the total period of exemption granted to any shop or commercial establishment shall not exceed 15 days in any calendar year.

So, if you want to make this law effective and of some use, the exemptions should be very few. They should be as few as possible. That is why I commend this amendment for the favourable consideration of my honourable friend, and I hope he will accept it.

Mr. Speaker : The question is—

That in the first proviso to sub-clause (2), line 3, for the word "fifteen", the word "ten" be substituted.

The motion was lost.

Lala Sita Ram (Trade Union Labour) (*Urdu*) : Sir, I beg to move—

That the first proviso to sub-clause (2) be deleted.

The reason why I have moved this amendment is that according to sub-clause (2) the Government have reserved to themselves the power to exempt any shop or commercial establishment from the provisions of this section. But I do not see any reason why they want to expressly provide in this proviso that such total exemption should not exceed 15 days in a year. There shall be cases when the Government would not think it reasonable to grant the maximum fixed, and there shall also be genuine cases when the total exemption may be for more than 15 days. You have vested the Government with a power; now you must have faith in the Government to use that power to the best of their discretion. In view of these facts I would request the Honourable Minister not to compel the shop-keepers and commercial establishments not to

2 p.m.

exceed the limit of 15 days. With these words I commend my amendment for the acceptance of the House.

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

That the first proviso to sub-clause (2) be deleted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I rise to support the amendment. It only confers discretion on the Government to exempt certain establishments on account of festivals and other occasions. Fortunately or unfortunately in this country and particularly in our province there are more holidays than are to be found in other countries. Dusehra, Moharram, Diwali, Bisakhi and these festivals taken by themselves mean more than 15, and if you bring in the Christian holidays also you have Easter and Christmas, the latter alone extending to a fortnight. So there will be about 20 days when there is pressure of work and Government may, in fixing 15 days, may have to make an invidious distinction between a festival and a festival. For instance, it may exempt Diwali and Holi and not Holi. There may be practical difficulties. After all the omission of this clause is not likely to cause hardship. I therefore support the amendment moved by Lala Sita Ram.

Mr. Speaker : The question is—

That the first proviso to sub-clause (2) be deleted.

The motion was lost.

Sir William Roberts (European) : Sir, I beg to move—

That in the second proviso to sub-clause (2), lines 2—5, for the words "at the rate . . . so employed", the words "at one and one half times his normal hourly rate," be substituted.

This amendment is intended merely to make the meaning clear. The clause now reads—

... that the person employed overtime shall be entitled to remuneration at the rate of fifty per cent over and above the remuneration which was due to him for the day or days on which he was so employed.

In other words for $2\frac{1}{2}$ days for the day he works overtime. The only object of this amendment is to make the position clear. I do not think I need explain it any further.

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

That in the second proviso to sub-clause (2), lines 2—5, for the words "at the rate . . . so employed", the words "at one and one half times his normal hourly rate" be substituted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I am prepared to accept the amendment which has been moved by Sir William Roberts. I feel that the wording of the clause is susceptible of the interpretation apprehended by Sir William Roberts although it would seem to be rather an unreasonable interpretation. However, in order to set all doubt at rest I am prepared to accept this amendment, I am also prepared to accept the amendment of which notice has been given by Diwan Chaman Lall. Putting the two amendments together if you allow me I will move the amendment in this form "at twice the rate of normal remuneration calculated by the hour", because there is no hourly payment.

Sir William Roberts : In view of the amendment suggested by the Honourable Minister, I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Minister for Development : I beg to move—

That in the second proviso to sub-clause (2), lines 2—5, for the words “at the rate... so employed” the words “at twice the rate of his normal remuneration calculated by the hour” be substituted.

The motion was carried.

Chaudhri Krishna Gopal Dutt : I beg to move—

That leave be granted to move the following new clause—

That at the end the following new sub-clauses be added :—

“(5) No apprentice shall be allowed to work before 7 a. m. and after 7.30 p. m. in the months of April, May, June, July, August and September and before 8 a.m. and after 6 p. m. in the months of October, November, December, January, February and March in any shop of commercial establishment except those which the Provincial Government may, by notification in the Gazette, exempt from the operation of this sub-clause.

(6) Notwithstanding anything contained in this Act, no apprentice shall be allowed to work in any shop or commercial establishment for more than 8 hours in any day.

The motion was lost.

Mr. Speaker : The question is—

That clause 4 as amended stand part of the Bill.

The motion was carried.

Clause 5.

Mr. Speaker : Question is—

That clause 5 stand part of the Bill.

The motion was carried.

New clause.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : I beg to move—

That leave be granted to move the following new clause :—

5-A. All shops and commercial establishments shall remain closed to customers on Sunday provided that Government or such an authority to whom its powers may have been delegated in this behalf, may by notification exempt any class of shops or class of commercial establishments from the provisions of this section in such circumstances as may have been by rule prescribed.

The motion was lost.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : I beg to move—

That leave be granted to move the following new clause :—

5-B. All shops and commercial establishments shall remain closed to customers for one day in every week ; provided that Government or such an authority to whom its powers may have been delegated in this behalf, may by notification exempt any class of shops or class of commercial establishments from the provisions of this section in such circumstances as may have been by rule prescribed.

Explanation.—‘Day’ means the period of twenty-four hours beginning at midnight.

The motion was lost.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) : I beg to move—

That leave be granted to move the following new clause :—

- 5-A. All shops and commercial establishments shall remain closed to customers on Sunday in every week, provided that the Government may by notification exempt any class of shops or commercial establishments from provisions of this section.

The motion was lost.

Clause 6.

Parliamentary Secretary (Chaudhri Tikka Ram) : I move—

That the existing clause 6 be deleted.

The motion was carried.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That leave be granted to move the following clause—

6. (1) Every shop or commercial establishment not included in the schedule hereto annexed shall remain closed on a close day.
 (2) (i) The choice of a close day shall rest with the owner or occupier of a shop or commercial establishment and shall be intimated to the prescribed authority within two months of the date on which this Act comes into force.
 (ii) The owner or occupier of a shop or commercial establishment shall be at liberty to change his close day once every year and shall communicate the change, if any, to the prescribed authority by the 15th January of each year.

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new clause be added to the Bill.

The motion was carried.

New clauses.

Chaudhri Tikka Ram : I beg to move—

That leave be granted to move the following new clause :—

After clause 6, the following new clause be added :—

7. Every shop or commercial establishment not included in the schedule hereto annexed shall open not earlier than 7 a. m. and close not later than 10 p. m. in summer and shall open not earlier than 9 a.m. and close not later than 9 p. m. in winter.

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That the new clause be taken into consideration.

Mr. Speaker : Motion moved—

That the new clause be taken into consideration.

The motion was carried.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : I have certainly no objection to detailed regulations being made

[R. B. Mukand Lal Puri.]

to control the hours of working but this is a matter which is better done by rules than by the Act itself. Kindly look at sub-clause (1) of clause 7 as proposed—

Every shop or commercial establishment not included in the schedule hereto annexed shall open not earlier than 7 a. m. and close not later than 10 p. m. in summer and shall open not earlier than 9 a. m. and close not later than 9 p. m. in winter.

I do not know what the object of the legislature could be in insisting upon shops not opening before 9 a. m. We all know that early rising is good and that work should be started as early as possible, but fancy insisting by legislation that up to 9 a. m. no shop shall be allowed to open. There should be some reason for having such a hard and fast rule. It may be that at one place or with respect to one place 8 a. m. would not be too early and with respect to another place 8 o'clock would be too early.

Diwan Chaman Lall : When is the poor devil going to eat his food ?

