

**THE**  
**Punjab Legislative Assembly**  
**Debates.**

**From 15th July to 16th December, 1940.**

---

**Vol. XIV.**

---

**OFFICIAL REPORT,**



**Lahore :**

**Printed by the Superintendent, Government Printing, Punjab.**

**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.

## LIST OF MEMBERS.

### PREMIER.

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

### MINISTERS.

The Hon'ble Dr. Sir Sundar Singh Majithia, Kt., C.I.E., D.O.L., Minister of Revenue (Batala, Sikh, Rural).

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

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

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

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

### PARLIAMENTARY SECRETARIES.

Khan Bahadur Mian Ahmad Yar Khan Daulatana, C.B.E., Political and Chief Official Whip (Mailsi, Muhammadan, Rural).

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

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

Mrs. Jahan Ara Shah Nawaz, M.B.E., Education, Medical Relief and Public Health (Outer Lahore, Muhammadan Women, Urban).

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

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

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

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

### PARLIAMENTARY PRIVATE SECRETARIES.

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

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

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

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

<sup>1</sup>He passed away on the 6th of August, 1940.

# PARLIAMENTARY PRIVATE SECRETARIES—CONCLUDED.

- Nawabzada Muhammad Faiyaz Ali Khan (Karnal, Muhammadan, Rural).  
 Khan Bahadur Mian Mushtaq Ahmad, Gurmani (Muzaffargarh North, Muhammadan, Rural).  
 Sardar Gopal Singh (American) (Ludhiana and Ferozepore, General—Reserved Seat, Rural).

## MEMBERS.

- Abdul Aziz, Mian (Outer Lahore, Muhammadan, Urban).  
 Abdul Hamid Khan, Sufi (Ambala and Simla, Muhammadan, Rural).  
 Abdul Rab, Mian, B.A., LL.B. (Jullundur South, Muhammadan, Rural).  
 Abdul Rahim, Chaudhri (Shakargarh, Muhammadan, Rural).  
 Abdul Rabim, Chaudhri (South-East Gurgaon, Muhammadan, Rural).  
<sup>1</sup>Afzaalali Hasnie, Syed (Shahdara, Muhammadan, Rural).  
 Ahmad Yar Khan, Chaudhri (North-West Gujrat, Muhammadan, Rural).  
 Ajit Singh, Sardar (South-West Punjab, Sikh, Rural).  
 Akbar Ali, Pir (Fazilka, Muhammadan, Rural).  
 Ali Akbar, Chaudhri (Gurdaspur East, Muhammadan, Rural).  
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik, M.B.E. (Shahpur, Muhammadan, Rural).  
<sup>2</sup>Allah Yar Khan, Daultana, Mian (Mailsi, Muhammadan, Rural).  
 Anant Ram, Chaudhri, B.A., LL.B. (Karnal South, General, Rural).  
 Ashiq Hussain, Captain, M.B.E. (Multan, Muhammadan, Rural).  
 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed (Batala, Muhammadan, Rural).  
 Balbir Singh, Rao Bahadur Captain Rao, O.B.E. (North-West Gurgaon, General, Rural).  
 Baldev Singh, Sardar (Ambala North, Sikh, Rural).  
 Balwant Singh, Sardar (Sialkot, Sikh, Rural).  
 Barkat Ali, Malik, M.A., LL.B. (Eastern Towns, Muhammadan, Urban).  
 Bhagat Ram Choda, Lala (Jullundur, General, Rural).  
 Bhagat Ram Sharma, Pandit (Kangra West, General, Rural).  
 Bhagwant Singh, Rai (Kangra East, General, Rural).  
 Bhim Sen Sachar, Lala, B.A., LL.B. (North-Western Towns, General, Urban).  
 Chaman Lall, Diwan, B.A. (Oxon.) (East Punjab, Non-Union Labour).  
 Chanan Singh, Sardar (Kasur, Sikh, Rural).  
 Deshbandhu Gupta, Lala (South-Eastern Towns, General, Urban).

<sup>1</sup>Died

<sup>2</sup>In place of K. B. Mian Ahmad Yar Khan Daultana.

## MEMBERS—CONTINUED.

- Dev Raj Sethi, Mr. (Lyallpur and Jhang, General, Rural).
- Dina Nath, Captain (Kangra South, General, Rural).
- Duni Chand, Lala (Ambala and Simla, General, Rural).
- Duni Chand, Mr., Barrister-at-Law, (Lahore City, General, Urban).
- Duni Chand, Mrs. (Lahore City, Women, General).
- Faiz Muhammad Khan, Rai (Kangra and Eastern Hoshiarpur, Muhammadan, Rural).
- Faqir Chand, Chaudhri (Karnal North, General—Reserved Seat, Rural).
- Faqir Hussain Khan, Chaudhri (Tarn Taran, Muhammadan, Rural).
- Farman Ali Khan, Subedar-Major Raja (Gujar Khan, Muhammadan, Rural).
- Fatehjang Singh, 2nd Lieut. Bhai (South-East, Sikh, Rural).
- Fateh Khan, Khan Sahib Raja (Rawalpindi East, Muhammadan, Rural).
- Fateh Muhammad, Mian (Gujrat North, Muhammadan, Rural).
- Fateh Sher Khan, Malik (Montgomery, Muhammadan, Rural).
- Fazl Ali, Khan Bahadur Nawab Chaudhri, O. B. E. (Gujrat East, Muhammadan, Rural).
- Fazal Din, Khan Sahib Chaudhri (Ajnala, Muhammadan, Rural).
- Fazal Karim Bakhsh, Mian (Muzaffargarh Sadar, Muhammadan, Rural).
- Few, Mr. E. (Anglo-Indian).
- Ghulam Mohy-ud-Din, Khan Bahadur Maulvi (Sheikhupura, Muhammadan, Rural).
- Ghulam Qadir Khan, Khan Bahadur (Mianwali North, Muhammadan Rural).
- Ghulam Rasul, Chaudhri (Sialkot Central, Muhammadan, Rural).
- Ghulam Samad, Khan Sahib Khawaja (Southern Town, Muhammadan Urban).
- Girdhari Das, Mahant (South-East Multan Division, General, Rural).
- Gokul Chand Narang, Dr. Sir, M. A., Ph. D. (West Lahore Division, General, Rural).
- Gopal Das, Rai Bahadur Lala (Kangra North, General, Rural).
- Guest, Mr. P. H. (Punjab Commerce and Industry).
- Gurbachan Singh, Sardar Bahadur Sardar (Jullundur West, Sikh, Rural).
- Habib Ullah Khan, Malik (Sargodha, Muhammadan, Rural).
- Haibat Khan Dahi, Khan (Khanewal, Muhammadan, Rural).
- Hari Chand, Rai Sahib Rai (Una, General, Rural).
- Hari Lal, Munshi (South Western Towns, General, Urban).
- Hari Singh, Sardar (Kangra and Northern Hoshiarpur, Sikh, Rural).
- Harjab Singh, Sardar (Hoshiarpur South, Sikh, Rural).
- Harnam Das, Lala (Lyallpur and Jhang, General—Reserved Seat, Rural).

## MEMBERS—CONTINUED.

- Harnam Singh, Captain Sodhi (Ferozepore North, Sikh, Rural).  
 Het Ram, Rai Sahib Chaudhri (Hissar South, General, Rural).  
 Indar Singh, Sardar (Gurdaspur North, Sikh, Rural).  
 Jafar Ali Khan, M. (Okara, Muhammadan, Rural).  
 Jagjit Singh Bedi, Tikka (Montgomery East, Sikh, Rural).  
 Jalal-ud-din Amber, Chaudhri, B. A. (West Central Punjab, Indian Christian).  
 Jogindar Singh Man, Sardar (Gujranwala and Shahdara, Sikh, Rural).  
 Jugal Kishore, Chaudhri (Ambala and Simla, General—Reserved Seat, Rural).  
 Kabul Singh, Master (Jullundur East, Sikh, Rural).  
 Kapur Singh, Sardar, B. A., LL. B. (Ludhiana East, Sikh, Rural).  
 Kapoor Singh, Sardar, B. A., LL. B. (Ludhiana East, Sikh, Rural).  
 Karamat Ali, Sheikh, B. A., LL. B. (Nankana Sahib, Muhammadan, Rural).  
 Kartar Singh, Chaudhri (Hoshiarpur West, General, Rural).  
 Kartar Singh, Sardar (Lyallpur East, Sikh, Rural).  
 Kishan Dass, Seth (Jullundur, General—Reserved Seat, Rural).  
 Kishan Singh, Sardar (Amritsar Central, Sikh, Rural).  
 Krishna Gopal Dutt, Chaudhri (North-Eastern Towns, General, Urban).  
 Lal Singh, Sardar, M. Sc., LL. B. (Ludhiana Central, Sikh, Rural).  
 Mazhar Ali Azhar, Maulvi, B. A., LL. B. (North-Eastern Towns, Muhammadan, Urban).  
 Mohy-ud-Din Lal-Badshah, Syed (Attock South, Muhammadan, Rural).  
 Mubarik Ali Shah, Syed (Jhang Central, Muhammadan, Rural).  
 Muhammad Abdul Rahman Khan, Chaudhri (Jullundur North, Muhammadan, Rural).  
 Muhammad Akram Khan, Khan Bahadur Raja (Jhelum, Muhammadan, Rural).  
 Muhammad Alam, Dr. Shaikh, B. A. (Hons.) (Oxon), LL. D. (Dublin), (Rawalpindi Division Towns, Muhammadan, Urban).  
 Muhammad Amin, Khan Sahib Shaikh (Multan Division Towns, Muhammadan, Urban).  
 Muhammad Ashraf, Chaudhri (South-West Gujrat, Muhammadan, Rural).  
 Muhammad Azam Khan, Sardar (Dera Ghazi Khan North, Muhammadan, Rural).  
 Muhammad Hassan, Chaudhri (Ludhiana, Muhammadan, Rural).  
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar, C.I.E. (Dera Ghazi Khan South, Muhammadan, Rural).  
 Muhammad Hassan, Khan Bahadur Makhdum Syed (Alipur, Muhammadan, Rural).

## MEMBERS—CONTINUED.

- Muhammad Hyat Khan Noon, Nawab Sir Malik (North Punjab, Land holders).
- Muhammad Hussain, Chaudhri, B.A., LL.B. (Gujranwala East, Muhammadan, Rural).
- Muhammad Hussain, Sardar (Chumian, Muhammadan, Rural).
- Muhammad Iftikhar-ud-Din, Mian, B.A. (Oxon.) (Kasur, Muhammadan, Rural).
- Muhammad Jamal Khan Leghari, Khan Bahadur Nawab Sir (Tumandars).
- Muhammad Nawaz Khan, Major Sardar (Attock Central, Muhammadan, Rural).
- Muhammad Nurullah, B. Com. (London) (Lyalpur, Muhammadan, Rural).
- Muhammad Qasim, Chaudhri (Bhalwal, Muhammadan, Rural).
- Muhammad Raza Shah Jeelani, Makhdumzada Haji Syed (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).
- Mukapd Lal Puri, Rai Bahadur (Rawalpindi Division, General, Rural).
- Mula Singh, Sardar (Hoshiarpur West, General—Reserved Seat, Rural).
- Muni Lal Kalia, Pandit (Ludhiana and Ferozepore, General, Rural).
- Muzaffar Ali Khan Qizilbash, Sardar (Lahore, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Captain Malik (Mianwali South, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Nawab, C.I.E. (Attock North, Muhammadan, Rural).
- Nasir-ud-Din, Chaudhri (Gujranwala North, Muhammadan, Rural).
- Nasir-ud-Din Shah, Pir (Toba Tek Singh, Muhammadan, Rural).
- Nasrullah Khan, Rana (Hoshiarpur West, Muhammadan, Rural).
- Naunihal Singh Mann, Lieutenant Sardar (Sheikhupura West, Sikh, Rural).
- Nawazish Ali Shah, Syed (Jhang East, Muhammadan Rural).
- Nur Ahmad Khan, Khan Bahadur Mian (Dipalpur, Muhammadan, Rural).
- Partab Singh, Sardar (Amritsar South, Sikh, Rural).

## MEMBERS—CONCLUDED.

- Pir Muhammad, Khan Sahib Chaudhri (South-East Gujrat, Muhammadan, Rural).
- Pohop Singh, Rao, M.A., LL.B. (East Punjab, Landholders).
- Prem Singh, Chaudhri (South-East Gurgaon, General—Reserved Seat, Rural).
- Prem Singh Mahant (Gujrat and Shahpur, Sikh, Rural).
- Pritam Singh Siddhu, Sardar, B.A., LL.B. (Ferozepore West, Sikh, Rural).
- Raghubir Kaur, Shrimati (Amritsar, Sikh Women).
- Ram Sarup, Chaudhri (Rohtak Central, General, Rural).
- Ranpat Singh, Chaudhri (Karnal North, General, Rural).
- Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).
- Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
- Rur Singh, Sardar (Ferozepore East, Sikh, Rural).
- Sadiq Hassan, Shaikh (Amritsar City, Muhammadan, Urban).
- Sahib Dad Khan, Khan Sahib Chaudhri (Hissar, Muhammadan, Rural).
- Sahib Ram, Chaudhri (Hissar North, General, Rural).
- Sampuran Singh, Sardar (Lyallpur West, Sikh, Rural).
- Santokh Singh, Sardar Sahib Sardar (Eastern Towns, Sikh, Urban).
- Sant Ram Seth, Dr. (Amritsar City, General, Urban).
- Satya Pal, Dr. (Amritsar and Sialkot, General, Rural).
- Shahadat Khan, Khan Sahib Rai (Jaranwala, Muhammadan, Rural).
- Shah Nawaz Khan, Nawab Sir (Ferozepore Central, Muhammadan, Rural).
- Shanno Devi Sehgal, Shrimati (West Multan Division, General, Rural).
- Shri Ram Sharma, Pandit (Southern Towns, General, Urban).
- Singha, Diwan Bahadur S. P. (East Central Punjab, Indian Christian).
- Sita Ram, Lala (Trade Union, Labour).
- Sohan Lal, Rai Sahib Lala (North Punjab, Non-Union Labour).
- Sohan Singh Josh, Sardar (Amritsar North, Sikh, Rural).
- Sudarshan, Seth (Eastern Towns, General, Urban).
- Sultan Mahmud Hotiana, Mian, B.A. (Pakpattan, Muhammadan, Rural).
- Sumer Singh, Chaudhri, B.A., LL.B. (South-East Gurgaon, General, Rural).
- Suraj Mal, Chaudhri, B.A., LL.B. (Hansi, General, Rural).
- Talib Hussain Khan, Khan (Jhang West, Muhammadan, Rural).
- Tara Singh, Sardar (Ferozepore South, Sikh, Rural).
- Teja Singh, Sardar (Lahore West, Sikh, Rural).
- Uttam Singh Dugal, Sardar (North-West Punjab, Sikh, Rural).
- Wali Muhammad Sayyal Hiraj, Sardar (Kabirwala, Muhammadan, Rural).

## ADVOCATE-GENERAL.

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

# TABLE OF CONTENTS.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

	PAGES.
<i>Monday, 15th July, 1940.</i>	
Adjournment motions .. .. .	1
Motion <i>re</i> proceedings in camera .. .. .	2
Resolution <i>re</i> action taken by Government to maintain peace of the Province .. .. .	10
<i>Monday, 18th November, 1940.</i>	
Oath of office .. .. .	17
Question hour and adjournment motions .. .. .	17
Hours of Business .. .. .	17
Reference to late Khan Bahadur Mian Ahmad Yar Khan Daulatana and Sayed Afzaalali Hasnie .. .. .	20
<i>Tuesday, 19th November, 1940.</i>	
Starred questions and answers .. .. .	27
Unstarred questions and answers .. .. .	57
Leave of absence of Master Kabul Singh, S. Harbans Singh and S. Hari Singh .. .. .	82
Statement showing action taken on resolutions passed by Assembly .. .. .	83
Adjournment Motions ( <i>leave to move</i> )—	
Forcible realisation for war fund .. .. .	83
Resort to repression .. .. .	86
Wrong report of Maulvi Abdul Ghani's speech .. .. .	87
Confinement without trial of S. Sohan Singh Josh, M. L. A. . . .	88
Appointment of Executive Officer, Lyallpur Municipal Committee .. .. .	91
Des Raj Chadha, under-trial prisoner, under Defence of India Rules .. .. .	96
Speech of Premier at Ludhiana .. .. .	97
Compelling people to buy tickets for wrestling match, Jullundur district .. .. .	98
Contributions to War Fund .. .. .	98
Failure of police to arrest Ajaib Singh and others, dacoits of Ludhiana District .. .. .	98
Criminal Law (Second Amendment) Bill .. .. .	100

<b>Adjournment Motion (Debate)—</b>	
Failure of police to arrest Ajai Singh and others, dacoits, of Ludhiana District .. .. .	124

*Thursday, 21st November, 1940. ✓*

Starred questions and answers .. .. .	189
Unstarred questions and answers .. .. .	169
<b>Sikhs in the Education Department—</b>	
Debate on answers to questions 6870 and 6871 ..	184
<b>Adjournment motions (leave to move)—</b>	
Action against police reporter for misreporting M. Abdul Ghani's speech .. .. .	184
Contribution for War Fund .. .. .	185
Motor stands in Sialkot and Gurdaspur Districts ..	188
Orders of Regional Transport Authorities .. .. .	189
Relief of peasants of Jullundur District .. .. .	189
War Fund, Kangra District .. .. .	190
Legislative Assembly Electoral Rolls .. .. .	191
Failure of Cotton Crop in Nili Bar and relief to sufferers ..	198
The Punjab Province Prisons (Amendment) Bill .. .. .	199
Land Revenue (Amendment) Bill .. .. .	204
Prohibition Bill .. .. .	207
Rural Poor and Unemployed Relief Bill .. .. .	210
Land Revenue (Amendment) Bill (ii) .. .. .	213
<b>Resolution—</b>	
Grant of lands to people whose lands have been acquired for Cantonment or military purposes .. .. .	219

*Friday, 22nd November, 1940. ✓*

Starred questions and answers .. .. .	223
Unstarred questions and answers .. .. .	248
Short Notice questions and answers .. .. .	263
Withdrawal of remarks against the Press .. .. .	264
<b>Adjournment Motions (Leave to move)—</b>	
Unsatisfactory reply to question <i>re</i> newspapers and war pub- licity .. .. .	264
Remedies against tirak epidemic to cotton crops .. .. .	265
Applications for enlistment of voters .. .. .	265
Supplementary Estimates (Presentation) .. .. .	269
City of Lahore Corporation Bill .. .. .	269



	PAGES:
Criminal Law (Second Amendment) Bill	269
District Board of Gujrat (Tax Validating) Bill	298
Hours of sitting	306
Appendix	307

*Monday, 25th November, 1940.*

Starred questions and answers	309
Short Notice question and answer	327
Premier's Statement re—	
Newspapers and War Publicity work	380
Motion for Adjournment ( <i>Leave to move</i> )—	
Externment of Dr. Muhammad Ashraf	383
District Board of Gujrat (Tax Validating) Bill	385
Legislative Assembly (Removal of disqualifications) Amendment Bill	354
Motion for Adjournment ( <i>Debate</i> )—	
Externment of Dr. Muhammad Ashraf	365

*Tuesday, 26th November, 1940.*

Unstarred questions and answers	391
Question hour	395
Hours of sitting	396
Supplementary Demands	396

*Thursday, 28th November, 1940.*

Starred questions and answers	489
Interim answers and supplementary questions	465
Unstarred questions and answers	466
Motions for adjournment ( <i>Leave to move</i> )—	
Municipal Voter's lists, Rewari	471
Failure to provide facilities to the Secretary of Opposition Party in the Assembly	478
Franchise of women voters in Lahore city	474
Resolutions—	
Grant of lands in colony areas to tenants of Attock and other districts	480
Loan for starting state-owned and state-managed industries	490

*Friday, 29th November, 1940.*

Starred questions and answers .. .. .	513
Statement by Leader of the Opposition .. .. .	548
Legislative Assembly (Removal of Disqualifications) Amendment Bill .. .. .	549
Municipal (Amendment) Bill .. .. .	575
Urban Immovable Property Tax Bill .. .. .	576
Statement by Leader of Opposition ( <i>Ruling</i> ) .. .. .	583

*Monday, 2nd December, 1940.*

Starred questions and answers .. .. .	589
Short notice questions and answers .. .. .	639
Unstarred questions and answers .. .. .	639
Adjournment motion ( <i>Leave to move</i> )—	
Police behaviour while arresting Mian Iftikhar-ud-Din .. .. .	647
Applications for leave of S. Rur Singh and Mian Muhammad Iftikhar-ud-Din .. .. .	647
Supplementary statement of expenditure authenticated by Governor .. .. .	648
Urban Immovable Property Tax Bill .. .. .	649

*Tuesday, 3rd December, 1940.*

Starred questions and answers .. .. .	691
Panel of Chairmen .. .. .	711
Urban Immovable Property Tax Bill .. .. .	711

*Thursday, 5th December, 1940.*

Starred questions and answers .. .. .	765—80
Short notice questions and answers .. .. .	780-81
Sikh Gurdwaras (Amendment) Bill .. .. .	781
Suppression of Immoral Traffic (Amendment) Bill .. .. .	781
Colonization of Government Land (Punjab Amendment) Bill .. .. .	781
Hindu Charitable and Religious Endowments Bill .. .. .	781-82
Female Singers' Prohibiting Bill .. .. .	782—89
Anti-Dowry Bill .. .. .	789-90
Removal of Civil Disabilities among Harijans Bill .. .. .	790

*Friday, 6th December, 1940.*

Starred questions and answers .. .. .	791—809
Short notice question and answer .. .. .	810
Urban Immovable Property Tax Bill and Programme of Business .. .. .	810
General Sales Tax Bill .. .. .	810—857

<i>Monday, 9th December, 1940.</i>		PAGES.
Starred questions and answers	.. ..	859—73
Application for leave of S. Sohan Singh Josh, M. L. A.	.. ..	873
Sitting on Wednesday (11th December 1940)	.. ..	873-74
Government Business on Thursday (12th December 1940)	.. ..	874—77
Primary Education Bill	.. ..	877—920
General Sales Tax Bill	.. ..	920
<i>Tuesday, 10th December, 1940.</i>		
Starred questions and answers	.. ..	921—40
Unstarred questions and answers	.. ..	940—4
Primary Education Bill	.. ..	947—54
<i>Wednesday, 11th December, 1940.</i>		
Urban Immovable Property Tax Bill	.. ..	955—1011
<i>Thursday, 12th December, 1940.</i>		
Starred questions and answers	.. ..	1013—86
Unstarred questions and answers	.. ..	1036—39
Urban Immovable Property Tax Bill	.. ..	1039—91
<i>Friday, 13th December, 1940.</i>		
Starred questions and answers	.. ..	1093—1108
Short Notice questions and answers	.. ..	1108
Sitting on 14th December, 1940	.. ..	1108—09
Urban Immovable Property Tax Bill	.. ..	1109—52
<i>Saturday, 14th December, 1940.</i>		
Urban Immovable Property Tax Bill	.. ..	1153—1220
<i>Monday, 16th December, 1940.</i>		
Starred questions and answers	.. ..	1221—32
Short notice question and answer	.. ..	1232—33
Leave of absence of L. Deshbandhu Gupta	.. ..	1233
Adjournment	.. ..	1233
Resolutions—	.. ..	1233
Loans for starting state-owned and state-managed industries	.. ..	1234—36
Cadets for ordinary and emergency commissions	.. ..	1237—81
Index.		

**PUNJAB LEGISLATIVE ASSEMBLY.**  
SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE  
ASSEMBLY.

Monday, 15th July, 1940.

*The Assembly met in the Assembly Chamber at 10 a.m. of the clock.  
Mr. Speaker in the Chair*

**ADJOURNMENT MOTIONS.**

**Mr. Speaker :** I have received notices of 22 adjournment motions. Out of these the subject matter of 12 motions—one in the name of the honourable Malik Barkat Ali, 4 in the name of the honourable Chaudhri Krishna Gopal Dutt, 5 in the name of the honourable Lala Duni Chand and two in the name of the honourable Pandit Shri Ram Sharma—can be discussed in the course of discussion on the Government motion. Therefore, so long as the Government motion is upon the paper, it prevents the discussion of these 12 motions which, therefore, cannot be moved as adjournment motions.

Out of the remaining 10 motions—one relating to the removal of Chaudhri Atma Ram from the District Board of Hoshiarpur and the other relating to the removal of Shaikh Hissam-ud-Din from the membership of the Municipal Committee, Amritsar, do not raise a larger issue than a merely individual grievance and, therefore, they are not in order.

The subject matter of five motions, which relate to the recent happenings at Sargodha, are very likely to become *sub judice* before long. So, their discussion might be prejudicial to the judicial trial, and, therefore, they ought not to be discussed.

Two motions, standing in the name of honourable Pandit Shri Ram Sharma—one relating to the suppression of certain papers and the other to the failure of the district authorities to protect certain witnesses, do not in my opinion relate to matters of urgent public importance and, therefore, are not in order.

The 22nd, i.e., the last motion—the first in serial order, standing in the name of honourable Malik Barkat Ali, proposes to discuss the imposition of Punitive Police in the walled portion of Lahore. This motion is in order. But in view of the fact that this extraordinary session of the Assembly has been called for discussing a specific matter of great importance, I would defer the motion to the next ordinary session of the Assembly, on the understanding that I will not object to the motion on the ground of absence of urgency, if the honourable member gives notice to move it in the next session.

**Lala Bhim Sen Sachar :** May I know whether legal proceedings are contemplated against the Deputy Commissioner and the Superintendent of Police at Sargodha ?

**Mr. Speaker :** Order, order. No question can be put to the Chair. But if the honourable member wishes to obtain some information from the Government, I have no objection to his question being asked and answered.

**Lala Bhim Sen Sachar :** That is what I am doing. You have been pleased to give this as a ground for not discussing the happenings at Sar-godha.

**Lala Duni Chand :** May I know if you will be pleased to permit those adjournment motions to be read that are not covered by the resolution?

**Mr. Speaker :** No. My ruling deals with all adjournment motions.

**Malik Barkat Ali :** So far as I am concerned, I accept the position that you have been pleased to lay down.

**Chaudhri Krishna Gopal Dutt :** You have been pleased to remark.....

**Mr. Speaker :** No comments on my ruling please.

**Chaudhri Krishna Gopal Dutt :** I am not making any criticism of your ruling. I want to draw your attention to the fact that Chaudhri Atma Ram is not merely an individual.....

**Mr. Speaker :** That is a matter of opinion.

**Chaudhri Krishna Gopal Dutt :** An important policy of Government is involved in it.

**Mr. Speaker :** May be.

#### MOTION *RE. PROCEEDINGS IN CAMERA.*

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

That to-day's proceedings of the Assembly be held *in camera*.

**Chaudhri Krishna Gopal Dutt :** Sir, what about my amendment to this resolution? I take it that you have been pleased to admit this as an ordinary resolution. Certain notices of certain amendments to the resolution were given in time—

**Mr. Speaker :** The honourable member's amendment is out of order, as it goes beyond the scope of the Honourable Premier's motion. But even if it were in order, I would not have allowed it to be moved, as, following the Parliamentary practice, I propose to put the motion without any amendment or debate.

The phrase "*in camera*" is applied when the doors of the court are closed and only persons concerned in the case are admitted. Thus the meaning and object of the Honourable Premier's motion is that to-day's remaining proceedings be held after excluding strangers. In other words, the motion is "that strangers be ordered to withdraw".

In the House of Commons as well as in the most of the Oversea Houses of Parliament, instead of moving, in so many words, the motion "that strangers be ordered to withdraw", all that a member has to do is to draw the Speaker's attention to the presence of strangers and he puts the question

without permitting any amendment or debate, "that strangers be ordered to withdraw". If the motion is carried, the strangers leave the House and the sitting becomes secret.

**Diwan Chaman Lal :** May I draw your attention to the fact that the ruling that you have given is in reference to the cry raised that strangers have been spied?

**Mr. Speaker :** Does the honourable member mean to raise a point of order or to criticise my ruling?

**Diwan Chaman Lal :** I am only raising a point of order which I hope you will consider very carefully. When you refer to page 202 of May's Parliamentary Procedure, you will find in the foot-note on the 25th April, 1916, strangers were spied and strangers were removed and there was a further step taken by the House of Lords namely, that a resolution was moved that the rest of the day's proceedings should be in secret. These are two absolutely distinct things, one is spying strangers, when any honourable member gets up and says, "Mr. Speaker, I spy strangers".

Then the galleries have got to be cleared of strangers. There is a further step taken. That is, a substantive resolution is moved to the effect that the rest of the day's proceedings should be in secret. Now I submit that when a substantive resolution is moved, amendments can be moved. These can be and ought to be discussed and discussed at full length on the floor of the House.

**Mr. Speaker :** The honourable member is quite right in saying, on the authority of the foot-note on page 202 of May's Parliamentary Practice, that the *further Resolution*, "that the remainder of the day's sitting should be a secret session", was moved on 25th April, 1916, after the "Question that strangers be ordered to withdraw" had been agreed to and galleries cleared of them. But if the honourable member reads the last 4 lines on page 204 and the first 2 lines, with note 1 on page 205 of that book, he will find that his contention, regarding the moving of a similar "*further resolution*" in this House is untenable. The "*further resolution*" to which he has referred, was moved under the special Regulation (No. 27A), made by the Privy Council on 22nd April, 1916, under the Defence of the Realm Consolidation Act, 1914. He will further find that the object of that Regulation was to prevent, as effectively as could be possibly done, the disclosure of anything said or done in either House of Parliament, during a secret meeting. He will further note that the said Regulation was only a war measure, intended to make any disclosure or publication of secret proceedings, relating to war, an offence, triable by the ordinary Courts of Law. It is specially noticeable that the offence created by that Regulation was in addition to the offence of a breach of privilege, which already subsisted, under the Parliamentary Law and Practice. That is to say, the creation of this new offence and its trial by the ordinary Courts of Law did not oust the jurisdiction of the House to take action against any one, who disobeyed its orders and disclosed or published the proceedings of its secret session. It is particularly noticeable that no divulgence of the secret proceedings of either House could be an offence under the aforesaid Regulation (No. 27A.), unless the *further Resolution*, referred to by the honourable member, was passed, as expressly provided by the Regulation.

[ Mr. Speaker.]

I may add, for the information of the House, that the Regulation (No. 27A) remained in force only during the Great War, and that, with a few verbal changes, a similar Regulation was passed on 25th August, 1939, under the Emergency Powers Defence Act, 1939. I may further add that, so far as I am aware, no such Rule or Regulation has been passed or enforced in India, and that, therefore, to move the "*further resolution*", referred to by the honourable member, would be unnecessary, nay useless, for making secret the proceedings of any legislative body in India.

**Chaudhri Krishna Gopal Dutt :** Granting that this is the procedure followed in the House of Commons, may I suggest to you, Sir, that the House of Commons is guided by the procedure laid down in the Standing Orders of that House, while we ought to be guided by the rules of the Punjab Legislative Assembly which are quite different from those by which the House of Commons is governed? I submit that this motion is out of order in its present language and if you admit it, then you shall have to admit it according to the rules of our House and the amendments of which we have given notice should be allowed. There is no provision for a secret session in the rules of the Punjab Legislative Assembly. This is a substantive motion moved by the Honourable Premier and this is a motion according to the ordinary rules of the Punjab Legislative Assembly and our House should be guided by our own rules.

**Mr. Speaker :** The honourable member has said "there is no provision for a secret session in the Rules of the Punjab Legislative Assembly". If our rules are silent on a point but the practice of the House of Commons on that point is well established, what objection can there be to our following that practice? The practice of that House about the exclusion of strangers and sitting in secret is that when a member takes notice of the presence of strangers in the House, the Speaker puts forthwith, without any amendment or debate, the question "that strangers be ordered to withdraw"; and the decision of the House determines what is to be done.

On other points, raised by the honourable member, I have already expressed my opinion.

**Chaudhri Krishna Gopal Dutt :** But our rules are different. We are guided by our own rules.

**Mr. Speaker :** Whenever our rules are silent on any point we usually follow the practice of the House of Commons, provided it is not inconsistent with any of our rules.

**Chaudhri Krishna Gopal Dutt :** But our rules are not silent and they are clear.

**Mr. Speaker :** They are not. All that is clear is that the Speaker, whenever he thinks fit, can exclude visitors and representatives of the Press.

**Chaudhri Krishna Gopal Dutt :** Then do it yourself.

**Mr. Speaker :** I know what I can and should do. I have already given my ruling.

**Chaudhri Krishna Gopal Dutt :** If you exercise your power then it is different.

**Pandit Muni Lal Kalia :** You will be pleased to agree with me that there is no parliamentary precedent on all fours so far as the motion now before the House is concerned. There is no emergency in this case as there was in some other cases. There are no such conditions present in this case.

✓ **Lala Bhim Sen Sachar :** My submission is that the right to exclude strangers or visitors from the gallery is a right that has been given to the Chair by the rules. Now the resolution moved by the Honourable Premier says that the proceedings be held *in camera*. That means that you are not at all given any right to exercise your discretion. This tantamounts to an amendment of the rules and the amendment of the rules cannot be made in the manner it is being sought to be made. It is an encroachment on the rights of the Chair and we on this side must protect the Chair. You have been pleased to say that unless the practice is inconsistent with our rules it shall prevail. I submit that this is inconsistent with our rules.

**Mr. Speaker :** The only rule of this Assembly, which has a bearing on the point raised by the honourable member, is Rule 79. That rule empowers me, no doubt, to exclude visitors and Press Reporters ; but very rightly the object of the Honourable Premier's motion is to exclude *all* strangers, that is to say, all persons other than the members and officers of the House. It is clear, therefore, that the proceedings of the Assembly can be held in *in camera* only if and when the question "that strangers be ordered to withdraw" is decided in the affirmative by the House. I have no power to exclude *all* strangers. Therefore, I think, I am unable under the rules, as they stand, to make a session secret by my individual authority.

**Malik Barkat Ali :** I rise to a point of order. It is on a different matter. So far as your ruling is concerned that this House has absolute power to decide to sit in a secret session, I do not challenge that part of your ruling, but when you were pleased to say that the Honourable Premier's motion shall be put to the House without amendment, or debate, I respectfully submit that this cannot be done under the rules of this House. You are quite right that in England whenever any such motion is made, it is put to the House without amendment or debate. This is so, because the standing orders provide for that.

**Mr. Speaker :** I have already dealt with that point.

**Malik Barkat Ali :** You kindly hear me. I just draw your attention to rule 12 (c) of the Punjab Legislative Assembly Rules. You will be pleased to see that the only motion according to these rules which can be put without amendment or debate is given in clause (c) of rule 12. The other rules apply to all other motions subject to the usual procedure of amendment or debate. I will read out to you clause (c) :—

A motion may be made by a Minister at the commencement of the business for the day to be decided without amendment or debate to the following effect : That the proceedings on any specified item of business be exempted at this day's sitting from the provisions of the rule 'sitting of the Assembly'.



[Malik Barkat Ali.]

Now look at these rules from the beginning to the end, there is absolutely no provision that any other motion except the motion specified in clause (c) can be put without amendment or debate. My respectful submission is that as the standing orders of the House of Commons provide for a motion of this kind to be decided without any debate or amendment that cannot be any precedent for a decision under our rules. These rules provide only for one motion without amendment or debate and not for any other motion. Otherwise power would have been given under these rules of making motions and deciding them without amendment or debate. Therefore my respectful submission is this, that your ruling, that this motion of the Honourable Premier, that can certainly under the normal rules of this Assembly be amended and debated, cannot be so amended or debated is not in order.

**Mr. Speaker :** The motion referred to by the honourable member is not the only motion which under the rules of this House, has to be put without any amendment or debate. There are several other motions which have to be similarly put, e.g., the motions mentioned in rules 33 and 62.

If I am right in holding, as I have done, that when there is no specific provision in our rules for regulating the holding of secret sittings of the Assembly, the practice of the House of Commons can be safely followed.

**Sardar Sampuran Singh :** I submit to your ruling, but I want to raise an altogether different point. At present your ruling is that in the House of Commons, as soon as a member spies a stranger in the galleries, the House is cleared out and you think that substantially this motion is the same. But there is one difference between that motion and this. In that motion as soon as the House is cleared of the strangers, still it is not a session *in camera*, it is a session in which more or less the proceedings are taken and the members have the same right of divulging or not divulging them as in an ordinary session. This session is different from that session. As the resolution moved by the Leader of the House goes, it means, that there will be no proper reporting and the House will be altogether *in camera* and the Press would not be here. This distinction between a motion in the House of Commons and this motion is quite clear. This motion is not quite the same as the motion in the House of Commons. I shall feel very much obliged if keeping in view this distinction you decide that this is substantially the same motion as spying a stranger. Then it would not be a session *in camera*. Then perhaps we may change our attitude towards this motion of ours.

**Mr. Speaker :** The honourable member is not right in saying that in Commons, even after the question "that strangers be ordered to withdraw" is carried and galleries are cleared, the sitting of the House does not become a sitting *in camera*. The object of holding a secret session is to preserve complete secrecy of proceedings. Therefore, no one barring the members and officers of the House, is allowed, to remain in, after the question "that strangers be ordered to withdraw" is agreed to. So, as soon as strangers are excluded, the sitting automatically becomes secret and a disclosure, even by a member, of what takes place at such a sitting, being wilful disobedience of orders of the House, constitutes its contempt and is punishable as a breach of privilege.

**Diwan Chaman Lall :** On another point of order, may I draw your attention ?

**Mr. Speaker :** I hope the honourable member's point is a new one.

**Diwan Chaman Lall :** I draw your attention to rule 153.

**Mr. Speaker :** I know the rule. It is about the reports of the proceedings being prepared by the Secretary.

**Diwan Chaman Lall :** That you will cause a full report of the proceedings to be prepared. Are you abrogating that rule ? If so, on what authority are you doing that ? If this is a motion, is it or is it not capable of being discussed ? If this is a resolution which is covered by the rules relating to resolutions, then it must be discussed and debated as a resolution. We want to know what it is ?

**Mr. Speaker :** I have already expressed my opinion on these points.

**Lala Bhim Sen Sachar :** Another point of order.

**Mr. Speaker :** I cannot allow speeches in the garb of points of order. The honourable member may state his point of order without making a speech.

**Lala Bhim Sen Sachar :** My point of order is that this motion violates the provisions of sections 63 and 71 (3) of the Government of India Act. You have got to make clear to the House the implications of this resolution.

**Mr. Speaker :** All I can say is that I differ. The motion does not violate the provisions of any law.

**Lala Bhim Sen Sachar :** What is it that you have understood ?

**Mr. Speaker :** The question is—

That to-day's proceedings of the Assembly be held *in camera*.

In other words that strangers be ordered to withdraw.

**Chaudhri Krishna Gopal Dutt :** Mr. Speaker, I rise to a point of order. This motion is put to the House in a most irregular manner. When I was on my legs to raise a point of order you did not care to take notice of that.

**Mr. Speaker :** The honourable member has already raised three or four points of order, and each time he has made a speech.

**Chaudhri Krishna Gopal Dutt :** You can reject those points of order, but you cannot say that you are not prepared to hear.

**Mr. Speaker :** Please state your point of order.

**Chaudhri Krishna Gopal Dutt :** This motion is not put in a regular manner.

**Mr. Speaker :** I rule that it is regular. (*Laughter.*)

**Chaudhri Krishna Gopal Dutt :** I may warn the authorities that no authority in the province has the right to trample under foot the rules of procedure of this House, and I want you, Mr. Speaker, and through you the whole of the province to know that the rules of procedure of this House have been trampled under foot.