Rai Bahadur Mukand Lal Puri He will eat his food at 12 o'clock. Let us look at it from the practical point of view. All over the province you have children going to school. They have to attend school at 6 in the morning and people who want to sell things to children always make it a point to open their shops at 5-30, so that children going to school may arm themselves with pen, pencil, notebook, etc., or with other necessary articles. Why then insist that a shop should not be opened before 9 a. m. in summer ? I say these are certainly matters which you ought to regulate by rules and not by legislation, according to the necessity of each town and according to the necessity of each trade. Why do you want to fix the same opening hour and the same closing hour for each town and for each trade ? This is a matter which I would ask the local Government to provide by rules after consideration and consultation with persons concerned and it is not a matter to which the House should give its assent without a more detailed consideration.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : My honourable friend is quite right in a way, but he does not quite see that when a novel type of legislation is before the House, we cannot grasp as to how it is going to work. He need not however have brought forward the example about the school child going to school at 6 a. m. and wanting a pencil at 5-30. Surely that child is intelligent enough or his parents are intelligent enough to provide him with a pencil either overnight or the school masters are intelligent enough to provide him with a pencil during school hours. My honourable friend knows that there are many factories which are working on the triple-shift system. One batch of workers will start work at 10 a. m. and will go on up to 6 p. m. Then another batch will go in and work up to 2 a. m. and then another batch from 2 a. m. to 10 a.m. Supposing a man going to work at 2 in the morning wants to buy a tie like the one my honourable friend is wearing, he cannot buy one at that time because no shop is open then. The argument of my honourable friend, if stretched to its logical conclusion, can be reduced to absurdity and I submit that there is some method in the hours that have been fixed.

Lala Sita Ram (Trade Union Labour) (*Urdu*): Sir, I would like to make a brief remark in regard to the matter now under discussion. It appears from the trend of discussion that is now going on that the House is labouring under a misapprehension. Let me make the issue clear.

When we want you to fix no hours, it should not be presumed that a single person should sit for all hours in a commercial establishment. By division of labour it can be arranged that when the hours of work fixed for an employee are over, another person can take his place. The limit set up by you is that no person should work for more than 10 hours, but why do you fix the hours of business? It is the employee, not the business that gets tired and needs rest.

As my honourable friend Mr. Mukand Lal Puri has illustrated this fact by giving an example that no one knows when he might need something, it is necessary that no restrictions should be imposed on the hours of business. There are so many necessities that it is rather difficult to give a list of all of them, which one might require at an early or late hour. Besides there are emergencies which necessitate the purchase of a certain article at a certain hour.

I beg to submit, Sir, that the Government will have to make such an amendment sooner or later, they have already given many facilities to the employees and this has our fullest support, but it is wrong on the part of the Government to impose restrictions on the opening and closing hours of shops. They should before enacting such a measure ascertain whether in view of the practical difficulties it would be advisable to enforce such hours. My submission is that employees should not overwork, but business must go on by having different set of employees to work at different hours. I suppose I have cleared the issue and the House will find no difficulty in accepting this principle.

Chaudhri Krishan Gopal Dutt : I think we need not fix the morning hour. In the Bombay Bill also the morning hour is not fixed. It does not materially affect when we regulate the number of hours.

Minister of Development : I am not wedded to any particular hour of opening or closing. But unless we fix some hour for opening and some hour for closing, detection will become difficult. Therefore if anybody feels that 9 is not sufficiently early in the morning, I am prepared to make it 8 or 8.30. But I think there ought to be an earliest hour before which no shop or commercial establishment should open. I therefore move—

That in the last but one line of new clause 7 for the figure "9", the figures "8.30" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That the new clause as amended be added to the Bill.

The motion was carried.

Parliamentary Secretary (Chaudhri Tikka Ram): Sir, I beg to move—

That leave be granted to move the following new clause:—

8. (1) In addition to close days every employee who has been in continuous employment for a period of one year shall be entitled to not less than 14 days' leave with full pay or if he has been continuously employed for a period of six months he shall be entitled to not less than 7 days' leave with full pay.
- (2) Leave asked for under subsection (1) shall be granted within a fortnight of the date of application.
- (3) For the purpose of computing the period during which an employee has been in continuous employment within the meaning of subsection (1) the period during which he was on leave under this section shall be included.

The motion was carried.

Parliamentary Secretary (Chaudhri Tikka Ram): I move—

That the new clause 8 be taken into consideration.

The motion was carried.

Mr. P. H. Guest (Punjab Commerce and Industry): I wish to move—

That for the words "a fortnight" in sub-clause (2), the words "three months" be substituted.

As regards clause 8 (1) I am in perfect agreement, but it is in connection with sub-clause (2) that I have very serious objection because of the possibility of great disorganisation in an established office. I would like my honourable friends who have criticised my previous speech to at least understand this, that in my own office my clerks get one month's leave on full pay and I move this amendment from my own stand-point in spite of that fact because I do not see that Government have set any example in this direction of leave being granted within 14 days and I think Government should set an example in this respect. The main point of the Government is that leave should be granted according to the exigencies of service and the same principle applies to commercial houses. I may mention that in my case I allow my clerks to decide among themselves as to which of them shall take leave subject to my final control and that goes on amicably. But what I find is that when you have clause 8 (1), sub-clause (2) becomes obnoxious, because from clause 8 (1) it appears that if a clerk has been continuously employed for six months, he shall be entitled to not less than 7 days' leave with full pay. That enables a man under sub-clause (2) to trouble us twice a year. After six months he can again put his demand and he must be given 7 days' leave within 14 days or within a month—if one month is permitted. That I think will be disturbing our business control and it is because of that I seriously object to sub-clause (2) and that is why I have suggested an amendment of three months. Personally I see no reason why sub-clause (2) should be there at all. They have powers under sub-clause (1) and I think that would be sufficient. But if sub-clause (2) is to be retained then I will merely suggest my amendment. This is quite reasonable that employers should at least be given three months in which to arrange when the staff shall have their leave. I beg to suggest this amendment.

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

That in sub-clause (2) of the new clause 8, for the words "a fortnight", the words "three months" be substituted.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Sir, my honourable friend probably has a very good intention but has not probably followed what is meant by this particular clause. If we were to accept the amendment moved by my honourable friend, who has just spoken, the result of that would be that the employer would be given an opportunity of making up his mind for 3 months before he makes arrangements to grant leave due to an employee. An employee is in continuous service for 6 months and after he has completed 6 months he is entitled to 7 days' leave. Cannot the employer make up his mind during that period? Every office of any importance carries with it a leave reserve and that leave reserve is worked on the basis of leave which is ordinarily available to an employee and it also shows the period of time an employee would be away from office for certain reasons or otherwise. If I were an employee—and I want my honourable friend to pay his due attention to this particular amendment—I would much rather split my leave into two portions of 7 days each after every six months than take it once for a fortnight in the year. It would give me rest and it would be a change. A change twice a year is more beneficial to the employee than a change only once a year. I submit that my honourable friend may accept the proposition as amended now, that within a month, the employee who has earned his leave, should be given an opportunity to get that leave and I think beyond that one ought not to go. Surely it is long enough to make up his mind to make arrangements regarding the leave. Why should another three months be placed on the top of six months to enable an employer to make necessary arrangements to give, what, 7 days' leave to the employee.

Sir William Roberts (European) : Sir, I beg to support the amendment. My reasons are that the tendency of this clause will be that it will cause disaffection between the employer and his staff. The arrangement for leave means that after the period of six months the clause definitely states that leave must be granted within fourteen days of application. Therefore, as far as the law is concerned—and I am one to obey the law both in spirit and letter—when this clause is passed into law, the employee will be in a position to ask his employer for leave at any period he likes and however inconvenient it may be and thus a great deal of trouble would arise. When he has done six months' continuous service, he must be given that leave and that even within a fortnight. There must be co-operation between the employer and his employees. For example, in my own case, during the winter season, I do not allow any staff to take leave unless circumstances are particularly important. Ordinarily when one asks for leave on a certain day, we generally give him leave on that very day and there is no question of a fourteen days' notice. We give him leave on that very day on which he wants leave. What I object to is that in a period of the year, when the staff is very busy and one may be employing more persons, an employee can demand by law that he may be given leave, because he has not taken leave for a long time and he can demand it within fourteen days. Why not make the law such that there may be no bad relations between the employer and his employees. I claim, as my honourable friend, Mr. Guest, has claimed, that I give my

[Sir William Roberts.]

employees more leave than is provided in this Bill. But this Bill would hit me very seriously. The only remedy is to give sufficient notice. This clause will destroy all kindly relations between the employer and his employees. If you give your employees consideration they will give you in return. Those who have some knowledge and experience of building up business in this country know how this provision will give them trouble and retard industrial development.