**Diwan Chaman Lal :** May I have your direction in regard to a very important point? Is it your ruling that honourable members in this House are under a compulsion not to divulge any proceedings that may take place after the passing of this motion.

**Mr. Speaker :** Yes. Morally, if not otherwise.

**Mr. Speaker :** The question is—

That to-day's proceedings of the Assembly be held *in camera*.

That is to say that strangers be ordered to withdraw.

*The Assembly divided : Ayes 91, Noes 48.*

#### AYES :

Abdul Haye, The Honourable Mian.	Gopal Singh (American), Sardar.
Abdul Rab, Mian.	Guest, Mr. P. H.
Abdul Rahim, Chaudhri (Gurdaspur).	Gurbachan Singh, Sardar Bahadur Sardar.
Abdul Rahim, Chaudhri (Gurgaon).	Habib Ullah Khan, Malik.
Ahmad Yar Khan, Chaudhri.	Hans Raj, Bhagat.
Akbar Ali, Pir.	Hari Chand, Rai Sahib Rai.
Ali Akbar, Chaudhri.	Harnam Singh, Captain Sodhi.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.	Het Ram, Rai Sahib Chaudhri.
Amjad Ali Shah, Sayed.	Indar Singh, Sardar.
Ashiq Hussain, Captain.	Jafar Ali Khan, M.
Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.	Jagjit Singh Bedi, Tikka.
Balwant Singh, Sardar.	Jagjit Singh Mann, Sardar.
Chhotu Ram, The Honourable Chaudhri Sir.	Jogindar Singh, Man, Sardar.
Dasaundha Singh, Sardar.	Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Faiz Muhammad, Shaikh.	Kishan Das, Seth.
Farman Ali Khan, Subedar-Major Raja.	Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir.
Fateh Jang Singh, 2nd Lieut. Bhai Fateh Khan, Khan Sahib Raja.	Mohy-ud-Din Lal Badshah, Sayed.
Fateh Muhammad, Mian.	Muhammad Akram Khan, Khan Bahadur Raja.
Fateh Sher Khan, Malik.	Muhammad Alam, Dr. Shaikh.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muhammad Amin, Khan Sahib Shaikh.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Ashraf, Chaudhri.
Few, Mr. E.	Muhammad Faiyaz Ali Khan, Nawabzada.
Ghazanfar Ali Khan, Raja.	Muhammad Hayat Khan Noon, Nawab Malik Sir.
Ghulam Muhy-ud-Din, Khan Bahadur Maulvi.	Muhammad Jamal Khan Leghari, Nawab Sir.
Ghulam Qadir Khan, Khan Bahadur.	Muhammad Nawaz Khan, Major Sardar Sir.
Ghulam Rasul, Chaudhri.	Muhammad Qasim, Chaudhri.

Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Ram Sarup, Chaudhri.
Muhammad Sarfraz Khan, Chaudhri.	Ranpat Singh, Chaudhri.
Muhammad Sarfraz Khan, Raja.	Riasat Ali, Khan Bahadur Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Yasin Khan, Chaudhri.	Roberts, Sir William.
Muhammad Yusuf Khan, Khan.	Sadiq Hasan, Shaikh.
Muzaffar Ali Khan Qizilbash, Sardar.	Shahadat Khan, Khan Sahib Rai.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shah Nawaz, Mrs. J. A.
Muzaffar Khan, Khan Bahadur Nawab.	Shah Nawaz Khan, Nawab Sir.
Nasir-ud-Din, Chaudhri.	Sikander Hyat Khan, The Honourable Major Sir.
Nasir-ud-Din Shah, Pir.	Singha, Diwan Bahadur S. P.
Nasrullah Khan, Rana.	Sohan Lal, Rai Sahib Lala.
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.
Pritam Singh Siddhu, Sardar.	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.
	Wali Muhammad Sayyal Hiraj, Sardar.

## NOES.

Abdul Aziz, Mian.	Gopal Das, Rai Bahadur Lala.
Ajit Singh, Sardar.	Hari Lal, Munshi.
Balbir Singh, Rao Bahadur Captain Rao.	Harnam Das, Lala.
Baldev Singh, Sardar.	Jalal-ud-Din Amber, Chaudhri.
Barkat Ali, Malik.	Jugal Kishore, Chaudhri.
Bhagat Ram Choda, Lala.	Kapoor Singh, Sardar.
Bhagat Ram Sharma, Pandit.	Kartar Singh, Chaudhri.
Bhim Sen Sachar, Lala.	Kartar Singh, Sardar.
Chaman Lall, Diwan.	Krishna Gopal Dutt, Chaudhri.
Deshbandhu Gupta, Lala.	Lal Singh, Sardar.
Dev Raj Sethi, Mr.	Muhammad Hasan, Chaudhri.
Duni Chand, Lala.	Muhammad Husain, Sardar.
Duni Chand, Mrs.	Muhammad Iftikhar-ud-Din, Mian.
Faqir Chand, Chaudhri.	Muhammad Nurullah, Mian.
Gauba, Mr. K. L.	Muhammad Raza Shah Jeelani,
Ghulam Samad, Khan Sahib Khawaja.	Makhdumzada Haji Sayed.
Girdhari Das, Mahant.	Muhammad Wilayat Hussain, Jeelani, Makhdumzada Haji Sayed.

Mukand Lal, Puri, Rai Baha-	Sampuran Singh, Sardar.
dur.	Santokh Singh, Sardar Sahib Sar-
Mula Singh, Sardar.	dar.
Muni Lal Kalia, Pandit.	Sant Ram Seth, Dr.
Partab Singh, Sardar.	Satya Pal, Dr.
Prem Singh, Mahant.	Shanno Devi Sehgal, Shrimati.
Raghubir Kaur, Shrimati.	Shri Ram, Sharma, Pandit.
Sahib Ram, Chaudhri.	Sita Ram, Lala.
	Sudarshan, Seth.

### ACTION TAKEN BY GOVERNMENT TO MAINTAIN THE PEACE OF THE PROVINCE.

*The following Report of the proceedings of the secret session of the Punjab Legislative Assembly held on 15th July, 1940, is issued under the authority of the Speaker :*

The Premier moved—

That this Assembly records its approval of the action taken by Government to preserve the peace of the province and trusts that it will continue to keep a vigilant watch over the activities of persons engaged in subversive movements calculated to disturb the public tranquillity, and will, when necessary, take effective action against them.

Addressing himself to the question what the truth is about the Communist menace to the internal peace and security of India, particularly the Punjab and whether it is merely a bogey created by the Punjab Government as an excuse for taking action against certain members of the Congress, the Premier said that it would not perhaps be inopportune to direct the attention of the public to a few quotations from the public press as well as from certain secret Communist publications in the country which threw a flood of light on the questions. The quotations would give an unbiased student of Indian politics a sufficiently clear indication of the existence of an active, skilfully directed and determined inter-provincial movement in India, which derived its inspiration from abroad and aimed at creating widespread disorder to be followed by a violent revolution in the country. The quotations would also indicate that the strategic plan of the Communist wolf to don the clothing of the Congressite sheep had not deceived some of the foremost Congress leaders.

Referring to the recent orders of the Punjab Government for the detention of certain Communist workers the Working Committee of the Punjab Congress, the Premier pointed out, took it upon itself to criticise the ban of unlawfulness on the Indian Communist party. The public might, he said, be reminded in this connection that some of the Congress leaders, who had shouldered the responsibilities of the administration had taken a very different view of this ban. In February, 1939, the Congress Government in Bombay were asked on the floor of the legislature if they would recommend to the Government of India to remove the ban. The reply was that they did not consider it in the interest of the public to make such a recommendation.

On March, 17, 1939, the Honourable Mr. K. M. Munshi, a Minister in the same Government, found occasion, the Premier went on to say, to express more vigorously his views about Communist activity in his province. Addressing the provincial legislature, the Bombay Minister said : "From the moment this Government came into power and relaxed their hold on Communists, attempts were being made to stage a general strike in the city of Bombay, as a preliminary stage towards a violent revolution. That was openly preached and even acted upon. Again, the Bombay Minister continued : "There are determined men who are pledged to Marxism, i.e., they are pledged to violence in every shape and form. They have reduced it to a highly superb technique. They know when to strike. They know how to exploit every little economic or social evil."

The Premier proceeding further pointed out that a few months earlier than Bombay, the Congress Government in Madras had found it necessary to issue an official *communiqué* calling the attention of the public to the dangerous character of Communist activity in that province. The Madras Government gave a few quotations from pamphlets, which, according to the official statement, were being distributed among the members of the Communist organisation. One of the pamphlets described the "Nationalist Revolutionary Strike" which the organisation was planning in the following words : "The workers shall down tools. The intellectuals shall leave the desk. The students shall come out in streets. The peasants shall refuse to pay taxes and rents. The railways shall come to a standstill. The factories, mills and power stations shall close down. The military and armed forces shall waver. The bulk of the soldiers shall be won over by the Revolutionary Soldiers' Committee. Bands of these shall fraternise with their striking brethren and together with the defence corps of the revolutionary people, form detachments of the revolutionary militia..... Obligated to arm the people as best as possible, the revolutionary detachments must seize the local armouries and police stations..... Finally, there will be the establishment of a Soviet Republic having the closest of ties with the Union of Soviet Socialist Republic."

More quotations, according to the Premier, could be given to show that Communist activity on those lines had forced itself from time to time on the attention of almost every provincial Government in India, whatever the political complexion of the Government might have been.

The Premier then referring to the Communist technique in India pointed out that an interesting part of it had been to work as far as possible through the Congress organisation. Relieving in ideals and methods wholly opposed to those of the Congress, they had yet no scruples against signing the Congress pledges with a view to using the organisation and platform of a recognised political party for the furtherance of their own programme. Some of the foremost Congress leaders saw this and publicly warned Congressmen against what was happening.

Two quotations, in the opinion of the Premier, should suffice to show this. The first was from a public statement by Pandit Jawahar Lal Nehru himself who said : "There are a few, somewhat new to the Congress, who,

while apparently agreeing, plan differently. They realise that there can be no national and nation-wide movement, except through the Congress. All else would be adventurism. They want, therefore, to utilise the Congress and at the same time to break through it in directions which are opposed to Congress policy. The proposed technique is to embed themselves in the Congress and then to undermine its basic creed and method. In particular, the continuance of the technique of non-violence is to be combated, not obviously and patently but insidiously and from within".

In March, 1939, the Premier continued, Pandit K. D. Malaviya who a short while ago had been the Secretary of the United Provinces Provincial Congress Committee issued a public statement drawing attention to the class of men who are joining the Congress in the name of radicalism or socialism. The Pandit said : "There are among them some who do not care for ordered and disciplined progress ; there are others who question the creed of the Congress. Some have gone to the extent of chalking out their own code of morals and slogans and preach it in rural areas.....As Secretary of the Provincial Congress Committee I have very closely followed the activities of these individuals and have seen the havoc created by them. These are not healthy ideas that are spread in the villages but vague promises. I charge these men with corrupting the Congress and disintegrating it and weakening the very cause which they loudly acclaim. I have heard prominent Congress Socialists whisper in one another's ears that, if a certain measure is adopted, chaos would result and thereby revolution would be hastened."

Further describing the Communist technique, the Premier said that the first part of their attempt to "embed" themselves in the Congress, to use Pandit Jawahar Lal Nehru's terminology, was naturally to form an influential "cell" in the Congress Socialist party. How well they succeeded in this part should be clear from a public statement issued towards the end of June, 1939, by four very prominent members of the executive of the Congress Socialist party, Messrs. M. R. Masani, Achyut Patwardhan, Ram Manohar Lohia and Asoka Mehta. Owing to the extent of Communist influence in their party they were constrained to resign its membership. Exclaiming the reasons for this step they said in their joint statement : "in its eagerness for Socialist unity the Congress (Socialist) Party has developed close collaboration with the Communists and admitted a number of Communists inside the party with the result that to-day its initiative is no longer independent.....Communist infiltration in the party has gone very far and it has seriously affected the working and the tone of the party.. .....There are many fundamental differences between our principles and approach and that of the Communists. Such, for instance, are the attitude towards the Congress, the adherence to peaceful and legitimate means, insistence on democracy, the attitude towards the acts of the Soviet Government towards the colonial peoples and to war. In the present circumstances we consider it highly detrimental to the Indian Socialist movement as well as the national movement that the policies and activities of Indian Socialists should be controlled by an international organisation which has itself in recent years, become dependent on the Government of the Soviet

Union. To the extent that Communists control the working of the Congress Socialist Party, as they have been increasingly doing, the free initiative and healthy development of the Indian Socialist movement is being crippled."

In their ignorance, the Premier went on to say, some of the Congressmen in the Punjab might still regard Communists as only a comparatively more active and "militant" wing of the Congress. The above quotations would, however, show that Congress leaders who had studied the position more carefully fully realised that the wolf, even when he disguised himself as a lamb, remained an animal of an entirely different species from the latter.

The pronouncements quoted above were all made before the war but, the Premier added, they showed that even in the normal time of peace the dangers of Communist activity in India were obvious to all those who had occasion to study the Communist technique. These dangers had greatly increased during the present abnormal time and a province like the Punjab, the Premier maintained, could ill-afford to tolerate such activity at the present critical stage.

Since the resignation of the Congress Ministries and the adoption by the Congress High Command of their present attitude towards the War, the Communist found it easier than ever to mix up his own peculiar gospel with what purported to be the propagation of Congress views. The Communist was doing so under an organised plan. The following quotations from a secret pamphlet distributed among members of the Communist organisation in various parts of the country in October, 1939, would be of interest: "The very withdrawal of Ministries by the Congress has opened up the perspective of a nation-wide struggle in the near future and has created an atmosphere entirely different from what it was a few days back. . . . . We suggest that the following things be done at once: (1) Organisation of mass demonstration, meetings, processions, etc., in co-operation with, and wherever possible, through Congress committees, supporting the action of the Working Committee; (2) pledging support to its commands; (3) denouncing imperialist war and ordinance regime. . . . . Nothing should be done which may be interpreted as a violation of the Working Committee's command not to launch civil disobedience or political strikes. Such action to-day would isolate us from loyal Congressmen. . . . . By these measures of mass demonstration, positive explanation of the Working Committee's statement on war and organisational preparation for struggle we shall be able to end the phase of 'wait-and-see,' render compromise impossible and prepare the basis for nation-wide struggle. . . . . From our past experience we know that while top leaders of the Congress are suspicious of Communists, the rank and file is generally sympathetic; and after a few weeks of struggle it will be the rank and file that will in many places control the war councils. If we win their confidence to-day and start anti-war activities with them we shall be able very soon to more and more influence the movement."

The Premier then referred to how the war had apparently quickened the pace of communist activity in various provinces of India, particularly the Punjab. The Communists in the Punjab—and no doubt in other provinces—had been telling one another in their secret circular letters and illegal news sheets and preaching to others that the present was the



most opportune time for trying all those methods which were intended by them to bring about a violent revolution in the country and the establishment of an Indian Soviet Republic with the help of foreign powers. An illegal news sheet which claimed to be the official organ of the Punjab branch of the Third International, copies of which had come to the notice of Government had, for instance, the following in its issue of May last : "It is time that Indian rose to the occasion and following an organised political programme launched a war against the British Government. The first strategy in this connection would be to have mass strikes in big factories and a simultaneous no-tax and no-rent campaign. This will result in the dislocation of industries and the means of transportation..... These strikes will bring millions of men in the field against Government, rendering its forces and machinery ineffective. .... An attack on the military and police posts by the National Guard in rural as well as urban areas will deal a severe blow to the administration."

"It is, however, proposed" proceeded the news sheet, "to utilise a possible Congress Satyagraha movement for putting the above programme into effect." An article in the same issue said : "Satyagraha is a weapon of the weak and cannot be effective for achieving independence. Still, instead of showing hostility to Satyagrahism, the Communist should endeavour to create circumstances under which the Congress might be forced to declare war throughout India. As soon as this is done the Communists will be in the forefront of this war and by their organising genius and strategic ability turn the Congress to their own purpose."

The Premier then explained that these quotations had been given only to indicate the trend of Communist activity in the Punjab. They were, by no means, the most poisonous parts of the secret literature which was being circulated in the province. Nor had communist activity in the Punjab been confined to secret pamphleteering.

The Premier then maintained that the Punjab Government would have been failing in what was their first and foremost duty towards the province at the present stage, if they had not taken necessary action to control and suppress this underground activity which was assuming menacing proportions. The maintaining of proper contacts with an underground movement of this nature and obtaining of correct information about them were a delicate but important part of the responsibilities of administration, with which the electorate of the province had charged the present Government. It would defeat the best interests of the province if in dealing with Communist activity Government were to do anything which might throw out of gear the machinery through which they are able to maintain their watch on it.

The Premier concluded by saying that Government would, however, assure all sections of the public that in the case of every individual whose detention without trial had been ordered, Government had fully satisfied themselves after considering the available information that the individual had been actively connected with a subversive movement, the nature of which was amply indicated by the above quotations. Government further wished to assure all peace-loving and law-abiding citizens of the province

that a vigilant watch was being kept on all subversive tendencies in the province and that Government were determined not to let those tendencies disturb peace and order in the province.

A debate thereupon arose in which the following members took part :—

1. Sardar Sampuran Singh.
2. Chaudhri Krishna Gopal Dutt.
3. Mian Iftikhar-ud-Din.
4. Mian Abdul Aziz.
5. Diwan Chaman Lall.
6. Dr. Muhammad Alam.

The Premier gave a brief reply.

The motion was then put and carried.

*The Assembly then adjourned sine die.*

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.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

*Monday, 18th November, 1940.*

*The Assembly met in the Assembly Chamber at 10-30 a.m. of the clock  
Mr. Speaker in the Chair.*

### OATH OF OFFICE.

*The following members were sworn in—*

Mr. Duni Chand (Lahore City, General, Urban);

Mian Allah Yar Khan Daulatana (Mailsi Muhammadan, Rural).

### QUESTION HOUR AND ADJOURNMENT MOTIONS.

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

That the question hour be dispensed with to-day.

I also hope that you will be pleased to dispense with the notices for adjournment motions and consider them to-morrow and not rule them out merely on account of urgency, for their not being moved to-day. I hope my honourable friends opposite will agree to this motion.

**Mr. Speaker**: I will not object on grounds of urgency to the adjournment motions being taken up to-morrow. The question is—

That the question hour be dispensed with to-day.

*The motion was carried.*

### HOURS OF BUSINESS.

**Premier**: I move—

That on and from Tuesday, November the 19th, 1940, on days on which the Assembly meets other than Fridays, the Assembly shall meet at 12 noon, and the Speaker shall adjourn the Assembly without question put at 4-30 p.m. on those days.

The object of this motion is that instead of sitting from 2 to 6-30, we will, from to-morrow, if the House accepts this motion, sit at 12 o'clock and adjourn at 4-30, and if there are any adjournment motions we will take them up after the business. On Fridays we will sit as usual at 2-30 and adjourn at 7 o'clock.

**Mr. Speaker**: The motion moved is—

That on and from Tuesday, November the 19th, 1940, on days on which the Assembly meets other than Fridays, the Assembly shall meet at 12 noon, and the Speaker shall adjourn the Assembly without question put at 4-30 p.m. on those days.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban): I do not want to interfere in any way with the proposal which the Honourable Premier has placed before the House, but it is clear that, not only during this session as it is proposed to be, but even during the last session almost practically every day the actual rule which has been framed by this House has not been complied with and we know that sometimes the session begins at 10 o'clock, sometimes at 12 o'clock and sometimes at 2. We are prepared even to discuss the matter with the Honourable Premier if he will kindly agree to consult the members. The hours suggested are unsuitable for several reasons. One is that if you begin the session at 12 o'clock, there are many Muslim members who would like to have their Peshi prayers and you will have to give them some time at 1 o'clock. According to the rules when they were framed, the matter was discussed at length and having regard to all the circumstances and having regard to all those persons who have to attend the Assembly and who have to attend the courts, it was decided unanimously that the meetings should be held at 2 o'clock. That is the time which perhaps suits most of us and I would, therefore, suggest that the Honourable Premier instead of moving this motion to-day might move one to which after consultation or discussion with him we might come to an agreement. I would point out that it is not a personal affair. Certainly there are several members in this House—

**An honourable member** : Only local lawyers.

**Mian Abdul Aziz** : Are they not members? Do you not want them to attend? Is this motion being brought forward so that they may not be able to attend this House? (*Honourable members* : No, no.) If that is not so, then I would make the request for the kind consideration of the Honourable Premier and even members of the Unionist party. We know if the matter is put to vote, they have got a majority and they will carry the motion, but we want to settle the matter amicably and in good spirit by all the parties concerned and I would appeal to the Honourable Premier that he might for the present keep the present hours and fix some time when this matter will be discussed and whatever time is there settled subsequently we can agree to that without going into division. At the present moment I beg to suggest that only through you.

**Premier** : May I say a word in reply to my friend's suggestion? I am entirely in the hands of the House. This motion has been brought forward because a large number of members of this House asked me to move it. So far as I personally am concerned, I am prepared to sit at any time of day or night. But it was on the suggestion of a large number of members that I made this motion. If the House desires to defer the consideration of this motion or it decides that we should adhere to the time mentioned in the rules, I would be quite willing to accept that verdict of the House. I may also point out that so far as the rules are concerned they begin with the words "unless the House otherwise directs." It means that it is for the House to settle the matter. If my honourable friend has any adherents, and a large number of members agree with him with regard to the sitting of the House, I would be only too glad to accede to his request. I do not think it would serve any useful purpose to have a meeting unless we consult

all the members, and it would not be worth while my discussing it with him or the members, as it is the suggestion of members themselves that these hours are not suitable, and it is at their request that this motion has been brought forward.

**Diwan Chaman Lall :** May I, with your permission, ask my honourable friend, when he says "a large number of members of this House have made this request to him," whether amongst that large number there was any member belonging to the Opposition who made a similar request? Obviously in a matter of this description it cannot merely be a decision of the majority. After all the Opposition is also part of the House and in such a matter as this, I think it was incumbent upon my honourable friend, the Premier, to have consulted the Opposition, whether they too desired to change permanently for this session the hours of sitting of this House. I am almost certain—I cannot speak with firm knowledge—but I am almost certain—that amongst the large number of members who desired this particular change, I do not think there was one single member belonging to the Opposition who made a similar request to my honourable friend. Therefore it resolves itself into exactly the same proposition which my honourable friend sitting on my left, has placed before you, Mr. Speaker, namely, you can carry this thing by a majority ignoring the desires and the wishes and the convenience of honourable members on this side of the House. As far as I am personally concerned, I take the view which my honourable friend, the Premier, has also taken, that as we are members of this House we are at the beck and call of this House at all hours of the day and night. There is no doubt about that, but it was in view of the convenience of all sections that this particular rule was made when the Rules Committee sat under the presidency of the honourable Speaker and all interests were consulted. The convenience of every member and every group and every class, I remember, was also kept in view when this particular rule was made and I do submit that before we decide permanently and definitely upon an alteration of the hours of sitting for the rest of the session, my honourable friend may, for the convenience of the business which he has already allotted, decide to sit according to the hours that he has fixed for to-morrow or for the week but meanwhile he should consult the Opposition in regard to the permanent change.

**Premier :** I entirely agree with my honourable friend. As a matter of fact I had no opportunity of discussing this matter with any of my honourable friends of the Opposition because nobody was here. I could not get hold of the Leader of the Opposition nor any other member. I also suggested to one of the Secretaries to consult the Opposition but he also was unsuccessful. I suggest that we might accept this motion so far as the present week is concerned, and meanwhile we can discuss and come to some kind of decision.

**Sardar Sampuran Singh :** I would only say one word. Not only was I not consulted, but this matter never came to my notice till quite recently. I may submit that no effort was made by the other side to get into touch with me. For a greater portion of the last week, except when I was for a couple of days at Nankana Sahib, I was at Lahore and I even rang up once the Personal Assistant to the Honourable Premier and nothing

[Sardar Sampuran Singh.]

was mentioned to me then and when I enquired if there was anything to be conveyed to me he replied that the Premier wanted me to attend a certain party which had already taken place. But there was nothing about any other matter. If he had made any effort to get into touch with me, I would have even come from Jyallpur. I am everywhere connected on the telephone. He could wire to me, write to me or ring me up.

**Diwan Chaman Lal:** The suggestion made by the Honourable Premier that the change may be accepted for the current week may be agreed to.

*(The motion originally moved by the Premier was by leave withdrawn and a modified motion was then moved.)*

**Mr. Speaker:** Motion now moved is—

That on Tuesday, November the 19th, 1940, and on Thursday, November the 21st, 1940, the Assembly shall meet at 12 noon, and the Speaker shall adjourn the Assembly without question put at 4-30 p.m. on those days.

*The motion was carried.*

**Mr. Speaker:** If to-morrow or on Thursday, any adjournment motion is allowed, it will be taken up at 4-30 p.m.

#### REFERENCES TO LATE KHAN BAHADUR MIAN AHMAD YAR KHAN DAULATANA AND SAYED AFZAALALI HASNIE.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): It is with the deepest regret that I as Leader of this House have to make reference to the unfortunate and untimely death of two of our colleagues, Khan Bahadur Mian Ahmad Yar Khan Daulatana and Sayed Afzaalali Hasnie. I am afraid I am at a disadvantage in making a reference to Khan Bahadur Ahmad Yar Khan Daulatana, because, as several of my colleagues here know, he was a very dear and close friend of mine. As a matter of fact he was dearer to me than even my own kith and kin and therefore whenever I have to make a reference to him, I find myself in a most difficult and embarrassing position because of the memories which surge before me of the very close association which we had for more than 20 years.

Nawab Ahmad Yar Khan Daulatana, as you are aware, was the Chief Parliamentary Secretary and Official Whip of the party in power. But it is not as Chief Parliamentary Whip that he will be remembered in this House and outside but as one of the greatest patriots which this province has produced. He was a gentleman who was so jealous of the honour and reputation of the Punjab, irrespective of caste and creed, that he was for that reason known as the great champion of the rights of the Punjab. My honourable friends in this House and outside will remember that throughout his career his one great ambition was to bring the various communities together into close co-operation and harmony, for which all of us have been trying, and he always tried to give practical effect to this ideal which, as you are aware, has been witnessed in several tangible forms, namely meetings, gatherings and parties; and he was also suggesting common celebration of the festivals of the various communities as national festivals.

Nawab Ahmad Yar Khan Daulatana was not only respected in this province but outside the province as well, as many tributes to his memory from the platform and the press clearly indicate. He was a gentleman who kept his own interests always in the background and throughout his political career put foremost the interests of his country, of his province and of his party and those who believed in the ideals which he believed in and his activities, as you all know, were always clearly indicative of that spirit of sympathy which one seldom finds in political workers. I will give you one instance, now that he is no more and now that I am free to speak. I will give you one instance, which will indicate to you how he was prepared to sacrifice himself for the cause of ideals which he had at heart. When this party came into power, I had to form the ministry and to make recommendations to His Excellency the Governor. I believe there are very few in this House who know that Khan Bahadur Ahmad Yar Khan Daulatana was the first person whom I offered a ministership, the very first to whom I offered a ministership as my colleague in the cabinet. His answer was that he would like to consider it and after 24 hours when I pressed him again, he came to me and said 'I am very grateful to you and I knew that you would make this offer, but I think that in the interests of the solidarity of the party somebody else should be appointed and I would loyally and faithfully work as before as an ordinary member.' That was the spirit with which he worked and nobody till to-day knows that he was the person who sacrificed himself for the cause and for an ideal, and there are not many persons in this world, who would act like him at the present moment and specially in present-day politics. I have given you one instance which will indicate to you the noble character and nature he had. I am sure my friends would like me also to read out to them a letter which I have received from our friends of the Press, as I indicated that the loss which we feel is shared not only by the members of this House, not only by the province but by people outside the province, and I have been requested by my friends of the Press that they should also be associated with this resolution of respect to the memory of the departed friends. We cannot do so officially, but it is possible with your permission for me to read out the letter which I have received. They say—

I have been directed by the Press Gallery Committee of the Punjab Legislative Assembly to inform you that at a meeting held on Friday morning, the Committee passed a resolution expressing deep sense of sorrow at the sad demise of Khan Bahadur Ahmad Yar Khan Daulatana, Chief Parliamentary Secretary and Syed Afzaalali Hasnie, Resident Secretary of the Unionist Party. In their death the Committee felt that they had lost two sincere well-wishers of the Press.

I have much pleasure in bringing that reference before this House and I think that I need not say anything more about the matter. So far as Syed Afzaalali Hasnie is concerned, he was also one of those selfless workers who always work for others and never care for their own health, rest or comfort. He had been ailing for several months and I know that during his illness, he had been working throughout until the very last moment; in spite of the instructions of the doctors, he insisted on doing his work. In him the Unionist Party has lost a very staunch worker and a loyal colleague, one who was following closely in the footsteps of the late Khan Bahadur



[Premier.]

Nawab Ahmad Yar Khan Daulatana, in bringing about communal harmony and amity between the various parties and the various groups in this House and outside. I am sure that I am voicing the feelings of all of us in placing on record our deep sense of sorrow on the death of our colleagues and I am sure the House would ask me to request the Chair that our sympathy and condolence be conveyed to the members of the families of these two colleagues of ours. I now make a formal motion—

That the House do now adjourn as a mark of respect to the memory of two members of this House—the late Nawab Ahmad Yar Khan Daulatana, C.B.E., M.L.A., Chief Parliamentary Secretary and the late Syed Afzaalali Haanie, M.L.A., and that the condolence and sympathy of this House be conveyed to the members of the families of the deceased members.

**Mr. Speaker :** The motion moved is—

That the House do now adjourn as a mark of respect to the memory of two members of this House—the late Nawab Ahmad Yar Khan Daulatana, C.B.E., M.L.A., Chief Parliamentary Secretary and the late Syed Afzaalali Haanie, M.L.A., and that the condolence and sympathy of this House be conveyed to the members of the families of the deceased members.

**Sardar Sampuran Singh** (Leader of the Opposition): Sir, I rise to associate myself with all the feelings which the Honourable Leader of the House has expressed on the demise of two of our important members. You will excuse me if I bring in a personal touch when I talk of our friend Khan Bahadur Nawab Ahmad Yar Khan. I had come to know him long before I came into politics. First I came to know him as a very active leader of the zamindar movement in this province. I had to associate myself with him in several conferences and meetings organised to ameliorate the conditions of the down-trodden peasantry of this province, and ever since then I had developed an affection for him. When to-day we talk of the fact that he has passed away, it is really with a very great pang. He was a very large-hearted gentleman with whom political differences did not matter much so far as his personal relations were concerned and I can say that with pride to-day that, though we were in different camps and sometimes even had such differences as we have on account of our divergent party outlooks and there was bitterness, still my relations and good feelings towards him were never marked by any such difference and I give him great credit for that. Perhaps it was mainly due more to his large-heartedness than anything good in me (*hear, hear*). He belonged to that old type of zamindars who have relations and friends in all spheres of life, with the low people and with the high people and this, I think, is the real cause of keeping high morale amongst our peasant classes, because that relationship of ours with these people makes them feel that they belong to the same status as the big people of their clan or class and I think it is a pity that that type of men is every day disappearing from our province and to me it seems that this will result in a sort of demoralization amongst the peasant classes of this province and we ought to try to avoid it.

As it has already been said by the Honourable the Premier, he was a great apostle of communal harmony and tried his best to bring the different communities together. I think one little instance should be enough to convince us of that. He always tried his best and agreed that to bring about a real unity in the province, it was necessary to bring about joint

electorate. And I think if we had sufficient number of people amongst us, who thought like that and who feel like him, we would have had a much better Punjab than we have at present.

He was educated in the Chiefs' College no doubt, but his real education came by his living in the rural area among the rural classes. Therefore he saw the troubles of the rural classes and the rural psychology of the country. It was that mastery and knowledge which he had of his own people that made him a figure in politics and gave him so much success.

Before I sit down, Sir, I would like to refer to the wish expressed by the members of the Press Gallery Committee that they too should be associated with the condolence motion moved by the Honourable the Leader of the House. I do agree that their loss is equally great.

We also express our grief and sorrow on the death of Syed Afzaalali Hasnie. We all know that a great sanctity is attached to his family. He was a scion of the great family of Syed Abdul Qadir Jilani of Baghdad, and those who have read the history of the Punjab in detail, know that his ancestors were held in great respect and esteem by the people of this province. He was very well connected and some of his ancestors held very high positions in the Government before the British came. In his own life the Syed Sahib did great service to the province in the various walks of life. He was a noble, harmless and quiet person. And with one word I will finish, and that is this, that whosoever went to Syed Afzaalali Hasnie, he always found in him a sympathetic friend, ready to help the people who sought aid from him.

Mr. Speaker, on behalf of the Opposition Party as well as myself I offer our sincere condolences to the bereaved families. May the departed souls rest in peace.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General, Rural): Sir, on behalf of the Independent Party I whole-heartedly associate myself with all that the Honourable the Premier and the honourable the Leader of the Opposition have been pleased to say about our late lamented and departed friends, Khan Bahadur Nawab Ahmad Yar Khan Daulatana and Syed Afzaalali Hasnie. I have had the privilege of being a colleague of Nawab Ahmad Yar Khan Daulatana in the last Legislative Council and also in the present Assembly, for about a period of eleven years; we have worked together in many matters; we have also opposed each other on many occasions, perhaps opposed each other oftener than otherwise both in the Legislative Council, and in the present Assembly, in committees and in other affairs connected with the public life of the province. I take this opportunity to say with confidence that he was a genuine patriot, a firm believer in Hindu-Muslim unity and a true Punjabi. The public life of this province is distinctly a loser by his sad demise.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban): Sir, I am glad that the Honourable Premier has been pleased to take up this motion at the earliest possible opportunity, because this is a motion on which I think not only every honourable member of this House, but even the public outside feel very much indeed. I do not want to take more time of the

[Mian Abdul Aziz.]

House, but I would only submit that whatever the Honourable Premier has been pleased to say regarding the qualifications of these two gentlemen, who have left us behind, he has certainly depicted their lives in true colours. Nawab Ahmad Yar Khan Daulatana, whom I had the privilege and honour of knowing from a very long time, was certainly a great patriot, a sincere friend and a well-wisher of the Punjabis apart from their being Muslims, Hindus, Sikhs or Christians. Whatever political differences and views there might have been, he was no doubt a thorough gentleman. He was always keen to bridge the differences which existed between the various communities and various members. He was a man of great energy and zeal. I associate with all the remarks that have been made by the Honourable Premier and the Leader of the Opposition about these two honourable members of this House.

No doubt, we have got his successor, his uncle Nawab Allah Yar Khan Daulatana, whom we congratulate on his being elected to this Assembly ; but it may not be considered a slur on Nawab Allah Yar Khan Daulatana when I say that I would have liked to see Nawabzada Mumtaz Daulatana occupy his father's place in this House. Nawabzada Mumtaz Daulatana is a well read, educated and England-returned gentleman and has a thorough knowledge of politics. However, it was the question between these two gentlemen, whether the uncle should succeed or the son should succeed the late Nawab Ahmad Yar Khan Daulatana. This is one and the same thing. (*Honourable members* : He is not a voter.) (*Interruptions.*) I am coming to that, please have patience. Unfortunately he could not come in, because at the time when the list of the voters was prepared, he was not in India ; he was in England. However, it is the lookout of these two gentlemen to decide between themselves. We cannot make any distinction between these two. We would welcome either of them. But as I have already expressed, I would have liked Nawabzada Mumtaz Daulatana to take his father's place as he is the right successor of his father.

As regards Syed Afzaalali Hasnie, I have had the pleasure of working with him in the Municipality of Lahore for a long period and also in connection with certain public affairs concerning Lahore. I repeat some of the remarks which have been expressed by the Honourable the Leader of the Opposition. He was a thorough gentleman and a sincere and sympathetic friend, who was prepared to give help to anyone who approached him. As a member of the Lahore Municipality he was a very prominent member and worked very hard. He was suffering for a long time, but we never expected that he would leave us at such an age. I would say that these two gentlemen have left us all in the prime of their lives.

I now beg to associate myself with the remarks which have been made by both sides of the House regarding these two gentlemen, and I would certainly support—and I think every one will support—the motion which has been put forward by the Honourable Premier that we must convey the expression of grief and sorrow of this House to the families of these two gentlemen.

**Rai Bahadur Lala Gopal Das** (Kangra North, General, Rural) : Sir, I wish to support the resolution moved by my honourable friend, the Premier and associate myself with the feelings expressed by him with respect to our dear friends, Khan Bahadur Nawab Ahmad Yar Khan Daulatana and Syed Afzaalali Hasnie. Sir, I had known the Nawab Sahib since 1909 when he came to join us in the Aitchison College. His loss is a great personal loss to me. He was a pillar of strength to my honourable friends sitting on the opposite benches, the Unionist members and a source of inspiration to all of us. It is very unfortunate that the cruel hand of death has snatched him away from us and has deprived us of his sweet company. He was a moving spirit of this House and we all loved to see him and have him sit with us and give us his views and opinions, though they were different from those of many of us. Everybody in this House loved him. Political differences did not count with him at all. He was a true Punjabee and it pains me to see that he is not here to-day amongst us. He was associated with the Legislative Council throughout excepting in one of the terms of the Punjab Legislative Council. He was my colleague for very many years and throughout that period, I found him to be a true patriot. He was loved by everyone of his colleagues. Political and religious differences did not come to his mind and he never separated himself from us in any sphere of life.

Syed Afzaalali Hasnie too was a good friend of mine. I fully associate myself with what the Honourable Premier has said and wish that this House, while passing this resolution, may do so standing.

**Sardar Bahadur Sardar Gurbachan Singh** (Jullundur West, Sikh, Rural) : Sir, on behalf of the Khalsa National Party I fully associate myself with all that has been said by the previous speakers. Nawab Ahmad Yar Khan Daulatana possessed in him the old feelings of friendliness and helpfulness. His hospitality remains and will remain unrivalled. Indeed, the Unionist Party has lost in him the uniting link which brought men of diverse views and creeds together. In these days, when disruptive tendency governs the mind of men, the loss of those who have the power of integration is a national loss for which we all mourn. I respectfully offer my sincere sympathy to you and his relatives. In him, Sir, you have lost a near and dear relation, our Leader, the Honourable Premier a real king-maker, and I, a sincere friend for whom I will always lament.

As regards the other gentleman, although I had the honour of knowing him only for the last 2 or 3 years, I always found him a thorough gentleman and a selfless worker. I wholeheartedly support this resolution.

**Diwan Bahadur S. P. Singha** (East Central Punjab, Indian Christian) : Sir, I would like to associate myself with the expression of sympathy expressed by the Honourable Premier. I had the privilege of being called a brother by Mian Ahmad Yar Khan Daulatana and to be really treated by him as a brother. I had also the privilege of having a free *entree* to his home and thus knowing his family life. It has already been said that he was a great Punjabi, a great landlord, a great parliamentarian and a great patriot. But I think above all he was a great human being. My honourable friend Rai Bahadur Gopal Das has said that he was a pillar of strength to

[Diwan Bahadur S. P. Singha,]  
 the members sitting on this side. I think he was a pillar of strength to all of his friends and in his friendship he had no distinctions either religious or political. While associating myself with my honourable friends in his praises, I may mention particularly one phase of his character which made a deep impression on me and that was his attitude in communal matters. The pulse of a nation can best be felt from the talks which people have at their dinner table. We can make speeches which may be very nationalistic and yet in our private life, when we are talking in the privacy of our homes we may not be in tune with the views which we have publicly expressed. Sometimes in public we are forced to be radical one way or the other without meaning to be so. I think Nawab Daulatana successfully resisted the temptation even in public life. But this I know, that in the home of Mian Ahmad Yar Khan Daulatana there was a sincere love for his countrymen. I never felt that there was any spirit of communal animosity or prejudice in his heart or amongst those around him. I often feel that if in the homes of all of us such sentiments prevail, there would be no communal problem left in India and India would soon have its independence. That is why, I think, he was a great patriot.

In the same way I would like to associate myself with the resolution regarding Syed Afzaalali Hasnie. It would be difficult to find in political life such a sincere man. He vied with Mian Ahmad Yar Khan in his selfless devotion to public duties. Whatever he undertook he fulfilled with a will, a sincerity, a tact, an efficiency which is rare in life. I once more support the resolution moved by the Honourable Premier.

**Mr. Speaker :** As suggested by Rai Bahadur Lala Gopal Das, I propose that the motion be passed by all members standing up in silence. The question is—

That the House do now adjourn as a mark of respect to the memory of two members of this House—the late Nawab Ahmad Yar Khan Daulatana, C.B.E., M.L.A., Chief Parliamentary Secretary and the late Sayed Afzalali Hasnie, M.L.A., and that the condolence and sympathy of this House be conveyed to the members of the families of the deceased members.

*The motion was carried unanimously, all members standing.*

*The Assembly then adjourned till 12 noon on Tuesday, 19th November, 1940.*

# PUNJAB LEGISLATIVE ASSEMBLY

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 19th November, 1940.

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

### STARRED QUESTIONS AND ANSWERS.

#### EXPENDITURE ON MOVE OF THE PUNJAB GOVERNMENT TO SIMLA.

**\*5698. Chaudhri Muhammad Hassan:** Will the Honourable Premier be pleased to state—

- (a) the total expenditure incurred on the move to Simla of the Punjab Government in the shape of hill allowances and journey allowances to the officers and their staff during the years 1937, 1938, 1939 giving separately the figures of expenditure incurred on each branch of the Secretariat;
- (b) the designation of the Secretaries to Government and other officers of various departments who moved to Simla during the above-mentioned period and also the names of the clerks, head assistants and superintendents who went to Simla with these officers;
- (c) whether it is a fact that during the last three years the number of clerks, head assistants and superintendents moving to Simla has been greater than the number taken up to Simla during the years 1934, 1935, and 1936 and the expenditure incurred on them has been more than incurred before; if so, why;
- (d) whether Government has, on account of the present financial stringency, considered the question of discontinuing the present practice of moving the Secretariat to Simla during summer; if not, why not?

**Parliamentary Secretary (Mir Maqbool Mahmood):** I am laying on the table of the House a copy of the latest rules<sup>1</sup> dealing with the move of office staffs to Simla with the Punjab Government. For the general policy of Government, which is unchanged, and for a rough estimate of financial implications, I refer the honourable member to the answer given to starred Assembly Question No. 16<sup>2</sup> asked by Malik Barkat Ali in April, 1937. To collect the information required to answer the honourable member's question in all its details would involve an amount of time and labour out of all proportion to the results to be obtained.

<sup>1</sup>Kept in the Assembly Library.

<sup>2</sup>Vol. I, page 249.

**Chaudhri Muhammad Hassan :** Has the honourable member got the reply to the question put by Malik Barkat Ali during the last session ?

**Parliamentary Secretary :** The reply to that question is published in the Punjab Debates, Volume I, page 249.

**Mian Muhammad Nurullah :** Will you kindly read that answer out ?

**Parliamentary Secretary :** The answer given is a long one and the honourable member may kindly refer to it and if he wants any further information, he may put supplementary questions.

**Pandit Muni Lal Kalia :** Will the Parliamentary Secretary please state whether any administrative advantages are gained by the Government by moving up to Simla ?

**Parliamentary Secretary :** If my honourable friend will refer to the detailed reply given to Malik Barkat Ali's question, he will get the answer to his supplementary question.

**Pandit Muni Lal Kalia :** May I know if the answer to part (c) of the question is "yes" or "no" ? Has there been any increase in the number of persons taken to Simla ?

**Parliamentary Secretary :** I have already stated that all the information desired is given in the answer to a previous question and if honourable members will refer to it they will get their object in view.

**Pandit Muni Lal Kalia :** I only want an answer to part (c) of the question, namely, whether there has been any increase in the number of persons taken to Simla.

**Parliamentary Secretary :** If the honourable member would see the statement laid on the table, he will understand the position.

**Pandit Muni Lal Kalia :** Has the honourable member got a copy of the statement in advance ?

**Secretary to the Assembly :** A copy of the rules dealing with the move of office staff to Simla has been supplied to the honourable member putting the question, namely, Chaudhri Muhammad Hassan.

**Chaudhri Muhammad Hassan :** That is only about the rules framed by His Excellency the Governor under the Government of India Act. I want a detailed statement of the clerks, assistants and superintendents taken to Simla.

**Parliamentary Secretary :** I have to repeat what I stated before that if the honourable member will refer to the answer given to an earlier question on the same subject, he will get a detailed statement of clerks and menials that are taken to Simla.

**Chaudhri Muhammad Hassan :** May I know if these rules are observed ?

**Parliamentary Secretary :** The Punjab Government are not in the habit of not following the rules framed by it in detail.

**Lala Duni Chand :** May I know if the real reason of the Government's inability to answer this question is that if the figures relating to the expenditure are disclosed, the Government will be blamed ?

**Parliamentary Secretary :** I strongly repudiate any such insinuations on the floor of the House. It is in the best interests of the province not to discontinue the move to Simla.

**Lala Bhim Sain Sachar :** On a point of order, Sir. It is stated in the answer that a statement is laid on the table of the House, but it has not been made available to the member.

**Mr. Speaker :** Answer to which question has not been made available to the honourable members ?

**Chaudhri Muhammad Hassan :** The Parliamentary Secretary has supplied to me only the rules relating to the move of office to Simla. He has given reply only to half of my question and has not replied to the other half.

**Pandit Muni Lal Kalia :** May I know under what rule there has been an increase in the number of persons taken to Simla, as required in part (c) of the question ?

**Parliamentary Secretary :** The insinuation that there has been any increase in the number of persons, I am not going to accept and as has already been stated in the answer, namely, 'to collect the information required to answer the honourable member's question in all its details would involve an amount of time and labour out of all proportion to the results to be obtained', I am not going to add anything to it.

**Pandit Muni Lal Kalia :** Has the Government not got any statement showing the comparative figures for each year so far as the expenditure on the Simla move is concerned ?

**Parliamentary Secretary :** The honourable member is referred to the figures in the Budget.

**Chaudhri Muhammad Hassan :** Is it a fact that the hill allowance and travelling allowance drawn by the Secretariat is in excess of Rs. 9,874-4-0 this season ?

**Parliamentary Secretary :** I require notice for that.

**Chaudhri Muhammad Hassan :** Is this travelling allowance checked by the Accountant-General ?

**Parliamentary Secretary :** Presumably, yes.

**Chaudhri Muhammad Hassan :** For full one year ?

**Parliamentary Secretary :** We have a system of audit in our province which is not pre-audit, but it is post-audit and that is a very complicated question and I do not intend to waste the time of the House over it. But I may convince the honourable member that the auditing of accounts as is done here is in the best interests of the province.

**Lala Deshbandhu Gupta :** Is it not a fact that the real reason for not divulging these figures is that the Government will stand exposed by doing so ?

**Mr. Speaker :** Disallowed.

**Pandit Shri Ram Sharma :** May I know the date when this question was considered for the last time ?

**Mr. Speaker :** Disallowed.



**Pandit Shri Ram Sharma :** Sir, I draw your attention to the last part of the question. It is stated therein : Whether Government has on account of the present financial stringency, considered the question of discontinuing the present practice of moving the Secretariat to Simla during summer. I am only asking the date when the Government considered this question for the last time ?

**Premier :** Informally this question was considered for the last time in May, 1940, when some of the honourable members opposite inquired whether or not the Assembly Session would be held in Simla. I asked them to put their request in black and white. They hesitated and said that they were not prepared to do that because it is likely to create some misunderstandings. Anyhow they urged the desirability of making arrangements for holding a session at Simla. That was the last occasion when this question was taken into consideration.

**Pandit Shri Ram Sharma :** In view of the fact that Government is saving every possible pie for the prosecution of war, has the Government considered the desirability of curtailing their Simla exodus ?

**Mr. Speaker :** Disallowed.

**Chaudhri Muhammad Hassan :** Is it a fact that in view of the war this question was considered recently ?

**Premier :** I have already said that this question was considered when my honourable friends were anxious to go to Simla and hold a session there.

**Lala Duni Chand :** Does the expenditure incurred on the Simla exodus advance the cause of war ?

**Mr. Speaker :** Disallowed.

#### CHECKING OF NEAR RELATIVES BY GOVERNMENT SERVANTS FROM TAKING PART IN SUBVERSIVE ACTIVITIES.

**\*6707. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the subordinate and petty Government servants are asked under threat of dismissal by their superiors to check the near relatives of the former from taking part in subversive activities ;
- (b) if so, whether it is done under any law or rules of conduct of Government servants ;
- (c) whether this practice was prevalent at the time of the last civil disobedience movements ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) I am not aware of any case in which a threat has been employed, but it is a fact that Government servants are required not to permit their dependents or those under their care or control to take part in, or in any way assist, any movement or activity which is subversive of Government as by law established in India.

(b) Under the Government Servants' Conduct Rules.

(c) This particular rule did not exist at that time.

**Pandit Shri Ram Sharma :** Will the Parliamentary Secretary please state as to when this particular rule was added to the existing Government Servants' Conduct Rules ?

**Parliamentary Secretary :** I want notice of that question.

**Pandit Shri Ram Sharma :** What is the number of that rule and what are the exact words ?

**Parliamentary Secretary :** I think it is rule 9, but I speak subject to correction. The honourable member can find a copy of the Government Servants' Conduct Rules in the Library.

**Pandit Shri Ram Sharma :** Is this rule applicable only to the dependents of a Government servant or does it cover his other relations also ?

**Parliamentary Secretary :** The exact words that occur in the rule are : "dependents or those under their care or control."

**Mr. Dev Raj Sethi :** What were the circumstances that led to the addition of this rule ?

**Mr. Speaker :** Disallowed.

**Lala Duni Chand :** Before framing this rule, did the Government consider that this rule, if framed, is likely to be abused or misused for the simple reason that a Government servant may not have control over his relations ?

**Parliamentary Secretary :** So far as the Government is aware the rule has not been abused so far in the province. Moreover, this rule was in existence before the present Government came into office.

— — — — —  
SPEECHES DELIVERED IN THE SUBJECTS COMMITTEE AND OPEN  
SESSION OF THE MUSLIM LEAGUE.

**\*6725. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether speeches delivered in the Subjects Committee and the open session of the Muslim League recently held at Lahore were reported by the Police ;

(b) whether any of the speeches were considered to have offended against the law ; if so, the action taken or proposed to be taken by the Government ;

(c) whether any objectionable speeches were made in his presence ?

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

(b) (i) No.

(ii) Does not arise.

(c) No.

**Pandit Shri Ram Sharma :** Did the Honourable Premier see the reports of all the speeches delivered in the meetings of the subjects committee and the open session of the Muslim League ?

**Parliamentary Secretary :** The information asked for in the question has already been supplied. If, however, my honourable friend wants further information, he should give fresh notice.

**Pandit Shri Ram Sharma :** The department concerned must have considered those reports, but I want to know whether the Honourable Premier considered them objectionable when the reports reached him as Minister in charge ?

**Parliamentary Secretary :** My honourable friend is right. Such reports are in the first instance dealt with by the department concerned and then, if necessary, they are submitted to the Minister in charge.

**Lala Deshbandhu Gupta :** The question is whether these speeches came to the notice of or were considered by the Honourable Premier or not, and whether they offended the provisions of law or not.

**Mr. Speaker :** Disallowed. Legal opinion cannot be asked.

**Lala Deshbandhu Gupta :** The question does not ask for legal opinion. The question is whether the speeches were considered by the Honourable Premier or not.

**Mr. Speaker :** Has not that question been answered already ?

**Lala Deshbandhu Gupta :** No. He has not given any answer.

**Mr. Speaker :** I think he said that all these speeches had been brought to the Honourable Minister's notice.

**Lala Deshbandhu Gupta :** May I know whether the Honourable Premier read and considered the speeches or not ?

**Parliamentary Secretary :** The speeches that came to the notice of the Honourable Premier were not considered objectionable by him.

**Lala Deshbandhu Gupta :** Did all of them come to his notice ?

**Parliamentary Secretary :** So far as I am aware, the whole *verbatim* report has not been taken.

**Pandit Shri Ram Sharma :** The speeches made in the open session must have been reported by the C. I. D. What I want to know is whether the speeches made in the Subjects Committee meetings were so reported ?

**Parliamentary Secretary :** I have already stated that all the information that came to the notice of the Honourable Premier was not considered objectionable. I have also stated that all the speeches were not reported, but those that were reported did not disclose any objectionable matter.

**Pandit Shri Ram Sharma :** Was the speech of the Honourable Premier in which he shed crocodile tears also reported ?

**Mr. Speaker :** Disallowed.

---

#### PARTIES OF STUDENTS FOR WAR PUBLICITY.

**\*6732. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) who is in charge of the students' parties for war publicity in villages ;

(b) whether the students on tour are shown as on leave in college registers;

(c) whether these students have been promised appointments under the Government as a reward for these war services;

(d) the number and names of students so far enrolled for the parties to be sent to the Ambala division and their programme?

**Parliamentary Secretary** (Mir Maqbool Mahmood): (a) Nobody, because no parties are working at present.

(b) No—the privileges enjoyed by members of the University Training Corps so far as attendance at lectures is concerned have been extended to them.

(c) No.

(d) No names have yet been enrolled and no definite programme prepared for parties to be sent to any part of the Ambala Division.

**Pandit Shri Ram Sharma**: Have those parties done any publicity work?

**Parliamentary Secretary**: Some parties have done work in the past, and good work too.

**Pandit Shri Ram Sharma**: Has that work been discontinued?

**Parliamentary Secretary**: No.

**Pandit Shri Ram Sharma**: Did any party visit the Ambala division on any previous occasion?

**Parliamentary Secretary**: Not so far as I am aware.

**Lala Bhim Sen Sachar**: What is the privilege, enjoyed by the members of the University Training Corps in respect of absence from a college?

**Parliamentary Secretary**: When they are on duty, that day on the recommendation of the Principal of the College concerned is counted as attendance in the class.

**Lala Bhim Sain Sachar**: Do I take it that these student members of the parties were similarly considered on duty during the period they were doing propaganda work in the villages?

**Parliamentary Secretary**: Yes, the Syndicate passed a resolution to that effect and action is being taken accordingly.

**Pandit Shri Ram Sharma**: Who was in charge of this department? Was it the Honourable Premier or some other Minister?

**Parliamentary Secretary**: There were professors in charge of the parties.

**Pandit Shri Ram Sharma**: But who is the Minister in charge?

**Parliamentary Secretary**: This particular work is being done under the administrative charge of the Director of Information Bureau who is under the Premier.

**Lala Deshbandhu Gupta :** Are these students mostly sons of Government servants ?

**Parliamentary Secretary :** I should like notice of that question, but my information is that they are from different classes and different groups.

**Lala Deshbandhu Gupta :** Are Government satisfied that no pressure was put and no allurements were offered to them ?

**Parliamentary Secretary :** There were more applicants than could be taken. The Punjab Government appreciates the public spirit of the students.

**Pandit Shri Ram Sharma :** May I ask why the Government fights shy of stating the number and names of the students sent to the Ambala division ?

**Parliamentary Secretary :** I have already stated that no programme for the Ambala division has been chalked out as yet. When any decision is made in this respect, the honourable member will get the information if he is interested in it.

**Pandit Shri Ram Sharma :** May I know whether no student party has been sent to the Ambala division because the Honourable Chaudhri Sir Chhotu Ram has done enough propaganda work during his tours ?

**Mr. Speaker :** Disallowed.

#### RELEASE OF COMMUNISTS.

**\*6773. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) the number of communists with their names and addresses so far interned, imprisoned or detained by the Government under the Government of India orders ;
- (b) the steps the Government took to satisfy themselves that the persons interned were really members of the communist party in India along with details of their recent activities ;
- (c) whether Government intends to try them in a court of law ; if not, why not ;
- (d) when does the Government intend to release them ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) It is not clear for what period the honourable member wants this information.

(b), (c) and (d) It is not clear to which Government the honourable member is referring.

#### PUNJAB CIVIL SERVICE (EXECUTIVE) POSTS.

**\*6776. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) how many posts in the Punjab Civil Service (Executive Branch) are likely to fall vacant during the next year ;

- (b) how many vacancies out of these will be filled by nominations ;
- (c) how many of these vacancies will be reserved for open competition ;
- (d) whether it is a fact that Government has decided not to hold competitive examination for this branch of provincial service this year ; if so, the reasons for the same ?

**Parliamentary Secretary** (Mir Maqbool Mahmood) : (a) It is anticipated that there will be approximately 25 vacancies in the Punjab Civil Service (Executive Branch) cadre ;

(b) 6 ;

(c) 7 ;

(d) No.

#### ARRESTS IN THE AMRITSAR DISTRICT.

**\*6859. Dr. Sant Ram Seth** : Will the Honourable Premier be pleased to state—

- (a) the total number of arrests made in the Amritsar district during September, 1940, with names ;
- (b) the number of cases in which conviction took place and the term of sentence in each case ;
- (c) the number according to classifications in A class, B class and Class of the persons convicted ;
- (d) the number of such arrests under the Defence of India Rules or otherwise where the persons arrested were not sent up for trial ?

**Parliamentary Secretary** (Mir Maqbool Mahmood) : If the honourable member will specify the particular sections of the law for which figures are required, Government will consider whether the time and labour involved in their collection will be commensurable with the advantages to be secured.

**Lala Deshbandhu Gupta** : May I draw your attention to part (d) which reads like this :—the number of such arrests under the Defence of India Rules or otherwise where the persons arrested were not sent up for trial ?—This is a specific question and a straight reply should come forth at least to this part of the question.

**Parliamentary Secretary** : I have already stated that sections have not been specified by the honourable member. There is a separate question coming up later in regard to the Defence of India Rules.

**Lala Deshbandhu Gupta** : We want information about total arrests made under all sections of the Defence of India Rules.

**Parliamentary Secretary** : There is a later question dealing with arrests under the Defence of India Rules where specific information is asked and it is being given. But where the question is vague we cannot supply the information.

**Lala Deshbandhu Gupta :** I would like to know from the Honourable Speaker whether part (d) of the question asking for the number of such arrests under Defence of India Rules is vague. I think it is quite definite.

**Parliamentary Secretary :** " Or otherwise."

#### ARRESTS UNDER THE DEFENCE OF INDIA RULES.

**\*6860. Dr. Sant Ram Seth:** Will the Honourable Premier be pleased to state—

- (a) the total number of arrests made under the Defence of India Rules from 1st May, 1940, to 30th September, 1940, district-wise, in the Punjab with the names of the persons arrested ;
- (b) the total number of persons interned within the limits of their respective villages under the Defence of India Rules in the Punjab with their names and the names of the villages in which they have been interned ;
- (c) whether any allowance is paid to the internees ;
- (d) the names of the Jails in which the persons arrested or interned are being at present confined ;
- (e) the total number of under-trial prisoners arrested under the Defence of India Rules with their names and the places to which they belong ;
- (f) the total number of convictions with the names of the persons convicted during this period and the term of sentence in each case ;
- (g) how many of them have been placed in A, B or C class ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) If the honourable member will indicate whether he requires figures for all arrests under the Defence of India Rules or only those which were followed by prosecutions, efforts will be made to collect the figures for him.

(b) Four.

(c) No.

(d) It is not in the public interest to give the names of the jails.

(e) 69. It is not in the public interest to give other details.

(f) 159. A statement showing the term of convictions is laid on the table. It is not in the public interest to give other details.

(g) A Class	..	..	..	..	1
B Class	..	..	..	..	4
C Class	..	..	..	..	90
Not given	..	..	..	..	64
Total					159

*Statement showing the terms of convictions.*

<i>Number of persons convicted.</i>	<i>Term of conviction.</i>
1	3 years.
15	2½ years each.
15	2 years each.
6	1½ years each.
22	1 year each.
30	9 months each.
14	6 months each.
4	4 months each.
4	3 months each.
1	2 months.
1	1 week.
5	1 day.
28	Till rising of the court.
6	Fined.
5	Bailed.
1	Admonished.
1	Not given.
<hr/> 159	

**Chaudhri Muhammad Hassan :** The number of persons arrested is being asked for. It includes persons sent up for trial and persons not sent up for trial. Does the Parliamentary Secretary understand this? If so, he should answer this part.

**Parliamentary Secretary :** I have already submitted that there is a different procedure and there are different ways of dealing with persons where prosecution follows and where prosecution does not follow arrests. We want to be clear as to what information the honourable member exactly wants.

**Chaudhri Muhammad Hassan :** Will the honourable member point out the sections under the Defence of India Rules under which arrests are not made?

**Lala Bhim Sen Sachar :** The question asks for 'the total number of arrests.' It is up to the Government to say that they do not want to answer. It is for you, Mr. Speaker, to rule whether the question is vague or not. We seek your protection.

**Mr. Speaker :** The fact that it has been allowed by me is sufficient to show that I do not consider it vague. (*Hear, hear.*)

**Lala Duni Chand :** May I know if the Parliamentary Secretary is unable to answer a definite question? Can he give any reasons for his evasiveness in answering this question? (*Laughter.*)

**Mian Abdul Aziz :** Part (a) and part (e) are similar and it suits the Government to answer part (e) and not part (a). The rule is not quoted in both the parts of the question.

**Parliamentary Secretary :** I am surprised to find my honourable friend with all his legal acumen not being able to appreciate the difference between an under-trial prisoner and a person who has been arrested and is not put up for prosecution. If he would refer to parts (a) and (e), he will find



[Mir Maqbool Mahmood.]

that in the first case the total number of arrests is asked for and in (c) the total number of under-trial prisoners is asked for. We have given answer with regard to the under-trial prisoners. As to the first part of the question we have no definite information. We have stated that it is not clear whether information is desired in regard to persons where prosecution is to follow or otherwise. This difficulty has been pointed out by the department concerned and the answer reached us only to-day. We are dealing with it and if the honourable member specifies the exact information he wants, we can supply. We are not evading.

**Diwan Chaman Lall :** May I ask my honourable friend to read part (a) of the question--the total number of arrests? It does not specify further, whether the arrests later on will lead to prosecution or not. The question is, how many people did you arrest under the Defence of India Rules? Whether you brought them to prosecution later on or not is not the point. That is a very simple question which requires a very simple answer.

**Parliamentary Secretary :** But now that we know that the honourable member wants information on a specific point the information will be supplied.

**Diwan Chaman Lall :** May I ask why it was difficult for the department, if it wanted to give the information, to supply both types of information--arrests followed by prosecution and arrests not followed by prosecution? It is merely wasting the time of the House.

**Parliamentary Secretary :** This information, as my honourable friend will appreciate, has to be collected from the various districts and as this difficulty was raised, we wanted to know the exact information required. The information reached us only to-day and we had naturally to make the position clear and write to them again.

**Chaudhri Muhammad Hassan :** Which was the department which replied that it was unable to answer this question?

**Parliamentary Secretary :** This question had to be referred to the Superintendent of Police here and to Superintendents of Police in certain other districts and from the information that we received we found that they were not clear. Some of them supplied the information on one basis and the others on another basis. Therefore it was thought best to ask the honourable member to specify clearly what he wanted and whatever information is required will be supplied to him.

**Chaudhri Muhammad Hassan :** Is it a fact that all the Superintendents in the Punjab showed their inability to furnish a reply to this question?

**Parliamentary Secretary :** No. As I have submitted, this difficulty was raised in some of the replies received and in view of the short time and the arguments raised by some of them, it was thought best to ask the honourable member as to the exact information he wanted.

**Diwan Chaman Lall :** How much does the departmental head get, who sent this reply to the honourable member? (Laughter.)

**Lala Deshbandhu Gupta :** May I request you to ask the Parliamentary Secretary not to raise the question of "pains and labour" hereafter on the floor of the House? (*Laughter.*)

**Lala Duni Chand :** May I know if in view of the political seriousness involved in these arrests, the Government does not go into the figures of these arrests from time to time and if it is true whether he can give figures on the basis of the information that is brought to the notice of the Government from time to time?

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

**Lala Duni Chand :** May I know if the Government has up to this time taken into consideration the figures of the arrests that have been made from time to time? Has Government bothered itself about that?

**Mian Muhammad Nurullah :** Would the Parliamentary Secretary kindly give the information as he received districtwise?

**Parliamentary Secretary :** I have already submitted that with regard to part (a) the position is not clear and when the position is clear, we will get the information exactly wanted and place it before the House.

**Lala Duni Chand :** May I know if these arrests put the Government to shame?

**Mr. Speaker :** The honourable member has used an offensive word, which I ask him to withdraw.

**Lala Duni Chand :** I assume that according to you it is unparliamentary and I therefore withdraw it. I do not consider it unparliamentary.

**Pandit Shri Ram Sharma :** May I know if the Government consider any internecine a fit case for granting an allowance?

#### CONVICTION AND RELEASE OF *Khaksars*.

\*6861. **Dr. Sant Ram Seth :** Will the Honourable the Premier be pleased to state—

- (a) the total number of *Khaksars* arrested in the Punjab up to 31st August, 1940;
- (b) how many of them have so far been convicted stating the term of sentence for which each of them has been convicted;
- (c) the total number of *Khaksars'* cases withdrawn so far;
- (d) the total number of *Khaksars* set at liberty on tendering apology;

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) 1,704.

(b) 976. A statement showing the term of sentence awarded is attached.

(c) 100.

(d) 278.

*Statement showing the term of sentence awarded.*

PERIOD OF SENTENCE.			Number of persons sentenced.
Years.	Months.	Days.	
4	9	..	9
4	..	..	5
3	6	..	42
3	..	..	60
2	9	..	10
2	6	..	79
2	5	..	3
2	4	..	10
2	3	..	5
2	..	..	210
1	6	..	15
1	..	..	39
..	9	..	29
..	8	..	1
..	6	..	300
..	5	..	3
..	4	..	13
..	3	..	23
..	2½	..	1
..	2	..	21
..	1½	..	11
..	1	..	9
..	..	15	1
..	..	12	2
..	..	1	63
..	..	till rising of court. Surety Bond ..	10
			976

**Lala Deshbandhu Gupta :** May I know whether any undertaking was taken from these persons that they would behave properly ?

**Parliamentary Secretary :** I have nothing to add to the answer already given.

**Lala Deshbandhu Gupta :** May I know whether Government is satisfied that there is no possibility of these people again disobeying the laws of the province ?

**Mr. Speaker :** That is a matter of opinion.

**Sardar Lal Singh :** May I know whether this is not the first time that persons accused of violence have been so released ?

**Parliamentary Secretary :** Where from does the honourable member take his cue that persons convicted of violence have been released ?

**Sardar Lal Singh :** Were these people not released as mentioned in part (d) ?

**Parliamentary Secretary :** How does that suggest that any of them was guilty of offences of violence ?

**Sardar Lal Singh :** Is the Parliamentary Secretary sure that not even single one of these persons who were released was guilty of violence ?

**Premier :** We are all non-violent.

**Parliamentary Secretary :** My honourable friend is referred to the *communiqué* on this subject already released to the press in that direction.

**Lala Deshbandhu Gupta :** May I know whether there were any negotiations between the Premier or the Punjab Government and the leaders of the *Khaksars* before these releases were made ?

**Mr. Speaker :** That is not a supplementary question.

**Lala Deshbandhu Gupta :** It is. After all we have to find out the reasons for releasing these people and for that reason I want to know whether there were any negotiations or not.

**Mr. Speaker :** That is an entirely independent question.

**Pandit Shri Ram Sharma :** May I know whether this release was as a result of any compromise ?

**Parliamentary Secretary :** The whole position with regard to their release has already been communicated in a statement to the Press.

**Munshi Hari Lal :** May I know the terms of apology on which they have been released ?

**Mr. Speaker :** Is not that given in the statement referred to by the Parliamentary Secretary ?

**Munshi Hari Lal :** No, Sir.

**Parliamentary Secretary :** This question had better be put to Dr. Sant Ram Seth who put this question.

**Pandit Shri Ram Sharma :** May I know whether this apology was written or oral ?

**Parliamentary Secretary :** I want notice of this question.

**Khan Sahib Khawaja Ghulam Samad :** May I know how many of these persons were accused of violence ?

**Parliamentary Secretary :** I am afraid I am not in a position to answer that question.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether there have been any instances in the province in which persons accused of violence have been released on tendering apologies ?

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

**Lala Duni Chand :** May I know if the Government has discovered up to this time that the entire *Khaksar* movement was the result of the unwise policy pursued by the Government?

**Mr. Speaker :** Disallowed.

APPOINTMENTS MADE BY GOVERNMENT ON THE RECOMMENDATION OR  
WITHOUT CONSULTING THE PUBLIC SERVICE COMMISSION, PUNJAB  
AND NORTH-WEST FRONTIER PROVINCE.

**\*6866. Rai Bahadur Lala Sohan Lal :** Will the Honourable Premier be pleased to state—

- (a) the names and the number of the appointments made by the Government on the recommendation of the Public Service Commission, Punjab and North-West Frontier Province during the last three years ;
- (b) a list of appointments, in regard to which it was obligatory on the part of the Government to consult the Commission made during the same period by the Government without consulting the said Public Service Commission or against the recommendations of the Public Service Commission with the reasons for doing so ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) The honourable member is referred to the reports of the Public Service Commission which are published annually by Government.

(b) The reports themselves disclose that in the early stages a certain number of appointments were made by inadvertence without previously consulting the Public Service Commission. These reports, however, also show that on the matter coming to notice, the Commission was consulted and the appointments regularised. Government are not aware of any cases in which appointments were made of persons who were not recommended by the Commission.

SMUGGLING OF UNLICENSED ARMS INTO SHAHPUR DISTRICT.

**\*6872. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether searches for unlicensed firearms and other contraband arms were carried out in the districts of Shahpur from 15th July to 15th August, 1940, or thereabouts and in the districts of Jhang and Lyallpur and Mianwali in the period from March to August, 1940 ; if so, with what results ;
- (b) whether any action has been taken so far against the culprits concerned in the above-mentioned smuggling of unlicensed arms ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :**  
a) Efforts have been made in Mianwali, Shahpur and Lyallpur to recover

the large number of unlicensed arms known to exist in those districts. The results are given below. No action has yet been taken in Jhang.

Serial No.	Name of district.	Period for which figures are given.	ARMS AND AMMUNITION RECOVERED.				
			Revolvers.	Pistols.	Rifles.	Rifle cartridges.	Pistol cartridges.
1	Shahpur ..	15th July, 1940, to 15th August, 1940.	5	30	10	27	11
2	Lyallpur ..	March, 1940, to August, 1940.	2	6	3	..	2
3	Mianwali ..	Ditto	5	64	224	383	40
		Total ..	12	100	237	410	53

(b) Thirty men were prosecuted under the Arms Act. Of them 18 have been convicted and 9 acquitted while the cases against the remainder are still under investigation or pending in court.

**Mian Muhammad Nurullah :** May I know the reasons why these districts were specially selected for this purpose ?

**Parliamentary Secretary :** The question was asked about these districts alone.

**Lala Dev Raj Sethi :** What was the source of these firearms ? From which place were they imported ? From the Frontier or elsewhere ?

**Premier :** My honourable friend has to refer to somebody else to find out that information.

**Mr. Dev Raj Sethi :** The Government should have tried to find out the source from which these were imported ?

**Parliamentary Secretary :** Possibly some of these were imported from the trans-border area.

**Mr. Dev Raj Sethi :** What special steps are Government taking now to stop these unlawful imports ?

**Minister for Public Works :** These recoveries are the result of the special efforts.

**Khan Sahib Khawaja Ghulam Samad :** Has the Government tried to make searches for unlicensed firearms and other contraband arms in districts other than those mentioned in part (a) of this question.

**Parliamentary Secretary :** These were the only districts about which the answer is given. If my honourable friend will put a question about other districts, a reply will be given to him.

## EXTRA ASSISTANT COMMISSIONERS ON DEPUTATION.

\*6884. **Captain Sodhi Harnam Singh** : Will the Honourable Premier be pleased to state the names of Extra Assistant Commissioners deputed, transferred or posted in any other capacity than as Extra Assistant Commissioners to the Departments in charge of the Honourable Minister of Public Works since 1st April, 1937, and the position to which each has been posted ?

**Parliamentary Secretary** (Mir Maqbool Mahmood) : A statement giving the required information is laid on the table. Some of these officers are of course no longer holding posts shown against their names in the list.

- |                                   |   |
|-----------------------------------|---|
| (1) Khan Bahadur Malik Abdul Haq. | Officiating Secretary, Medical and Local Government Departments.                                    |
| (2) Khan Sahib Mian Abdus Samad.  | Secretary, Municipal Committee, Simla.  |
| (8) Shaikh Ala-ud-Din Arshad      | Executive Officer, Municipal Committee, Rawalpindi.   |
| (4) S. Bachitar Singh             | .. Secretary, Member Regional Transport Authority.  |
| (5) Mr. E. Benjamin               | .. Divisional Inspector of Local Bodies, Multan.<br>Executive Officer, Municipal Committee, Multan. |
| (6)* Mian Ijaz Hussain            | .. Executive Officer, Municipal Committee, Sialkot.   |
| (7) Mr. Victor Fazal              | .. Executive Officer, Municipal Committee, Gujranwala.  |
| (8) Mr. M. W. Hanrahan            | .. Inspector, Local Bodies, Multan Division.  |
| (9) Chaudhri Mehdi Ali            | .. Municipal Elections Officer, June, 1940.   |
| (10) M. Muhammad Afzal Khan       | Secretary, Member Regional Transport Authority.   |
| (11) Mian Muhammad Akram Khan.    | Inspector, Local Bodies, Lahore Division.   |
| (12) M. Muhammad Saeed            | .. Executive Officer, Gujranwala Municipal Committee.   |
| (13) Shaikh Muhammad Yaqub        | Executive Officer, Rawalpindi Municipal Committee.  |
| (14) Khan M. Z. Alam              | .. Secretary, Lahore Improvement Trust.   |
| (15) S. Raghbir Singh             | .. Inspector, Local Bodies, Jullundur Division.   |
| (16) Syed Sadiq Ali Shah          | .. Secretary to Chief Engineer, Public Works Department, Electricity.                               |

- (17) Kanwar Shiv Singh .. Inspector, Local Bodies, Ambala Division.
- (18) Mian Rattan Singh .. Inspector, Local Bodies, Ambala Division.
- (19) Rai Sher Muhammad Bhatti Executive Officer, Sargodha Municipal Committee.
- (20) M. Zafar-ul-Haq Khan Secretary, Municipal Committee, Lahore.

**PREFERENCE TO PERSONS BELONGING TO THE DISTRICT IN APPOINTMENTS TO POSTS IN THAT DISTRICT.**

**\*6888. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Revenue be pleased to state whether any instructions have been issued by the Government to the effect that the candidates for the various posts who are residing in the districts in which the Government offices in which such posts fall vacant are situated should be preferred to those who belong to other districts while making appointments to posts in such offices; if so, whether or not these instructions are being observed in the Ambala Division?

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

*Second part.*—Yes.

**INVITING APPLICATIONS FOR APPOINTMENTS.**

**\*6938. Rai Bahadur Lala Gopal Das :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that, while inviting applications for various appointments in the province, the Punjab and North-West Frontier Province Joint Public Service Commission, and other respective officers or heads of departments of the Punjab Government do not, as a rule, specify the class or community to which such applicants must necessarily belong;

(b) whether the Honourable Premier is aware that this practice causes great inconvenience, waste of time, money and energy as well as disappointment to those persons from whom applications are invited in the first instance, but who are later told that they are not eligible for those posts as the posts are reserved for a particular group and are not open to all;

(c) if so, the action Government intend to take in the matter?

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

**AMENDMENT OF ELECTION RULES.**

**\*7002. Sardar Sampuran Singh :** With reference to answer to part (c) of starred Assembly question No. 12892, asked on 29th June, 1938 will



S. Sampuran Singh.]

the Honourable Premier be pleased to state what has been the result of the examination of the matter in question and whether any steps have been taken by the Government to have the election rules so revised as to make it possible to lodge an appeal against the decision of a Returning Officer prior to polling?

**Parliamentary Secretary** (Mir Maqbool Mahmood) : The question has been carefully considered but it has not been found practicable to amend the Punjab Legislative Assembly Electoral Rules so as to provide for an appeal against the decision of a Returning Officer, accepting or rejecting nomination papers, before the actual polling is held. It has, however, been decided to issue brief and simple instructions for the guidance of Returning Officers. These instructions will be based on leading rulings of election petitions commissions. It is hoped that with these instructions the chances of wrong decisions by Returning Officers will be greatly minimised.

**Mian Muhammad Nurullah** : May I know whether any recommendations were made with regard to this matter by the Election Tribunal?

**Parliamentary Secretary** : If the honourable member will refer to the original question on which this question is based, he will find that that question was actually pressed and that certain recommendations were made by the Rang Lal Commission.

#### RULES FOR WARABANDI AND CLOSURE OF OUTLETS.

\*6750. **Mian Muhammad Nurullah** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether Government or the Irrigation Department has framed any rules to be observed by local officers regarding closure of outlets known as 'Tatiling' of outlets and preparation of *warabandi* for distribution of water amongst share-holders of an outlet;
- (b) if the answer to (a) above be in the affirmative, whether Government now intends to give these rules the sanction of law in order to remove the enormous hardships that the zamindars have to suffer due to the non-observance of any standard rules on these points and to reduce the number of murders and criminal litigation due to *warashikni*?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : (a) The Tatiling Rules are 15 and 16 of the Canal Act. No Working Rules have been framed. For *warabandi* no rules have been framed but instructions for the guidance of local officers exist.

(b) As conditions vary in Divisions and on channels, it is not possible to frame Rules under the Canal Act which would be suitable for all areas. The question of *warashikni* has been considered by the Canal Act Committee whose report will be examined by Government.

**DISTRIBUTION OF WATER FROM JUMNA RIVER BETWEEN WESTERN JUMNA CANAL AND THE UNITED PROVINCES GOVERNMENT.**

**\*6752. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the principles on which the water of the Jumna River is distributed between (i) the Eastern Jumna Canal of the United Provinces Government; (ii) the Western Jumna Canal of the Punjab; (iii) the state channels of the Punjab which take off from the Western Jumna Canal; (iv) any other channels which take off from Jumna River;
- (b) the share of water which each of the partners mentioned above is entitled to get from the available quantity of water during the months of January, February and March;
- (c) the years when the agreements between the parties in (a) were executed and revised;
- (d) the actual alterations made in the agreements regarding the quantity of water to be given to the rulers of Jind and Patiala States and the Government territory;
- (e) the date of the last revision of the agreements mentioned in (c) and (d);
- (f) the reasons for the changes, if any, effected in the original agreements;
- (g) whether these changes were effected in the interests of the said Indian States or the zamindar irrigators in the Government territory?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) (i) and (ii). The supply in the river is distributed between the Eastern and the Western Jumna Canals in the following manner:—

Up to 5,340 cusecs in the river it is distributed between the Eastern Jumna and Western Jumna Canals in the proportion of 1 to 2.

For supply between 5,340 and 8,210 the Eastern Jumna Canal can get a maximum supply of 1,780 cusecs, the balance being taken by the Western Jumna Canal, but if the Western Jumna Canal cannot take its share the surplus can be taken by the Eastern Jumna Canal.

If the river supply is in excess of 8,210 cusecs the Canals can take their requirements, the ratio of 1 : 2 being applied if the supply is less than the demand.