Mr. E. Few (Anglo-Indian) : Sir, my honourable friend, Sir William Roberts, has summed up the situation in a nutshell, and I cannot add very much to it. The point really is, whether this clause of the Bill is going to benefit employees or is intended to make things difficult for employers. You know that employees are no longer free agents. They are pawns in the hands of politicians and union people, who exploit them to embarrass concerns whenever the necessity arises. What then would be the situation if the whole lot of a key section of employees applied for leave from the same date within a fortnight? The entire concern would be brought to a standstill. This clause is apparently for safeguarding leave rights; but, I think, it will not achieve that end, but rather cause estrangement between employers and employed. What is really wanted is stipulation that leave applied for, if not granted, would not lapse. Most private concerns split periods of leave admissible within certain dates, and if the employees do not get it, it automatically lapses. I am sorry, I am not in agreement with my honourable friend, Mr. Guest, when he states that giving leave twice in a year causes inconvenience. It is too much for an employee who works away from his home to remain away a whole year. I think two short spells in a year should be provided for. Having safeguarded the rights of the employee to demand leave having given fourteen days' notice, will it not harden the attitude of the employer when an employee is faced with a sudden necessity and requires leave immediately, to tell him I must have 14 days' notice? So, you see, the wedge being inserted will cut both ways and may have serious consequences for the unfortunate employee. I urge that this clause should be so modified that the employer will not be inconvenienced and that the employee's leave will not lapse because it has not been convenient to give it to him on the date applied for. This will tend to create a better atmosphere between employers and employed. There seems to be no chance of prevailing upon the Honourable Development Minister to delete this clause and I, therefore, suggest to my honourable friend Mr. Guest to accept the suggestion of one month instead of three months, moved by him.

Mr. P. H. Guest : In view of the sense of the House I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. P. H. Guest : I beg to move—

That in sub-clause (2), line 2, for the words 'a fortnight' the words 'one month' be substituted.

The motion was carried.

Mr. Speaker : The question is—

That the new clause 8 as amended be added to the Bill.

The motion was carried.

Chaudhri Tikka Ram (Parliamentary Secretary): Sir, I beg to move—

That leave be granted to move the following new clause:—

9. Any person employed in or about a shop or commercial establishment on daily wages for a period of 15 or more consecutive working days shall receive for a close day wages at a rate not less than that to which he was entitled for the day immediately preceding such close day.

The motion was carried.

Chaudhri Tikka Ram (Parliamentary Secretary): I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Diwan Chaman Lall: May I ask my honourable friend what will happen in the case of employees working not on daily wages, but on hourly wages? This provision obviously would not cover the man employed on hourly wages.

Minister of Development: Yes, he is covered.

Diwan Chaman Lall: This new clause talks about daily wages. There is no provision for a man who is engaged for hourly work.

Minister: This clause will cover that man also.

Diwan Chaman Lall: Then it comes to this that if a man is continuously employed for 15 days: he will be entitled to one close day free. Is my honourable friend prepared to accept 7 days instead of 15 days. Suppose if he is working on daily wages, he has really earned his one day, but he would not be entitled to one day close.

Minister: It is only at the end of 14 days that he can claim payment for a close day also.

Diwan Chaman Lall: He will receive only one close day.

Minister: Close day means any close day, that intervenes. It does not necessarily mean a single close day.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I was really surprised that the honourable member should have moved such a clause. He should have adopted some other means for the benefit of daily workers. This is a useless clause. If a person employs a man on daily wages and does not want to give him any wages for a close day, he will never employ him for full 15 days. He will employ him for 12 days and then have another man. The man who is appointed on daily wages is not a very important man. Nobody employs an able man or an important man on daily wages, except in very extraordinary circumstances. If you really want to benefit these casual workers, some other method should be adopted. The suggestion made by my honourable friend Diwan Chaman Lall would not help the daily wage-worker, if after 7 days he gets the wage of one close day. The employer would employ him for 5 days or 6 days, and then have another man in his place. This new clause is quite useless.

Mr. Speaker: The question is—

That the new clause be added to the Bill.

The motion was carried.

Chaudhri Tikka Ram (Parliamentary Secretary): Sir, I beg to move—

That leave be granted to move the following new clause:—

"10. Government may, at any time, by notification in the official gazette, add any item to or exclude any item from the schedule hereto annexed."

The motion was carried.

Chaudhri Tikka Ram: Sir, I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Dr. Sir Gokul Chand Narang: Sir, I beg to move—

That the words "or exclude any item from" in the new clause be deleted

My reason is this. There are certain establishments to which certain provisions of this Bill could not apply, namely, shops and commercial establishments dealing in refreshments, newspapers, periodicals, medicines, vegetables, sweets, milk, cooked food or flowers. Then there are cinemas, theatres and other places of public entertainment, persons employed as care-takers, porters, watchmen, travellers, canvassers and domestic servants, establishment for the treatment or care of the sick, infirm, destitute or mentally unfit, clubs and residential hotels, stalls at railway stations, barbers and hair-dressers. I understand this schedule was composed after due thought and it was considered necessary to exclude these establishments from the operation of the Bill. I do not think that Government should have the power by mere notification to exclude any of the establishments from the benefit that they enjoy inasmuch as certain provisions of the Bill would not apply to them. This is my reason. They may add whatever they like. If they exclude any of these establishments that exclusion would lead to the inconvenience of the public.

Mr. Speaker: New clause under consideration, amendment moved is—

That in lines 2-3 of the new clause 10 the words "or exclude any item from" be deleted.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram): There is no danger of any of the items, which have been excluded now of being included; but the power should be there. There may be some border cases the inclusion of which may appear desirable at some future time, and when this happens Government in exercise of the power given under this section should be in a position to add to the schedule. Supposing after some time Government feels that there is a border case for exclusion in that case Government ought to have the power of exclusion also. The mere fact that power is there does not necessarily mean that any item will be excluded when exclusion is not justified; but there may be cases in which exclusion may become desirable. In that event Government should have the power of excluding any item from the schedule as it has the power of adding to it.

Diwan Chaman Lall (East Punjab, Non-Union Labour): The power he is taking is not only to exclude from the schedule any item which he may choose later on but also to add to the schedule not only at the present moment but later on as well. That is what my honourable friend wishes to do. I submit that there is no justification for

the exclusion of any of those things that are enumerated in this schedule. If we take my honourable friend's argument at its face value it comes to this that Government is capable of making mistakes and they may by notification in a hurry add certain particular shops or establishments to this list thereby excluding them from the purview of the measure and they want to have the power to be able to take out from the list those very shops and establishments which by mistake were added to the schedule. I submit that this is not correct. After all when any particular shop or establishment is exempted from the provision of this measure and added on to this schedule it will be after due consideration. Therefore there should be no reason for thinking or imagining that Government in a hurry all of a sudden will wake up one morning and suggest by notification that a particular shop or establishment should be added on to the schedule and suddenly in the evening discover that they made a mistake and therefore they will want to take out what they have added to the schedule. It will be after due consideration. It is not my honourable friend's intention, I take it, to give exemption, on a large scale, to a large number of shops and establishments, but only those which cater to the essential needs of the public, for instance to shops which deal with refreshments, newspapers, medicines, vegetables, sweets, milk, cooked food or flowers, cinemas, theatres and other places of public entertainment, person employed as care-takers, porters, watchmen, travellers, canvassers and domestic servants, establishment for the treatment or care of the sick, infirm, destitute or mentally unfit, clubs and residential hotels, stalls at railway stations, barbers and hair-dressers. If we were to look at the lists which are to be found in legislations in other countries this compares favourably with the lists to be found in those countries. I pointed out to my honourable friend on the very first occasion when the Bill came before the House that exemption for barbers and hair-dressers is taken right out of the measure which is actually in existence in Ireland to-day. This exemption list is prepared with due thought and consideration and the danger is of giving this power of further exclusion to my honourable friend that in a great hurry shops and establishments will be added on to the list. We want to avoid any hurry for any shops or commercial establishments to be exempted apart from the list which my honourable friend has in the schedule before the House.