(iii) The Patiala, Jind, Kalsia and Bikaner States of the Punjab get water from the Western Jumna Canal on the same basis as the Punjab areas.

(iv) No other channel takes off from the Jumna River within the Punjab. The Agra Canal takes off in the U. P., but it has no claim on the supplies of the Jumna River.

(b) Whatever supply is available in January, February and March is distributed between the partners according to the principles mentioned in (a) *supra*.

R. Ghanzafar Ali Khan.]

(c) The agreement relating to the distribution of supply between the Eastern and Western Jumna Canals was executed in 1842 and revised in 1849, the regulation system was changed in 1861 and the shares were revised finally in 1872.

The agreement with the Patiala State regarding the Sirsa Branch was executed in 1893 and has not been revised since.

The agreement with the Jind State was arrived at in 1875 and finally completed in 1892.

(d) No alterations have been made in the agreement relating to the Patiala State.

As regards the Jind State, the supply for the State channels was increased in 1903 according to the full supply factor sanctioned for the Hansi Branch.

(e) Already stated in (c), *supra*.

(f) The share of the U. P. Government was changed from time to time according as the Eastern Jumna Canal developed and its requirements for water increased. The claims of the Western Jumna Canal were also kept in view.

(g) In the case of the Jind State, their supply was increased to bring them in line with the Punjab areas which was reasonable.

#### CLOSING OF BRITISH CHANNELS ON ACCOUNT OF INSUFFICIENCY OF WATER IN WESTERN JUMNA CANAL.

**\*6753. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that some channels taking water to the States cannot be closed when there is an insufficient quantity of water in the Western Jumna Canal while the British Channels are closed in order to keep the channels to the States running ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** No. State channels are closed according to the rotational programme.

**Mian Muhammad Nurullah :** May I know whether it is due to the closure of these channels that famine in the Eastern Punjab takes place ?

**Mr. Speaker :** Disallowed.

#### DISTRIBUTION OF TACCARI LOANS.

**\*6785. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Revenue be pleased to state—

(a) the amount of money reserved for distribution as *taccari* loan for the purchase of bullocks and seed, respectively, for the year 1939 and the amount actually distributed for each of these two purposes during the year 1939 and up to 31st March, 1940, in the three tahsils of the Ludhiana district ;

(b) whether it is a fact that the amount actually distributed was much less than the amount reserved for these purposes on account of their being very few applicants to take the loans ;

if so, whether Government tried to ascertain the causes for the number of applications for loans being very small and if so, the result at which it arrived and the measures adopted to remove these causes?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** No money was 'reserved' for any tahsil. The allotment to Ludhiana was Rs. 3,200 and this was distributed in the Ludhiana tahsil, the only tahsil from which a demand was made.

#### SALE OF LAND ON HAVELI PROJECT.

**\*6788. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total area of land sold so far or intended to be sold on the Haveli Project and the maximum and minimum rates per acre fixed by the Government for sale;
- (b) the total area of land given or intended to be given as grants in different forms on Haveli Project and the terms on which these grants have been given or are intended to be given;
- (c) the total area of land given or intended to be given on lease for temporary cultivation with the terms for such leases on Haveli Project?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** \*

	<i>Acres.</i>
(a) (i) Total area sold so far on the Haveli Project ..	3,770
(ii) Total area reserved for sale by auction on the Haveli Project .. .. .	20,000

The minimum (or reserve) prices fixed by Government are kept secret. No maximum prices are fixed.

(b) *First part.*—Intended for grants .. .. . 67,620

*Second part.*—The terms on which these grants are intended to be given are under consideration.

(c) *First part.*—As a temporary measure, pending the selection of permanent colonists 98,378 acres have been leased on short term leases mostly for one year only for temporary cultivation. It is not intended that temporary cultivation should be a prominent or permanent feature of the Haveli Project Colony.

*Second part.*—The honourable member is referred to Punjab Government notifications Nos. 414-C., dated the 30th January, 1940, 1015-C., dated the 27th February, 1940, and 2712-C., dated the 10th June, 1940, published in the *Government Gazette*, dated 9th February, 1940, 1st March, 1940 and 21st June, 1940.

**Mian Muhammad Nurullah:** May I know whether any areas are reserved for poor people of the locality while giving leases for this area?

**Parliamentary Secretary:** I require notice for this question.

## SUSPENSION OF LAND REVENUE.

**\*6789. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether Government has suspended realisation of the land revenue throughout the whole province for the lands which could not be fully brought under cultivation owing to the want of timely rains in Kharif 1939-40 ; if so, the whole amount so suspended and if not, the reasons therefor ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** A total sum of Rs. 19,88,000 (round) was suspended out of the fixed land revenue demand of the province for Kharif, 1939, on account of shortage of sowings and failure of crops owing to want of timely rains and other causes. As regards fluctuating land revenue, areas not brought under cultivation automatically escape assessment as fluctuating land revenue is assessed on matured area.

## DAMAGE TO CROPS IN FEROZEPUR DISTRICT.

**\*6856. Pir Akbar Ali :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that on or about the 27th September, 1940, great damage was done to crops by the hail and wind storm on that date in several villages of the Ferozepur district ;
- (b) if the answer to the above is in the affirmative, the name of the villages affected, tahsil-wise, with the extent of the area in each village affected by the said hail and wind storm ;
- (c) the relief proposed to be granted to the sufferers ?

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

(b) A statement is laid on the table.

(c) *Taccavi* loans have been advanced to the extent of Rs. 11,400. Relief in land revenue and abiana will be granted in due course according to rules.

Serial No.	Name of tahsil.	Name of village.	Area affected in acres
1	Muktsar .. ..	Daula .. ..	172
2	Do. .. ..	Bharu .. ..	684
3	Do. .. ..	Husnar .. ..	690
4	Do. .. ..	Puri .. ..	208
5	Do. .. ..	Madhir .. ..	1,102
6	Do. .. ..	Buttar Bukhuha .. ..	541

Serial No.	Name of tahsil.	Name of village.	Area affected in acres.
7	Muktsar .. ..	Gurusar .. ..	568
8	Do. .. ..	Manyanwala .. ..	87
9	Do. .. ..	Giljianwala .. ..	165
10	Do. .. ..	Khunan .. ..	603
11	Do. .. ..	Duhewala .. ..	231
12	Do. .. ..	Bhundar .. ..	668
13	Do. .. ..	Lundhewala .. ..	231
14	Do. .. ..	Mehrajwala .. ..	235
15	Do. .. ..	Phulewala .. ..	107
16	Do. .. ..	Dhogana .. ..	126
17	Do. .. ..	Chak Duhewala .. ..	74
18	Do. .. ..	Jhumba .. ..	121
19	Do. .. ..	Kot Bhai .. ..	1,071
20	Do. .. ..	Ghotia .. ..	221
21	Do. .. ..	Sahib Chand .. ..	351
22	Do. .. ..	Rokhala .. ..	148
23	Do. .. ..	Tamkot .. ..	145
24	Do. .. ..	Madrasa .. ..	594
25	Do. .. ..	Chak Madrasa .. ..	343
26	Do. .. ..	Ramgarh .. ..	173
27	Fazilka .. ..	Tappa Khera .. ..	3
28	Do. .. ..	Adhnian .. ..	1
29	Do. .. ..	Mahuana .. ..	3
30	Do. .. ..	Abulkharsana .. ..	3
31	Do. .. ..	Chanun .. ..	20
32	Do. .. ..	Man .. ..	..
33	Do. .. ..	Bedowali .. ..	..
34	Do. .. ..	Khudian Gulab Singh .. ..	..

## FAILURE OF GAWARA CROP IN FEROZEPUR DISTRICT.

**\*6857. Pir Akbar Ali :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the present Gawara crop has almost totally failed in the Ferozepur district ; if so, the relief proposed to be given to the sufferers ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** May I know how the honourable member has come to the conclusion that the Gawara crop has almost totally failed in the Ferozepur district ? It is not correct that the Gawara crop has almost totally failed.

**Pir Akbar Ali :** But how has the Parliamentary Secretary come to his conclusion ?

**Parliamentary Secretary :** My information is based on the report made by the local officers.

**Lala Bhim Sen Sachar :** May I know the percentage of the failure of the Gawara crop in the Ferozepur district ?

**Parliamentary Secretary :** I am afraid I cannot give this information offhand.

**Lala Bhim Sen Sachar :** Then, how is the Parliamentary Secretary in a position to say that it has not failed almost totally ?

**Pir Akbar Ali :** Will you kindly get the information whether it is even one maund per acre ?

**Parliamentary Secretary :** I require notice of this question.

## DAMAGE TO CROPS IN LUDHIANA, JULLUNDUR AND HOSHIARPUR DISTRICTS.

**\*6864. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of villages affected by the hailstorms in September, 1940, in the Ludhiana, Jullundur and Hoshiarpur districts ;
- (b) whether it is a fact that the revenue authorities of all these districts have recommended remission of land revenue on account of the damage done ; if so, the action taken or intended to be taken on that recommendation ;
- (c) whether it is a fact that reports of these natural calamities are submitted to Government very soon after their occurrence ;
- (d) whether it is a fact that in village Hathur crops in one Patti were completely damaged by the hailstorm ; if so, whether the tahsil authorities of Jagraon in the Ludhiana district have done anything so far to report to the Government the sufferings of the zamindars of village Hathur ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :**

(a) Ludhiana	..	..	..	58 villages.
Jullundur	..	..	..	424 „
Hoshiarpur	..	..	..	198 „

(b) No recommendations have as yet reached Government but Government have satisfied themselves that the separate cases are under examination in accordance with the rules.

(c) Yes.

(d) The answer to the first part is in the negative. The second part does not arise.

**Chaudhri Muhammad Hassan :** Have not the Government departed from their normal practice of directing the local authorities to make recommendations in the case of these natural calamities very soon after their occurrence ?

**Parliamentary Secretary :** The question put by the honourable member is not clear at all.

**Chaudhri Muhammad Hassan :** Has it not occurred to the Government so far that after the occurrence of these natural calamities the local authorities should be asked to submit reports at once ?

**Parliamentary Secretary :** The local authorities are already examining each individual case and the reports will be received by the Government in due course.

**Chaudhri Muhammad Hassan :** How is the Government in a position to know that the local authorities are examining these cases ?

**Parliamentary Secretary :** The officers are to inspect the damage soon after it has been caused. So far as the reports reaching the Government is concerned that is not so urgent as visiting the fields and the Government is satisfied that each individual case of damage is being examined by local officers.

**Chaudhri Muhammad Hassan :** But the calamity took place on the 27th September.

**Parliamentary Secretary :** Thank you very much for the information.

**Chaudhri Muhammad Hassan :** Why is there so much delay in the submission of these reports ?

**Parliamentary Secretary :** I do not think there has been any abnormal delay.

#### COLLAPSE OF HAVELI PROJECT.

\*6865. **Malik Barkat Ali :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a portion about 18 miles in length of the Main Haveli Canal has collapsed ; if so, the date on which the collapse took place ;
- (b) whether the collapse is the result of thoroughly bad and defective masonry work and particularly of the fact that what purported to be cemented banks were really sand constructions with a tinge of cement ;
- (c) whether the defective and unsound masonry construction was, previous to this collapse, reported by any officer ; and if so, the action taken thereon ;



[M. Barkat Ali.]

(d) the amount of loss in money which this collapse involves to the State ;

(e) whether Government has so far ordered any inquiry into the circumstances leading to this collapse ; if so, the result of that inquiry ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : (a) On 20th June, 1940, a very severe cyclone accompanied by heavy rain caused damage to the Haveli Canal. The brick lining was partially damaged in patches over a length of 18 miles. The damaged places added together make a length of about 10,000 feet.

(b) The damage was not due to defective masonry work. The water in the canal which was running full supply was driven by wave action or to the top of the bank by the wind and this caused the subsidence of the earthwork. Where cement mortar was used the mortar contained the proper proportion of cement.

(c) Certain defects in the lining were noticed last cold weather. This was examined and reported on by selected officers. Proper repairs were carried out at the time.

(d) The repairs to the brick lining are estimated to cost about Rs. 1,08,000. Certain repairs to the banks are also necessary as a result of the storm damage.

(e) Chief Engineer, Irrigation Branch, has inspected and reported that the damage was due to a storm of exceptional violence. This being an agency beyond human control, an enquiry does not appear called for.

**Mian Muhammad Nurullah** : Will the Parliamentary Secretary explain the meaning of the words ' pave action ' or ' wave action ' whatever word was used in part (b) of the answer ?

**Parliamentary Secretary** : I do not know what the " pave action " is. The expression I used is ' wave action ' and I can explain its meaning. A very strong wind was blowing and the canal was running full supply and, therefore, the water, on account of that violent wind, ran on the bank and the result was the subsidence of the earthwork.

**Lala Duni Chand** : May I know the name or names of the contractor or contractors who carried on the work on these 18 miles ?

**Parliamentary Secretary** : How can I know the names of all the contractors working on this particular portion of the Haveli Canal ?

**Lala Duni Chand** : The question is whether anybody is responsible for it or not ?

**Parliamentary Secretary** : Nobody is responsible.

**Lala Duni Chand** : Then God is responsible.

**Parliamentary Secretary** : God is responsible for so many things.

**Mian Muhammad Nurullah** : Is it the policy of the Government to line these canals now ?

**Mr. Speaker** : That question does not arise.

## RESETTLEMENT OF KANGRA DISTRICT.

**\*6889. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) when the next settlement of the Kangra district is due ;
- (b) the ratio of net assets which was adopted in the last settlement ;
- (c) the maximum ratio which has since been laid down by the Government for the purpose ;
- (d) whether the attention of the Government has been drawn to the opinion of the Punjab Land Revenue Committee (expressed in paragraph 128 on page 64 of their Report) that in view of the fact that the ratio of net assets adopted for assessment being over 40 per cent and the holding being very small, Government should start resettlement well before 1947 even if it involved a premature charge on provincial revenues ; if so, the action intended to be taken thereon ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) The next reassessment of the various portions of the Kangra district is due on the following dates :—

Kulu Sub-division	..	..	..	Kharif, 1942, to Kharif, 1944
Dera and Hamirpur tahsils	..	..	..	Kharif, 1944.
Palampur tahsil	..	..	..	Rabi, 1946.
Kangra tahsil	..	..	..	Kharif, 1947.
Nurpur tahsil	..	..	..	Kharif, 1948.
(b) Kulu Sub-division	..	..	..	27%
Dera tahsil	..	..	..	41%
Hamirpur tahsil	..	..	..	36%
Palampur tahsil	..	..	..	47%
Kangra tahsil	..	..	..	17%
Nurpur tahsil	..	..	..	47%

(c) 25 % of the nett assets.

(d) (1) Yes.

- (2) The people of the Kangra district were consulted through the local officers and as they did not welcome the acceleration of reassessment, Government decided to wait till the term of settlement expired.

**Pandit Bhagat Ram Sharma :** May I ask the Parliamentary Secretary whether he is in a position to show us the cause or justification for maintaining such high ratio of net assets in the Kangra district ?

**Parliamentary Secretary :** The honourable member has not explained the grounds for reducing the ratio of net assets.

**Pandit Bhagat Ram Sharma :** I am asking, what justification is there for maintaining such a high ratio ?

**Parliamentary Secretary :** Till the next settlement these rates have to be maintained.

**Pandit Bhagat Ram Sharma :** May I know whether the Government is prepared, by holding the assessment, to reduce the ratio of net assets at the earliest possible opportunity?

**Parliamentary Secretary :** The new assessment will be made according to the rules. Whether the ratio will be reduced or increased, I do not know.

**Sardar Kapoor Singh :** Is the Government prepared to remit the land revenue which is in excess of one-fourth proportion of net assets?

**Parliamentary Secretary :** No, Sir.

**Pandit Bhagat Ram Sharma :** What is the difficulty in the way of the Government in reducing the assessment when there is a clean cut formula, namely, that it can be reduced to 25 per cent?

**Parliamentary Secretary :** The assessment rates can only be changed at the time of the settlement.

**Sardar Kapoor Singh :** Does not the Government think that it is a burden upon the poor people?

#### ODE COMMITTEE

**\*6977. Sardar Lal Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a Committee was appointed to go into the question of the loss inflicted on the agriculturists of the South-Eastern district of the province by the depredations of Odes and other wandering tribes ;
- (b) if so, the total cost to the exchequer of this Committee and the sum of travelling allowance and other allowances drawn by each member individually ;
- (c) whether the Committee has arrived at any conclusions and when their report may be expected ?

**Parliamentary Secretary :** (S. B. Sardar Ujjal Singh) : (a) Yes.

(b) There has been no expenditure on the Committee apart from a sum of Rs. 7,478-6-0 drawn as travelling allowance by the members and the establishment and Rs. 50 paid as honorarium for clerical work. The details of travelling allowance are as follows :—

		Rs.	A.	P.
(1) Raja Ghazanfar Ali Khan	..	1,768	1	0
(2) Sardar Pritam Singh Sidhu	..	2,145	9	0
(3) Pandit Muni Lal Kalia	..	1,864	1	0
(4) Pir Akbar Ali	..	1,608	18	0
Chaudhri Abdul Aziz, Clerk	..	90	8	0
Peon	..	6	6	0

(c) The recommendations made by the Committee are under consideration and it is hoped to publish the report shortly.

**Pandit Shri Ram Sharma :** May I know when the report was submitted ?

**Parliamentary Secretary :** I believe it was submitted in December last.

**Sardar Lal Singh :** How does the Parliamentary Secretary reconcile this continued inaction with his profession when on the one hand the Government is very much anxious for ameliorating the conditions of zamindars and on the other every day Odes are robbing people day in and day out and right and left ?

**Parliamentary Secretary :** There is no inaction. The report is under consideration of the Government.

**Pandit Shri Ram Sharma :** When is the Government expected to settle the question finally ?

**Parliamentary Secretary :** It is not possible for me to give the exact date but it is receiving the consideration of the Government.

**Pandit Shri Ram Sharma :** In this Session ?

#### UNSTARRED QUESTIONS AND ANSWERS.

**1150-51.—Cancelled.**

#### REVENUE CASES IN JHANG.

**1152. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of cases of mutation decided by the Revenue Officers of each tahsil in the Jhang district giving the dates of the presence of the parties in each case during 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 same period ?

**The Honourable Dr. Sir Sunder Singh Majithia :**

(a) Jhang	..	..	..	6,486
Chiniot	..	..	..	3,899
Shorkot	..	..	..	2,787

The dates of the presence of the parties in each case are not readily available.

(b) 88.

(c) 265.

**1153-54.—Cancelled.**

#### TENDERS FOR SERVICE CONTRACT OF TYPEWRITERS IN PUNJAB GOVERNMENT OFFICES.

**1155. Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that the Government invites tenders for service contract of type writers in use in Punjab Government offices ;

[Mr. Dev Raj Sethi.]

- (b) whether it is a fact that the rate at which the contract was given to a firm was nearly double of the rates at which every other firm was prepared to take up the contract ;
- (c) whether any undertaking has been given by the present contractors that they would replace worn out parts of all makes of typewriters by genuine factory parts ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) Yes.

(b) This is not correct. The contract for the current year which ends on 30th September, 1940, has been entrusted to Messrs. Remington Rand Inc., Punjab Branch, Lahore, at Rs. 6 per machine per annum. Ten other companies submitted tenders and their quotations varied from Rs. 3 to Rs. 5 per machine per annum. The higher rate of Rs. 6 was accepted after a careful review of previous experience keeping in view two important considerations, namely efficiency of service and guaranteed supply of genuine spare parts. The honourable member may be interested to know that the company quoted the same rate to the Government of India, North-Western Railway, and all provincial governments.

(c) No specific undertaking has been given by the company. The rate of Rs. 6 refers to maintenance which includes oiling, cleaning and when necessary repairing and generally adjusting and putting in good working order each machine but does not include the price of any spare parts supplied. The standing of the company is sufficient guarantee that the spare parts supplied will be genuine articles.

#### SELECTION OF NAIB-TAHSILDARS IN AMBALA DIVISION.

**1156. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of candidates selected for direct appointment as Naib-Tahsildars and Tahsildars in 1939 in the Ambala division, district-wise and community-wise, with their qualifications and age giving separately the number of Muslim non-agriculturists among them ?

**The Honourable Dr. Sir Sunder Singh Majithia :** A statement is attached.

Statement showing the number of candidates selected for direct appointment as Naib-Tahsildars and Tahsildars in 1939 in the Ambala division districtwise and communitywise with their qualifications and age.

District.	Community.	Number.	Age on the date of acceptance.	Qualifications.	Whether agriculturists or non-agriculturists.
		Naib-Tahsildars.	Yrs. Mts.		
Gurgaon ..	Hindu ..	One ..	24 1	B.A.	Non-agriculturist.
	Muslim ..	One ..	25 10	B.A.	Agriculturist.
Ambala ..	Hindu ..	One ..	25 4	F.A.	Non-agriculturist.
	Sikh ..	One ..	25 9	B.A., LL.B.	Agriculturist.
Hissar ..	Hindus ..	Two ..	25 7	F.A.	Agriculturists.
			23 7	Matriculation examination and the Indian Army English speaking examination of the Kitchener College.	
Karnal ..	Muslim ..	One ..	24 8	B.A., LL.B.	Agriculturist.
		Tahsildars.			
		Nil.			

NOTE.—Candidates who had done well in famine work were accorded lenient treatment in regard to the age limit. Both the Muslims selected were agriculturists.

**APPOINTMENT OF MUSLIM EXTRA ASSISTANT COMMISSIONERS IN  
AMBALA DIVISION.**

**1157. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state the number of Muslim inhabitants of Ambala division appointed as Extra Assistant Commissioners direct or by promotion during the last 10 years ?

**The Honourable Major Sir Sikander Hyat-Khan :** Six.

**FINANCE DEPARTMENT OF THE SECRETARIAT.**

**1158 Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

(a) the names of the Secretary and Deputy Secretary to Government, Punjab, Finance Department, and also the name of the Superintendent of Finance Department of the Secretariat with pay each one of them is at present drawing ?

(b) the number of assistants and clerks and also the strength of the menial staff employed in that branch of the Secretariat, community-wise ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) The honourable member is referred to the Punjab Civil List, copies of which are available in the Assembly Library, from which the required information can be obtained.

(b) The information is as follows :—

*Strength of the clerical and menial establishment of the Finance Department as it stood on the 1st July, 1940.*

Branch.	ASSISTANTS.				SENIOR AND JUNIOR CLERKS.				PEONS.			
	Muslims.	Hindus.	Sikhs.	Others.	Muslims.	Hindus.	Sikhs.	Others.	Muslims.	Hindus.	Sikhs.	Others.
Finance—General ..	1	5	1	..	3	1	2	1	..	2	..	..
Finance—Budget ..	3	2	..	..	4	2	..	..	1	1	..	..
Finance—Public Works	..	5	..	..	3	2	1	..	..	2	..	..
Ways and Means ..	..	3	..	..	..	1	..	..	..	1	..	..
Total ..	4	15	1	..	10	6	3	1	1	6	..	..

The establishment of the Finance Department is interchangeable with other branches of the Punjab Civil Secretariat and communal representation.

is subject to fluctuation from time to time. Communal proportions are observed in the cadre as a whole and not by branches.

#### MUSLIM SEATS IN SIMLA MUNICIPALITY.

**1159. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government have increased the Muslim seats in the Simla Municipality according to their population in the town;
- (b) whether it is a fact that the Muslims of Simla have been persistently urging upon Government to increase their representations in the said Municipality according to their population; if so, the action taken by the Government?

**The Honourable Malik Khizar Hayat, Tiwana :** (a) The number of elected seats has been increased from 3 to 5. None of these seats is earmarked for members of any particular community.

(b) Yes. In the event of any community not receiving its due representation in the elections, the deficiency will be made good as far as possible, when appointments are made to the nominated seats. This is the general policy of Government.

#### GRANT-IN-AID TO MUSLIM PRIMARY SCHOOL AT BHIWANI.

**1160. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state whether the Government have ever considered the question of sanctioning grant-in-aid to the only Muslim Primary School at Bhiwani; if so, with what result?

**The Honourable Mian Abdul Haye :** Yes. The school was on the grant-in-aid list from 1914—27 and was closed in 1928. It was revived on the elementary basis in November, 1931, reorganized on the primary basis in 1933; received provisional recognition in 1937 and permanent recognition in December, 1938. It applied for grant-in-aid which was refused as under the existing orders no new school can be brought on the grant-in-aid list.

#### AMOUNT OF GRANT-IN-AID TO PRIMARY SCHOOLS RUN BY NON-MUSLIMS.

**1161. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state the amount of grant-in-aid granted by the Government or the Municipal Committees to the Primary Schools in the province run by non-Muslims together with the number of such schools?

**The Honourable Mian Abdul Haye :** I regret I am unable to answer this question as the collection of this information would involve an expenditure of time and labour out of all proportion to the value of the information when collected.

**1162—65. Cancelled.**



## FLOODS IN DASUHA.

**1166. Chaudhri Kartar Singh:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the reasons, so far ascertained, of the recent visitation of abnormal floods in Dasuha in the Hoshiarpur district;
- (b) the reason of the failure of the district authorities to arrange for the evacuation of the villages in anticipation of the floods in the above-mentioned area;
- (c) the names of the villages in the area which sustained the greatest amount of loss on account of the floods;
- (d) the relief afforded by the Government so far in the case of each village which suffered a loss on account of the above-mentioned floods?

**The Honourable Dr. Sir Sunder Singh Majithia:** (a) Very heavy rains, in an area which requires reafforestation.

(b) The suddenness of the spates.

(c) (1) Ajmir, (2) Usman Shahid, (3) Kotli Khurd, (4) Bodal, (5) Gambowal, (6) Tanda, and (7) Jhingar Khurd.

(d) The question of giving relief to the villages concerned under the alluvion and diluvion rules, is under the consideration of the local officers.

## HUNGER STRIKE BY PRISONERS.

**1167. Chaudhri Kartar Singh:** Will the Honourable Premier be pleased to state—

- (a) the day when Messrs. Dhanwantri, Tika Ram Sukhan and Kulbir Singh, now undergoing their terms of imprisonment, resorted to hunger strike;
- (b) the weight of each of the above-mentioned prisoners before and after their hunger strike;
- (c) whether it is a fact that the cells in which the hunger strikers are at present confined were occupied in the past by prisoners suffering from tuberculosis?

**The Honourable Major Sir Sikander Hyat-Khan:** (a) Security Prisoners Dhanwantri and Tikka Ram Sukhan resorted to hunger strike on the 26th July, 1940 and Kulbir Singh on the 24th August, 1940.

(b)	Name of the prisoner.	Weight before hunger strike.	Weight after hunger strike.
	Dhanwantri	148 lbs.	143 lbs.
	Tikka Ram Sukhan	118 lbs.	98 lbs.
	Kulbir Singh	163 lbs.	138 lbs.

(c) No.

## POLITICAL PRISONERS.

**1168. Chaudhri Kartar Singh :** Will the Honourable Finance Minister be pleased to state—

- (a) the names of the political prisoners at present confined in Muzaffargarh and Rajanpur Jails ;
- (b) separately the total number of political prisoners and that of the prisoners confined for carrying on anti-war propaganda in all the jails of the province ;
- (c) the present weight of each of the above-mentioned prisoners as well as the weight of each of them on their admission to jails ?

**The Honourable Mr. Manohar Lal :** (a) As I have often intimated to the House, it is difficult to provide information of this kind unless honourable members specify exactly what they want. If the honourable member will indicate whether he is referring to persons detained under the Defence of India Rules or whether he is referring to convicted prisoners generally, I will endeavour to furnish him with the information he seeks. If he is referring to convicted prisoners I would trouble him to indicate the specific was under which they have been tried and convicted.

(b) I regret that this information, vague as it generally is, is not easy to supply. It would be necessary not only to examine the sections of law under which a number of prisoners have been convicted but it would be necessary to examine the judgment in each case to ascertain the grounds for conviction.

(c) It is impossible to furnish this information without a more precise knowledge of the prisoners concerned. While I am ready in particular cases where honourable members may feel strong reasons for anxiety to give information of this kind, I should like to take this opportunity of pointing out that the time and labour involved in collecting it is considerable. In order to meet the convenience of honourable members I have arranged that weight cards giving the requisite information can be supplied from individual jails in the case of any prisoner on payment of the small fee of eight annas. I should be glad if members of the House would avail themselves of these facilities, as not only will it save much time and correspondence in the collection of information, but it will help a deserving charity because the proceeds will benefit the Prisoners Aid Society.

---

NOMINATIONS TO PUNJAB CIVIL SERVICE (EXECUTIVE BRANCH).

**1169. Rai Bahadur Lala Sohan Lal :** Will the Honourable Premier be pleased to state the number, names and home address of the persons nominated to the Punjab Civil Service (Executive Branch) during the last three years ?

**The Honourable Major Sir Sikander Hyat-Khan :** A statement giving the required information is attached.

*Statement.*

Year.	Number.	Name.	Home Address.
1937	9	<ol style="list-style-type: none"> <li>1. Sardar Balbir Singh Randhawa.</li> <li>2. Mr. Raj Krishan Tandon.</li> <li>3. Rai Akbar Khan</li> <li>4. Chaudhri Sube Singh</li> <li>5. Mian Abhe Raj Singh</li> <li>6. Khan Muhammad Hayat Khan.</li> <li>7. Mr. F. D. Hibbert</li> <li>8. Mr. Manzur Muzaffar Khan</li> <li>9. Syed Manzur Hussain</li> </ol>	<p>Isapur, District Amritsar.</p> <p>51, Mozang Road, Lahore.</p> <p>Kot Kabir Chak 353-G.B., Tahsil Jaranwala, District Lyallpur.</p> <p>Village Jakhauda, District Roh-tak.</p> <p>Nadaun, Tahsil Hamirpur, District Kangra.</p> <p>Outside Lohian Gate, Multan City.</p> <p>Lahore.</p> <p>Wah, District Attock.</p> <p>Khyber Pass, Baluch.</p>
1939	10	<ol style="list-style-type: none"> <li>1. Sardar Rajeshwar Singh Phoolka.</li> <li>2. Bhai Sher Jang Singh</li> <li>3. Khan Tariq Ismail Khan</li> <li>4. Sardar Karim Nawaz Khan</li> <li>5. Malik Nur Muhammad Khan.</li> <li>6. Khan Muhammad Yaqub Khan.</li> <li>7. Malik Sher Ahmad Khan Noon.</li> <li>8. Mr. Muhammad Mahmud</li> <li>9. Khan Hamid Mukhtar Ahmad.</li> <li>10. Sardar Sarnagat Singh</li> </ol>	<p>Ramgarh, District Ferozepore, Office Civil Lines, Lahore.</p> <p>Sidhowal, District Ferozepore.</p> <p>Basti Babakhel, District Jullundur.</p> <p>Vehoa, District Dera Ghazi Khan.</p> <p>Village and Post Office Hadali, District Shahpur.</p> <p>Son of Mr. Saidullah Khan, I.C.S., Deputy Commissioner, Jhelum (on leave).</p> <p>Kot Hakim Khan, District Shahpur.</p> <p>Gujranwala.</p> <p>Rawalpindi.</p> <p>1, Tollinton Road, Lahore.</p>

Year.	Number.	Name.	Home Address.
1940 ..	8	1. Mr. Masud Ahmad ..	Jalalpur, District Jhelum.
		2. Mr. I. E. Nathaniel ..	Bharat Buildings, Lahore.
		3. Lala Parkash Chand Bahl	3, Cooper Road, Lahore.
		4. Mian Zulfiqar Ali ..	3, Tapp Road, Lahore.
		5. Pir Salah-ud-Din ..	Son of Pir Akbar Ali, Advocate, Ferozepore City.
		6. Malik Ahmad Khan ..	Pindigheb, District Attock.
		7. Baba Surinder Singh Bedi	Chak Bedi, Tahsil Pakpattan, District Montgomery.
		8. Sardar Jaspal Singh ..	Son of Sardar Bahadur Sant Singh, I.P. (retired) Home Minister, Kapurthala.

NOTE.—There was no recruitment on this register in the year 1938.

NUMBER OF PERSONS APPOINTED AS TAHSILDARS, NAIB-TAHSILDARS, ZILLADARS AND DEPUTY COLLECTORS.

**1170. Rai Bahadur Lala Sohan Lal :** Will the Honourable Minister of Revenue be pleased to state the number, names and the home address of tahsildars and naib-tahsildars recruited during the last three years and also the number and names of the zilladars and deputy collectors (canal) appointed during the last three years?

**The Honourable Dr. Sir Sunder Singh Majithia :**

Tahsildars	..	..	..	86
Naib-Tahsildars	..	..	..	90
Zilladars	..	..	..	20
Deputy Collectors	..	..	..	13

A statement showing the home districts of the tahsildars and naib-tahsildars is attached. As regards giving the names attention is invited to the policy of Government enunciated in the volume of Secretariat Instructions, Chapter XVI, paragraph 420, clause (e).

*Statement showing the home district and number of tahsildars and naib-tahsildars recruited during the last three years.*

Name of home district.	Number of Tahsildars recruited.	Number of Naib-Tahsildars recruited.
Hissar .. .. .	..	2
Rohtak .. .. .	2	1
Gurgaon .. .. .	..	2
Karnal .. .. .	2	2
Ambala .. .. .	..	4
Kangra .. .. .	1	1
Hoshiarpur .. .. .	1	4
Jullundur .. .. .	..	..
Ludhiana .. .. .	2	1
Ferozepore .. .. .	..	4
Lahore .. .. .	2	4
Amritsar .. .. .	4	3
Gurdaspur .. .. .	1	3
Sialkot .. .. .	2	4
Gujranwala .. .. .	..	7
Sheikhpura .. .. .	2	2
Gujrat .. .. .	1	3
Shahpur .. .. .	..	5
Jhelum .. .. .	3	4
Rawalpindi .. .. .	1	5
Attock .. .. .	..	2
Mianwali .. .. .	2	5
Montgomery .. .. .	2	3
Lyallpur .. .. .	..	3
Jhang .. .. .	3	3
Multan .. .. .	4	7
Delhi .. .. .	1	1
Dera Ghazi Khan .. .. .	..	4
Abbottabad .. .. .	..	1
Total .. .. .	36	90

## POSTS IN EDUCATION DEPARTMENT.

**1171. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of (i) district inspectors (men) in the province including Delhi, (ii) women district inspectors of schools in the province, (iii) the number of head clerks in the offices of inspectors, (iv) the number of head clerks in the offices of the district inspectors, (v) the number of head clerks in the offices of inspectresses, (vi) the number of the Sikh incumbents of the posts mentioned in each of the above classes ;
- (b) action which the Government contemplate taking to make up the deficiency of the Sikhs in each branch of service in the Education Department within the reasonable period of say, 5 years ?

**The Honourable Mian Abdul Haye :**

(a) Total No.	No. of Sikhs.
(i) 30	4
(ii) 27	3
(iii) 5	Nil.
(iv) 29	1
(v) 4	Nil.
(vi) As in column 2 above.	

- (b) The policy of Government in the matter of communal representation in the services is well-known, and it is not intended to change it.

## SIKH HEAD MISTRESSES.

**1172. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of head mistresses in the province and the number held community-wise ;
- (b) the action Government propose to take to raise the number of the Sikh Head Mistresses to the minimum proportion of 20 per cent within a reasonably short period ?

**The Honourable Mian Abdul Haye :** A statement embodying the required information is attached. There is no separate cadre for head mistresses. Some of them are in Punjab Educational Service (Class II) and some in the Subordinate Educational Service. Appointments are now being made on the "block-system," but this applies to fresh recruitment and not to the existing incumbents.

*Statement showing the total number of the Head Mistresses in the Government Schools for Girls and the number held communitywise.*

Grade.	Total No.	Muslims.	Hindus.	Sikhs.	Christians.
Punjab Educational Service, Class II and Special Gazetted ..	6	..	..	1	5
Subordinate Educational Service ..	54	15	8	4	27
Total ..	60	15	8	5	32

#### POSTS HELD BY SIKHS IN EDUCATION DEPARTMENT.

**1173. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state the number of Assistant District Inspectors of Schools and headmasters of the Government High Schools in the province along with the number of Sikhs in each of these two cadres and the action Government contemplate taking to raise the proportion of the Sikhs to at least 20 per cent in a reasonably short period ?

**The Honourable Mian Abdul Haye :** (a) The numbers are as follows :—

(1) Assistant District Inspectors ..	177	Number of Sikhs ..	31
(2) Headmasters of High Schools ..	83	Number of Sikhs ..	12

(b) The policy of Government in regard to communal representation in the services is well-known and it is not intended to depart from it.

#### POSTS IN DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE.

**1174. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state—

(a) the total number of posts held by the Registrar, Superintendents and Head Assistants in the office of the Director of Public Instruction and also the number of Sikhs holding these posts ;

(b) the action Government propose to take to raise the proportion of Sikhs in these posts to 20 per cent ?

**The Honourable Mian Abdul Haye :** (a) (i) 8, (ii) 1.

(b) The policy of Government in regard to fresh recruitment on the block-system (50, 20, 30) is well-known, and it is not proposed to alter it.

## POSTS IN THE INDUSTRIES DEPARTMENT.

**1175. Sardar Baldev Singh :** Will the Honourable Minister of Development be pleased to state the number of gazetted posts in (i) the Education, Technical Education, Textiles, Dyeing branches of the Department of Industries and Calico Printing, (ii) Government Tanning Institute, Jullundur and (iii) the office of the Chief Inspector of Factories as also the number of posts held by the Sikhs?

**The Honourable Chaudhri Sir Chhotu Ram :** The subjoined table gives the required information :—

Serial No.	Number of gazetted posts.	REMARKS.
(i)	6	..
(ii)	1	<i>Vacant.</i>
(iii)	1	..

None of the above posts is held by a Sikh.

## POSTS IN DEPARTMENT OF INDUSTRIES.

**1176. Sardar Baldev Singh :** Will the Honourable Minister of Development be pleased to state—

- the total number of posts of Superintendents of Industries, teachers and other non-gazetted officials in the Department of Industries ;
- the number of Superintendents and the head clerks in the office establishment ;
- the total number of clerks in the Industries Department and the number of Sikhs working as clerks ;
- the steps Government propose to take to make up the deficiency of the Sikhs, if any, in the various branches of service under the Industries Department, within a reasonably short time ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) 580. (b) 8.

## REPRESENTATION OF SIKHS IN POLICE DEPARTMENT.

**1177. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Public Works be pleased to state—

- the total number of the following classes of posts in the Police Department and the number of posts in each class held by the Sikhs at present :—
  - Superintendents of Police ;
  - Assistant Superintendents of Police ;
  - Deputy Superintendents of Police ;



[Captain Sodhi Harnam Singh.]

- (d) Inspectors ;
- (e) Sub-Inspectors ;
- (f) Assistant Sub-Inspectors ;
- (g) Head Constables ;
- (h) Constables ;
- (i) Assistants (clerical establishment) ;
- (j) Senior Clerks (clerical establishment) ;
- (k) Junior Clerks (clerical establishment) ;
- (ii) whether it is a fact that Sikhs are not adequately represented in these services ; if so, what steps, if any, Government proposes to take to make up the deficiency within a reasonably short period ?

**The Honourable Malik Khizar Hayat, Tiwana :** (i) The required information is laid on the table.

(ii) Sikhs are over-represented in the Indian (Imperial) Police and in the Provincial Police Service. The maintenance of an adequate proportion of all communities in recruitment is a matter which is constantly scrutinized by the senior officers of the force.

Serial No.	Name of appointment.	Total number of appointments.	Number of appointments held by Indians.	Number of appointments held by Sikhs.	Percentage of column No. 5 to column No. 4.
1	2	3	4	5	6
1	Superintendents of Police ..	37	14	3	Per cent. 21.4
2	Assistant Superintendents of Police.	35	8	3	37.5
3	Deputy Superintendents of Police.	58	50	11	22.0
4	Inspectors .. ..	140	111	16	14.4
5	Sub-Inspectors .. ..	892	892	114	16.1
6	Assistant Sub-Inspectors ..	579	579	98	16.9
7	Head Constables .. ..	3,046	3,046	333	10.9
8	Foot Constables .. ..	19,151	19,151	2,062	10.8
9	Superintendents (office) ..	2	2	1	50.0
10	Head Assistants .. ..	6	6	1	16.6
11	Assistants .. ..	17	17	..	..
12	Senior Clerks .. ..	55	55	4	7.3
13	Junior Clerks .. ..	55	55	8	14.5

# **PUNJAB ASSEMBLY DEBATES.**

**Vol. XIV.—No. 3.**

*Correction slip.*

*Page 69.—Substitute the following for the answer to question 1176:—*

**“The Honourable Chaudhri Sir Chhotu Ram :**

(a) 580.

(b) 8.

(c) 128. The number of Sikhs working as clerks is 18.

(d) The present inequalities can be redressed only through recruitment in future. The pace of recruitment will depend on the number of vacancies that occur from time to time. Government have decided that the community-wise representation in future recruitment shall be—

Muslims	..	50 per cent.
Sikhs	..	20 per cent.
Hindus and others.		30 per cent.

**LAHORE :**

*September, 1941.*

**Price 6 pies.**

**ABNASHA SINGH,**

*Secretary, Punjab Legislative Assembly.*

## REPRESENTATION OF SIKHS IN THE PUBLIC HEALTH DEPARTMENT.

**1178. Captain Sodhi Harnam Singh:** (i) Will the Honourable Minister of Education be pleased to state the total number of posts and the number held at present by the Sikhs in the following branches of service in the Public Health Department :—

- (a) Assistant Directors of Public Health ;
- (b) Sanitary Inspectors, the Special Public Health Staff ;
- (c) Sanitary Inspectors—Normal Staff ;
- (d) Vaccinators—Special Staff ;
- (e) Laboratory Assistants and Attendants ; and
- (f) Clerks ;

(ii) whether it is a fact that Sikhs are not adequately represented in these posts ; if so, any special steps which he proposes to take to make up the deficiency within a reasonable period, say, 5 years ?

**The Honourable Mian Abdul Haye :**

	Total No. of posts.	No. of posts held by Sikhs.
(i) (a) Assistant Directors of Public Health ..	4	..
(b) Sanitary Inspectors (Special Public Health Staff) ..	15	1
(c) Sanitary Inspectors (Normal Staff) ..	28	2
(d) Vaccinators (Special Staff) ..	18	1
(e) Laboratory Assistants and Attendants ..	10	..
(f) Clerks (including Head Assistants and Head Clerks) ..	51	4

(ii) The percentage of all communities in the Department as a whole in respect of all classes of appointments is as under :—

Europeans .. .. .	0.6
Muslims .. .. .	43.9
Hindus .. .. .	43.9
Sikhs .. .. .	11.6

Recruitment to the various appointments in the department is now made strictly according to the Block System irrespective of the previous representation of a community in the department. The system ensures due representation for every community so far as fresh recruitment is concerned.

## REPRESENTATION OF SIKHS IN PUBLIC WORKS DEPARTMENT (BUILDINGS AND ROADS) BRANCH.

**1179. Captain Sodhi Harnam Singh:** (i) Will the Honourable Minister of Public Works be pleased to state the total number of posts as well as the number of those at present held by the Sikhs in the following cadres of the Department of Public Works, Buildings and Roads Branch :—

- (a) Punjab Service of Engineers, New ;
- Punjab Service of Engineers Old ;

[Captain Sodhi Harnam Singh.]

- (c) Temporary Engineers and Engineer students ;
- (d) Subordinate Engineering Service—permanent and temporary ;
- (e) Draftsmen—permanent and temporary ;
- (f) Tracers—permanent and temporary ;
- (g) Superintendents in the Secretariat Office ;
- (h) Clerks in the Secretariat Office ;
- (i) Superintendents—clerical establishment circles ;
- (j) Clerks ;

(ii) whether it is a fact that Sikhs are not adequately represented in these posts ; if so, what special steps does he propose to take to make up the deficiency within a reasonably short period ?

**The Honourable Malik Khizar Hayat, Tiwana :** (i) The information required is as follows :—

	<i>Number of posts.</i>	<i>Number of Sikhs employed.</i>
(a) Punjab Service of Engineers (New) ..	23	3
(b) Punjab Service of Engineers (Old) ..	6	..
(c) Temporary Engineers and Engineer Students .. ..	6	1
(d) Subordinate Engineering Service—Permanent and temporary ..	125	15
(e) Draftsmen—Permanent and temporary ..	40	5
(f) Tracers—Permanent and temporary ..	18	1
(g) Superintendents in the Secretariat office ..	5	..
(h) Clerks in the Secretariat office ..	42	3
(i) Superintendents in the Circle offices ..	8	..
(j) Clerks in the Circle offices .. ..	215	30

(NOTE.—The information in respect of items (d) to (f), (i) and (j) is good up to 30th June, 1940.)

(ii) All recruitment is now made in proportions fixed for each community and matters will adjust themselves in due course in the sense presumably desired by the honourable member.

#### REPRESENTATION OF SIKHS IN THE PUNJAB CIVIL SECRETARIAT.

**1180. Captain Sodhi Harnam Singh :** (i) Will the Honourable Premier be pleased to state the total number of posts in the following cadres of the Punjab Civil Secretariat and the total number of such posts at present held by the Sikhs :—

- (a) Superintendents ;
- (b) Personal Assistants and Stenographers ;
- (c) Assistants ;

- (d) Senior Clerks ;
- (e) Junior Clerks ; and
- (f) Junior Translators ;

(ii) whether it is a fact that Sikhs are not adequately represented in these posts ; if so, what steps does he propose to take to raise the share of Sikhs to 20 per cent of the posts within a reasonably short period ?

**The Honourable Major Sir Sikander Hyat-Khan :** (i) The honourable member is referred to the consolidated statement showing the proportionate representation of the various communities serving in different departments of the Punjab Government, copies of which are supplied to the House annually.

(ii) Unfortunately Sikhs are not the only community under-represented in this office, and it is hoped that the existing disparities will be removed in due course in accordance with the principles of recruitment laid down by the Punjab Government.

#### REPRESENTATION OF SIKHS IN THE OFFICE OF THE RURAL RECONSTRUCTION DEPARTMENT.

**1181. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state the total number of clerical posts in the Rural Reconstruction, Office, Punjab, and the number of posts held by the Sikhs at present ?

**The Honourable Chaudhri Sir Chhotu Ram :** Attention of the honourable member is invited to page 26 of the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January, 1940. The Rural Reconstruction office has since been amalgamated with that of the Registrar, Co-operative Societies.

#### REPRESENTATION OF SIKHS AMONG EMPLOYEES OF THE PUNJAB UNIVERSITY.

**1182. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

(a) the total number of—

- (1) ordinary fellows of the Punjab University ;
- (2) administrative staff and clerks in the University offices ;
- (3) professors, lecturers and teachers in the Oriental College ;
- (4) the whole-time Readers (including Principal) and part-time lecturers in the Law College ;
- (5) clerks in the Law College ;
- (6) professors (including the Principal) in the Hailey College of Commerce ;
- (7) professors and lecturers in the teaching department of the University ;

[Captain Sodhi Harnam Singh.]

- (8) clerks in the teaching department of the University ;
- (9) officers in the attached offices of the University including the Librarian and Assistant Librarians ;
- (10) inferior Government servants, e.g., chaukidars ; and
- (b) the number of the posts held at present by the Sikhs ?

**The Honourable Mian Abdul Haye :** (a) and (b)—

	Total.	Sikhs.
(1) Ordinary fellows of the Punjab University	85	7
(2) Administrative staff and clerks in the University Offices.	65	8
(8) Professors, lecturers and teachers in the Oriental College.	22	4
(4) The whole-time readers (including Principal) and part-time lecturers in the Law College.	18	2
(5) Clerks in the Law College .. ..	5	1
(6) Professors (including the Principal) in the Hailey College of Commerce.	7	..
(7) Professors and lecturers in the teaching department of the University.	21 plus 2 vacant.	3
(8) Clerks in the teaching department of University.	7	2
(9) Officers in the attached offices of the University including the Librarian and Assistant Librarians.	13	2
(10) Inferior Government servants, e.g., chaukidars.	146	4

REPRESENTATION OF SIKHS AMONG EXAMINERS OF THE PUNJAB UNIVERSITY.

**1183. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of examiners and sub-examiners in all the University examinations, in all the subjects, written as well as oral and practical for the examinations to be conducted in the calendar year 1940 ;
- (b) the number of Sikh examiners and sub-examiners ;
- (c) whether it is a fact that the number of Sikh examiners as well as sub-examiners is extraordinarily low ; if so, the reasons therefor ?

**The Honourable Mian Abdul Haye :** (a) 2,405 ;

(b). 249.

(c) The honourable member can judge for himself.

**REPRESENTATION OF SIKHS AMONG OFFICERS OF THE REVENUE DEPARTMENT.**

**1184. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number at present of the tahsildars, naib-tahsildars, kanungos and of Patwaris in the province and the number of Sikhs in each of these cadres ;
- (b) whether it is a fact that Sikhs are not adequately represented in these posts ; if so, the steps which Government proposes to take to give them their due share in the posts within a reasonable time ?

**The Honourable Dr. Sir Sunder 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) *First part.*—Yes ;

*Second part.*—In order to secure 20 per cent for Sikhs in the future recruitment is and will continue to be in accordance with determined proportions. Under-representation is being corrected accordingly and not by creating a block of under-represented communities—a procedure which might incidentally prejudice the prospects of Sikhs in those services in which their proportions exceed 20 per cent.

**REPRESENTATION OF SIKHS AMONG EMPLOYEES IN OFFICE OF FINANCIAL COMMISSIONER.**

**1185. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to give the number of Superintendents, Assistants, Stenographers, Junior Clerks and Stamp Auditors in the Financial Commissioners' office and the number of posts under each category held by the Sikhs ;

(ii) whether it is a fact that the proportion of Sikhs in these posts is very low ; if so, whether he proposes to adopt some special measures to raise the Sikh proportion to the minimum figure of 20 per cent in a reasonably short period ?

**The Honourable Dr. Sir Sunder Singh Majithia :**

(i)	Designation of posts.	Total number.	Number of Sikhs.	Percentage of Sikhs.
	Superintendents	8	1	12½%
	Assistants	43	4	9·3%
	Stenographers	9	1	11·1%
	Junior Clerks	53	12	22·7%
	Stamp Auditors	5	Nil.	Nil.

(ii) Communal proportions are calculated on the office as a whole and not according to particular grades. The percentage of Sikhs in the Financial Commissioners' Office has risen from 11·1% on 1st April, 1937, to 15·65%.

[Minister for Revenue.]

at the present time. A formula for recruitment has recently been approved which is designed to achieve the correct proportions as laid down by Government at the earliest possible date.

#### REPRESENTATION OF SIKHS AMONG OFFICERS OF THE FOREST DEPARTMENT.

**1186. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of posts of Chief Conservators, Deputy Conservators and Assistant Conservators in the Forest Department and the number of such posts held by the Sikhs ;
- (b) whether it is a fact that Sikhs are not adequately represented in these posts ; if so, whether he will take any steps to make up the deficiency of the Sikhs ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) There are at present one post of Chief Conservator of Forests, two posts of Conservators and 23 posts of Deputy and Assistant Conservators.

Recruitment to the services recruited by the Secretary of State has never been made on a communal basis. Two posts of Deputy Conservators of Forest are, however, held by Sikhs.

(b) In future recruitment will be made in accordance with the accepted formula of 50 per cent. Muslims, 30 per cent. Hindus and others and 20 per cent. Sikhs.

#### REPRESENTATION OF SIKHS AMONG RANGERS AND DEPUTY RANGERS OF FOREST DEPARTMENT.

**1187. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of Forest Rangers, Deputy Rangers, Foresters, Forest Guards, Office Superintendents, Assistants, Head Clerks and clerks in the offices of the Forest Department and the number of posts under each class held by the Sikhs ;
- (b) whether it is a fact that Sikhs are not adequately represented in these posts ; if so, what steps, if any, does he contemplate to take in order to make up the deficiency in the Sikh share ?

**The Honourable Chaudhri Sir Chhotu Ram :**

(a)	Name of posts.	Total number of posts.	Number of posts held by Sikhs.
	Forest Rangers .. .. .	64	9
	Deputy Rangers .. .. .	35	2
	Foresters .. .. .	126	12
	Forest Guards .. .. .	952	72
	Chief Superintendent .. .. .	1	..
	Assistants .. .. .	4	..
	Head Clerks .. .. .	21	1
	Other Clerks .. .. .	106	12



(b) Yes. New recruitment in each cadre, excepting that of Forest Guards in whose case weightage is given to local inhabitants is being made in accordance with the accepted formula of 50 per cent Muslims, 30 per cent Hindus and others and 20 per cent Sikhs.

REPRESENTATION OF SIKHS IN PROCESS-SERVERS AND  
BAILIFFS.

**1188. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of posts of process-servers and bailiffs attached to civil courts in the Punjab and the number of posts held by the Sikhs ;
- (b) whether it is a fact that the Sikhs are not adequately represented in these posts ; if so, the steps he would like to take in order to make up the great deficiency in the proportion of the Sikhs ?

**The Honourable Mr. Manohar Lal :** (a)—

	<i>Total number of posts attached to Civil Courts in the Punjab.</i>	<i>Number of posts held by Sikhs.</i>
Process-servers	.. 1,773 (plus 8 vacant posts).	109
Bailiffs	.. 289	17

(b) Yes. The Honourable Judges of the High Court have issued orders to District and Sessions Judges to the effect that all fresh appointments are made strictly in accordance with the proportions and rotations prescribed for their respective districts which are so designed as to ensure that in due course each community will receive the proportionate representation prescribed by Government. These orders strictly apply to fresh recruitment of all process-server candidates. Bailiffs are appointed by promotion from process-servers under the rules made by the High Court.

REPRESENTATION OF SIKHS AMONG OFFICERS AND CLERKS EM-  
PLOYED IN GOVERNMENT PRINTING, PUNJAB.

**1189. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Development be pleased to state—

- (a) whether any of the offices of Superintendent, Deputy Superintendent and Manager, Book Depôt in the Punjab Government Printing Press has ever been held by a Sikh ; if not, why not ;
- (b) the strength at present of the clerical establishment, technical establishment and inferior establishment and the number of the Heads of Branches besides that of the Section-holders and Assistant Section-holders, of the Punjab Government Printing Press, Lahore, and the number of posts at present held by the Sikhs ;

[Captain Sodhi Harnam Singh.]

(c) whether it is a fact that the Sikhs are not adequately represented in these posts; if so, the steps that Government proposes taking to make up the deficiency?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) No. The reason is that at the time of filling up vacancies in these posts either properly qualified Sikhs were not available or if available their qualifications and claims were not equal to those of the persons actually selected for appointment.

(b) A statement is laid on the table.

(c) The strength of the various communities on the present establishment of the Government Presses, excluding the Provincial Stationery Office is as follows :—

Muslims	..	..	..	67.2 per cent.
Sikhs	..	..	..	5.2 per cent.
Hindus and others	..	..	..	27.6 per cent.

The present inequalities can be redressed only through recruitment in future. The pace of recruitment will depend on the number of vacancies that occur from time to time. Government have decided that the community-wise representation in future recruitment shall be :—

Muslims	..	..	..	50 per cent.
Sikhs	..	..	..	20 per cent.
Hindus and others	..	..	..	30 per cent.

*Statement.*

Establishment of Government Presses.				Present strength.	Number of posts held by the Sikhs.
Clerical	..	..	..	45	3
Technical	..	..	..	380	7
Inferior	..	..	..	126	18
Total				560	28
Heads of Branches	..	..	..	8	1
Section-holders	..	..	..	5	..
Assistant Section-holders	..	..	..	6	..

**REPRESENTATION OF SIKHS AMONG CIVIL SURGEONS AND OTHER OFFICERS OF MEDICAL DEPARTMENT.**

**1190. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) the total number of special posts of Civil Surgeons, Civil Assistant Surgeons (men), Sub-Assistant Surgeons (men), Dispensers (men), Dispensers (women), Laboratory Assistants and Attendants, Miscellaneous Attendants and of Superintendents and Head Clerks (clerical establishment) in the Medical Department and the number of posts out of them held by Sikhs at present ;
- (b) whether it is a fact that the Sikhs are not adequately represented in these posts ; if so, the action intended to be taken to make up the deficiency ?

**The Honourable Mian Abdul Haye :** (a) It is not understood what the honourable member means by the term "sepecial posts." A statement showing the total number of various posts mentioned by him in the Medical Department under Government, together with the number of those held by Sikhs is enclosed.

(b) Fresh appointments to the Medical Department are made strictly in accordance with the general policy of Government which gives each community its due share. As the honourable member probably knows already, the proportion of the various communities has been fixed as follows :—

Muslims	50 per cent.
Sikhs	20 per cent.
Hindus and others	30 per cent.

*Statement.*

Serial No.	Nature of post.	Total number of posts.	Number of posts held by Sikhs.
1	Civil Surgeons	28	3
2	Civil Assistant Surgeons (men)	154	25
3	Sub-Assistant Surgeons (men)	568	100
4	Dispensers (men)	284	37
5	Do. (women)	25	1
6	Laboratory Assistants and Attendants	56	3
7	Attendants	172	32
8	Superintendents and Head Clerks	43	4

**CLAIMS OF SIKHS FOR APPOINTMENT AS DIRECTOR AND ASSISTANT  
DIRECTOR, INFORMATION BUREAU.**

**1191. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state whether a Sikh has ever been appointed the Director and Assistant Director of Information Bureau, Punjab, and also as Superintendent of the office of the Director of Information Bureau ?

**The Honourable Major Sir Sikander Hyat-Khan :** No Sikh has ever been appointed as Director or Assistant Director, Information Bureau, Punjab. A Sikh has, however, twice been appointed temporarily in leave vacancies for an aggregate period of five months as Superintendent of the office of the Director of Information Bureau, Punjab.

**REPRESENTATION OF SIKHS AMONG EMPLOYEES IN OFFICE OF  
DIRECTOR, INFORMATION BUREAU.**

**1192. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state the total number of employees in the office of the Director of Information Bureau, Punjab, and the number of Sikhs among them at present ?

**The Honourable Major Sir Sikander Hyat-Khan :** Excepting the peons and the menial staff which is shared by the office of the Director, Information Bureau, with another Government office, the number of Sikhs among employees in the Information Bureau is as follows :—

			Total.	Sikhs.
Ministerial establishment	..	..	19	3
Journalistic staff	--	..	6	1
Technical staff	..	..	11	2

**REPRESENTATION OF SIKHS IN THE DIFFERENT BRANCHES  
OF THE EDUCATION DEPARTMENT.**

**1193. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of district inspectors (men) in the province including Delhi ;
- (b) women district inspector of schools in the province ;
- (c) the number of head clerks in the offices of the Inspector of Schools and also clerks in the offices of the District Inspector of Schools ;
- (d) the number of head clerks in the offices of the Inspectresses of Schools and the number of Sikhs holding the posts in each of those classes ;
- (e) the action which the Government contemplate taking to make up the proportion of the Sikhs in each branch of service under the Education Department, so that the deficiency of the Sikhs might be made up in a reasonable period of, say, 5 years ?

**The Honourable Mian Abdul Haye :***Total No.**Number of Sikhs.*

(a) 30

4

(b) 27

8

(c) 5 and 57

Nil and 8

(d) 4

Nil.

(e) The policy of Government in the matter of communal representation in the services is well-known, and it is not intended to change it.

**APPOINTMENT OF A SIKH AS DEPUTY DIRECTOR OF PUBLIC  
INSTRUCTION, REGISTRAR, DEPARTMENTAL EXAMI-  
NATIONS AND INSPECTOR, VERNACULAR EDUCATION.**

**1194. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state whether a Sikh has ever held any of the posts of Deputy Director of Public Instruction, Registrar, Departmental Examinations, Inspector, Vernacular Education and Inspector, Training Institutions?

**The Honourable Mian Abdul Haye :** None, except the post of Inspector of Training Institutions, Punjab, which was held by a Sikh for the period from 14th February, 1936, to 31st July, 1936.

**REPRESENTATION OF SIKHS AMONG HEAD MISTRESSES IN GOV-  
ERNMENT HIGH SCHOOLS.**

**1195. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state the total number of head mistresses in the Government High Schools for girls and the number held community-wise and also state how the Government proposes to raise the number of the Sikh head mistresses to the minimum proportion of 20 per cent within a reasonably short period?

**The Honourable Mian Abdul Haye :** A statement embodying the required information is attached. There is no separate cadre for head mistresses. Some of them are in Punjab Educational Service (Class II) and some in the Subordinate Educational Service. Appointments are now being made on the "block-system", but this applies to fresh recruitment and not to the existing incumbents.

*Statement showing the total number of Head Mistresses in the Government High Schools for Girls in the Province and the number held community-wise.*

Grade.	Total No.	Muslims.	Hindus.	Sikhs.	Christians.
Punjab Educational Service Class II and Special Gazetted posts.	6	..	..	1	5
Subordinate Educational Service ..	26	3	4	1	18
Total ..	32	3	4	2	23

**REPRESENTATION OF SIKHS AMONG ASSISTANT DISTRICT INSPECTORS OF SCHOOLS AND HEADMASTERS OF GOVERNMENT HIGH SCHOOLS.**

**1196. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of Assistant District Inspectors of Schools and Headmasters of Government High Schools and the number of Sikhs in each of these two cadres ;
- (b) what proposals, if any, has the Government in contemplation to raise the proportion of the Sikhs to at least 20 per cent in a reasonably short period of, say, 5 years ?

**The Honourable Mian Abdul Haye :** (a) The numbers are as follows :—

(1) Assistant District Inspectors ..	177	Number of Sikhs ..	31
(2) Headmasters of High Schools ..	88	Number of Sikhs ..	12

(b) The policy of Government in regard to communal representation in the services is well-known and it is not intended to depart from it.

**REPRESENTATION OF SIKHS AMONG OFFICERS AND CLERKS IN THE EDUCATION DEPARTMENT.**

**1197. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of posts held by the Registrar, Superintendents and Head Assistants in the office of the Director of Public Instruction and also the number of Sikhs holding these posts ;
- (b) the action intended to be taken to raise the proportion of Sikhs to 20 per cent and by what time ?

**The Honourable Mian Abdul Haye :** (a) (i) 8, (ii) 1.

(b) The policy of Government in regard to fresh recruitment on the block-system (50, 20, 30) is well-known, and it is not proposed to alter it.

**LEAVE OF ABSENCE OF MASTER KABUL SINGH, SARDAR HARJAB SINGH AND SARDAR HARI SINGH.**

**Mr. Speaker :** I have to read out to the Assembly the following application from Master Kabul Singh :—

I am being detained as a security prisoner in detention camp, Deoli, Ajmer-Merwara under Defence of India Rules by orders of the Punjab Government.  
 1 p.m. Hence due to no fault of mine, I shall not be able to attend the sitting of the Punjab Assembly during the period of my detention. Therefore through you I beg leave of absence from sittings of the Assembly for the period of my detention.

Question is—

That the leave be granted.

*The motion was carried.*

**Mr. Speaker :** I have received two identical applications, one from Sardar Harjab Singh and another from Sardar Hari Singh. Question is—

That leave be given to both the honourable members.

*The motion was carried.*

### STATEMENT LAID ON THE TABLE.

**Secretary :** Statement showing the action taken by Government on resolutions passed by the Punjab Legislative Assembly since October, 1939, is laid on the table.

*Statement showing action taken by Government on resolution passed by the Punjab Legislative Assembly since October, 1939.*

Serial No.	Terms of resolutions passed.	Volume No. and page of the Legislative Assembly Debates.	Action taken.
1	This Assembly recommends to the Government to impose a reasonable duty on the sale of all commercial commodities other than agricultural produce, particularly those the consumption of which is mainly confined to richer classes.	Volume X—No. 6, dated the 2nd November, 1939, pages 420—24 and 427—44.	The Director of Industries, Punjab, has been asked to favour Government with his comments. He is considering the suggestions in connection with the preparation of a General Sales Bill which he has been asked to draft. The object of the contemplated legislation is to control by means of a licensing fee or tax the sale of all sorts of commodities.

### ADJOURNMENT MOTIONS.

#### FORCIBLE REALISATION FOR WAR FUND.

**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 forcible realisation for the war fund by the officials and subordinates in the district of Rohtak as represented to the Honourable Premier on his last visit to Rohtak on 2nd October, 1940, by the three municipal commissioners of Rohtak.

**Mr. Speaker :** Will the honourable member please clear one point ? He has used the expression 'forcible realisation.' Forcible realisation of what ?

**Pandit Shri Ram Sharma :** Funds that are being raised for the prosecution of the war.

**Mr. Speaker :** Will the honourable member please read out his motion ?

**Pandit Shri Ram Sharma :** What else could it be than money ?

**Diwan Chaman Lall :** The expression clearly means realisation of money for war fund.

**Mr. Speaker :** But that is not stated in the motion.

**Pandit Shri Ram Sharma :** For war fund, money is realised and not shoes, clothes, etc. (*An honourable member :* These articles are also realised.) Sir, I submit that in the Rohtak district people have been forced to contribute towards the war fund by the local authorities and complaints regarding it were made to the Honourable Premier on the occasion of his last visit to Rohtak. He was made to know everything about it. And it is a fact that the local authorities have forced the people to contribute towards the war fund and still it is said that they have contributed voluntarily. Magistrates and police have been parading in the bazar of Rohtak town asking the shopkeepers to pay at the threat of prosecution or removal of their balconies or chabutras, etc. The position in the villages is still worse. I have moved this adjournment motion and it affords the Honourable Premier an opportunity to explain his position. It is a fact that people have been intimidated, beaten and handcuffed. Magistrates have been coercing the people even in their courts and I do not think that it is proper to disallow this motion on such a flimsy ground.

**Premier :** I question that statement. My honourable friend has made all kinds of allegations and insinuations. What we are discussing now is whether this adjournment motion is admissible or not and he is making a speech. I went to Rohtak myself and not a single instance was brought to my notice.

**Pandit Shri Ram Sharma :** The Honourable Premier can say what he likes when the House discusses it.

**Premier :** We cannot discuss allegations which are not correct. I know these things have not got any substance in them, as I was in Rohtak myself and made enquiries.

**Pandit Shri Ram Sharma :** You can say anything now. You are in possession of full information about the fact that in Sonapat sub-division one anna per rupee of land revenue was forcibly realised from the zamindars.

**Mr. Speaker :** The question is whether the "officials and subordinates"—a meaningless expression—or other Government servants were acting under the law or rules in force or whether they were acting in their private and personal capacity? (*Voices from the Opposition Benches :* As officials.) If they were acting as officials, the motion deserves to be considered favourably, but if they were not authorised by law, the aggrieved persons should resort to law courts.

**Chaudhri Krishna Gopal Dutt :** This is for the House to decide.

**Mr. Speaker :** No.

**Chaudhri Krishna Gopal Dutt :** What is this House for if we cannot discuss the conduct of the officials?

**Mr. Speaker :** The motion is indefinite and vague. The expression 'forcible realisation' is vague.

**Chaudhri Krishna Gopal Dutt :** Mr. Speaker, before you—



**Mr. Speaker :** If the honourable member again begins to make a speech, I shall have to ask him to leave the House.

**Chaudhri Krishna Gopal Dutt :** I do not care for that.

**Pandit Shri Ram Sharma :** The words 'by the officials' are mentioned in the motion.

**Mr. Speaker :** The question is whether the official was under the law or rules in force entitled to do what is attributed to him. If he acted under any law or rule in force, then the motion will be admissible. Therefore, please point out the law or rule under which he acted.

**Pandit Shri Ram Sharma :** I have already stated in the motion that the officials have used force for the realisation of war funds.

**Mr. Speaker :** But my point has not been answered.

**Pandit Shri Ram Sharma :** The officials acted against the law and that is why this adjournment motion is sought to be moved.

**Mr. Speaker :** If they acted illegally, the law courts are open to the aggrieved persons.

**Pandit Shri Ram Sharma :** They acted in their official capacity. Their personal capacity counts for nothing. They employ force for the realisation of war fund in their official capacity. Otherwise nobody would be prepared to pay a single pie.

**Lala Deshbandhu Gupta :** Is it your ruling that any abuse of power conferred upon the subordinates cannot be a subject matter of an adjournment motion?

**Mr. Speaker :** When that question arises, I will give a ruling. I have now to decide the question before the House. It is perfectly clear that if an officer of Government acts in his official capacity, under any rule or law in force, and abuses his official position, you can certainly bring a motion to criticise his conduct. Every officer has got two capacities, official or personal. If he acts officially, this House can criticise his conduct; but not otherwise. If he had acted in his official capacity he must have done so under some rule or law.

**An honourable member :** Under the orders of the Honourable Premier.

**Mr. Speaker :** The Honourable Premier has no authority to issue such orders in his official capacity. He might have done so in his unofficial capacity.

**Sardar Sampuran Singh :** Your question is whether the officials concerned acted officially or in their private capacity. I may point out that this force or coercion is being used by the officers and their subordinates while sitting in courts. For instance, when a person goes to these officers for gun licence or a revolver licence, they say, 'if you want a licence, you must give so much money for the war fund.' Thus these officials use their official influence for the purpose of collecting money for the war fund.

**Mr. Speaker :** What force?

**Sardar Sampuran Singh :** Here the word 'force' is not used in the sense of lathi blows. It is used in the sense of coercion to compel the people to contribute for the war fund.

**Premier :** May I say a word with regard to the point raised by my honourable friend, the Leader of the Opposition? He has said that these officials use force and coercion of various degrees and, in fact, abuse their powers. I beg to submit that in such a case anybody can go and lodge a complaint against the official concerned. The law is there. So far as Rohtak is concerned, these three gentlemen referred to by the honourable member sent a telegram to me. I gave them an interview and I listened to their grievances, and said that if they would give specific instances, I would order the Deputy Commissioner to hold an enquiry. I also gave instructions to the Deputy Commissioner that if any specific instances were brought to his notice he should hold an enquiry. If they had any instances they would have gone to the Deputy Commissioner.

**Pandit Shri Ram Sharma :** On a point of order. The Honourable Premier is delivering a speech which he can do only after the motion is admitted.

**Mr. Speaker :** Yes.

**Pandit Shri Ram Sharma :** The Honourable Premier has stated many things which are mere assumptions. As a matter of fact he has tried to explain his position. In view of this also I would request you to show me indulgence by allowing me to refute his arguments.

**Mr. Speaker :** I disallow the motion.

**Pandit Shri Ram Sharma :** May I know the reason for disallowing my adjournment motion?

**Mr. Speaker :** I have already stated my reasons.

**Lala Deshbandhu Gupta :** We would like you to state your ruling clearly so that we may be able to understand it.

**Mr. Speaker :** In my opinion the motion is out of order, as it is vague and indefinite. It does not say whether the officials referred to in it were acting officially or unofficially. Unless that is clarified, no motion can be allowed to be moved.

**Lala Duni Chand :** I do not know whether it is within your knowledge that the news appeared in the press that these adjournment motions were out of order. I do not know under whose authority the news was published. Will you please take necessary action against those papers which published the news?

**Mr. Speaker :** I shall be obliged if the honourable member will please give me the names of those papers.

#### RESORT TO REPRESSION.

**Lala Duni Chand :** I move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government not to take this House into confidence and get its verdict as to the justification or otherwise of the extreme repression which the Government has resorted to since the termination of the last one day session of the Punjab Legislative Assembly with the result that most of the legitimate and constitutional political work has been stopped.

So far as the justification or otherwise given by the Government on the last one day session is concerned, that is outside the scope of my adjournment motion. I want to discuss before the House all that has happened after the termination of the last one day session. I want the House to discuss the repression that has been resorted to by the Government on a grand scale since the termination of the last session. That has gone on for the last three or four months and we want to give the Government a splendid opportunity to justify that regime of repression that has been indulged in.

**Mr. Speaker :** So far as I am aware there is no law or rule under which the Government was bound to obtain the verdict of the Assembly. If Government is guilty of extreme repression, a substantive motion may be moved.

---

WRONG REPORT OF MAULVI ABDUL GHANI'S SPEECH.

**Lala Duni Chand :** As adjournment motions Nos. 4 and 5 are likely to be ruled out of order, I do not move them. I, therefore, propose to move my adjournment motion No. 6.

I move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the concoction of a false report made by the police reporter of the speech alleged to have been made by Maulvi Abdul Ghani, a distinguished Congress Leader of Ludhiana and a member of the Working Committee of the Punjab Provincial Congress Committee and of the All-India Congress Committee about two months ago at Ludhiana, as is shown by the judgment of the learned Sessions Judge of Ludhiana who acquitted him honourably after he had suffered imprisonment for a considerable time.

**Mr. Speaker :** The motion is not in order. Taking the facts, stated by the honourable member, to be correct, the question is whether the motion raises a larger issue than a mere individual grievance. In my opinion it does not.

**Lala Duni Chand :** I want to invite your kind attention to—

**Mr. Speaker :** Only one constable or head constable was concerned.

**An honourable member :** He is a public servant.

**Lala Duni Chand :** I am supported by your own ruling on this question. You were pleased on a previous occasion to say that if the person injured happens to be a man of some public importance, in that case an adjournment motion can be moved. Let me tell you what position Maulvi Abdul Ghani holds in the public life.

**Mr. Speaker :** He may be a great man. But that is not the point.

**Lala Duni Chand :** The question is that if as a result of a false report having been concocted by a Government official, a man of the importance and position of Maulvi Abdul Ghani was falsely prosecuted, convicted and ultimately honourably acquitted, then it is a question of sufficient public importance to justify a discussion by the House.

**Mr. Speaker :** The only question is the misdeed of a police officer.

**Lala Duni Chand :** In relation to Maulvi Abdul Ghani.

**Mr. Speaker :** It may be in relation to anybody, but what we are concerned with is the constable.

**Lala Duni Chand :** Supposing it had been proved that someone had made a false report against Pandit Jawahar Lal Nehru—

**Mr. Speaker :** The position would have been exactly the same.

**Lala Duni Chand :** I can point out the ruling which you gave that if the person injured is a man of public importance, then an adjournment motion can be moved.

**Mr. Speaker :** Each case is to be decided on its own merit.

**Lala Duni Chand :** All that I can say is that the matter appears to be urgent.

**Mr. Speaker :** It is not a matter of urgency even. If the honourable member wants to discuss it, he can do so by an ordinary resolution.

**Lala Duni Chand :** The urgency lies in the fact that in view of a crop of prosecutions all over the Punjab, it is highly desirable that a case like this should be discussed and the wrong doings of a Government servant should be discussed by this House.

**Lala Deshbandhu Gupta :** You may be pleased to enquire what the Minister in charge has to say.

**Mr. Speaker :** I think the honourable member has said enough.

**Lala Deshbandhu Gupta :** The whole staff seems to have been demoralised and hence the necessity of discussing the motion.

**Mr. Speaker :** I am not prepared to hear any more.

**Lala Deshbandhu Gupta :** I want to know under which rule you can stop me from having my say.

**Mr. Speaker :** I have already ruled that only the gentleman, who moves the motion, is entitled to speak.

**Lala Deshbandhu Gupta :** I do not think there is any rule to that effect.

**Mr. Speaker :** That is the Parliamentary practice.

**Lala Duni Chand :** We are unable to conceive of any event in the Punjab that will justify moving an adjournment motion.

#### CONFINEMENT WITHOUT TRIAL OF SARDAR SOHAN SINGH JOSHI, M.L.A.

**Lala Duni Chand :** I move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the continued confinement without a trial in a court of law of Sardar Sohan Singh Josh, an honourable member of the House.

I again make it clear that I do not want to bring in anything that happened on the last one day session, but I am perfectly within my right in calling upon the Government, to justify the continued confinement of Sardar Sohan Singh Josh since the termination of that session. A good deal

of water has flowed under the bridge since the last session. Government may have had some information at that time. The question is whether the justification that held good on the 15th July continues to hold good even now. This adjournment motion involves the question of a very important right of an honourable member of this House—whether that continued confinement can be justified. This is the point that I want to place before the House and every member of this House should be jealous of the rights of this House, and I am sure honourable members will lend support to the discussion of this matter by the House. I do pray you to give us an opportunity to discuss why these members should not be kept indefinitely in confinement. I can well understand if you are going to a court of law. In that case their confinement would be justified, but as it is, they are being kept in confinement without being put on trial in a court of law. If the Honourable Premier is now prepared to say that he is going to have them tried by a court of law, I am prepared to withdraw my adjournment motion. It is only elementary justice that we should be given an opportunity to vindicate the character of these gentlemen and to say that Government has no justification whatever in keeping them in continued confinement.

**Mr. Speaker :** It is not for me to decide whether Government has any justification to keep them in jail. I am concerned only with the motion, the leave for moving which is being sought. The question is whether, under the law in force Government is bound to have the detained gentlemen tried immediately or not. If it has the statutory discretion not to do a certain thing, then no administrative responsibility is involved. On the other hand, if Government is acting illegally in detaining these men, the rule of *habeus corpus* is there. Further, this motion, like the previous one, concerns an individual; and a matter which concerns only an individual, barring exceptional cases, cannot form the subject matter of an adjournment motion. On page 133 of *Campion* it is clearly laid down that an adjournment motion to be of public importance must raise a larger issue than merely an individual grievance. In exceptional cases the detention of a single individual may be a matter of great public importance, but the case under discussion does not appear to be of that description. I am unable, therefore, to hold the honourable member's motion in order.

**Diwan Chaman Lall :** The proposition that you have laid down is very clear. There is no doubt about it. The only point that I would like to urge before you is this, that the question involved is not merely the legality of the action taken by the Government, but whether the discretion used by the Government was rightly or properly utilised by the Government. The second point is in regard to the question of an individual case *versus* a principle. May I submit that the quotation that you have read from *Campion* in reality visualises a larger issue arising out of an individual action? That is to say, a principle is involved in the detention of an honourable member of this House, the continued detention of an honourable member of this House, and what we are going to discuss is whether the discretion utilised by the Government is properly utilised in arresting these honourable members and others and keeping them under custody without trial and charge and, secondly, whether the principle that is involved in the detention of the honourable members of this House without trial and charge is a desirable

[Diwan Chaman Lall.]

principle or not. That is what the House intends to discuss and that is the matter of public importance which is now before you.

**Lala Duni Chand :** No possible remedy is open to this gentleman, Sardar Sohan Singh Josh, to have his grievance redressed. If you can point out any law under which he can have recourse, in that case I shall also admit that my adjournment motion is not in order. Discussion in the House is the only remedy that is open to Sardar Sohan Singh Josh and others. You will be pleased to admit that there is no law of any kind under which any action, either on the criminal side or on the civil side, can be taken against the perpetrators of this outrageous act. I think it is impossible for these gentlemen to vindicate themselves. It is for the House to vindicate itself and I have taken the straightest course. I am giving an opportunity to the Honourable Premier to justify his action. He may be able to justify it and he should utilise this opportunity. He gave us an opportunity on the 15th July and after three or four months we are giving him another opportunity. Let him avail himself of this opportunity and vindicate himself or the policy of his Government. Supposing within the next ten or fifteen days all of us sitting on these benches are treated in the same way, and there is no wonder if we are treated in that way, even in that case, we poor individuals have no redress of any kind. This is a question of the most fundamental character that really affects the elementary rights of the honourable members of this House and I, therefore, pray you to give us this opportunity. My arguments may not weigh with you, but my prayer should. *(Laughter)*.