I submit that if my honourable friend does not get that power to exclude from this list, then he will not be able to add to it in a hurry if he wished to do so and it will be some sort of a break upon the activities of his department which might want to add to the list. Therefore I submit that the words 'or exclude any item from' be deleted.

Mr. Speaker : Question is —

That in lines 2-3 of the new clause 10 the words 'or exclude any item from' be deleted.

The motion was lost.

Mr. Speaker : Question is—

That new clause 10 be added to the Bill.

The motion was carried.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That leave be granted to move the following new clause—

" 11. Government may, by notification in the official gazette, exempt from the operation of any of the provisions of this Act indefinitely or for any period it considers desirable any shop or commercial establishment or any class thereof subject to such conditions as may be prescribed."

The motion was carried.

Parliamentary Secretary (Ch. Tikka Ram) : I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new clause be added to the Bill.

The motion was carried.

Clause 7.

Mr. Speaker : Question is—

That clause 7 now renumbered as clause 12 stand part of the Bill.

Diwan Chaman Lall : I would ask my honourable friend a question since he has taken this clause from the Payment of Wages Act. As it is, payment of wages is not done on fortnightly basis and the clause is worded like this—

every employee of any shop or commercial establishment shall on demand be paid his wages at the end of each period of not more than a fortnight.

Suppose he is not paid, is he to come to the Assembly and demand certain powers ?

Minister of Development : The honourable member is referred to original clause 12.

Diwan Chaman Lall : Yes. It reads as follows :—

Subject to the other provisions of this Act, whoever contravenes any of the provisions of this Act, or any of the rules made thereunder, shall be liable on conviction to a fine not exceeding twenty-five rupees for the first offence and one hundred rupees for every subsequent offence.

May I take it that he comes under this ?

Minister : Yes.

Mr. Speaker : Question is—

That clause 7 now renumbered as clause 12 stand part of the Bill.

The motion was carried.

New clause.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General Urban) : I beg to move—

That leave be granted to move the following new clause—

Every commercial establishment shall, for the benefit of its employees, establish Provident Fund as prescribed.

The Assembly divided : Ayes 21 ; Noes 61.

AYES.

Ajit Singh, Sardar.
 Chaman Lal, Diwan.
 Dev Raj Sethi, Mr.
 Gokul Chand Narang, Dr. Sir.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Kabul Singh, Master.
 Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Muhammad Hassan, Chaudhri.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghubir Kaur, Shrimati.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Sita Ram, Lala.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-din Qadri, Khan
 Sahib Sayed.
 Balwant Singh, Sardar.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateb Jang Singh, 2nd-Lieutenant
 Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.
 Ghulam Rasul, Chaudhri.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.

Kishen Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudman Singh, Rai Sahib Tha-
 kur.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shah Nawaz Khan, Nawab Sir.

Sikandar Hyat-Khan, The Honour-
able Major Sir.
Singha, Diwan Bahadur S. P.
Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The Hon-
ourable Dr. Sir.

Suraj Mal, Chaudhri.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Wali Muhammad Sayyal Hiral,
Sardar.

Clause 8.

Mr. Speaker : The question is—

That clause 8 stand part of the Bill.

The motion was carried.

Clause 9.

Chaudhri Tikka Ram : I beg to move—

That in sub-clause (2), line 6, between the words 'forth' and 'the', the words 'the close day' be inserted.

The motion was carried.

Mr. Speaker : The question is—

That clause 9 as amended stand part of the Bill.

The motion was carried.

Clause 10.

Mr. Speaker : The question is—

That clause 10 stand part of the Bill.

The motion was carried.

Clause 11.

Mr. Speaker : The question is—

That clause 11 stand part of the Bill.

The motion was carried.

Clause 12.

Mr. Speaker : The question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Lala Sita Ram (Trade Union Labour) (Urdu) : I beg to move—

That part (a) be deleted.

Sir, I deem it my duty to point out that part (a) of clause 13 is a very important part. So far as the main object of this Bill is concerned, it is very clear and both the Government and the Opposition are in complete agreement upon the fact that relief should be given to the employees who—

should not be made to overwork. But one thing which I have not been able to understand is as to why a Bill which is to benefit a certain class of employees should not be applied to those working in public utility services. According to your definition public utility service includes—

- (1) Any railway service, or
- (2) the postal, telegraph, telephone and wireless service, or
- (3) any industrial business or undertaking which supplies light or water to the public or
- (4) any service for public conservancy or sanitation."

In the case of shops and private business establishments, you have made a provision for the fixation of hours of work while in the case of public utility services where the same poor labourers are employed, you deprive them of these facilities. The public servants are also made of the same human flesh. They too require rest and relief and their need is perhaps the greater, because upon their efficiency depends public convenience and public safety. If a railway points-man or a train-guard is compelled to overwork himself, he may derail a train resulting in the loss of so many lives. The Government should begin the charity at home. They earn huge profits and they can have many sets of employees working at different hours. In the interest of the public safety, the guards, cabinmen, the booking clerks, the train-clerks as well as other railway men should have been granted the same facilities as have been suggested for the employees of shops, etc. Do the Government intend to protect labourers of one class and not those of another class, because it hits their earnings?

Premier : My honourable friend is now pleading the cause of the labour classes.

Lala Sita Ram : That I have always done. For me, the labourers are as essential a unit of our society as the capitalists. It is strange that the Honourable Premier neither wants me to say anything in support of the capitalists nor does he tolerate my taking the side of the labouring classes.

I was submitting, Sir, that when you are making it a rule for the shop-assistants, why do you not apply the same to other employees irrespective of whether they are working here or there? To cut it short, Sir, my submission is that this Act should apply equally to all classes of labourers and workers and no distinction should be made between one class and the other.

Mr. Speaker : Question is—

That part (a) of the clause be deleted.

The motion was lost.

Mr. Speaker : Question is—

That clause 13 stand part of the Bill.

The motion was carried.

Clause 14.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That leave be granted to move the following new parts to be added at the end of clause 14:—

"(d) the authority to which intimation shall be given under sub-section (2) of section 6;

(e) the condition subject to which any exemption under the Act may be granted;

[Ch. Tikka Ram.]

(f) the manner in which the occupier of a shop or commercial establishment shall keep exhibited in the premises the close day closing and opening hours and such other particulars as may be prescribed;

(g) the authority to which the close day and any change therein may be intimated."

• *The motion was carried.*

Parliamentary Secretary (Chaudhri Tikka Ram) : I move—

That the new parts to clause 14 be taken into consideration.

The motion was carried.

Mr. Speaker : Question is—

That the new parts to clause 14 be added to the clause.

The motion was carried..

Mr. Speaker Question is—

That clause 14 as amended stand part of the Bill.

The motion was carried.

New Clause.

Chaudhri Tikka Ram : Sir, I beg to move—

That leave be granted to move the following new clause—

"Save as otherwise provided under any law for the time being in force it shall not be lawful in any locality to carry on in any place not being a shop or commercial establishment retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop or commercial establishment open for the purpose of such retail trade or business, and, if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the owner or occupier of a shop or a commercial establishment which was being kept open in contravention of this Act."

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new clause be added to the Bill.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That leave be granted to move—

That at the end, the following schedule be added :—

"Schedule under section 8 of the Act.

1. Shops and commercial establishments dealing in refreshments, newspapers, periodicals, medicines, vegetables, sweets, milk, cooked food or flowers.

2. Cinemas, theatres and other places of public entertainment.
3. Persons employed as care-takers, porters, watchmen, travellers, canvassers and domestic servants.
4. Establishment for the treatment or care of the sick, infirm, destitute or mentally unfit.
5. Clubs and residential hotels.
6. Stalls at railway stations.
7. Barbers and hair-dressers."

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That the new schedule be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the schedule be added to the Bill.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That the clauses after clause 6, be renumbered serially.

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.

Minister for Development : Sir, I beg to move—

That the Punjab Trade Employees Bill as amended be passed.

The motion was carried.

CONSOLIDATION OF HOLDINGS (AMENDMENT) BILL.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to introduce the Punjab Consolidation of Holdings (Amendment) Bill.