**Mr. Speaker :** I have every sympathy not only with the honourable gentleman who has given notice of this adjournment motion, but also with gentlemen who are detained and are in jail. But an adjournment motion is different from an ordinary motion. My objection is that an adjournment motion, especially after the whole matter was discussed in detail on the 15th July last, in this very House, is out of order. An ordinary motion may not be out of order. So, if any honourable member comes forward with an ordinary motion to the effect that the Government in detaining these gentlemen in jail without trial is exercising its discretion arbitrarily and not judicially, he might be in order, but the adjournment motion is not in order.

**Diwan Chaman Lall :** May I refer to a similar incident which occurred in the Central Legislative Assembly when the Swaraj party moved an adjournment of the House in reference to the present holder of the office of President of Bengal Legislative Council, Mr. S. C. Mitra, who was detained under Bengal Regulation III of 1818 when he was a member of the central legislature? That particular motion which was moved on the floor of the Central Legislative Assembly was accepted as valid and a discussion took place on the motion, that motion being on similar lines as the present motion.

**Lala Duni Chand :** There is another point which I would like to submit for your consideration.

**Mr. Speaker :** The honourable member has no right to speak.

**Chaudhri Krishna Gopal Dutt :** Have I not got any right to say something?

**Mr. Speaker :** Not at this stage.

**Lala Duni Chand :** Your reading is quite all right. The only thing is that this adjournment motion has been differently worded. It says "continued confinement without a trial." You know we have not got any remedy. Will you, therefore, kindly persuade the Government to accept this motion as an ordinary motion? We shall be grateful to you and the Government.

**Mr. Speaker :** If the members of the Opposition approach the Government with a request in public interest that they wish to discuss this matter in the public interest, the Government will not, I hope, refuse their request.

**Chaudhri Krishna Gopal Dutt :** The Premier made certain statements that he would try these gentlemen in due course of time and yet he has not brought them before a court of law and hence the importance of the words 'the continued confinement' of these persons.

**Mr. Speaker :** The next motion please.

APPOINTMENT OF EXECUTIVE OFFICER, LYALLPUR MUNICIPAL  
COMMITTEE.

**Chaudhri Krishna Gopal Dutt :** Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely the illegal appointment of Khawaja Ghulam Hussain, as Executive Officer of the Lyallpur Municipal Committee, by the Government.

**Mr. Speaker :** I may point out for the information of the members that the member who asks for leave to move the adjournment motion can state "at the same time the object he has in view." (*Pageant of Parliament, Volume 1, page 249*).

**Chaudhri Krishna Gopal Dutt :** Before I submit for your consideration certain specific points in regard to this matter, I would like to point out to you and through you to the other authorities that this matter is very urgent, is very important and is very definite and I do not see any possible objection against the permission to discuss this motion in the form of an adjournment motion. The facts are as follows :—

**Mr. Speaker :** You want to discuss a matter of law by an adjournment motion and you think that you are in order.

**Chaudhri Krishna Gopal Dutt :** May I point out to you that any adjournment motion which is moved in this House can be rejected on the basis of flimsy technicality as has been pointed out to you by our friends? If the matter is definite, if the matter is urgent, if the matter is of public importance—

**Mr. Speaker :** I asked the honourable member to explain the object of his motion.

**Chaudhri Krishna Gopal Dutt :** You do not allow me to proceed.

**Mr. Speaker :** The honourable member has not explained the object of his motion. Please answer the question whether this House is a court of law and can decide points of law by show of hands.

**Chaudhri Krishna Gopal Dutt :** Surely it cannot take a decision on any question of law. Any time we move an adjournment motion here an objection is taken that the Government is within the law and that the Government has got the right to do a thing and you say "all right the Government claims that it is within its rights to do the particular thing and if the Opposition says that the Government is not within its rights, let it go to the court" and thus you reject every adjournment motion. This is not a question of law at all. You have been reading all the laws relating to adjournment motions and there is no harm in reading out this law before the House or before you.

**Mr. Speaker :** Why do you not file a suit in a court of law ?

**Chaudhri Krishna Gopal Dutt :** That is not for me to do. I as a representative of the people have certain rights here.

**Mr. Speaker :** This House is not a court of law.

**Chaudhri Krishna Gopal Dutt :** This is a legislature and a particular law has been trampled under foot and we have got every right to bring this matter to the notice of the House.

**Mr. Speaker :** This House makes laws. It does not interpret laws.

**Chaudhri Krishna Gopal Dutt :** How do you say that it is a matter of law ?

**Mr. Speaker :** The honourable member himself has said that it is an illegal appointment.

**Chaudhri Krishna Gopal Dutt :** It is an illegal appointment, it is obviously an illegal appointment. So many times adjournment motions have been moved involving certain niceties of law and you have allowed them to be discussed.

**Mr. Speaker :** Our experience and knowledge is improving every day. Therefore we have to act in the light of our experience and knowledge.

**Chaudhri Krishna Gopal Dutt :** It is not a question of experience. Obviously the law has been trampled under foot.

**Mr. Speaker :** Why not have it declared illegal by a court of law ?

**Chaudhri Krishna Gopal Dutt :** There has been an abuse of law and, therefore, I mention the word illegal. What would you say regarding the other adjournment motion in which I do not use the word illegal ? I anticipated that objection and that is why in the other one I merely stated "the appointment of the executive officer." I know you have many weapons in your armoury and you can rule that one out also. May I, however, point out to you for your consideration, if not for the consideration of the House that the Municipal Committee of Lyallpur passed a resolution by five-eighths majority—

**Mr. Speaker :** The honourable member is allowed to explain the object of his motion and not to go into details.

**Chaudhri Krishna Gopal Dutt :** A representative body like the municipal committee has the right to appoint an executive officer and the officer it wanted to appoint has not been appointed, but the Government have imposed another executive officer on it.



**Mr. Speaker :** If that is the object he has in view, he may explain it.

**Chaudhri Krishna Gopal Dutt :** I have made it clear to you and if even after that you are going to take that view, you are quite welcome. My object is to discuss the abuse of powers by the Government. Let the Government come out and say what they can, so that we may understand their case. You may disallow it at any later stage but we should hear the other side and then you can decide whether it is a question of law or not. There has been such a glaring trampling on the rights of the people who are representatives of millions of people and you do not want us to discuss that matter and say that we should go to the court and spend some money. Here the Government brings forward a Bill like the Gujrat Tax Validating Bill in order to save the finances of the province in these hard times, but you ask the people of Lyallpur to go and sue the Government in a court of law and waste the precious money of the poor people of this province. You should allow their representatives here to discuss this matter here.

**Munshi Hari Lal :** No suit can lie.

**Chaudhri Krishna Gopal Dutt :** Here is an honourable member, a lawyer, who maintains that no suit can lie.

**Mr. Speaker :** I do not agree with him. But assuming that there is no remedy, is that a reason for allowing this motion to be discussed in this House ?

**Chaudhri Krishna Gopal Dutt :** That was your objection to allowing this motion and now you have turned your line of objection. I have told you the object of my adjournment motion. Sir, you might have read the Executive Officers Act.

**Mr. Speaker :** Yes, I read it when it was passed.

**Chaudhri Krishna Gopal Dutt :** Sir, the Government is a party to it. The municipal committee is dominated by Congressmen. The Government does not, out of political reasons, like to see the idea of appointment of Executive Officers at Lyallpur and Gujranwala by Congress people. Government has appointed its own men, its own henchmen. It has trampled under foot the sacred Executive Officers Act. So, with your permission, I will read the relevant portion of the Act with regard to the appointment of the executive officers.

Section 3 runs as follows :—

- (1) Notwithstanding anything to the contrary contained in sections 26 and 27 of the Municipal Act, the committee shall, by resolution to be passed by not less than five-eighths of the total number of members constituting the committee for the time being, at the meeting convened for the purpose of appointing an Executive Officer at which no other business may be transacted, appoint, within three months from the date of the notification issued under subsection (2) of section 1, a person, with the approval of the Provincial Government as Executive Officer, for a renewable period of five years on such rate of pay not exceeding one thousand and five hundred rupees inclusive of all allowances as it may deem fit;

Provided that if the appointment is renewed the maximum salary inclusive of all allowances shall not exceed Rs. 2,000.

[Ch. Krishan Gopal Dutt.]

- (2) If at the meeting convened for the purpose of appointing an Executive Officer a resolution of appointment cannot be passed through failure of any candidate to secure the prescribed five-eighths majority, the chairman shall, on requisition made in writing by not less than one-third of the total number of members constituting the committee for the time being, convene another meeting to be held within fourteen days :

Provided always that such meeting shall be held within three months from the date of the notification issued under subsection (2) of section 1.

- (3) The resolution of appointment of an Executive Officer, whether considered at an adjourned meeting or at a meeting convened under subsection (2), shall not be deemed to be passed unless by the majority prescribed in subsection (1).

- (4) If the committee fails to appoint an Executive Officer within three months from the date of notification issued under subsection (2) of section 1, the Provincial Government may appoint any person as Executive Officer of the committee for a renewable period not exceeding five years on such rate of monthly pay not exceeding Rs. 1,500 inclusive of all allowances as it may deem fit " etc., etc.

It is quite clear, it is not a question of duplicity in law, it is not a question of interpretation, it is crystal clear that the appointment of the executive officer by this municipality was quite valid. It was made within the prescribed time and was made according to the provisions of the Executive Officers Act, which I have just read. The appointment was made within the prescribed time, the appointment was made according to the law laid down. Now, I would also request you to ask the Honourable Minister for Public Works to throw some light on this case. We want to hear what Government has to say on this matter.

**Mr. Speaker :** An ordinary resolution is the only remedy.

**Chaudhri Krishna Gopal Dutt :** I would point out to you that ordinary resolutions are moved for ordinary matters. It is not an ordinary matter. It is a definite matter of urgent public importance. You want to rob us of the opportunity to hear what the Government has to say with regard to this matter.

**Mr. Speaker :** If the motion is allowed, I will certainly call upon the Minister concerned to say what he has to say in regard to this matter.

**Chaudhri Krishna Gopal Dutt :** The motion is not out of order. It is an interpretation of law. As my honourable friend Munshi Hari Lal and other honourable members of the legal profession have remarked, we cannot go to a court of law. We cannot knock at the door of the court. Our only remedy is the adjournment motion.

**Mr. Speaker :** Why not move an ordinary motion ?

**Chaudhri Krishna Gopal Dutt :** It is not an ordinary matter. Now as regards motion No. 15, namely the non-accordance of approval by the Government to the appointment of Syed Ejaz Hussain, B.A., LL.B., as Executive Officer of the Gujranwala Municipality, I will point out to you the very great dereliction of duty on the part of the Government and if such derelictions of duty are made in this province, I submit that the machinery of administration of this province will come to a stand still. The Committee of Gujranwala passed a resolution and a copy of that resolution, as prescribed under rules, was sent to the provincial Government. Government had not the decency, had not the courtesy even to acknowledge receipt of

that resolution. It was the duty of the Government to send a reply to the municipal committee stating what it thought about that resolution; whether the Government was going to approve that appointment or not. I wanted to discuss this failure of the Government not to reply to the resolutions or letters of the municipal committees. It has now taken up the attitude not to reply to the letters.

**Mr. Speaker :** This is not the matter before the House.

**Chaudhri Krishna Gopal Dutt :** Sir, it was not a private letter from the President to the Government. This letter was written on behalf of the municipal committee conveying its decision, under the law, for the approval of Government of the appointment made by the committee.

2 p.m. But the municipality has got no letter from the Government, no acknowledgment nor the decision whether the Government was going to approve of that appointment or not.

**Mr. Speaker :** That has nothing to do with the adjournment motion at this stage.

**Chaudhri Krishna Gopal Dutt :** If you think that it is an ordinary thing and that Government can impose an executive officer over the municipality and that the only avenue before us for ventilating our grievance is an ordinary resolution, then I leave it to you and to your faith.

**Mr. Speaker :** The only question involved in the honourable member's adjournment motion is whether the Government was bound to approve the appointment of a certain person as executive officer, because he was elected by the municipal committee unanimously. If that is what the honourable member means, then I am sorry to say that I am not aware of any law or authority under which the Government is bound to approve an appointment if it is made unanimously. If the honourable member points out any law under which the Government is bound to approve the appointment, I will be with him.

**Chaudhri Krishna Gopal Dutt :** I got the information beforehand that all adjournment motions would be ruled out of order. But I never thought that this particular adjournment motion relating to the appointment of the executive officer would also be ruled out of order.

**Mr. Speaker :** I did not hear any such rumour.

**Sardar Sampuran Singh :** There should be no difficulty in the motion being admitted.

**Mr. Speaker :** If there is any law under which the Government is bound to give its approval, the honourable member may point it out.

**Chaudhri Krishna Gopal Dutt :** Here is the law that the Government has no right to appoint any man—

**Mr. Speaker :** That is a secondary question. The honourable member's motion is—

to discuss a definite matter, namely, the non-accordance of approval by the Government to the appointment of Syed Ejaz Hussain, B.A., LL.B., as Executive Officer of the Gujranwala Municipal Committee, unanimously made by the said committee.

[Mr. Speaker.]

Failure of the Government to give approval or refusal is the sum and substance of the honourable member's motion. But he is going beyond it.

**Lala Deshbandhu Gupta :** The law, as I understand, is that if the Government does not give its approval, it should give another opportunity to the municipality to make fresh recommendations.

**Mr. Speaker :** There is no such law or rule.

**Sardar Sampuran Singh :** All that is being done in this province.

**Mr. Speaker :** Where is the authority that the Government is bound to give its approval? Why have approval at all if this is the law? The Act is not very happily worded, but the question is, whether under the law as it stands at present, Government is bound to give its approval.

**Lala Deshbandhu Gupta :** Approval is always necessary.

**Chaudhri Krishna Gopal Dutt :** You have asked me to point out any rule, but may I ask you if there is anything under the law which asks the Government to make that appointment? Can you, by any stretch of imagination or your intellectual calibre, point out any rule?

**Mr. Speaker :** If a municipality fails within the prescribed period of three months to appoint any one or if the Government refuses to approve the person appointed, in that case the post is still vacant and has to be filled by Government and by no other authority.

**Chaudhri Krishna Gopal Dutt :** I challenge it.

**Mr. Speaker :** Will the honourable member please quote any law or rule in support of his contention? I may be wrong.

**Chaudhri Krishna Gopal Dutt :** You have spoken for about 15 minutes but—

**Mr. Speaker :** If the law is badly worded have it amended. I disallow the motion.

#### DES RAJ CHADHA, UNDER-TRIAL PRISONER UNDER THE DEFENCE OF INDIA RULES.

**Sardar Kapoor Singh :** Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the refusal of the Government to permit Lala Dina Nath Bhasin, Advocate, of Lahore, to interview his real brother-in-law, Mr. Des Raj Chaddha, an under-trial prisoner under the Defence of India Rules.

Sir, Mr. Des Raj was arrested on the 25th October under the orders of the Government under the Defence of India Rules and on 31st October, Lala Dina Nath Bhasin, Advocate, applied for an interview to the Government. He sent in his application to the Deputy Inspector-General as the Government has delegated the powers to the Deputy Inspector-General. So the Government was responsible for the refusal through the Deputy Inspector-General. I hope that you would not take it as a trivial matter. You may say that hundreds of applications are being sent for interviews in these days and then if the adjournment motions were to be admitted

on every one of them, there shall be hundreds of adjournment motions. But so far as this adjournment motion goes it is the most important one because that person has been arrested under the Defence of India Rules by the orders of the Government.

**Mr. Speaker :** Is the Government bound to give permission to everybody who wants to see a prisoner in jail ? I think that is a matter within the statutory discretion of the Government. The honourable member has argued that there might have been hundreds of applications for interview which may have been rejected ; but that Mr. Bhasin's case is a special one. However, I am not going to make any distinction between Mr. Bhasin and others. It is the case of an individual and of an individual grievance.

**Sardar Kapoor Singh :** An adjournment motion can be brought forward with regard to a definite matter and so in this way I wanted to point out —

**Mr. Speaker :** Will the honourable member please refer to page 188 of *Campion* ? An adjournment "motion must raise a larger issue than a merely individual grievance."

**Sardar Kapoor Singh :** Sir, one person has been arrested and he is not going to be tried by any court and is put up in the lock-up. He has no remedy.

**Mr. Speaker :** May be. But the honourable member's motion is not based on that ground.

**Sardar Kapoor Singh :** It is the only place where the arbitrary powers exercised by the Government can be criticised or commented upon.

**Mr. Speaker :** I disallow the motion.

#### SPEECH OF PREMIER AT LUDHIANA.

**Sardar Kapoor Singh :** I beg to move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the speech delivered by the Premier at Ludhiana on the 8rd October, 1940.

**Mr. Speaker :** The Premier delivered that speech either in his personal and unofficial capacity or as the Premier. If he did it in his unofficial capacity and said something against any one, the aggrieved person's remedy is a court of law ; but if he spoke in his official capacity, a substantive motion may be moved to criticise and attack his conduct.

**Sardar Kapoor Singh :** I have no intention of moving a no-confidence motion. My object is to discuss his speech only and for that very reason I have not put down any word about it in my motion.

**Mr. Speaker :** The speech may relate to a dozen matters. Can I allow more than one matter to be discussed under an adjournment motion ?

**Sardar Kapoor Singh :** I want to discuss only that speech and nothing else. I am not going to discuss him in his individual or official capacity.

**Mr. Speaker :** What is your object ?

**Sardar Kapoor Singh :** Sir, I will give you an instance to clear my position. I gave notice of a resolution that a committee of five members

[S. Kapur Singh.]

should be appointed to go into the conduct of these officials who are in charge of collecting war fund. That resolution was rejected on the ground that war is not a matter with which the provincial Government is primarily concerned. I knew that if I put any word like war in this adjournment motion, you might again object to it.

**Mr. Speaker :** The next adjournment motion please.

**COMPELLING PEOPLE TO BUY TICKETS FOR WRESTLING MATCH,  
JULLUNDUR DISTRICT.**

**Sardar Kapoor Singh :** Sir, I move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, forcing the people to buy tickets for the wrestling match arranged by the district executive authorities of Jullundur district.

**Mr. Speaker :** The principle of this motion has already been discussed in connection with the motion moved by Pandit Shri Ram Sharma.

**Sardar Kapoor Singh :** It is quite a different matter and a definite one that the people were forced by the Government officials to buy tickets

**Mr. Speaker :** I have already dealt with an adjournment motion regarding the forcible realisation of war fund and the honourable member's motion refers to the same matter.

**Sardar Kapoor Singh :** I have put down the words 'district executive authorities.' I have not given the name of any person, whether it was Gurdial Singh or the Deputy Commissioner or any other person. It is for the Government to prove—

**Mr. Speaker :** The next motion please.

**CONTRIBUTIONS TO WAR FUND.**

**Sardar Kapoor Singh :** I beg to move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, undue pressure put by the Sub-Registrar upon the parties to the proceedings at the time of registration of deeds to contribute for War Fund.

The argument is the same because everywhere registrars are putting pressure upon the people to pay something towards the war fund.

**Mr. Speaker :** Why do you not proceed legally if they are coercing people?

**Sardar Kapoor Singh :** It is a fact, Sir, that people are made to pay. Sardar Sant Singh, M.L.A., was compelled to pay.

**Minister for Public Works :** Why does he not file a suit?

**FAILURE OF POLICE TO ARREST AJAIB SINGH, ETC., DACOITS OF  
LUDHIANA DISTRICT.**

**Chaudhri Muhammad Hassan :** I move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the local police to arrest

Ajaib Singh and his companions who committed dacoity with murder on the evening of 8rd November, 1940, at village Dad in the Ludhiana district, a distance of only four miles from the headquarters.

**Mr. Speaker :** The dacoity and murder case has not been challaned yet ?

**Chaudhri Muhammad Hassan :** My object is to discuss the failure of the police to arrest Ajaib Singh and his companions. I am not concerned with the case. I am only concerned with the administrative responsibility of the Government in having an inefficient police who did not arrest the murderers.

**Mr. Speaker :** Is the honourable member's statement regarding "dacoity and murder" corroborated ?

**Chaudhri Muhammad Hassan :** The lambardar and the people of the village approached me and told me the whole story and I got it confirmed from other reliable sources.

**Minister for Public Works :** What the honourable member said was that he heard a particular story from certain villagers.

**Chaudhri Muhammad Hassan :** Not only heard, but satisfied myself that the story was correct.

**Minister for Public Works :** Dacoities and thefts do take place and sometimes the culprits are caught and arrested and sometimes they escape. Sometimes police investigations into such cases are successful; sometimes they catch the culprits red-handed, arrest them and bring them to book. But it does not follow that if the police does not arrest the culprits there and then, that there is any failure on the part of the police to do its duty.

**Mr. Speaker :** Is official information available ?

**Minister for Public Works :** I will have to find out. I cannot give detailed information on the subject straightway.

**Chaudhri Muhammad Hassan :** In view of the circumstances of the case I take it that you will allow the motion.

**Mr. Speaker :** But the honourable member's facts are not corroborated.

**Chaudhri Muhammad Hassan :** If you rule my motion out of order, may I know on what ground you do so, whether it is because the administrative responsibility of Government is not involved ?

**Mr. Speaker :** I think the motion is in order. Chaudhri Muhammad Hassan asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the local police to arrest Ajaib Singh and his companions who are alleged to have committed dacoity with murder on the evening of 8rd November, 1940, at village Dad in the Ludhiana district, a distance of only four miles from the headquarters.

Any objection ?

**Minister for Public Works :** I object.

**Mr. Speaker :** Those in favour of leave being given please stand in their places.

*As more than 35 members stood in their places the leave was given and it was decided to take up the discussion of the motion at 4-30 p.m.*

### CRIMINAL LAW (SECOND AMENDMENT) BILL.

**Premier :** I introduce the Punjab Criminal Law (Second Amendment) Bill. I also move—

That the Punjab Criminal Law (Second Amendment) Bill be taken into consideration.

**Mr. Speaker :** Motion moved—

That the Punjab Criminal Law (Second Amendment) Bill be taken into consideration.

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

That the Punjab Criminal Law (Second Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 15th January, 1941.

While moving this motion, I would like to say that I feel justified in moving it. The Punjab Criminal Law (Amendment) Act of 1935 is to expire on 1st December, 1940, and for that reason Government wants to extend the duration of this Act for another five years. It must be conceded by everybody concerned that this is not a normal measure of law. The very fact that its duration from time to time has been limited to particular periods shows that this is an extraordinary measure and is meant to meet only extraordinary situation. Before 1935 there was another similar Criminal Law Amendment Act that was passed in 1932 and probably there was another similar Act prior to 1932 also. Perhaps Government might say that extraordinary situation or a state of emergency has all along existed since 1930 or even prior to that and that a state of emergency still exists. Perhaps that is the only argument that can be put forward on behalf of Government. There is only one thing that has happened since September, 1939, namely the war has broken out in Europe, but for that Government has already armed itself by having for itself what is called the Defence of India Act and under that Act all possible emergencies have been provided for and even ordinary activities of the people have been made punishable in the interest of the prosecution of the war. So, the consideration that there is a war going on in Europe cannot justify the extension of this Act for another five years. The question of the extension of this Act for another five years should be decided on the merits of the Act itself. I submit that there is absolutely no justification for the extension of the law as enacted in the Act of 1935. It is an Act that tramples down the civil liberties of the people and it takes away the most elementary rights that the members of any society can enjoy.

I wish to make a brief reference to the various parts of this Act and that will show how serious and how grave consequences can follow if this Act is extended for another five years. In the first chapter of this Act it is laid down that if Government has ground for belief that a terrorist or a communist is going to act or is about to act in a manner prejudicial to the public safety or peace, he can be arrested and dealt with under chapter I. I submit that I can well understand if Government proposes to substitute the words



'national socialist' in place of the word 'communist'. A communist is not so dangerous now as a national socialist of Germany. I fail to understand how a person who believes in a certain social order that has existed in a very important part of the world should be made liable to be arrested at once, simply because he believes in certain social principles. After all what is communism? Communism wants to distribute the means of income fairly among all people. That is communism. Communism is not anything dangerous. I fail to understand why a person who happens to be a communist or believes in a certain social code, should be made liable to be dealt with summarily under chapter I of this Act. I can well understand the reason in the case of a terrorist. Again the difficulty also arises in view of the fact that there is no provision in the Act which provides for some proof before action can be taken. Anybody can be taken for a terrorist. Chapter I lays down that before a person is proved to be a terrorist if he is believed to be a terrorist action can be taken. That is what chapter I says.

Then Chapter II goes further than this. Chapter II lays down a number of restrictions upon the ordinary and legitimate activities of the people. I would invite the attention of the House to the restrictions not only galling restrictions but most unjustifiable restrictions, that have been imposed under Chapter II of this Act. It runs thus—

3. (1) The Provincial Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, or in furtherance of a movement prejudicial to the public safety or peace may, by order in writing, give any one or more of the following directions, namely, that such person—

- (a) shall not enter, reside or remain in any area specified in the order;
- (b) shall reside or remain in any area specified in the order;
- (c) shall remove himself from, and shall not return to, any area specified in the order;
- (d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

Chapter II gives all kinds of powers to suppress what are called civil liberties. I venture to submit that a man lives in order to enjoy the civil liberties. If he is robbed of the civil liberties that an individual should enjoy, in the case of that man life is not worth living. Man does not live for bread alone. He lives in order to enjoy certain human liberties. Chapter III robs a Punjabi of any liberties which he would like to enjoy and for which he lives.

Then, Sir, we come to Chapter III. Chapter III makes extraordinary provisions in regard to public meetings. Any constable or head constable is given the right to force himself upon any public meeting. Public meeting is defined to include a meeting held in a private place also. So even the sanctity of a private house is taken away by this provision of law. That is not the only thing. If the conductors of a public meeting or its president takes exception to the unwelcome visit of a constable or a head constable, he is liable to prosecution and for that he may even be sent to jail. You know the holding of a public meeting is a very precious right that is given to any decent society. Now this is a serious encroachment upon the right of holding a public meeting. In view of the extended meaning that is given

[L. Duni Chand.]

this provision of law becomes a kind of menace. The law already provides that if in any public meeting any seditious or objectionable speeches are made, they can be dealt with. So I fail to understand why this humiliating restriction is further made. I submit, as I have submitted before, that if any society is subjected to such galling and humiliating restrictions, it cannot be said that that society is enjoying any kind of civil liberty or any kind of human liberty.

Then Chapter IV deals with a novel thing. It is novel to me and it is novel to the entire system of law so far as I know it. It provides that any kind of payment that is to be made to the Government or any payment that is to be made by one private person to another private person can be declared to be a notified liability. Arrears of land revenue or arrears of any tax or cess can be declared as notified liability. Under the ordinary law it is provided that if the arrears of land revenue are not paid, the defaulter can be proceeded against. But here the notified liability also includes the rent which an agriculturist is liable to pay to another agriculturist. That kind of rent can also be made a notified liability. It comes to this, that all the tenants, say of a big landlord, if for some reason or other are unable to pay the rent due from them, then notwithstanding their utter inability to pay, they can be declared to be under notified liability and after that if any person shows any kind of sympathy to such persons and says that they might pay it in due course, then he becomes liable for prosecution. It may not be asking the agriculturist not to pay rent. But even asking him to defer payment of rent is made punishable. I fail to understand what reasons of state there are that a large number of poor tenants should be subjected to a law of this kind. Take the case of a tenant who is not able to make anything out of the land cultivated, not even for the maintenance of his wife and children; if any person shows some sort of sympathy towards him and says that it is impossible for him to pay and so he can approach the landlord and ask him to defer payment of rent for some time, if he gives such an advice to him, he will at once become liable to prosecution in a court of law. This Government claims to be an advocate and the best friend of the agriculturists. If so, why should the Government have this power in its hands and harass a large number of agriculturists and also prosecute those people who may have any kind of sympathy with those poor people? Does not the Honourable Chaudhri Sir Chhotu Ram know that a large number of tenants are for one reason or other unable to pay rent that is due from them? Why should you place these extraordinary powers in the hands of the Government in order to prosecute such agriculturists? I think it is foreign to the entire system of law as I know it.

Then there is another chapter which deals with mock ceremonies. Sometimes mock ceremonies are indulged in for the purpose of a certain kind of excusable pleasure or enjoyment. If anybody takes part in any kind of mock ceremonies, he is also liable under this Act. An Act of this kind has been on the statute book without any justification for many years. I submit that there is no justification to keep this Act any more on the statute book. The sooner it is taken away from the statute book, the better it is. After all the people are entitled to have the benefits of a tolerable society. Can

that society be called tolerable in which drastic measures of this kind are imposed? This Act is intended to be applied not only to those people who may be interested in the breach of law, but it is also intended to be applied to honest men who want to do honest service to the poor and the needy. What has been the result of this Act having been on the statute book? The Punjab has not known any period of respite from persecution, prosecution and oppression for many years. It is a well-known fact that ever since this Act has been placed on the statute book, a large number of people have been either interned or externed. I do not want to discuss the case of war. If there had been any justification whether in the interests of war or anything else, it would have been a different thing and a different argument could have been advanced. No question of war arises. As I have already submitted there is ample provision in the Defence of India Rules to meet any situation, any emergency, that might arise.

Why should the Government interfere with the ordinary constitutional activities of the members of the public, why should there be so many inroads and so many encroachments upon the rights of the people? I submit that if the Government really cares for the principles of Law, the Government should not have this Act any more on the Statute Book. I submit, Sir, these are the only arguments that I want to advance on this occasion and if these arguments cannot possibly convince the Government, I simply pity the Government.

**Mr. Speaker :** A large number of members have given notices of motions for circulation. They have proposed different dates by which they wish the opinions to be received. So, I do not intend to propose any date at the outset. But if the motion is carried we will have a date fixed. Motion moved is—

That the Punjab Criminal Law (Second Amendment) Bill be circulated for the purpose of eliciting opinion thereon.

**Chaudhri Krishna Gopal Dutt** (North-Eastern Towns, General, Urban) (*Urdu*) : Sir, there is a circulation motion in my name also which reads thus :—

That the Punjab Criminal Law (Second Amendment) Bill be circulated for the purpose of eliciting opinion thereon by April 30, 1941.

Sir, at the outset, I would like to say that the views which I am going to express in regard to this Bill may not be considered as merely my personal views but they should be taken reflecting the feelings of all patriotic persons in the Punjab who consider it a mischievous measure which strikes at the very root of the peace and tranquillity of the province. It is surprising that the Honourable Premier who has been very loud in professing love for freedom and democracy is now placing such a reactionary and mischievous Bill before the House which will, I am afraid, bring about disturbance of peace in the province. I feel it is the duty of every well-wisher of the province to state as to what they really feel in regard to this matter. When such a measure is placed before the House, it is essential that every honourable member should open his heart before the House. I am at a loss to understand the attitude of the Government. On the one hand, it is said that democracy is proving successful in this province and, on the other hand, Government is out to enact such an extraordinary law by which the liberties of people will be trampled under foot.

[Ch. Krishna Gopal Dutt.]

Sir, when a Bill of such a serious nature is to be placed before the House the Government members at least should be present in their seats. But please note how many honourable members are sitting on the Government benches. My honourable friends of the Unionist Party who admit that the Congress represents the biggest political party in the country should have been present in their seats in order to know what the Congress Party has to say on this important matter. But what I see is that a few honourable members are sitting on the Government benches and they are busy in their merry talks as if the subject under discussion is not of much importance. As a matter of fact they are quite unmindful of the valuable time which we are spending here in discussing important matters. And when they do listen to our speeches they give us absurd smile and if ever they take the trouble of replying to us they do it in a sneering manner. Nevertheless, I do want to tell them what our ideas and sentiments are in regard to this measure? I may point out that this emergency measure is not being placed before the Punjab Legislative Assembly for the first time but it was also brought forward before the Punjab Legislative Council in 1932. If you read the debates of 1932 you will find that this Bill was introduced by the then Government and it was declared to be meant for extraordinary times and to meet a state of emergency. And the Government said that on account of the existence of extraordinary condition they wanted to enact extraordinary laws. The present Government have taken shelter under a similar argument. They say that they do not possess sufficient powers under the present circumstances while in reality they have got every weapon in their armoury. They say that although they have swords, guns and prisons for curbing the activities of the freedom-loving people yet they find it necessary to have more powers to cope with the situation. In this connection I would also like to point out that the emergency which actuated the former Government to have this law enacted do not now exist at all. Sir, you might remember that this Bill was put forward in the Legislative Council in 1935 in the same form as it was introduced in 1932. When a similar central measure was introduced in the Central Assembly, the present Governor of the Punjab was the Home Member in the Central Government and was in charge of the Bill. He then gave the same arguments. In 1932 and 1935 similar arguments were repeated in the Punjab Legislative Council. In the very beginning of his speech Mr. Boyd pointed out in 1935 in

3 P.M.

the Punjab Legislative Council that as this Bill had already been discussed threadbare on previous occasions, he need not repeat the arguments adduced in its favour or make a lengthy speech. And with a few introductory remarks he introduced that Bill. Government of that time was also fortified with a strong majority at its back and consequently the House passed that measure. In this connection I may point out that despite the non-existence of Congress members in the old Council, there were certain brave souls like Chaudhri Ram Sarup and Pir Akbar Ali who opposed that measure tooth and nail. They rightly opined that the measure in question aimed at curbing individual liberty and the nationalist movement. As a matter of fact they condemned this Bill in such scathing terms that our objections appear mild before them. Well, Sir, this Bill was passed in 1935 and was consequently enforced in

the Punjab. The honourable members are fully aware of the ruthless repression that was carried on in the province under the provisions of this Act. They know how the liberties of the poor people were trampled under foot and how they were made a victim of the atrocities committed by the authorities under this Act. But those were the days of a bureaucratic Government. With the introduction of provincial autonomy people thought that the popular Government would set things right. But that was not to be, although the leaders of the party in power are loud in their professions that their hearts bleed for the downtrodden people. They claim that they are the custodians of the rights of the masses and, therefore, they respect their liberties and hold them as sacred. They think that with the setting up of popular Governments in the provinces, independence has been conferred on India and specially on the Land of Five rivers. Only the other day the Honourable Premier while making a speech in public cried himself hoarse that Punjab was free. But may I know if this amending Bill represents his and his associates' conception of freedom? I must say that this Bill shatters to pieces their professions of love for independence. They quietly shut their eyes to the far-reaching effects of this measure which in fact is designed to gag the people, to crush their spirit, their high ideals, even their sentiments and susceptibilities and to bring about their physical and mental enslavement. I cannot help saying that there is a political motive underlying this measure. I must, therefore, oppose it and oppose it strongly. This Act which is to die its natural death is being resuscitated in the Punjab Assembly with a view to repress the freedom-loving people and murder their conscience. How can the Government expect us to be a party to the enactment of these repressive laws? As a matter of fact the Punjab Government want to sound the death-knell of the Congress in this province by passing this measure. It is a different matter that that organisation is powerful enough to withstand the onslaught and survive it, but the Government are leaving no stone unturned to do the mischief. This amending measure clearly reflects their motive.

Now I would like to ask one thing from the Honourable Premier. May I know what cataclysm or political upheaval has taken place which has prompted him to give this detestable Act a new lease of life for another five years? I concede for argument's sake that sometimes extraordinary conditions crop up in a country, which require the adoption of strong measures by the Government. Naturally the Government would like to arm themselves with wide powers to cope with that extraordinary situation, in the interest of the peace of the country. Let me concede for argument's sake that in 1932 a state of emergency did exist and the Government wanted to have a weapon in their armoury in the shape of this Act. But where does that state of emergency exist at present? Has it not disappeared after a span of nine long years? If it still exists, then it is really a matter of shame for this Government as well as the British Government and their henchmen. Again, if this state of emergency is to last for ever, you cannot call it a state of emergency. And I see no reason why Government should be allowed to arm themselves with such extraordinary powers to meet a situation which according to Government has become permanent. This is a very important point and with all humility I place it before the honourable members of the House for their consideration. They should think ten times

[Ch. Krishna Gopal Dutt,]

before they give their consent to the enactment of this mischievous piece of legislation. I may assure them that posterity and the future historians would view this lapse on their part with much disdain and disfavour. They would wonder as to how the wisdom of their ancestors got tainted even in the days of provincial autonomy.

Again it may be argued that the Honourable Premier would not exercise these powers conferred by this Act without fully satisfying himself in every case. In this connection I may submit that from the light thrown by the Premier on the arrests of Sardar Sohan Singh Josh, Master Kabul Singh, Sardar Hari Singh, Sardar Harjab Singh, Comrade Ram Chandra, and others (whether in private talk or public utterances or written statements), one thing becomes clear and that is this. The Honourable Premier himself may not exercise these extraordinary powers but he is made to use them by the officers under him. He says that he goes through the files very carefully and scrutinises each case in all its bearings. But he overlooks the activities of his subordinate and executive officers. He conveniently forgets that when the honourable members on this side of the House expose the shortcomings and defects of the officers, the result is that the latter begin to foster bitter feelings against these members. They spare no pains to wreak their vengeance against these public men. They try to harass them unnecessarily and create difficulties and embarrassments for them by entangling them in false cases. They dub them as terrorists and communists and then make reports to the Honourable Premier whose British I.C.S. Secretaries (who are reputed to manufacture and fabricate cases), give such colour and finishing touches to these reports that the Honourable Premier feels like taking action. And yet the Honourable Premier assures the House that he has thoroughly examined the facts and has fully satisfied himself.

When such are the ways of the Government how can we expect that the Punjab Criminal Law (Amendment) Act will not be used to restrict civil liberties in this province? I am not opposed to all restrictions. Let there be legitimate restrictions. But I am not prepared to accept the Government's definition of legitimate restrictions. I have my own definition, and I would adhere to it. We live for legitimate liberty. It is our faith. We will safeguard it and die in the attempt if need be. But before I go to jail for this sacred case, I want to strike a note of warning to the Government and particularly to those members of it who are now jeering at us and are laughing instead of repenting for their misdeeds, that the day of reckoning is staring them in the face. Sir Sikander once happened to boast that his party would remain intact for five thousand years to come as if he had received a monopoly to rule over the Punjab from God Himself, but let him remember that however repressive laws the Government may enact, we will shatter them to pieces, and we are determined to do so. I would also give a warning to those sitting on the Treasury benches that they should also expect no better treatment when the power would come to the masses and that time is not far off.

**Minister of Public Works :** You would only make us your prisoners and we would love to be your prisoners. (*Cheers.*)

**Mr. Speaker :** Please speak to the motion.

**Lala Duni Chand :** He is trying to melt the heart of the Premier.

**Chaudhri Krishna Gopal Dutt :** These honourable gentlemen have never been inside a jail and, therefore, have never tasted what we have been tasting for the last 15 years. We have been suffering manifold hardships for the cause of freedom. But the honourable members sitting on the Treasury benches have all along enjoyed unbroken peace, pleasure and happiness. They have been making merry in their luxurious palaces while patriots were rotting in jails. I am giving them no threats. All I am trying to do is to point out 'the writing on the wall' to them. It is not a threat. It may turn out to be a fact in the near future. Let them prepare themselves for that. Is there any man who can say that the power will never come to the masses of this country? Does it surprise anyone to hear that these very persons who are now in jails might hold the reins of administration of this very country? Anyway we have set a goal before us and we are determined to achieve it, come what may.

**Mr. Speaker :** Please speak to the motion.

**Chaudhri Krishna Gopal Dutt :** Sir, when this Act was originally passed you had allowed a great latitude to the speakers. I hope you would likewise allow me to have my say.