I also beg to move—

That the Punjab Consolidation of Holdings (Amendment) Bill be taken into consideration.

The motion was carried.

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

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.

Minister of Revenue : Sir, I beg to move—

That the Punjab Consolidation of Holdings (Amendment) Bill be passed.

Mr. Speaker : The motion moved is—

That the Punjab Consolidation of Holdings (Amendment) Bill be passed.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural). (*Punjabi*) : Sir, I congratulate the Government for having brought forward such a useful and necessary measure. I am of the opinion that the scheme of consolidation of holdings will prove beneficial to the poor zamindars. As a matter of fact we have been waiting for the enforcement of such a beneficial measure which would consolidate the position of poor zamindars whose lands have been sub-divided into very small parts. With these words, Sir, we support this Bill unanimously. (*Cheers from the Government benches.*)

Mr. Speaker : The question is—

That the Punjab Consolidation of Holdings (Amendment) Bill be passed.

The motion was carried.

ADJOURNMENT.

Premier : Sir, I have to make a motion, which I believe, will be the last so far as the present session is concerned. I should like first, before we disperse, to thank the members for the help they have given us in getting through our legislation, some of which was of a very controversial nature. I am glad that we are ending this session with a unanimous vote on a Bill, and I hope that augurs well for the future. This has been the longest session on record in the history of legislatures in this country, and I hope that future sessions will not be so long and will not give so much trouble to honourable members. I thank the Opposition for the help they have given us. I am sorry that they have been kept on here for such a long time. Now, Sir, I move—

That the Assembly do now adjourn sine die.

The motion was carried.

The Assembly then adjourned sine die.

APPENDIX.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938 to 31st March, 1939.

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
Chief Secretary to Government, Punjab.	One Extra Assistant Commissioner.	Allegations of corruption against this Extra Assistant Commissioner were investigated but no charges were framed.	Held up at the first efficiency bar at Rs. 510 for a period of two years.	No appeal was filed.
FINANCIAL COMMISSIONERS, PUNJAB.				
<i>Ambala Division.</i>				
Hissar	One Patwari ..	Corruption, bad work and absence from duty.	Dismissal	Appeal rejected by Commissioner and Revision rejected by Financial Commissioner.
Do.	Ditto	Tampering with the Revenue Records.	Reduced from places in his grade.	No appeal or Revision was filed.
Amhala	One Motor Taxation Clerk	1. That he was plying his own lorries for hire through his relations. 2. That he took Rs. 20 each from drivers in order to have their licences endorsed for the Rupar-Anandpur hill road.	1. Pay reduced from Rs. 62 to Rs. 40 on the 3rd charge. 2. To start afresh in the Rs. 40—90 grade.	No appeal or Revision has been filed so far.

		3. That he was corrupt and had no reputation for honesty.	3. Promotion stopped for 5 years.	
<i>Jullundur Division.</i>				
Ladhiana	..	One Senior Clerk	..	Dismissal ..
Do.	..	One Copyist	..	Do. ..
Do.	..	Two patwaris..	..	Warned ..
Ferozepore	..	One Vernacular Copyist employed on file-fetching duty.	..	Suspended for 9 months and censured.
Do.	..	One Assistant Sedar Waddi Baqi Nawis.	..	Increment stopped for two years.
<i>Lahore Division.</i>				
Lahore	..	One Reader (City Bench, Kasur).	..	Increment withheld for a period of one year without affecting future increment.
Do.	..	One Excise Sub-Inspector	..	Reduced by ten places in the Seniority List of Excise Sub-Inspectors, first grade of the Provincial Excise Establishment and salary reduced by two stages in the time-scale.

Revision application rejected by the Financial Commissioner.

Appeal accepted and the orders of the dismissal set aside.

The allegations were not proved.

Was found guilty of making an unauthorised payment of Rs. 213 to a Lambardar and of negligence in not comparing the Dakhile with the entry in the Khatanni.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938 to 31st March, 1939,—continued

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
FINANCIAL COMMISSIONERS, PUNJAB—contd.				
Lahore Division,—concltd.				
Lahore	One Assistant Nazir ..	Charged with making false entries in the Contingent Register with the intention of defrauding Government.	Removed from Service.	
Amritsar	One Peon in the Tarn Taran Tahsil.	Giving false evidence in a criminal case.	Dismissal	Appeal and Revision rejected by the Commissioner and the Financial Commissioner, respectively.
Do.	One Junior Grade Clerk (Registration Moharrir).	Embezzlement of 8 annas which had been realized as copying fee.	Warned and an entry made in his Character Roll to be careful in future.	Not appealable. It was held by the Deputy Commissioner that the fault was entirely the Sub-Registrars' and not the clerk's. The Sub-Registrar was also warned.
Do.	One Senior Grade Clerk in the Sadar Copying Agency.	Dishonesty and doubtful work.	Warned by entry in his Character Roll.	Not appealable.
Do.	One Examiner of English Copies of Amritsar.	Dishonesty and doubtful work.	Warned	No enquiry was held as the material was indefinite.

Do.	..	One Wasil Baqi Nawis	..	Demanding a bribe of Rs. 1 from Lamberdar.	Do.	..	Bribery not proved.
Do.	..	One Reader	..	Suspicion of dishonesty	Warned by an entry in his Character Roll.	..	Allegations indefinite.
Do.	..	Do.	..	Ditto	Warned by an entry made in his Character Roll and transferred to another court.	Ditto.	
Do.	..	One Judicial Moharrir	..	1. Employing unauthorised person to help in Government work.	Censure	..	Appealable but did not appeal against the order. This official is now under arrest and trial for a series of embezzlements and destruction and falsification of records.
Gurdaspur	..	One Patwardi	..	2. Tampering with dates of orders in Judicial files to conceal delays.	Dismissal	..	Re-instated.
Do.	..	One Exercise Sub-Inspector	..	3. Failing to punch and cancel court-fee stamps.	Do.	..	..
Gujrat	..	One Reader	..	Corruption	Dismissal	..	Appeal pending with the Commissioner.
Do.	..	One Patwardi	..	Do.	Do.	..	Re-instated on appeal.
Do.	..	One Patwardi candidate	..	Do.	Services dispensed with	..	No appeal preferred.
Do.	..	One office Kanungo retired.	..	Under section 241/420, Indian Penal Code.	Challaned by Police under section, 231/420, Indian Penal Code and sentenced to 6 months' rigorous imprisonment under section 251, Indian Penal Code.	..	Appeal accepted by the Sessions Judge and acquitted. An appeal is being lodged against the order of his acquittal.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938 to 31st March, 1939.—continued.

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
				6
FINANCIAL COMMISSIONERS				
Rawalpindi Division—contd.				
Gujrat ..	One Chagarsi..	Corruption ..	Dismissal ..	Appeal not yet preferred.
Shahpur ..	One Wasil Baqi Nawis	Tampering with account registers and making wrong entries with ill motive.	Do. ..	Appeal not yet decided by the Commissioner.
Do. ..	One Revenue Patwari	Tampering with the records of a village with ill motive.	Do. ..	Ditto.
Do. ..	Ditto	Bribery ..	Placed under suspension and fined Rs. 2 for gross carelessness and ultimately reinstated.	Bribery not proved.
Do. ..	Ditto	Do. ..	Discharged on the institution of a complaint against him under section 161, Indian Penal Code.	Re-instated as bribery not proved.
Jhelum ..	One Registration Moharrir	Illegal gratification ..	Dismissal ..	Appeal filed but no orders passed.
Rawalpindi ..	One Moharrir to Forest Nails-Tehaldars.	Forgery ..	Do. ..	Appeal and Revision rejected.
Do. ..	One Copyist ..	Misappropriation of Government money.	Accused challaned by the Police and sentenced to six months' rigorous imprisonment and a fine of Rs. 300.	