I want to express my own feelings and sentiments with regard to the repressive policy of the Government which is going to grant a fresh lease of five years to this repressive law. It appears as if the safe majority has intoxicated the Premier and he wants to exploit the situation by passing this law. But let him not ignore how the public would react to this repression. It does not stand to reason that a state of emergency is continuing for the last eight years and will continue for another five years in this province. Under the pretext of this law the police will be empowered to apprehend whomsoever the Government does not like to enjoy liberty. Thus the police may arrest Diwan Chaman Lall, Sardar Sampuran Singh, Mian Abdul Aziz, or Dr. Sir Gokul Chand Narang.

**Premier :** Diwan Chaman Lall does not do any bad thing.

**Chaudhri Krishna Gopal Dutt :** Why do you love Diwan Chaman Lall so much? (*Cheers.*)

**Minister of Education :** We love you equally. (*Renewed cheers.*)

**Chaudhri Krishna Gopal Dutt :** You love every body. Your love-affairs have become notorious (*Loud Laughter*). The Government will, by extending the period of this Act, add to the powers of the police and the C. I. D. who are notorious for fabricating false cases. The statements of the C. I. D. have so often been rejected as false by independent courts that it is sheer folly to place reliance on them any longer. Several Sessions Judges have passed strictures on the police. Even the High Court has condemned the fabricated versions of the police. An example is not far to seek. It happened in the famous case against the well-known Ahrar leader, Sayed Ata Ullah Shah Bokhari. I want to repeat here what was said about the Rowlett Act that 'no vakil, dalil or appeal' could be admitted under that Act. The same lawlessness would result from this law. The liberties of big and small persons will be curtailed under this Act and it will not spare

[Ch. Krishna Gopal Dutt.]

Diwan Chaman Lall or Sardar Sampuran Singh (*A voice* : Why mention these names particularly ?) Let it be any person, Tom, Dick or Harry. But I would assure my honourable friend that ordinary persons who compose the masses are our real masters. They are the masters of the Government. If their liberties are curtailed, the Government will have to pay for it and answer for it. At present the Government is acquiring extraordinary powers in order to crush the masses. This mentality of the Government would be rightly termed as Nazism and Fascism in the nomenclature of Political Science. Our Premier is *not* practising what he asks us to fight for abroad.

There is an Arabic saying—

” من جرب العرب حلت ، الدنيا ”

**Mr. Speaker** : Please recite it correctly. It is—

” من جرب العرب حلت ، الدنيا ”

**Chaudhri Krishna Gopal Dutt** : Sir, I do not know Arabic and cannot be expected to pronounce Arabic words correctly. I submit that the way in which the present Government are conducting themselves can well be compared to Nazism or Fascism. In no way is the present regime different from these authoritarian systems of Government. Here people are arrested and detained in jails without a trial. They are not given an opportunity to defend themselves. Their civil liberties are interfered with. A police officer can arrest a person and keep him in custody and is not bound to produce him before a court of law. If this is not Fascism what else is it ? If we condemn Hitler it is because he denies any sort of freedom to the people under him. I have been to Germany and have witnessed the conditions obtaining there. He has deprived the people of all those civil rights which they enjoyed previously under democratic Governments. There is only one ideal before him and it is to win the war and to establish German hegemony all over the world. All his activities whether social, economic, political or military, are directed towards the attainment of one end, namely, German dominance of the world. Those under him have the power to arrest, imprison or kill any person or persons suspected of any crime against the Nazi Party. You know, Sir, that judicial system was established in the world to preserve the civil liberties of the people. Government and the people are two parties and any question arising between them is always decided by the judiciary. But we find that here the same judiciary which was to be the preserver of the civil liberties of the people, has been turned into a weapon of tyranny. How many courts are there in the Punjab which could be expected to do justice to the people who happen to disagree with the party in power ? Here I may be permitted to make a general remark and that is that these courts of law award unnecessarily heavy sentences to the people accused of political offences. The point I want to make out is this that even these courts of law which are friendly to the Party in power and which are ready to do anything for them are not trusted by the Government. It is we who have complaints against the law courts and not the party in power. But notwithstanding all this the party in power has deprived them of powers to try political offenders arrested under this law. This is an insult to law according to the original conception of law



as enunciated by the legal luminaries of the world. In this respect the Unionist Government is exactly following in the footsteps of the Nazis and the Fascists. I enquire from the Honourable Premier, how long does he expect his party to remain in power by such methods? It was the Honourable Premier, who sometime back declared that if after the war the British Government failed to make good the promises that they have made regarding the grant of Dominion Status, he would be the first man to rise in revolt against them. If after the war the British Government went back upon their aforesaid promises and it necessitated the rising in revolt of the Honourable Premier, this very law which he has introduced in the Assembly will be used against him. In fact we know, and you, Sir, also know the tactics of the Britisher. After the successful prosecution of the war they will as usual employ the same old tactics to defer such promises. In fact they have not definitely made any such promise. They have never said that they would be willing to grant our legitimate demands. It is possible that the war may take five years to end. If after that period the British Imperialism comes to an end the question of their making good any such promise will not arise. And in case they come out successful after defeating such powerful enemies as the Axis Powers they would be flushed with their glory and it is quite possible that in order to hush the demands of the Indians for freedom they might once again resort to the use of brute force as they have been doing in the past. If such a thing happen, what will the Honourable Premier do? This very law which he is enacting now will become easily handy to them and they will use it against him with all the ruthlessness at their command. Perhaps you cannot realise all this. You did not taste the tyrannies to which the people were subjected after the last Great War. At that time you did not come out of your shelters to experience what others suffered. A day will come when you will have to answer for your misdeeds. You are doing a thing which is bound to harm your own interests some day. You will be a victim of your own designs, and it will be said of you—

شكركم، شكركم، شكركم

- I advise the Honourable Premier to circulate this Bill for the purpose of eliciting public opinion thereon. He always claims to be the representative of the public. If he really represents the public and their opinion then he should not fight shy of placing this Bill before the people to enable them to pronounce their verdict upon it. Such an important Bill should be placed before the public to enable them to express their willingness or otherwise to allow you to exchange a democratic system of Government into an autocratic one.

There is yet another very important point which I want to urge for the consideration of the honourable members and that is this. It is a general practice that whenever any Bill is introduced, the mover makes a short and pithy speech to throw some light on its aims and objects. But it is a matter of great regret that the Honourable Premier to-day rose in his seat and introduced this highly important Bill in a formal manner. He has neither cared to enlighten the House as to the purpose for which it would be used nor has he cared to give any such assurances to the honourable members which were held out by his predecessor in the old Legislative Council. While

[Ch. Krishna Gopal Dutt.]

introducing the Punjab Criminal Law Amendment Act in 1935, Mr. Boyd pointed out the circumstances under which the said Act would be used. He further explained its aims and objects and also whether or not the state of affairs obtaining in the Punjab warranted the enactment of a measure of that nature? In short whatever information was necessary he placed it before the House. But the Honourable Premier has done nothing of the sort. It appears from his attitude that he regards this House as a mere joke. He knows that he has a big majority at his beck and call and there is, therefore, no need of using his brain or moving his tongue. The fact of the matter is that he is entirely in the dark as regards the state of affairs obtaining in the Punjab and as to what is happening in the rest of India. If he had been aware of the situation he would not have taken the trouble of moving this Bill in order to give a new lease of life to the Punjab Criminal Law (Amendment) Act, 1935. Everybody knows that the Defence of India Act has recently been enacted by the Government of India and it extends to the Punjab as well. The rules which have been framed under it are so very comprehensive that in their presence it is simply foolhardiness to extend the duration of the Punjab Criminal Law (Amendment) Act. In fact there is no necessity for it. I fail to understand why in the presence of the Defence of India Act which is hanging like the sword of Democles over the heads of the people my honourable friend has felt the necessity of administering pin-pricks to them by extending the lease of life of this hated measure. If it is not tom-foolery what else can it be? Surely my honourable friends have got the requisite authority and extensive powers to carry on the government of the province under such stress of times like this. In fact these pin-pricks are no longer required for maintaining law and order in the Punjab. The Defence of India Act has been enacted to cope with the extraordinary situation and so long as these circumstances remain unchanged the said Act would remain in force. When this is so I am at a loss to understand how the necessity of bringing this measure at this time and at this stage is felt. I hope the Honourable Premier while replying to the debate would also advert to this point.

Sir, I do not like to take any more time of the House but before concluding my speech I want to make one submission and that is that the Honourable Premier claims himself to be a free man and regards this province free. Let me point out to him that we on this side of the House do not regard ourselves as free people. We know that we are slaves and we knew it before as well and the coming ten days will show whether or not we are slaves. After all how can we be free in a country like this where civil liberties of the people are so suppressed? Anyhow we know that we are slaves but we think that my honourable friend over there has moved this motion with the ostensible object of strengthening the chains of our bondage.

One word more and I shall have done. I want to tell Sir Sikander in my personal capacity and also on behalf of my honourable friends sitting on this side of the House that if he thinks that by enacting such measures and abusing them and by throwing us in jails, he will succeed in his object or will be able to consolidate his position or will be able to crush us, he

should rest assured that that is a mere fancy, a craving and a wishful thinking. (*Interruption*) Try and see. Sir, you must have read Diwan Galib. Two days ago while pondering over the situation in this province I was reminded of a verse which is as follows :

کیا نامم کے ہم کو قید چاہئے یا رہی  
یہ جہنم عشق ہے اور نہ جہنم نہ انگہ کہ

This can never be. (*Cheers.*) If he thinks that by abusing such Acts as the one now before the House he will succeed in achieving his object he is living in a fool's paradise. With these words I move my motion.

**Pandit Shri Ram Sharma** (Southern Towns, General, Urban) (*Urdu*) : Mr. Speaker, the Bill introduced by the Honourable Premier appears to be a short one and in fact to put it more correctly it is comprised of only one word. In the Punjab Criminal Law (Amendment) Act of 1935 it was provided that the said Act would be enforced for a period of five years only. The amending Bill now before the House provides that in subsection (3) of section 1 of the Punjab Criminal Law (Amendment) Act, 1935, for the word "five" the word "ten" shall be substituted. From this one can very easily judge that with the amendment of only one word what far-reaching change or so to say what barbarities are going to be committed in the province. In our part of the country there is an Urdu adage "اٹل جہنم آٹل آٹل"

which aptly applies to this Bill. (*Laughter.*) I do not mean to refer to any Minister. What I mean is that as compared to other measures which have so far been sponsored by the Unionist Government this is the shortest of them all. Yet in effect it would prove to be highly dangerous for the province as a whole, though it may be good for the Unionist Party or for the matter of that the present Government. Now my honourable friend Lala Duni Chand has moved that the Punjab Criminal Law (Second Amendment) Bill be circulated for the purpose of eliciting public opinion thereon. In other words it means that the people of the Punjab should be asked to express their opinion whether or not there is any necessity for carrying out this amendment and thus extend the duration of the Punjab Criminal Law (Amendment) Act for a further period of five years. I see no reason for objecting to this innocent and harmless demand especially when the Leader of the House, or the party in power know it full well that they have an overwhelming majority in the House and that they can place it on the Statute Book whenever they please. What is more, the Honourable Ministers often claim in their speeches that a large majority of the people in this province are their zealous supporters and that if any Bill or measure is circulated for the purpose of eliciting public opinion thereon necessarily the people would support it *en bloc* and they would demand that the said Bill should be enacted forthwith. If that is so, it should all the more encourage my honourable friends to agree to our demand. Now so far as the argument of lack of time pleaded by the Government and long dates fixed in the circulation motions are concerned, my submission is that in the motion which stands in my name I have provided that the said Bill should be circulated

[Pt. Shri Ram Sharma.]

for the purpose of eliciting public opinion thereon up to 15th December, 1940. If they object to other motions on this score they can very conveniently accept my motion provided they have the will to do so.

In the year 1932 the civil disobedience movement was in full swing and an ordinance was promulgated by the Governor-General. It was said at that time that the ordinary law of the land was not enough to cope with the civil disobedience movement and the activities of the terrorists and, therefore, an ordinance was being promulgated for a period of six months. On the expiry of that period the present Act was passed to cope with the above-mentioned movements in the Punjab. Sir Henry Craik, the then Finance Member, while introducing the measure in the Council said that this emergency measure was sought to be enacted to cope with the civil disobedience movement and terrorism. Thus even the old bureaucratic Government had admitted that it was an extraordinary measure designed to meet extraordinary conditions. I may also point out that the Act was brought on the Statute Book, in the first instance, for a period of three years only.

Then in 1935 it was sought to give a fresh lease of life to this Act. At that time the Bill was introduced by Mr. D. J. Boyd. It is noteworthy that, unlike our Premier, he did not try to dupe the public by bringing forward such an outwardly innocent Bill as to seek the substitution of figure 10 for figure 5. He had made some alterations in the previous Act. There was no Congress party in the Council but some members who were less reactionary than others asked why the life of the Act was sought to be extended when there was no civil disobedience or terrorist movement in the province. The reply given was that although there was no such movement at the time yet it could be revived at any moment and, therefore, the Government must have such a law in reserve to meet such an emergency. I think our Premier will also put forward a similar argument. But let me submit that this argument was as frivolous in 1935 as it is to-day. Even Sir Chhotu Ram was of the opinion at that time that no case had been made out by the Government for extending the life of the Act. He declared that the impression left on him by the speeches of Mr. Boyd and his supporters was nil. He also ridiculed the idea that anybody could induce the zamindars in the Punjab not to pay taxes. He said that the zamindar would be the last person to listen to preachings for non-payment of taxes because he loved his land so much that he would rather risk his life than risk his land. This was his opinion in 1935. Let us see what he is going to say now. Most probably he will now support this Bill on some lame excuse as is usually the case with him. In 1935 he was of the opinion that the peasantry of the Punjab was sufficiently strong-willed not to be misled by anybody but now that his own Government has introduced this Bill, does it mean that under the present Government the same peasantry has become weak-minded and demoralised?

Sir Chhotu Ram had also something to say at that time about the reports of the C. I. D. and the police. He quoted some examples to show the unwisdom of placing unreserved reliance on such reports and making arrests on their strength. But now that his own party is on the Treasury Benches he is sure to sing praises of the same C. I. D. and police. Once a

very responsible member of the Ministerial party said : " How can you expect a Minister to stand up and admit that his subordinates are inefficient or blameworthy ? He must support them in all cases." I think the gentleman was right. We cannot expect this Government to follow any other policy. That is what they understand the party Government to mean, and that is why the people at large are being oppressed and harassed by the police and other officials. Nobody is satisfied with the policy and methods of the Government in such matters. Even the Government servants, if allowed to express their true feelings, will be found cursing this Government. But let me ask the Honourable Minister of Development what he has to say now about the opinions expressed by him in 1935. I am almost sure that now all those objections will disappear, all the defects of the measure will become its good points and the popular Government of 1940 will advance the same arguments in support of this measure as were advanced by the bureaucratic Government of 1935.

Now leaving aside the history of the measure I turn to the Act itself. I do not want to go into minor details but here are some of its salient features. Section 2 relates to communists and terrorists. It is very curiously worded. Mark the all-embracing character of the section—

The Provincial Government, if satisfied that there are reasonable grounds for believing that any person is a terrorist or communist, and that he has acted, is acting or is about to act in a manner—

Then look at section 3—

The Provincial Government, if satisfied—

I may point out that in such cases the present Government can be satisfied very easily because they think that it is such measures that will keep them in office for five thousand years. Anyway, the section reads—

The Provincial Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting or is about to act in a manner.....

This " about to act " shows that the Government and its minions do not claim to be administrators only. They are also the most perfect astrologers and can read the future intentions of a person like an open book. Anyway, these sections indicate the desire of the Government to have a sort of " Nadirshahi " with regard to not only communists and terrorists, but the other people also. (*Lala Duni Chand* : Nadir Shah was more fair.) My honourable friend Lala Duni Chand says that Nadir Shah was more fair than Sikandershah and I agree with him. Then there is a chapter relating to public meetings. But I submit that the word " public " is a mere camouflage. What happened in the case of the Institute of Political Education is proof enough to show that the expression " public meeting " can cover any and everything in the world.

Then you have a chapter relating to non-payment of land revenue and other similar taxes. The powers taken by the Government under this chapter are too wide. The Government may declare any area a notified area and any tax a notified liability and thus haul up anybody they like. The cases of the recent Kisan Morcha and other Kisan movements leave no doubt as to the all-embracing character of these powers.

As regards mock ceremonies and *siapa* I can very well appreciate the anxiety of the present Government to keep intact the powers possessed by

[Pt. Shri Ram Sharma.]

them in this respect. The Ministers have come to regard processions and addresses as absolutely necessary for their very existence and, therefore, when at any place the other side of the picture is sought to be exhibited they want the power to crush those responsible for such a demonstration either by hooliganism, as was the case in Rohtak, on 8th October, 1938, or by this law. But if they feel satisfied and happy in one case they should be men enough to face the music in the other. Anyway, Sir, it could be

4 p.m.

said in 1932 that these powers were necessary because of the civil disobedience movement and in 1935 you could have the satisfaction of thinking that the life of the Act was extended by an irresponsible bureaucratic Government. But what excuse can the present Government have for bringing forward this Bill ?

In 1935, as you are aware, the Government was not a responsible Government. But now it is being declared by the present Government that provincial autonomy has set in and democracy is working most efficiently. When this is the condition of the province, which I doubt very much, even then the Honourable Premier says if independence is not granted to India after the conclusion of war he would be the first to fight with the Britishers for the attainment of this object. May I ask him what he means when he says so ? I think he wants to do, after the conclusion of war what we are doing now. Then, may I ask him what is the emergency which necessitates him to have this Bill enacted ? If he says it is civil disobedience I would say it is nothing but a lame excuse. The civil disobedience movement of to-day is a bit different from that of the past one which had created a country-wide agitation. To-day this movement has its hard and fast rules and Mahatma Gandhi has issued instructions to the effect that every person who intends to make satyagraha, should inform the District Magistrate before doing so. In this way the authorities have got facilities to arrest people who make satyagraha. Under these circumstances it does not lie in the mouth of the Government to say that they are not in a position to anticipate when civil disobedience will take place and which law is likely to be violated. I may again submit that neither civil disobedience nor terrorist movement does now exist in the province in the previous form. And if the Government harass people by saying that certain persons intended making efforts to blow the Ministerial benches that is another thing and I would say that Government officers are skillful enough in fabricating such cases. As a matter of fact there is neither mass civil disobedience nor terrorist movement in the province. I cannot understand as to why the Government was sleeping over this matter for a period of not less than five years and now in 1940 all of a sudden it gets up and wants to extend this Bill for five years more. In this connection I must submit that in previous years when this Bill was placed before the House honourable members known as the members of the Progressive Party at that time, opposed this Bill which they being the members of the Unionist Party are supporting now. What a pity it is that the Bill opposed in the Council when provincial autonomy was not inaugurated should be supported by the same members while provincial autonomy has set in. No doubt it is nothing but shame. Does it not mean that they are with the Government in carrying on a ruthless repression in the province ?

Then, Sir, it is also said that since Hitler and Mussolini are subjugating countries one after the other, the war is being fought for the sake of independence and democracy. I would not be wrong if I say that democracy and independence have been buried since the present Government came into power. After all what do Hitler and Mussolini do? They have their own whims, principles and manner of doing things and they do whatever they like. I would not hesitate in saying that what Hitler and Mussolini are doing in their countries or elsewhere, Sir Chhotu Ram is doing in the land of the five rivers. Hitler can shoot down any person if it pleases him to do so. And our Government is second to none in exercising dictatorial powers like those of Hitler. What more highhandedness can we expect than this that the activities of freedom-loving people should be curbed like this? When the Defence of India Act is there and it is applicable at every step to any offending person, I fail to understand the necessity of this emergency measure. In spite of the fact that the Defence of India Act is there the Government still insist upon giving more powers to deputy commissioners and magistrates by the enactment of the Punjab Criminal Law (Second Amendment) Bill. I am afraid if more powers are vested in district authorities they will violate law more violently than before. And I think the Honourable Premier is aware of this fact as an open letter was published in papers when he made a tour in the Rohtak district, saying that he might be under a misapprehension that law was not being violated in the province while as a matter of fact even the officials of the Government were violating the law of the land, and the Congress was not to blame for it. I think it is cent per cent true and if the Honourable Premier is of the opinion that violation of law has disappeared from the province it is wrong and I can quote chapter and verse in support of my argument. The violation of law is there and it has only adopted a new form and changed places. I must, however, tell the House that the Government want to empower magistrates in order to serve their own ends. We cannot ignore what we observe in our everyday life. Take for instance the forcible realisation of the War Fund by the officials and subordinates of the Government in my district. It is quite obvious that the magistrates are collecting War Fund for the Government who intend to compensate them with wide powers so that they may exercise them more violently for the support of Britishers. In this connection I would like to refer to a speech which the Honourable Premier made at Ludhiana. During his speech he said that if any official would fail to persuade well-to-do people to subscribe towards War Fund, serious notice would be taken of it. Further on he stated in his speech at Rohtak and Hissar if at all people would not subscribe for War Fund the Government had many ways and means for realising it, they could levy tax on the people for that purpose. I may submit that the object of the speech of the Honourable Premier was this that the Government officers should put aside their normal work and devote themselves to the collection of subscription for War Fund and that too by perpetrating atrocities on the people. The fact of the matter is that the Honourable Premier wants to pass the Bill for certain Party ends. In this connection I would like to quote an instance from Rohtak district. The Additional District Magistrate goes out in a procession with his subordinates and some police constables asking people for subscription. He compels a shopkeeper and says "Give me hundred rupees subscription."

[Pt. Shri Ram Sharma.]

If he refuses or gives less subscription the projection of his shop is threatened to be demolished. Similarly if a sweetmeat seller refuses to subscribe to the satisfaction of the magistrate the projected portion of his shop is measured so that action may be taken against him. On refusal sometimes police constables use insulting language in order to degrade the refuser. These are the officers who will enjoy these emergent powers under the proposed Bill.

**Mr. Speaker :** I think the honourable member is irrelevant.

**Pandit Shri Ram Sharma :** But you would agree with me that one must say something in order to elucidate his point. Even in 1932 and 1935 something was said for and against this Act. Now, Sir, in the year of grace 1940 things have somewhat gone from bad to worse. If this Bill is allowed to be passed into law, then I have serious apprehensions that this Government which has already forfeited its confidence, would not make a judicious and honest use of these extraordinary powers. My apprehensions are well-founded because the Government is in the habit of overlooking the nefarious and illegal activities of its officers, who are out to misuse their powers and influence. Again, if it is said that now-a-days the police of the old bureaucratic regime no longer exist and they have been transformed into public servants, I should be allowed to say a few words to show the hollowness of this statement. As a matter of fact the officers of the Government consider themselves autocrats. They are so intoxicated with the powers vested in them that they think that they possess a charter to take hold of anybody under the frivolous pretext of disturbing the peace and tranquillity of the province or taking part in anti-war activities. To mention the proverbial callousness of these officers many persons at different villages in Gohana tahsil were given a severe beating by the naib-tahsildars in order to get subscription for war fund. To cite another example of the vagaries of the Government officers, the Additional District Magistrate of Rohtak has put aside his judicial work and is collecting money indiscriminately from the public for the prosecution of war. Even in Sonapat the officers go about realising contributions from the people at the rate of one anna in the rupee on the land revenue. I have adduced a few examples to show the high-handedness of the Government officers who are apt to abuse the extraordinary powers intended to be given to them by means of this measure.

Then, Sir, as I fail to see any state of emergency existing in the province, I submit that the Bill be circulated to elicit public opinion thereon. It is in the fitness of things, specially in these days of popular and representative government that we should know the mind of the people whether or not they like to retain these repressive laws. I am sure the Government would be committing a political suicide if they callously disregarded the masses in such an important matter. Besides they must tell us as to what imperative necessity has prompted them to resuscitate the law which was shortly going to die a natural death. But the Government sit mum about this.

I may also say in passing that the Government have lived up to their reputation in the matter of camouflaging and cleverly manipulating things. In the case of this amending measure they have very quietly but shrewdly suggested the substitution of the figure "5" by "10" without making any serious alteration in the body of the original Act. Outwardly the amendment



appears to be very insignificant and harmless but in reality it strikes at the very root of the body politic in the province because it allows the Government to keep the people under iron grip for another five years.

Again, I fail to understand the necessity of bringing forward this amending measure when we have the Defence of India Act with its long range rules operating in full swing in the country. The said Act leaves no room or any loop-hole and none can escape its far-reaching grip. In the presence of this repressive law it appears meaningless to give a new lease of life to this detestable Bill for another five years.

Besides, I am constrained to remark that the Honourable Premier is straining every nerve to imitate Hitler and Mussolini in the art of assuming dictatorial powers. Only the other day an important member of his Government publicly declared that if he were to get powers like Hitler, he would change the present order of the country. It is an irony of fate that outwardly the Government are working hard for the downfall of Hitler but in reality they love and hug his ways of thinking and doing things. The Bill under discussion is an instance in point. Honourable Ministers cry themselves hoarse that they are out to uphold the liberties and rights of the people. But their insatiable hunger for repressive laws of far-reaching nature appears inconsistent with their professions. I, therefore, suggest to Government to circulate this measure, otherwise they would be digging their own graves as their real masters, the electorate, would not commit the mistake of returning them to power at the next elections. But if the Government persist in rushing through this Bill, they may rest assured that this enactment or internment or incarceration of freedom-loving people would not deter them to deviate from their goal of liberation of their motherland. With these words I support the circulation motion.

**Chaudhri Jalal-ud-Din Amber** (West Central Punjab, Indian Christian) (Urdu): Sir, I would make a brief speech and refrain from repeating the arguments already advanced. There are two motions standing in my name. One is for circulating the Bill and the other for referring it to a select committee in case the former is not acceptable to the Government. Now, Sir, there can be no two opinions about the importance of this Bill. It is, therefore, necessary that in the objects and reasons of the Bill, those grounds should have been clearly stated on which the Government were compelled to give a new lease of life to this measure for another five years. It is regrettable that Government have not seen it fit to do so, and yet they have put forward an amending Bill asking for an extension of this Act. We have no data before us which could justify this extension; nor have the Government taken any pains to place before the House the results of the working of this Act for the past five years. Naturally in the absence of hard facts we cannot be a party to a legislation of this kind. In 1932 when this Act was passed the state of affairs may have called for the enactment of these laws. If I remember correct, civil disobedience or some such movement was in full swing and the Government wanted a weapon in their armoury to cope with the situation. But in the year of grace 1940 we find that no such state of emergency exists in our province and hence we see no justification in according extension to this measure. Besides, I am constrained to remark that some honourable members of the House, who now owe allegiance to the

[Ch. Jalal-ud-Din Amber.]

party in power, sit mum over this Bill, while they opposed it tooth and nail when they were members of the old Council before which it was discussed and passed. Now when those conditions no longer prevail, it pains me to find them giving their tacit support to the enactment of this measure. No member on the Ministerial benches has so far expressed his views on the Bill. All the speeches that have been delivered in condemnation of the Bill, were made by the honourable members on this side of the House.

In view of these remarks of mine I would like to submit that as there is no data before us and the results of the working of this Act in the past have not been placed before the honourable members of this House, it is essential that the Bill be circulated for eliciting public opinion thereon. Every one will naturally ask as to what are the extraordinary circumstances which call for the passage of this extraordinary measure. What will be the reply of the Government to that? What is the reply of the honourable members of this House to this question? We know nothing about it. The Government has not told us anything with regard to it.

My second point is that the world is in the throes of the dreadful European war and the Government of the Punjab has already got the necessary powers to carry on the war efforts in this province and to check the undesirable elements in this behalf. The Government has extensive powers to deal with those who are against the war efforts of the Punjab Government. Moreover, the people of the Punjab and India are not concerned with any other movement except the pro-war or anti-war activities. There is absolutely no third movement going on in the country. Why then is the Punjab Government trying to acquire extraordinary powers by extending the period of this Act? May be our Ministers think that this old weapon should not be parted with. They may have no reason for its retention. They may be wanting to retain it merely for the sake of retaining it. But that is not a wise policy. There is no sound reason behind this attitude of the Government, namely that they want power for the sake of power. After all what is the object in view? Do they not find the Defence of India Rules sufficient for the purpose of curbing the anti-war activities? Besides, when the Congress Governments came into power in the different provinces of India in 1937, they had with one stroke of the pen wiped off this hideous law from the statute book. (*Voices*: No, no.) But the point is that our Government wants to give a further lease of five years to this Act. I am asking what justification the Government can give for this. There is no data before us and the statement of objects and reasons does not explain the point fully.

A word to the Premier and I have done. On the one hand the Honourable Sir Sikander Hyat-Khan is exhorting the Punjabis to help the Government in its war efforts and forget everything else, and on the other hand he is causing resentment in the public by prolonging the life of such abnoxious measures in the province as the Punjab Criminal Law (Amendment) Act. The Honourable Premier is rousing the public unnecessarily and diverting their attention from the prosecution of war. By doing so he is defeating his own purpose. This is a contradictory policy and he should give it up. It would be unwise to place this Bill on the statute book for a further period of five years. It is the duty of the Government to explain to the public the

change in the circumstances that has necessitated the passage of this Bill. I think that the circumstances have changed for the better since 1937 and this Act is no longer needed.

**Shaikh Faiz Muhammad :** Sir, I move that the question be now put.

**Chaudhri Jalal-ud-Din Amber :** I would submit in the first instance that the Bill should be circulated for eliciting public opinion thereon. If the Government is not prepared to accept it, I would make the alternative proposal, namely, that the Bill be referred to a select committee although there is very little hope of its being materially improved there. As the committee could consider only the question of the terms of extension but all the same the proposals emanating from the select committee will be more acceptable to Government.

At this stage I would like to end my speech with a Persian saying :

بر رسولان بدغ باشد و بس

**Mr. Speaker :** The question is—

That the question be now put.

*(At this stage many members stood up in their places to speak.)*

**Mr. Speaker :** I think sufficient speeches have been made.

**Pandit Bhagat Ram Sharma :** On a point of order. There are certain members who have sent notices for circulation or for reference to a select committee. But you are not even allowing them to speak.

**Mr. Speaker :** Any honourable member can move a motion for circulation or for reference to a select committee without notice. If one hundred members give notices, does the honourable member mean that I shall have to call every one of them?

**Pandit Bhagat Ram Sharma :** Hundred members have not given notices in the present case.

**Mr. Speaker :** Does the honourable member know that more members, than those who have given notices, have spoken?

The motion is—

That the question be now put.

**Munshi Hari Lal :** On a point of order. It is 4-30 p. m. now.

**Mr. Speaker :** The honourable member is referred to rules 12 (c) and 62.

The question is—

That the question be now put.

*The motion was carried.*

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : Sir, my honourable friends opposite have made six speeches and yet they are anxious to make more.

**Munshi Hari Lal :** On a point of order. Can this discussion go on? It is 4-30 now.

**Mr. Speaker :** Yes, it can go on under the rules in force. The honourable member is referred to rule 12 (3) (a) and rule 62 (2).

**Premier :** I would first reply very briefly to one or two points which seem to be germane to the discussion. One of the points raised was that the objects and reasons appended to the Bill did not give sufficient indication of the reasons for this amending Bill. I admit, Sir, that the statement of objects and reasons is very brief, but the main reason why we want to amend this Act is clearly given in a brief sentence included in the statement of objects and reasons. As the present Act is about to expire on the 30th November, 1940, and we have considered it necessary that it should be extended for another five years, we have brought forward this amending Bill so that instead of the Act expiring on the 30th November, 1940, it should go on till the 30th November, 1945.

The other point raised by my honourable friends, especially the last speaker, who made a very pertinent speech, was, why not circulate the Bill? The question is what do you want to circulate? This Bill was twice before the public; they know all the salient features of the Bill and the reasons which were advanced then in favour of the Bill and also those advanced against its promulgation, which have been again repeated today by my honourable friends opposite. The public will know nothing about it if you merely circulate this Bill as it is. That circulation will be meaningless unless the public cared to go through the provisions of the previous Act itself. The Bill merely says that for the word 'five', the word 'ten' shall be substituted. So far as my friends of the Press are concerned, this Bill was published some-time ago and the Press criticism, if there was any, could have been published by now. •

**Chaudhri Jalal-ud-Din Amber :** The Information Bureau should explain the whole thing.

**Premier :** It would only have been necessary to do so if we thought that it would serve any useful purpose. It was before the Press and the Press, you must remember, is very vigilant.

Now, Sir, I come to the next point. It was argued that if the Government is not prepared to agree to circulation, they should accept the other alternative suggested, namely, that it should be referred to a select committee. What will the select committee do, I want to ask. My honourable friend himself said that the only suggestion that the select committee could make was to reduce the period. Sardar Kapoor Singh has given notice of an amendment which I have not been able to understand. I believe that he wants to remove this blot from the Statute Book of the province with retrospective effect, that is why he suggests that 'one' should be substituted for 'five'. Several irrelevant points and, of course, the usual abuse to which I am now more or less accustomed was showered on us by my friends opposite. I shall give you a few facts and figures. As was promised by the last Government we have carefully refrained from allowing this Act to be used for any other purposes except those mentioned in the Act itself, i.e., against terrorists and communists. When we came into office there were several people who had been detained and interned and the first act of this Government was to examine their cases and release all of them and as a matter of fact we did release all except 6 of them; they were either security prisoners or state prisoners. I also promised that in 1938, I would examine their

cases and if I came to the conclusion that there was sufficient justification for their release, I would set them free. After examining their cases, we released every one except one. But I made one clear condition that since I had this power at my disposal, if any of them committed any breach, I would use this power. If after their release as an act of grace they again repeated their offences I had the weapon in the armoury which I would not hesitate to use in case it was necessary to use it.

So far as the question of war is concerned, I may inform honourable members that we do not require this Act. As my honourable friend pointed out we have got the Defence of India Act which is much more comprehensive and which gives us greater powers with regard to offences connected with the prosecution of war. We can, where necessary, use it against those who preach against war or recruitment or any such matter relating to the war itself. I may assure my honourable friends that we have not used, and we will not use, that Act for purposes other than the specified purposes. At the moment the position is this. There is only one person detained under the Criminal Law Amendment Act. He was interned under this Act and he ran away, was apprehended and put into prison. (*Sardar Partap Singh*: Release him also). I would release him if he were man enough to accept the law and had not run away. So far as the rest are concerned, the Act is only of academic interest.

There is one aspect of the question which I would like to point out and which can be of real interest to those people who want to be satisfied, genuinely satisfied and that is this. As honourable members are aware, during the period of disturbance, during the period of war and especially after the war, there are certain elements in the society who create mischief. We must, therefore, have a weapon in the armoury to deal with such people if occasion arises.

**Chaudhri Jalal-ud-Din Amber** : Why not move it at the spur of the moment ?

**Premier** : Any far-seeing person would keep his arms and ammunition ready in his possession before a contingency arises. If a dacoit visits your house and breaks it open and if you only then put your ammunition into your gun the dacoit will have run away by that time. My honourable friend says that I can bring this measure on the spur of the moment. Supposing the House is not sitting at that time, it would then be necessary for me to bring an ordinance. Then, my honourable friends would say, 'Here is a person who claims to be democrat and liberal-minded, a representative of the people, yet he rules by ordinances'.

Next, my friend pointed out that there were certain sections in the Act which might be used against the zamindars. Pandit Shri Ram Sharma and one of the previous speakers said that if the zamindars resorted to non-payment of taxes, this Act would be used against them. My honourable friends are perfectly well aware that this Act has been in force for the last eight years. How often has it been used against the zamindars during these eight years ? Further, if it has to be used against the zamindars this Government would be the most justified in doing so. But the Act will not be enforced against the zamindars unless the Government are forced to do so in

[Premier.]

the interest of the peace and tranquillity of the province. I may assure the House that this contingency will not arise and we are not likely to use the Act against the zamindars. Again, my honourable friend, Lala Duni Chand, naively got up and said, Look here! The Ministers want to avoid *siapa*, because they are afraid of it! Ministers are not afraid of *siapa*. But I may point out that it is only those people who are very degraded and low who use this kind of tactics. Further, are not *siapa* and curses and filthy abuses violence? My honourable friends by signing the Congress creed profess to be non-violent; but they should have the decency to say that they are non-violent and that if therefore the Government wants to take power to stop violence they would be there to support the Government.

**Munshi Hari Lal :** I rise on a point of order. My honourable friend used the word 'knave' against an honourable member of this House. Is that parliamentary?

**Premier :** I used the word 'naively' and not 'knave'. I say that this kind of *siapa* is both a mental violence and a moral violence. My honourable friend, Lala Duni Chand, may not perhaps see the seriousness of the offence, but I am sure my sister, Mrs. Duni Chand, knows what *siapa* means. I ask her and also Lala Duni Chand, if somebody came and started *siapa* outside their house, what they would feel about it. They must judge the feelings of others by their own. I am sure they would be the first to come out and say, this damned nuisance should be stopped. (*An honourable member :* May I know the number of cases dealt with under this section?) Because we have got this weapon nobody has dared to commit the offence. There were one or two cases in Hoshiarpur, but the number of cases does not matter. The very few cases that have occurred is a justification for continuing to have this weapon with us. It is because of the existence of this weapon that this offence has not been repeated. Otherwise my friend Shri Ram Sharma would be doing nothing but *siapa* in the Rohtak district, because he has nothing else to do.

One other point I should like to make before I sit down. There is only one person at present affected by this Act. As soon as his term expires there would be nobody affected by it. But I must remind my honourable friend opposite that the very apostles of non-violence, justice and equity did use this very Act in other provinces when the Congress Governments were in power. (*Hear, hear.*) Perhaps their memory is short, but I may give one instance to them. The first case of this kind where a Congress Government took action was in Madras, where my honourable and venerable friend, a realistic administrator who knows that peace and tranquillity of the province are much more cherished ideals than mere lip professions like those of my honourable friend opposite, was the first to take action, and all honour to him for doing so as an administrator. I may point out that this Act was not used by this undemocratic zamindar Government only but by the Congress Governments also. Chaudhri Krishna Gopal Dutt said that if he and his party had power in their hands they would give us no quarter.

خدا گنج کو ناخن نہ دے

But even so we will not squeak. We will take it sportingly.

The honourable member took the whole of his time in advertising his stay in jail. He said, we have been in jails and shown how brave we are, and so on. I know perfectly well that if Chaudhri Krishna Gopal Dutt had not been sure that the present jails were their father-in-law's houses he would not have advertised as he did. He knows that A class prisoners live in comfort and happiness. I do not say that all people are like him. I know that there are genuine patriots and I am really sorry that honest patriots have been incarcerated during the last few days. It is a misfortune of this country that it should have been necessary for the Government to take action against them. I mean Pandit Jawahar Lal Nehru in particular. I wish he had not been incarcerated. But I must say that if Chaudhri Sir Chhotu Ram, or Khizar Hayat or Abdul Hayo, or for the matter of that even if my own son breaks the law, so long as I am here it is my duty to take action against them even though I may feel sorry that I have to take action against my own kith and kin.

**Pandit Shri Ram Sharma :** May I know whether Chaudhri Sir Chhotu Ram is not breaking the law day after day ?

**Premier :** No. Now, I shall wind up my speech. Chaudhri Krishna Gopal Dutt said, 'Why are you afraid of the people? Why don't you circulate the Bill?' I am not afraid of the people. I have got their confidence to that extent that I do not consider it necessary to circulate a measure of this kind. I know perfectly well that I have got their backing as their representative, not only backing in the matter of policy and ideals, but also backing in the form of a resolution in this very House. My honourable friend talked of a referendum. His referendum would be like that of Hitler's referendum. I do not want any referendum, because I know that 90 per cent of the rural Punjab is behind me. (*Hear, Hear.*) Then my honourable friend tried to ridicule my remark that the present *hakumat* will last 5,000 years. That remark does not mean that Sikander will live 5,000 years nor that Chhotu Ram will live for that period, nor even that the present Government will last till then. What I meant was that we have put the zamindar, the agriculturist, the man who is the real ruler of this country in a position where nobody would be able to shake him for another 5,000 years. He would be so solid and strong that any number of Hitlers and Mussolinis and Shri Ram Sharmas will not be able to look at him. That is the position I have taken and I again repeat that so far as this province is concerned nobody would rule it but the real ruler, namely the zamindar. (*Cheers.*)

**Mr. Speaker :** The question is—

That the Punjab Criminal Law (Second Amendment) Bill be circulated for the purpose of eliciting opinion.