Do.	..	One Reader ..	..	Bribery	-	..	Increment stopped for 2 years without future effect.	No appeal lodged.
Do.	..	One Moharrir	-	Do.	-	..	Retired from Service before the termination of his extension period.	
Do.	..	One Head Moharrir (Registration.)	..	Do.	-	-	Transferred and an adverse entry made in his Character Roll.	
Do.	..	One Patwari ..	..	Do.	-	..	Dismissal ..	Appeal lodged but result not yet communicated.
Attock	..	One File Fetcher	..	Bribery and alleged tampering with records.	-	..	Name removed from the list of candidates.	
Do.	..	One Vernacular Copyist ..	..	Alleged tampering with Shajra and Khazra of a village and issuing a wrong copy.	-	..	Dismissal ..	Appeal pending with the Commissioner.
Do.	..	Ditto	..	Preparation of incorrect copy with dishonest motive.	-	..	Suspended for 6 months ..	Appeal rejected by Commissioner.
Do.	..	One Copying Examiner ..	..	Ditto ditto.	-	..	Warned.	
Do.	..	One Patwari ..	..	Supplying wrong particulars of a recruit with dishonest motive.	-	..	Dismissal ..	1. Appeal rejected. 2. On Revision case was returned for fresh decision.
Deputy Attock.	Commissioner.	One Patwari ..	..	Tampering with records with dishonest motive.	-	..	Do. ..	Appeal pending with Commissioner.
Deputy Mianwali.	Commissioner.	One Field Kanungo, grade.	II	Corruption. Dishonestly got a mutation of gift entered in his son's favour.	-	..	Do. ..	No appeal lodged so far.
Ditto	ditto	One Field Kanungo, grade.	II	Corruption. Made false entries in Revenue papers. Suspected of bribery.	-	..	Degraded ..	Ditto.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938 to 31st March, 1939.—continued

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
FINANCIAL COMMISSIONERS—<i>contd.</i> <i>Rawalpindi Division—conold.</i>				
Deputy Commissioner, Mianwali.	One Patwari, II grade ..	Dishonestly entered a mutation of a gift in favour of the son of a Field Kanungo of his circle.	Dismissal ..	No appeal lodged so far.
Ditto	One Patwari, II grade ..	Attempted to mislead the court in a murder case and gave false evidence.	Do. ..	Appeal pending with the Commissioner.
Settlement Officer, Jhelum	One Patwari, III class ..	Tampering with Government records and corruption.	Do. ..	Appeal pending.
Multan Division.				
Nili Bar Colony ..	One Patwari ..	Demanding illegal gratification.	Dismissal .	The clerk was tried in a Criminal Court under section 409, Indian Penal Code, and sentenced to one year's rigorous imprisonment and a fine of Rs. 96 or in default to undergo 3 months' rigorous imprisonment.
Ditto ..	Ditto ..	Ditto	Do.	
Dera Ghezi Khan ..	One clerk ..	Embezzlement ..	Do. ..	

Lyalpur	..	One clerk	..	Illegal gratification	..	Do.	..	The clerk was tried in a Criminal Court and convicted. On appeal the sentence was reduced to that already undergone. In addition he has been fined Rs. 500.
Multan	..	One Patwari	..	Committing irregularities in which the motive was corruption.	..	Dismissal	..	Appeal pending with Commissioner.
Do.	..	Two Patwaris	..	Ditto.	..	Each suspended for one month.	..	No appeal was filed.
Do.	..	One Patwari	..	Ditto.	..	Fined Rs. 10	..	Ditto.
Do.	..	One Patwari candidate	..	Allegations of corruption.	..	Name removed from the list of candidates.	..	Appeal pending with Commissioner.
Montgomery	..	One Clerk	..	Suspicion of corruption	..	Increment stopped for one year.	..	
Do.	..	Ditto	..	Doubtful reputation for honesty.	..	Warned.	..	
Do.	..	Three copyists	..	Ditto.	..	Do.	..	
Do.	..	One Tahsil peon	..	Misappropriation of Government money.	..	Dismissal	..	The peon was tried criminally under section 409, Indian Penal Code in six cases and sentenced to 9 months' rigorous imprisonment in each case.
Do.	..	Ditto	..	Temporary misappropriation of Government money.	..	Fined Rs. 2.	..	
Do.	..	Two Tahsil peons	..	Ditto.	..	Suspended for six months.	..	
Do.	..	One Tahsil peon candidate	..	Ditto.	..	Name removed from the list.	..	
Do.	..	One Patwari	..	Failing to report the illegal construction of a brick kiln; the motive being corruption.	..	Fined Rs. 5.	..	

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938, to 31st March, 1939—continued.

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks if any.
1	2	3	4	5
FINANCIAL COMMISSIONERS, PUNJAB—contd. Mullan Division—conold.				
Montgomery ..	One Patwari ..	Failing to enter changes of cultivation in his diary : the motive being corruption.	Degraded. !	
Do. ..	Ditto ..	Wrongful entry in Kharsa Girdawari : the motive being corruption.	Do.	
Do. ..	Pitto ..	Failing to enter copying fee in the register, the motive being corruption.	Fined Rs. 5.	
Do. ..	Ditto ..	Wrongful preparation of Arz Irzal, the motive being corruption.	Fined Rs. 8.	
Do. ..	Ditto ..	Failing to report the confiscation of area and illicit cultivation of Government land : the motive being corruption.	Fined Rs. 3.	
Do. ..	Ditto ..	Wrongful preparation of dakhil kari file, the motive being corruption.	Fined Rs. 2.	

Do.	..	..	Ditto	..	..	Preparation of wrong fard Indkhab, the motive being corruption.	Ditto
Do.	..	..	Ditto	..	..	Ditto	Ditto.
Do.	..	..	Ditto	..	..	Giving illegal possession of Ihata, the motive being cor- ruption.	Ditto.
Do.	..	..	Ditto	..	..	Failing to put up mutation promptly, the motive being corruption.	Ditto.
Do.	..	..	Ditto	..	..	Failing to report the opening of a brick kiln, the motive being corruption.	Fined Rs. 1.
Do.	..	..	Ditto	..	..	Preparation of wrong Fard of temporary cultivation, the motive being corruption.	Fined Rs. 2.
Do.	..	..	Ditto	..	..	Wrongful preparation of Khasra Girdawari, the mo- tive being corruption.	Degraded.
Do.	..	..	Ditto	..	..	Failing to report absentee abadkars, the motive being corruption.	Fined Rs. 2.
Do.	..	..	Ditto	..	..	Failing to report takmil sharait, the object being cor- ruption.	Ditto.
Do.	..	..	Ditto	..	..	Wrongful preparation of fard of temporary cultivation, the motive being corrup- tion.	Ditto.
Do.	..	..	Ditto	..	..	Preparation of wrong Dhal Bach and receipts, the mo- tive being corruption.	Degraded.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938, to 31st March, 1939.—continued.

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
FINANCIAL COMMISSIONERS, PUNJAB—contd.				
<i>Mulana Division—contd.</i>				
Montgomery ..	One Patwari ..	Charging an excess copying fee.	Fined Rs. 3.	
Do. ..	Ditto ..	Wrongful entries of patta rate the motive being corruption.	Fined Rs. 2.	
Do. ..	Ditto ..	Forging entries of Khassra Girdawari, the motive being corruption.	Ditto.	
Do. ..	Ditto ..	Ditto.	Suspended for 2½ months.	
Do. ..	Ditto ..	Ditto	Suspended for 7 months.	
Do. ..	Ditto ..	Forging date of birth and educational certificate.	Dismissal.	
Do. ..	Ditto ..	Dishonesty in recovery of land revenue.	Suspended for 4½ months.	
Lyallpur (Colony)	Ditto ..	Tampering with Government records with a view to benefiting certain individuals.	Dismissal ..	Appeal not yet decided by Commissioner.

Chief Engineer, Punjab, Public Works Department, Buildings and Roads Branch.	One upper subordinate ..	False measurements. ..	Do. ..	On appeal finally acquitted by the High Court. Case under further consideration of Government.
Ditto ..	One Overseer ..	Ditto ..	Do. ..	Ditto ..
Ditto ..	One Road Inspector ..	Bribery and insubordination. ..	Dismissed and debarred from further service. ..	
Registrar, Co-operative Societies, Punjab, North-West Frontier Province and Delhi.	One Inspector, Consolidation of Holdings. ..	Bribery and gross negligence of duty. ..	Dismissal ..	Appeal pending.
Registrar, High Court, Lahore.	One Ahmad ..	Making material alterations in his report in an execution petition. ..	Warned and entry made in Character Roll. ..	No appeal.
District and Sessions Judge, Karnal.	One Orderly to the Senior Subordinate Judge. ..	Corruption. ..	Dismissal. ..	
Ditto ..	One Process Server ..	Do. ..	Do. ..	Appeal dismissed.
District and Sessions Judge, Rohtak.	One Guardian Moharrir ..	Unauthorized inspection ..	Suspended for 2 months and increment stopped for one year. ..	Suspicion of corruption. Motive not substantiated.
District and Sessions Judge, Ferozepore.	One Process Server ..	Making a false report ..	Suspended for one month. ..	Recommended for enhancement of punishment.
District and Sessions Judge, Lahore.	One officiating Naib Nazir ..	Corruption ..	Let off as the defence prevailed. ..	
Ditto	One Bailiff ..	Do. ..	Dismissal ..	Orders revised and re-instated.
Ditto	One Process Server ..	Do. ..	Do. ..	
Ditto	Ditto ..	Do. ..	Do. ..	
Ditto	Ditto ..	Do. ..	Do. ..	

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938, to 31st March, 1939.—continued.

Head of Department or office.	No. and designation of officials punished.	Offences.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
FINANCIAL COMMISSIONERS— <i>contd.</i>				
District and Sessions Judge, Gujranwala.	One Leave Reservist	Unauthorised inspection of records.	Dismissal ..	The case remanded for an enquiry by the High Court and the punishment ultimately reduced to that already undergone.
District and Sessions Judge, Gujrat.	One Naib Sheriff	Inefficiency and corruption.	Removed from service on proportionate pension.	
District and Sessions Judge, Montgomery.	One Madad Moharir	Corruption ..	Suspension ..	Re-instated.
District and Sessions Judge, Lyalpur.	One Process Server	Making a false statement ..	Suspended for 6 months.	
Ditto	Ditto	Embezzlement of proclamation fee.	Dismissal ..	Reduced to suspension for 8 months and 22 days.
Ditto	Ditto	Making a report of resistance to attachment of property and then going back on his report.	Do. ..	Reduced to suspension for 6 months and 8 days.

District and Sessions Judge, Multan.	One Clerk of Court to Dis- trict and Sessions Judge.	Corruption	Dismissal	Acquitted and re-instated.
Ditto	One Process Server	Making a false affidavit	Fined Rs. 2.	..
Ditto	Ditto	Ditto.	Ditto.	..
Ditto	Ditto	Making a false report	Suspended for 1½ months.	..
Ditto	One Bailiff	Ditto	" " 4 "	..
Ditto	One Process Server	Ditto	" " 2 "	..
Ditto	Ditto	Alterations of entries in tour diary. Ditto.	" " 3 "	..
Ditto	Ditto	Making a false report	" " 2 "	..
Ditto	Ditto	Making a false report with ulterior motives.	" " 5 "	..
Ditto	One officiating Process Ser- ver.	Making a false report	Dismissal.	No appeal preferred.
Ditto	Ditto.	Ditto	Reduced by 10 places on the Seniority list.	Appeal rejected.
Ditto	One Bailiff	Ditto	Name struck off the list of candidates.	Case not positively proved.
Ditto	Ditto	Ditto	Punished up to the period of suspension undergone by him.	Preliminary evidence showed that the report of the Bailiff was correct.
Ditto	Ditto	Ditto	Warned	Reinstated by High Court.
District and Sessions Judge, Dera Ghazi Khan.	Ditto	Misappropriation of the pro- ceeds of a court sale.	Dismissal	..
Ditto.	One Process Server	Misappropriation of diet money of witnesses.	Do.	Prosecuted under section 409, Indian Penal Code, convicted and sentenced.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938 to 31st March, 1939—continued.

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks if any.
1	2	3	4	5
INSPECTOR-GENERAL OF PRISONS, PUNJAB.				
Central Jail, Montgomery ..	One selection grade Warder.	Introducing prohibited articles into the jail.	Dismissal.	
Ditto ..	One Warder ..	Ditto.	Pay reduced by Re. 1 for one year and compulsorily retired on completion of 25 years' service.	
Old Central Jail, Multan ..	One Warder ..	Leaving his place of duty; visiting a political prisoner confined in Camp Jail cells and attempting to arrange for his communication with persons outside the Jail; also supplying him with writing material.	Dismissal.	
New Central Jail, Multan ..	One Warder ..	Introducing prohibited articles into the Jail (while on duty in gate way).	Censured.	
Ditto	One Warder ..	Illegal gratification ..	Dismissal ..	Appeal rejected.
Ditto	Ditto ..	Ditto ..	Do. ..	Appeal pending.

District Jail, Jullunder	..	Ditto	..	Introducing prohibited articles into the Jail.	Do.	
District Jail, Jhelum	..	Ditto	..	Ditto.	Do.	
District Jail, Ludhiana	..	Ditto	..	Illegal gratification	Do.	
District Jail, Hissar	..	Ditto	..	Introducing prohibited articles into the Jail.	Do.	
Sub-Jail, Sargodha	..	One Warder on contract basis.	..	Ditto.	Do.	
District Jail, Multan	..	Ditto	..	Ditto	Do.	
Ditto	..	Ditto	..	Ditto.	Do.	
Central Jail, Lahore	..	One Warder	..	Receiving illegal gratification	Do.	
Ditto	..	Ditto	..	Introducing prohibited articles into the Jail.	Do.	
District Jail, Dera Ghazi Khan.	..	Officiating Assistant Superintendent.	..	Illegal gratification	Removed from the list of selected candidates and will not be re-employed.	Punishment confirmed by Government.
District Jail, Rohtak	..	One Warder	..	Introducing prohibited articles into the Jail.	Dismissal	Appeal pending.
CHIEF CONSERVATOR OF FORESTS, PUNJAB.	..	..	..	..	..	..
Jhelum Forest Division	..	5 Forest Guards	..	Allowing damage in their beats.	Dismissal	Appeals rejected in 3 cases and no appeals in the other two.
Ditto	..	2 Forest Guards	..	Allowing heavy damage in their beats.	Reduced to lower grades	Punishment awarded based on a mere presumption in view of the local conditions and the facts before the then Divisional Forest Officer.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938, to 31st March, 1939—continued

Head of Department or office.	No. and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks if any.
1	2	3	4	5
CHIEF CONSERVATOR OF FORESTS— <i>concl.</i>				
Lahore Forest Division ..	2 Forest Guards	Allowing damage in their beats and accepting illegal gratification.	Dismissal	Appeals in both cases were rejected.
Rawalpindi Forest Division (West).	1 Forest Guard	Allowing damage in his beat.	Reduced to lower grade for 8 months.	
CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH.				
Lower Bari Doab Canal, Montgomery Division.	One Sub Divisional Clerk ..	Corruption	Dismissal	Reinstated on appeal as proof was indefinite.
Lower Bari Doab Canal, Balloki Division.	One temporary Subordinate	Corruption	Discharged from Service.	
Lower Chenab Canal, Khanki Division.	One Patwari ..	Forging entries in Zilladars' Dak Register.	Discharged.	
Ditto	Ditto	Concealment of irrigation ..	Dismissed.	
Ditto	Ditto	Ditto	Pay reduced from Rs. 19 to Rs. 17 per mensem.	Lesser punishment than dismissal was awarded because the area concealed was small i.e., less than 2 acres.

Ditto	Ditto	..	Wrong assessment and deliberately incorrectly assessing the cultivation.	Ditto	Lesser punishment than dismissal was awarded because there was no concealment in this case. The Patwari booked some grass against a wrong person and the Lamhardar of the village supported him.
Lower Chenab Canal, Khan-ki Division.	Ditto	..	Concealment of irrigation ..	Increment stopped for 1 year affecting future increments.	The area concealed in this case was $\frac{1}{2}$ an acre.
Ditto.	One Zilladar ..	..	Causing a certain individual to appear before the Sub-Divisional Officer and receiving pay and allowance due to another and attesting the payment.	Dismissed ..	Appeal under consideration.
Lower Chenab Canal, Lyallpur Division.	One Patward ..	..	Took free fodder from the cultivators and was not residing in Patwar-Khana.	Discharged from Service.	
Ditto	Ditto ..	..	Concealment of irrigation ..	Transferred and pay reduced by Rs. 2 per mensem.	The Patwari made pencil entries and booked less irrigation in Kharsa and left out date of recording. In view of his long service and previous good record his pay was reduced. No charge of bribery was brought against him.
Ditto	Ditto ..	..	Forging entries in Kharsa ..	Served with one month's notice for termination of service.	
Lower Chenab Canal, Jhang Division.	Ditto ..	..	Splitting up a large number of fields to enable samindars to get undue remissions.	Half bonus confiscated ..	His service has been terminated from 1st October, 1939.

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938, to 31st March, 1939—contd.

Head of Department or office.	No. and designation of officials punished.	Offences.	Nature of punishment awarded.	Remarks if any.
1	2	3	4	5
CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH—contd.				
Lower Chenab Canal, Jhang Division.	One Patwari ..	Concealment of irrigation ..	Pay reduced from Rs. 23 to Rs. 17 per mensem.	In view of the Patwari's past career the reduction in his pay was considered sufficient punishment.
Upper Chenab Canal, Sheikhupura Division.	Two Patwaris..	Ditto ..	Served with a notice for termination of service.	No appeal.
Lower Jhelum Circle ..	Lower Subordinate	Bribery and corruption ..	Dismissal ..	Reinstated under the advice of the Provincial Public Service Commission.
Sulemanki Division Canal Circle.	One Patwari ..	Borrowing money from irrigators in his <i>halqa</i> with the intention of not paying it back.	Pay reduced from 19 to Rs. 17 per mensem.	The Patwari pleaded ignorance of the rules. The extreme punishment of dismissal was, therefore, not accorded.
Ditto	Ditto ..	Guilty of entering makki in cotton where makki was not sown.	Pay reduced from Rs. 19 to Rs. 17 per mensem.	Corruption in this case was not proved.
Ditto	Ditto ..	Guilty of having classed 94 kanals of crop both as Rauni as well as Wadh Watter with the intention of bargaining later.	Ditto	The case was not fully proved. Therefore the Patwari was given the benefit of doubt.

Ditto	One Gauge Reader	..	Running distributary at night without authority.	Dismissal	..	No appeal.
Ditto	One Beldar ..	..	Bribery was suspected ..	Do.	..	Appeal rejected.
Ditto	Ditto ..	..	Concealment of irrigation ..	Do.	..	Ditto.
Eastern Division, Ferozepore Canals Circle.	One Patwari ..	..	Concealment of irrigation and erasing Khassra entries.	Service terminated	..	Ditto.
Ditto	Ditto ..	..	Inefficiency and suspected dishonesty.	Dismissal	..	Appeal under disposal.
Huseiniwala Division, Ferozepore Canals Circle.	Ditto ..	..	Concealment of irrigation ..	Do.	..	Appeal under investigation.
Pakpattan Division, Nili Bar Circle.	Ditto ..	..	Ditto	Do.	..	Appeal under disposal.
Islam Division, Nili Bar Circle.	Ditto ..	..	Ditto	Service dispensed with.	..	Appeal under disposal.
Ditto.	One Zilladar on probation	..	Najaiz Kharaba remission and temporary Khassra entries.	Pay reduced and transfer ordered to a departmental hospital.	..	No appeal lay but the applications of these clerks were rejected by the Chief Engineer.
Bar Division, Nili Bar Circle	One Sub-Assistant Surgeon	..	Suspected dishonesty in a medico-legal case.	Services terminated	..	
INSPECTOR-GENERAL OF CIVIL HOSPITALS, PUNJAB.						
—						
CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, ELECTRICITY BRANCH.						
—	Two meter clerks of the Ludhiana Division.	..	For entering fictitious figures in the log sheets at Jullunder Electric Supply Company Limited.			

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938, to 31st March, 1939—continued.

Head of Department or office.	No. and designation of officials punished.	Offences.	Nature of punishment awarded.	Remarks, if any
1	2	3	4	5
INSPECTOR-GENERAL OF POLICE, PUNJAB.				
Superintendent of Police, Hissar.	One Foot Constable ..	Extortion of money ..	Discharged.	
Superintendent of Police, Ludhiana.	One Head Constable and One Foot Constable ..	Illegal gratification ..	Dismissal ..	Appeal rejected. Petition for revision under consideration.
Superintendent of Police, Hoshiarpur.	One Foot Constable ..	Corruption ..	Do. ..	Convicted and sentenced to six months' rigorous imprisonment under section 161, Indian Penal Code. He was acquitted on appeal by Sessions Judge, Hoshiarpur.
Superintendent of Police, Rohtak.	One Foot Constable ..	Illegal gratification ..	Do. ..	Appeal rejected.
Senior Superintendent of Police, Lahore.	One Foot Constable ..	Illegal gratification and extortion.	Do. ..	
Superintendent of Police, Amritsar.	One Assistant Sub-Inspector.	Malpractices including corruption.	Reduced to the rank of Head Constable.	Appeal rejected, but reinstated on petition for mercy.
Ditto	One Sub-Inspector ..	Incorrigible corruption and inefficiency.	Dismissal ..	Ditto.

Ditto	One Officiating Assistant Sub-Inspector.	Bribery	Do.	Appeal rejected.
Ditto	One Officiating Sub-Inspector.	Involved in the above case ..	Reverted to the rank of Assistant Sub-Inspector, and name reduced on the promotion list 'E'.	No appeal lies.
Superintendent of Police, Salkot.	One Foot Constable	1. Absence from Nakabandi duty. 2. Unsatisfactory conduct and reputation. 3. Illegal gratification	Dismissal	Appeal rejected.
Superintendent of Police, Shekhpura.	One Head Constable	Extortion	Do.	Appeal and petition for revision rejected.
Superintendent of Police, Lyallpur.	One Sub-Inspector	Corruption and inefficiency	Pay reduced from Rs. 110 to Rs. 80.	Extreme punishment not awarded because there was no specific complaint of corruption.
Superintendent of Police, Montgomery.	One Foot Constable	Extortion	Discharged	On appeal reduced to the rank of Foot Constable.
Ditto	One Head Constable	Dishonestly failing to record reports in the daily diary.	Dismissal	
Ditto	One Foot Constable	Dishonestly helping a party to recover an abducted woman, and suppression of facts from superiors.	Do.	
Superintendent of Police, Lyallpur.	One Officiating Head Constable.	Gross misconduct in extracting a ten-rupee note when on censorship duty in the Criminal Investigation Department and misappropriating it.	Do.	Appeal rejected.
Ditto	One Foot Constable	Extortion in a deceitful manner.	Eleven years approved service forfeited with permanent effect.	

Action taken against corrupt officials in the Punjab during the period from 1st April, 1938 to 31st March, 1939—concluded.

1	2	3	4	5
Head of Department or office.	No. and designation of officials punished.	Offences.	Nature of punishment awarded.	Remarks, if any.
INSPECTOR-GENERAL OF POLICE, PUNJAB—concl.				
Superintendent of Police, Montgomery.	One Head Constable	Bribery	Dismissal ..	Appeal rejected.
Superintendent of Police, Multan.	One Foot Constable	Extortion and unnecessarily harassing a person.	Do. ..	Ditto.
Ditto	Ditto.	Extortion and illegal gratification.	Do. ..	Ditto.
Superintendent of Police, Gujrat.	One Head Constable	Extortion	Do. ..	Ditto.
Ditto	One Foot Constable	An accomplice in the above case.	Do. ..	Ditto.
Superintendent of Police, Shebpur.	Ditto	Travelling in a lorry without payment.	Do. ..	Ditto.
Superintendent of Police, Rawalpindi.	Ditto	Abusing his position as a police-officer by selling traffic tickets to lorry drivers while on traffic duty and accepting a bribe of 8 annas from a lorry driver.	Do. ..	Ditto.

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