*The motion was lost.*

**Mr. Speaker :** The question is—

That the Punjab Criminal Law (Second Amendment) Bill be taken into consideration.

*The motion was carried.*

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

## ADJOURNMENT MOTION.

FAILURE OF POLICE TO ARREST AJAIB SINGH AND OTHERS,  
DACOITS OF LUDHIANA DISTRICT.

**Chaudhri Muhammad Hassan** (Ludhiana, Muhammadan, Rural)  
(Urdu): I beg to move—

That the Assembly do now adjourn.

Mr. Deputy Speaker, it is very fortunate that as I stand up to speak, you have occupied the chair. The incident which forms the subject of my adjournment motion occurred, as you are aware, at a place hardly  $3\frac{1}{2}$  miles from your house. You are also aware, Sir, that this village with a predominantly Sikh population is inhabited by about 1,500 people. It being only at a distance of 4 miles from the city of Ludhiana you are also aware of the state of affairs that prevails there. You are also not unaware that a number of people have left their homes and have come to settle down at Ludhiana and incidentally some of them have become your tenants. (*Laughter.*) It is for these reasons that I say that you have a personal knowledge of the prevailing situation.

The incident referred to in the adjournment motion took place on the night of the 3rd when Ajaib Singh and his gang threw a bomb in village Dad, as a result of which two persons were injured, one of whom died on the spot and the other succumbed to his injuries in the hospital. Besides these murders the dacoits forcibly took a poor carpenter's daughter-in-law away with them. The police reached the spot after 12 hours had elapsed and although the dacoits were still there, at a distance of less than forty yards, the police did not make any attempt to arrest them. Although it was hardly four o'clock in the afternoon, the pretext for not giving chase to the dacoits as given by the police was 'the growing dusk'. Here I would like to inform the House that the posse of police which for fear of suffering casualties at the hands of the dacoits in the 'growing dusk' did not attempt to capture them was 40 strong and they had three lorries with them. I think all of us who have come from Ludhiana, that is, myself, the Honourable Minister for Education and yourself, Mr. Deputy Speaker, should hang our heads in shame for tolerating such a state of affairs in our district. Probably the Honourable Minister and yourself do not care about these things and you can afford to do so because both of you are in such high positions that you can very easily disregard the requests of the people if they bring their grievances to you.

**An honourable member :** Is he in order, Sir?

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

**Chaudhri Muhammad Hassan :** Therefore it is not only a matter of shame for us but even for those to whose districts the officers in our district belong; the officers there are all outsiders.

One of the chief reasons for this lawlessness is the King's Police Medal. The officers are so keen upon qualifying for it that they do not desist from adopting all sorts of fair and foul means to achieve their end. It is now an open secret,—and you being a lawyer, Sir, must have heard it being talked.



of in the courts,—that no police official would ever dare to apprehend a criminal unless a gazetted officer were present. Because they say the policemen are afraid that they would lose favour with their officers, on whom their well-being and promotion depends, for depriving them of the credit consequent upon that arrest.

The keenness of the local police for bringing about a decrease in the number of crimes in the district can be gauged from the fact that at a police meeting held on the 13th July, 1940, at which Mr. Bennet, the Deputy Inspector-General of Police, was also present, the special staff deputed to check the dacoit menace complained that they did not get any co-operation from the district police. They said that their informers were being challaned under section 109 by the district police because they give information to the special staff instead of conveying it to them. I am afraid, the Honourable Minister will not admit it, but the fact is that the deputing of the special staff has in no way benefited our district. If he doubts the veracity of my statement, he should better take this staff to Shahpur or Sargodha and judge its achievements and the results of competition between the two sections of police.

Although the Honourable Minister for Education goes to Ludhiana yet all that he does there is to inspect the schools and to rush back to Lahore or else to stay the night in some rest-house. The Honourable Minister for Public Works should tour the district and see for himself the condition of peace and order to keep which he is paid about six thousand rupees a month including allowances, etc.

The police administration in our district is hopelessly unsatisfactory and there is no hope for any improvement. On the night between the 27th and the 28th October two men were killed by the dacoits at Talwandi Khurd and the lambardar was compelled to hand over his gun to them. It is due to the fact that the police is in league with those who harbour proclaimed offenders and dacoits. The number of proclaimed offenders in our district, viz., 350 is a clear proof of the statement that the police, as it suits their purpose, let the offenders escape and when proceedings under section 87 and 88 are taken send for them and thus get their certificates and rewards.

I have acquainted the Honourable Minister of Public Works as well as the Inspector-General of Police with the cause of the lawlessness that prevails in our district. I wrote to them to the effect that Sardar Gurdial Singh should be kept posted as Superintendent in our district but I do not by this request mean that the present incumbent of that office should be transferred. Let them both remain and see if a decrease in the number of crimes, which has risen by 25 per cent does not result from this arrangement. I cannot say whether it was due to his personal daring on account of his youth or it was because he was not yet confirmed as a Superintendent and had hopes of getting promotion but it is an admitted fact that during his term of office not a single case of dacoity or murder has been reported. We do not mind if the Superintendent that you appoint there be an unconfirmed hand, but for God's sake do not send a coward. A Superintendent of Police should in no case be a coward.

[Ch. Muhammad Hassan.]

Now that a new range has been created in the Jullundur Division, a number of cases under section 212 and 216 are being brought before the courts. The reason is that our police being corrupt and cowardly had all along been sheltering these criminals. Nevertheless it will amount to dishonesty on my part if I do not recognise the efforts made by the Deputy Inspector-General of Police to end this state of affairs but it will be equally dishonest to deny the cowardice of the local police. Mr. Deputy Speaker, if the situation in our district remains as it is, it would become extremely unsafe for persons like you and me to continue living there.

**Shrimati Raghbir Kaur :** Then jail will be the only safe place for him.

**Chaudhri Muhammad Hassan :** He is not likely to go to jail. It is persons like my honourable sister and myself who will go there.

I am at a loss to understand why a double guard has been posted at the residence of the Superintendent. Is it because the recruits are under him and he can order them to stand guard? His life is not more precious than the lives of poor zamindars, that he needs extra protection. It is the zamindars and not the Superintendent who need protection. (*Interruption.*) Fortunately or unfortunately my honourable friend Sardar Kapoor Singh also knows some details regarding certain officers of the district and I hope that when he gets up to speak, he will enlighten the House with the information in his possession. In my opinion any officer, be he the Superintendent of Police or the Deputy Commissioner, who neglects his duty deserves to be condemned. When my honourable friend Sardar Kapoor Singh will tell you that the Deputy Commissioner is also to be condemned, I will wholeheartedly agree with him.

Now let us take up the matter of licences. The licences which are being awarded—

**Minister of Public Works :** Is it relevant, Sir?

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

**Chaudhri Muhammad Hassan :** My honourable friends are at a loss to understand the relevancy of my remarks but what I am going to say will put them at their ease. My contention is that the licences are being awarded to undeserving persons and this has led to an increase in the number of crimes. Probably now my honourable friends opposite will understand the relevancy of my remarks. I would like to give the instance of one Fauja Singh, a retired Sub-Inspector of Police, who holds a gun-licence. This person either ran away to save his own life when the dacoits raided the village or had not the courage to use his gun. It is on account of cases like this that I am compelled to say that licences should be awarded only to deserving persons. But the pity of it is that our district authorities award licences to those whose lorries are made use of by the police or whose cars remain at the disposal of the officers or else, those who transport the household furniture, etc., of the officers on their transfer.

I consider it to be the height of meanness that anyone who is a rank coward should pose as a brave person, and that the Government should

reward such persons for bravery with their eyes shut. If a census of licence holders for arms is taken in our district you will find that 50 per cent of the licences have been awarded to lorry-owners and 50 per cent to those who live in the city. In the villages only a retired police officer here and a military pensioner there has been awarded an arms licence.

You are aware, Sir, that Talwandi Khurd which has a population of 1,800 persons was visited by the dacoits in broad day and the lambardar was asked to hand over his gun to them on pain of death. Not only did he give his gun to the dacoits but also handed over all the cartridges that he possessed. This shows that the people of that ilaqa have no confidence in the police, and it is not their fault. How can people expect any assistance from those who thrust others in front and take shelter behind them? It is generally demanded that those who get Rs. 1,500 or 1,800 should come forward and face the music.

Whenever lawlessness prevailing in our district is complained of, we are told that it is due to agitation engendered by the Congress. But let me invite their attention to the recent judgment of the Sessions Judge at Ludhiana in the case against Maulvi Abdul Ghani, a Congress leader, which gives a lie to their allegation against the Congress. The learned Sessions Judge has held that the objectionable sentence was added by the police reporter after the speech. This is the standard of the efficient working of your police.

Only a few minutes ago the Honourable Premier declared that even if Sir Chhotu Ram or Malik Khizar Hayat Khan or for the matter of that his own son offended against the law he would get him arrested (*An honourable member*: How is that relevant?) Just have a little patience. What I want to say is that you may say whatever you like, but you cannot have the courage to take to task those who arrange processions and meetings in your honour. My honourable friend here has told us that such meetings are arranged by police officials and other high officials. Under the circumstances how can the Ministers be expected to take any action against such officials who provide them with a platform to carry on the party propaganda? They know as well as we do that if they were not helped by these officers nobody would go to hear their speeches even if the fact that such and such a Minister was going to address the meeting was announced by the beat of drum.

Let me submit that rewards are awarded to lambardars for their services to the Unionist Party. Squares of land are assigned to them with whose efforts two or three thousand people come to attend the meetings held by the Ministers. (*Interruptions.*) Perhaps, my honourable friend, who has interrupted me, means to say that you are also aware of these facts. You may be, but I must submit what I wish to submit before the House. I was submitting that such a respectable zamindar of the ilaqa as Sardar Gurbachan Singh and as respectable as you are, came to the police over and over again and informed them that dacoits were making merry in a sugarcane field which was not far off from the headquarters. But the police had not the courage to ask any villager to help them in making arrests of the dacoits. This is the co-operation which the police is getting from the villagers and I

[Ch. Muhammad Hassan.]

would say that this is due to their own faults. The failure of the police in making arrests of the dacoits has naturally given this impression to the villagers that they are inefficient to cope with the situation and their only duty seems to be this that they should manage to bring people to the meetings held by the Ministers of the Unionist Government. What I want to submit is that it is not proper and justifiable that the villagers should bear the burden of a punitive post on account of the inefficiency of the police. If a punitive post is stationed there it will be a sheer injustice on the part of the Government. You might be aware, as the district of Ludhiana is my constituency as well as yours, that 68 thousand rupees is the annual expenditure of the police in that ilaqa. In spite of spending this large amount of money if the police has failed in the maintenance of peace and tranquillity in the district it is nothing but shame for those who have been in charge of the administration of the district and a proof of their inefficiency. This is not a matter to laugh at. I see that some honourable friends sitting opposite are smiling and you are also smiling with them while in reality you are weeping. (*Laughter.*) And it is an occasion for shedding tears. (*Renewed Laughter.*) Sir, it is a pity that we do not find lawlessness in other districts except Ludhiana. My honourable friends who have never been victims of lawlessness, cannot realise the difficulties of the aggrieved. If lawlessness is let loose in the village of the Honourable Khizar Hayat Khan Tiwana he will come to his senses and then we will see how far his military discipline works. I request him through you once again that he should give ears to the sighs of the widows of the zamindars who have been victims of lawlessness and highway robberies and grievances of those women who have been molested by the dacoits. If he does not pay heed to the complaints of the aggrieved, sufferers, orphans and widows he should bear in mind that God does not refuse to listen to the afflicted people as a poet has said.

درس از آه مظلومان که هنگام دعا کردن

اجابت از در حق پیر استقبال می آید

The Government as a matter of fact, are quite aware of what is going on in the Ludhiana district as they receive letters from people with regard to the mal-administration in that district. If the Honourable Minister does not believe us he may ask Sardar Gopal Singh, Private Parliamentary Secretary, in regard to lawlessness and mal-administration and I think he will tell him everything in detail. I may also point out that I wanted to see Sardar Gopal Singh in this connection but in spite of my best efforts I could not find him as he was evading it. The trouble, however, is this that if the Government are interested in a certain matter they do not permit their henchmen to speak a word against it. I may also point out that so far as this particular matter is concerned my honourable friend Sayed Amjad Ali Shah who was present there, asked Sardar Gopal Singh to be careful in stating facts as the matter under discussion related to the Government. Sir, this is how things are done. I wish that the Government devoted attention to Private Parliamentary Secretaries who are highly paid and must be in the know of malpractices in their ilaqa. (*Interruptions.*)

**Mr. Deputy Speaker :** The honourable member should not mind interruptions. He should speak to the chair.

**Chaudhri Muhammad Hassan :** Sir, my next submission is that the headquarters of the Deputy Inspector-General should be in Ludhiana instead of Jullundur so that he may be in a position to look to the defects of the local police from closer quarters. Despite the fact that the police force in the Ludhiana district excluding the mounted police is as much as 400, crime is increasing by 25 per cent. I may point out that one of the reasons for the increase of crime is that the district authorities care more for their prestige and they are very cautious lest their conduct should bring bad name to them from the Deputy Inspector-General. And the local authorities do not take pains as there is none to pull them up. It is just like the saying :

سہاں بھئے کوتوال اب قہ کا ہے

Now I want to draw your attention to another important point and that is this. As the lorry drivers are not paid by the police they make delay in starting from the *ada* saying that a lorry of such and such number is to start at this time. Exactly this was done in the case of Ajai Singh. The lorry-walas made dilly dally, time was lost and the police could not reach the spot which was at a distance of four miles only from the headquarters. Hence the dacoits made good their escape. I, therefore, request the Government that the police should be provided with two lorries so that they may take prompt action in such cases of vital importance. (*A voice :* But what about the money?) My friend asks where the Government should get money from. I would suggest that the Honourable Ministers may draw less travelling allowance and less salaries for this purpose. (*A voice :* That is impossible.) The next point which I want to submit is that the names of a hundred persons have been excluded from the list of proclaimed offenders. Does it not mean that the police is protecting badmashes from the grips of law? I would not hesitate in saying that the police is in league with badmashes and want to get police medals through their help. It would be much better if the Honourable Minister in charge transfers the whole of the police staff of Ludhiana to the district of Sargodha and *vice versa*. But I am sure the Honourable Minister will not do it. He should at least change the headquarters of Sardar Waryam Singh, the Superintendent of Police, to Ludhiana proper.

Sir, it is a fact that Ajai Singh does not commit dacoities alone. He commits dacoities with six accomplices who are in possession of deadly arms. And the police has not been able to investigate the source of the arms up to the present moment. Does it not show that the police of Ludhiana district is inefficient in detection and prevention of crime? When they find it difficult to make successful enquiries into murders and dacoities they bribe bad characters in order to get help from them. I remember an instance which Santokh Singh of Kakrala told me that two dacoits who were brothers fell out and each of them intended to inform the police. The officials of the district police tried their best to get one of them on their side and they promised him that he would be paid for the information he gave and asked him not to inform the special staff. Sir, where such a tug of war is going on how can we expect that anything will be done for the prevention of crime?

I submit that our friends over there express lip sympathy with the zamindars. They profess that zamindars' welfare is always uppermost in

[Ch. Muhammad Hassan.]

their mind. But the subject under discussion indicates the amount of interest they take in the amelioration of the lot of the tillers of the soil. Highway robberies are committed in broad daylight, but the Government machinery miserably fails to bring the offenders to book or afford help to the victims of the depredations of the marauders. And yet they claim that they are the true friends of the zamindars. I cannot help saying that they are no whit better than the enemies of the zamindars. Their failure to take proper action in the matter is due to the fact that they are somehow under obligation to the officers whom they cannot afford to displease for reasons best known to them. They lack moral courage to teach a lesson to their recalcitrant or negligent officers. With these words I close my remarks.

**Mr. Deputy Speaker :** The motion is—

That the Assembly do now adjourn.

**Pandit Muni Lal Kalia** (Ludhiana and Ferozepore, General, Rural) (Urdu) : Mr. Deputy Speaker, my learned friend Chaudhri Muhammad Hassan has already fully dealt with the hard facts about the defective police administration and the state of affairs prevailing in the Ludhiana district. I also possess some facts which would throw ample light on the mal-administration of police. I will show the extent to which the police behaves dishonestly. I make bold to say that the district officers of police are in league with the bad characters of Ludhiana. They utilise their services with a view to making money. Now, Sir, Ajaib Singh who has the privilege to be the subject of discussion in this august House, hails from the army. He has been moving in the Ludhiana district for over a period of one year. He is in possession of deadly fire-arms. He has a novel method of pillaging the village people. Wherever he intends to commit dacoities or is invited to do so, he at first wins over or asks a person of that village to join him. Any person who harbours some ill-will against another person and wants to wreak his vengeance against him, readily joins with the notorious dacoit in his nefarious task. So in complicity with the native of a village, he commits robberies, murders, dacoities, arson, etc. Apart from relieving the villagers of their cash and ornaments, he is alleged to have abducted women in some cases also. If the victims of the atrocities of Ajaib Singh lodge reports with the police, the latter, being afraid of him, put them off under one excuse or another.

As a matter of fact the police do not move in the matter and connive at the misdeeds of the badmashes. They lack the courage to apprehend or take action against them. In this connection I may state as to what happened in the suburbs of village Talvandi. It is said that Ajaib Singh along with his 5 or 6 accomplices was sitting in the outlying fields near Abohar Branch (Sirhind Canal). By chance a strong posse of police was also stationed at a distance of 3 miles from that place. The policemen were making merry but when they received the information about the whereabouts of Ajaib Singh, they asked the villagers threateningly to go and drive him out and if possible catch hold of him. You will see, Sir, how ridiculous was the position of the police. The custodians of law and order could not muster courage to arrest the notorious offender. But what did the police do? In order to save

their face they put up a great show by sending pursuit parties in different directions with a view to encircle him. But the comedy of this drama lay in the fact that if Ajaib Singh was running in easterly direction the police pursued him in quite the opposite direction. (*Laughter.*) The result was that the dacoit made good his escape and the police submitted a lengthy report to the authorities in which they recounted the acts of gallantry of the police and the hard efforts made by them to get at the offender. Such incidents cause feverish activity in the district police headquarters as well. The Superintendent of Police and the subordinate officers seem running about as if they are in right earnest in arresting the truant malefactor. But as I have already stated all this show of making efforts ends in smoke. I am constrained to remark that the police of Ludhiana is good for nothing. The depredations of Ajaib Singh and other badmashes have compelled many peace-loving villagers to leave their homes and migrate to other ilaqs. The police affords no protection to them. This is really a sorry state of affairs. I wonder how the Honourable Minister in charge can afford to ignore these lapses on the part of the police department.

There is another matter to which I should like to draw the attention of the Honourable Minister. In the annual police reports, it is often stated that Congress people obstruct the police in rounding up bad characters. I take this opportunity to categorically refute this charge. The Congress workers whether inside or outside this House have always condemned unreservedly such dacoities and highway robberies and their perpetrators. They are ever prepared and have always tried to help the police in such matters. Sardar Santokh Singh Kukrela, has been referred to by Chaudhri Muhammad Hassan as the man, whom the police wanted for help in apprehending a malefactor and he gave it unstintedly. I assure the Honourable Minister that Congressmen would never stand in the way of police in matters like this. They are as jealous of the welfare of the people as the Government and their agents are. But the difficulty is that the police officers do not discharge their duties honestly. They want to do little work and get much credit. If they fail to do their duty, they shift on the responsibility of their failure to Congressmen and others.

Then, Sir, I come to the grant of licences for arms. When the bad characters apply for licences for arms, they are readily granted to them. But well-to-do and respectable persons have to wait for months and months before their applications are sanctioned. As a matter of fact the police has earned notoriety in the matter of making recommendations for the grant of licences for arms to the men of dubious character. In this connection I am reminded of the case of a very respectable person of Ludhiana. I mean Raizada Bhagat Ram, Advocate. His application for the grant of licence has been pending for the last 8 months.

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

**Pandit Muni Lal Kalia :** Sir, I am pointing out that if for the sake of self-protection, respectable persons apply for licences for arms, they are not granted to them. The honourable members would be astonished to know that the licence of a person of the status of Sardar Lal Singh, M.L.A., has been cancelled.

**Mr. Deputy Speaker :** The honourable member is again irrelevant.

**Pandit Muni Lal Kalia :** All right. I would not name any person. I was citing these cases to knock the honesty of the police out of bottom. But the strictness of the police in the case of granting licences to respectable persons has its repercussions in the rural areas. The villagers keep unlicensed arms of all kinds. The police know the fact all right but do not move their little finger in stopping this smuggling of arms. It is estimated that almost every village possesses hundreds of unlicensed rifles. The villagers do not lodge reports with the police about these arms, because they know that if dacoits were to visit their village, it is they who have to offer strong resistance to the marauders and use these arms in self-defence. They realise that they are not going to receive any help from the police.

This shows how the police is exercising control over the lawless people and maintaining law and order in the countryside. The failure of police in the discharge of its duties is a matter of great regret. I may also make mention of the fact that in the case under discussion the police instead of arresting the dacoit Ajaib Singh gave a severe beating to his relations, his father, mother and others.

**Mr. Deputy Speaker :** The honourable member is again irrelevant.

**Pandit Muni Lal Kalia :** The relations of the police are cordial with the dacoits and other bad characters.

**Mr. Deputy Speaker :** Please speak to the motion.

**Pandit Muni Lal Kalia :** I am perfectly relevant, Sir. I mean to say that the police remains busy in illegitimate activities and ignores its real duties. In that connection I am saying that the police maltreats gentlemen and respects bad characters. The police officials freely mix with the latter and dine and drink with them, and often pat them on the back for their misdeeds and unlawful exploits out of which a share is given to them. Under these circumstances the police cannot be expected to do its duty and arrest the dacoits and thieves.

It has been alleged that the villagers do not co-operate with the police. The reason for their withholding this co-operation is that the police does not protect them and proves a great burden to them at the time of investigation by exacting eggs, fowls and other costly articles of food. The police treats them with contempt and disgrace.

**Mr. Deputy Speaker :** The honourable member is irrelevant.

**Pandit Muni Lal Kalia :** It is a fact the police plays the part of Government in their highhandedness and the Government in its turn behaves like the police in its own sphere. Both ape each other. (Cheers) I admit that the motion relates to the dacoity that was committed at Dad by Ajaib Singh and his companions, but I had to discuss the failure of the police in other such cases as well. That is why I discussed the general behaviour of the police towards the public. In this particular case of Ajaib Singh one cannot help observing that the dacoit in question, Ajaib Singh is abroad for the last 14 months looting and murdering people and yet the police has not been



able to arrest him. The police officials trouble his father, his sisters, brothers and other relatives who submit that they can give no clue of the dacoit as they are not in his secrets. Any amount of torture inflicted on these innocent persons would not lead to the arrest of the dacoit in question unless the police make bold to pursue him or catch him redhanded. It is up to the Honourable Minister in charge to send an honest officer to investigate and submit a report to him. But I am sorry to observe that the Ministers themselves are sailing in the same boat with the police. They may be justly termed dacoits No. 2. Perhaps they could be termed as dacoits No. 3 but not No. 10 as they have yet to attain that degree of efficiency. All that the Ministers do is to visit their respective districts and charge heavy sums as travelling allowance. Beyond that they do nothing. In fact they do not take the trouble of improving the local police of their own district. By way of example I would quote the case of Ludhiana from which district alone as many as 7 honourable members of this House and 3 members of the Government have come. Is it not a matter of shame that in spite of this, the district of Ludhiana is suffering from maladministration at the hands of the police? The police is there for the benefit of the bad characters and not for the protection of the life and property of the innocent people from the dacoits and highway robbers. So frightened are the residents of this district that they dare not go out for business even in daylight. They form themselves into groups for moving about and cannot go out singly. If the police and the Government were at all anxious to end this lawlessness in this district, they would adopt stringent measures against all bad characters. In that case there would be no dacoities, thefts and murders in that locality. The police makes a bargain with the bad characters and the Government connives at their nefarious activities. Some honourable members sitting on the Treasury benches are laughing at my statement. I do not mind their laughing at me. It is the way of all liars to laugh while it is the nature of the true ones not to get angry under such circumstances. (*An honourable member* : Do not laugh yourself.)

With these words, Sir, I finish my account of the misdeeds of the police which are the real cause of the failure of the police to arrest dacoits in the district of Ludhiana.

**Minister of Public Works** (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana): Sir, the mover of this adjournment motion and the honourable member from Ludhiana, who has just sat down, have been roaming far and wide over the general field of police administration. We are in this motion only concerned with the dacoity at Dad and not with the general police administration as such. There may be defects in this administration which we are trying our level best to set right. But everybody there is not a black sheep as the members opposite have tried to paint them. Honourable members were trying to speak as if the police grant was under discussion. I do not propose to reply to that criticism. I would leave it till the proper time comes during the general discussion on budget. Similarly irrelevant criticisms have been brought in against the Government and the Ministers. If the honourable members have got any doubt or difference on that score, the proper course would be to move a specific motion when

[Minister of Public Works.]

they would get the reply. In this discussion to-day I will only confine myself to the occurrence at Dad, the heinous crime, the dacoity and the efforts made to trace the culprits since then. I would in this connection like to give such relevant facts as I have been able to ascertain in the short time since the adjournment motion was moved. A report was received at 8-30 p.m. on 27th October, 1940, by Jiwan Singh, lambardar, that a dacoity had occurred at Dad which is five miles from Ludhiana Sadar and that he had heard reports of three gunshots. He ran to the village and met Ghammi Faqir, who told him that Ajaib Singh with some accomplices had been to the village and were firing at Kartar Singh. He said that the villagers had been terrorised and that he had come to report. The report was duly entered by the Station House Officer, who proceeded to the spot with a party of 20 men from the first reserve of the district and a tracker. On the way he met Ujagar Singh, lambardar of the village, who supported the version and further said that Ajaib Singh with his two accomplices had wounded with a bomb Narain Singh, father of Kartar Singh, with whom he had enmity. He had also fired some shots. This occurrence had been seen by Jagta, Chamar. Before the police reached the village the dacoits had decamped and as night had fallen nothing more could be done that day. That was the only information the police had. The main complaint of the police was that the villagers would not give any information as to the direction in which the dacoits had gone. The Superintendent of Police who was in camp at Dakha got this information on the morning of 28th October and rushed to the spot. On reaching the scene he found that the same trio who were said to have committed this dacoity had figured in the occurrence at Talwandi Khurd on the 21st October, 1940. In this dacoity first they fell upon the wife of one Kapur Singh against whom they had a grievance and who was not in the village. She was wounded by a bomb and twice shot at and was left seriously wounded. I am sorry to say that she has since died in the hospital. Then they went to the house of Narain Singh and threw a bomb at him and seriously wounded him. He has also died in the hospital. A sum of one hundred rupees were also taken away from Ralli, wife of Narain Singh. Here I would like to say that no Government worth the name can read such occurrences without feeling for the poor victims. Their relations have all the sympathy that we can offer.

They then went to the house of Jetha Singh, a carpenter and carried away his daughter-in-law, Daraopdi. The occurrence is undoubtedly a heinous one. The Station House Officer, Sadar, was following up the tracks with about 20 men of the first reserve and a tracker in the morning. The whole ilaqa knew Rekhi, as a local man, but none would give the information as to which side he and his accomplices had gone. The track party was overtaken by the lorry carrying the second police party. The tracks were held up in a hard surface area and could not be traced further. About three hours were spent. It was 8-30 p.m. when the tracks were again discovered. The direction was noted and to save time hurried journeys were made in the lorry occasionally stopping to look up the tracks.

It was about 5-30 p.m. when the party reached village Khanpur where the tracks could not be further traced. Previous information was that the gang used to find shelter in village Khawadi which is two miles away

from Khanpur. As evening came it was decided to raid that village and the surrounding villages by surprise. It was important that the gang should be surprised before it was dark; otherwise they might get a further start and the girl might have been shot down as she was said to be a frail person and could not keep pace with dacoits. So, immediately, they proceeded to village Khawadi and when they reached there the constables broke fast. After that they reached the well of one Sunder Singh, and searched his sugar and cotton fields, the most suspected places. The party approached in an extended order, beating the sugarcane and cotton fields. A man on the extreme left flank shouted that he had seen a man running away from the sugarcane field. Some other constables on the extreme left flank also shouted that they had seen a man running away. They fired but there was no response from the other side. Meanwhile the trackers came up and recognised the tracks of the three wanted men. Then the party chased the men, though nothing could be seen ahead. Enquiries from other men revealed that three men had been seen in Khaki. The accused were chased for two miles till it was utter dark. At that time information reached the rear that the girl who had been carried away had been recovered by some policemen from a sugarcane field. The efforts of the police were greatly appreciated and the union of the girl with the family was most pathetic.

As far as this occurrence is concerned, it shows that every effort was made by the local police to trace the dacoits and it was due to the prompt action of the police that the girl was recovered from these dacoits. As a matter of fact the dacoits were traced, but could not be apprehended; it is merely a piece of bad luck. I hope that before long the dacoits will be accounted for.

The report goes on to say that the next morning the tracks were followed and they went further into the ilaga next door, which is Patiala State. State Police has been wired to and has joined.

As to the general dacoity situation in the range ten dangerous outlaws have already been killed by our police in fighting and seven by the State police, and a number of policemen have been killed in action.

I hope the House would agree with me that it is really very difficult to trace the culprits especially when the local people do not give any names and harbour the culprits. One honourable member went on to say that in spite of the fact that special staff was appointed at Ludhiana to chase the culprits, this staff has not been of any use. I may inform him that this special staff was appointed with the definite object of chasing the dacoits from place to place so that they may have no rest whatever. As I have said it is a fact that Ajaib Singh has not yet been arrested but I have every hope that if the special staff continues its good work he will be brought to book before long.

Then the honourable member went on to say that the dacoits were not arrested, because certain police officers were cowards, that they were inefficient, that they did not face the dacoits and that some of them were keen to have only the King's Police Medal. I would like to say that the Superintendent of Police in charge of the district is a very brave and gallant officer (*A voice: As brave as you are.*) Whether I am brave or not is

[Minister of Public Works.]

another matter, but this police officer has been awarded a King's Police Medal and a bar for his gallantry of which the police force is proud.

**Sardar Partap Singh :** How is it that the police always got the track of these dacoits when darkness was about to set in ?

**Minister :** The honourable member has not followed me, otherwise he would not have raised this point. What I said was that, after darkness tracks could not be proceeded with and it was decided to raid that village and the neighbouring villages. A man was seen running away from a field and was shot at. Apparently he was not hit.

The honourable member has been blowing hot and cold together. In one breath he said that we were not taking strong action against these dacoits to bring them to book ; and in the same breath he said that strong action has been taken against the harbourers ; they were being mal-treated and put to all sorts of inconveniences and he sympathised with them.

**Sardar Partap Singh :** The honourable member is not making a correct statement.

**Minister :** I am afraid he did make those remarks. He is not in his seat, but he said that certain people who were suspected of harbouring—

**Sardar Partap Singh :** He said neighbours.

**Minister :** As far as neighbours are concerned, I have never heard any neighbour being troubled. It is only the people who are suspected of harbouring the dacoits that action is taken against them. It is only by taking action against the harbourers that things are made hot for the dacoits and they are located. If these harbourers are not touched, the result is that the dacoits go on with their activities. It is a vicious circle.

Then it was said that licences for arms have not been given freely and hence dacoities have increased. I may say that licences are given to people who deserve them. A proper village scheme is being organised. It is far from complete yet ; but when it is ready many of these dacoities will cease. As to the refusal of the district magistrate to give licences to some of honourable member's friends, I cannot deal with the specific case cited by the honourable member, but there should be good reasons for the refusal. I may also add that it is a matter on which he can take proper action under the rules and appeal if he likes.

In the end I would like to say this much that a strong contingent of additional police has been posted in the area to deal with these dacoities and considerable expenditure has already been incurred. We will not hesitate to incur more expenditure on making the police more mobile in order to put a stop to these dacoities. The headquarters of the Superintendent of Police in charge of special staff has been moved from Ambala to Ludhiana. The Deputy Inspector-General of Police has been there for the past one week and every effort is being made to trace the culprits and I hope the party which is pursuing the dacoits will catch them or kill them. The victims of these dacoities have our sympathy. But I must say one thing. If honourable members, instead of taking up the valuable time of the House in criticising everybody who is doing his best to help the public, would go and advise the people to help and co-operate with the police, give

the police information and clues to trace the dacoits and if the police then do not act on the clue, then they will be justified in blaming the police. At present the main difficulty of the police is that they get all the criticism but little co-operation and help. The days when the police were the instruments of foreign rule are gone. Now the duty of the police is to protect the innocent and the suffering and therefore there should be full co-operation of the public as well as of my honourable friends opposite with the police. With these words I oppose the motion. (*Cheers.*)

**Chaudhri Muhammad Hassan :** I have got only two words to utter by way of reply. I do not propose to call for a division on this motion as the Honourable Minister seems to be in a sympathetic mood and has taken to heart the several complaints that have been made from this side of the House and has promised to consider the various points raised by me in the course of the discussion. The only point that I wish to refer to at present was the too much reference in his speech to the gallantry of the Superintendent of Police. I may here give one instance of his gallantry. One of his own recruits broke open into his house and was thereafter dismissed. If a person cannot safeguard his own house, I really wonder how his gallantry can deserve any praise.

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

**Chaudhri Muhammad Hassan :** Very well, Sir, practically all the suggestions made by the Opposition have been accepted by the Honourable Minister and therefore there is only one point which I need emphasise. That is this. Pandit Muni Lal Kalia referred to the refusal of arms licences.

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

**Chaudhri Muhammad Hassan :** If you are not prepared to allow me to speak I shall resume my seat.

**Mr. Deputy Speaker :** The question is—

That the Assembly do now adjourn.

*The motion was lost.*

*The Assembly then adjourned till 12 noon on Thursday, 21st November, 1940.*

1911

1911年1月1日  
1911年1月1日  
1911年1月1日

1911年1月1日

1911年1月1日

1911年1月1日



1911年1月1日

1911年1月1日

1911

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 21st November, 1940.

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

### STARRED QUESTIONS AND ANSWERS.

#### WATER LEVEL IN DOABA.

**\*7040. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state the steps he has taken or proposes to take on the report submitted by the special officers appointed to inquire into the water level problem of the Doaba area in the Punjab ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** Afforestation, gully-plugging and the control of Chos in the Siwaliks are being vigorously carried out by the Anti-Erosion Circle of the Forest Department. It is improbable, however, that these remedial measures will have any immediate effect on the water-level of the Doaba area and it must naturally take some time before their benefit is realized to any appreciable extent.

A scheme for an inundation canal from the Sutlej river, for this area, has been prepared.

**Sardar Bahadur Sardar Gurbachan Singh :** Is the Government considering the question of "bunding" of chos and the two bains to remedy the subsidence of water-level in the Doaba ?

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

#### ELECTRIC POWER FOR AGRICULTURAL PURPOSES.

**\*6976. Sardar Lal Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether electric power is being made available to agriculturists near Ludhiana city for agricultural purposes ; if so, how much ;
- (b) when the Ludhiana-Ferozepore line will be equipped to provide electric energy to the agriculturists for agricultural purposes ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) Yes. The connected load of the consumers getting supply for agricultural purposes is approximately 51 kilowatts.

[Sh. Faiz Muhammad.]

(b) The execution of the Jullundur-Ludhiana-Ferozepore Project, together with its subsidiary projects has now been postponed indefinitely because primary power required for supply on these projects is not available from the Hydro-Electric system? On account of the war, it is not possible to obtain the necessary plant and equipment to augment the available reserve of primary power.

FEEDING OF BULLOCKS ON MOLASSES AT GOVERNMENT FARM,  
MONTGOMERY.

**\*7001. Sardar Sampuran Singh :** Will the Honourable Minister of Development be pleased to state whether the Agricultural Farm Manager at Montgomery conducted any research work before reporting to the Government that feeding of bullocks on molasses was not possible, if not, whether any inquiry was held into the conduct of the said officer and if so, the action taken as a result of that inquiry?

**Parliamentary Secretary (Chaudhri Tikka Ram)** *First part.*—No.

*Second part.*—Yes.

*Third part.*—Farm Manager was degraded to a lower post and his pay was reduced by two annual increments.

EMPLOYMENT OF SOME INMATES OF THE BORSTAL INSTITUTE FOR LEVELLING  
THE GROUND OF THE HOUSE OF SUPERINTENDENT, NEW  
CENTRAL JAIL, MULTAN.

**\*6828. Malik Barkat Ali :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that some gangs of inmates of the Borstal Institute and some heads of cattle were employed for some months without payment and without the sanction of the Government in the summer of 1938 for levelling the grounds, etc., of the house of Colonel P. D. Chopra, I.M.S., the then Superintendent, New Central Jail, Multan;
- (b) if so, the number of the prisoners and bullocks so employed and the period of time for which this was continued;
- (c) whether this took place by the order of Pandit K. K. Muttoo, the then Deputy Superintendent of Borstal Institute;
- (d) whether this employment of labour of the inmates of the Borstal Institute was brought to the notice of the Superintendent, Borstal Institute, by the non-official visitor by means of remarks made in the Official Visitor Book No. 6 in June, 1938, if so, whether any inquiry was held into the matter; and if so, with what result, if not why not;
- (e) the reasons why the kacha wall of the garden enclosure at the back of the Borstal Institute was demolished during the period that the abovementioned inmates of the Borstal Institute and the cattle were employed in Colonel Chopra's grounds?



**The Honourable Mr. Manohar Lal :** (a) Yes, this is in the main so.

(b) It is difficult at this stage to give the exact information required, but as far as Government have been able to ascertain, one gang of about 10 convicts worked from the 1st June to the 17th of June and three other gangs worked intermittently for May and June. The number of bullocks used was 4, but these bullocks also worked intermittently. It has not been found possible to calculate the exact number of days on which they worked.

(c) Yes under his general instructions, but it cannot be said that this was not within the knowledge of the Superintendent.

(d) Yes. An inquiry was made by the then Inspector-General of Prisons, Colonel Barker, who reprimanded the Deputy Superintendent. When the matter was brought to the notice of Government they ordered a suitable recovery to be made from Colonel Chopra, though the then Inspector-General of Prisons had held that it had been done without his knowledge.

(e) Inquiries made by Government have not been able to establish the demolition of the kacha wall in question. There is no record of any such work.

#### FIRING IN NEW CENTRAL JAIL, MULTAN.

**\*6830. Sardar Partap Singh :** Will the Honourable Minister for Finance be pleased to state—

(a) the reasons for resorting to recent firing in the New Central Jail, Multan ;

(b) the number of persons wounded as a result of that firing with the nature of injuries received by them ?

**The Honourable Mr. Manohar Lal :** The case is *sub judice*.

#### RESOLUTIONS BY PUNJAB BAR CONFERENCE AND ACTION TAKEN THEREON.

**\*6915. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Finance be pleased to state—

(a) whether the Government has received a copy of the resolutions passed at the Punjab Bar Conference held on 13th and 14th May, 1939, at Lahore ;

(b) if the reply to the above is in the affirmative, the action, if any, the Government proposes to take or has so far taken in respect to those resolutions ?

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

(b) It was found that for the most part the resolutions passed had previously been carefully considered by Government, and in the absence of fresh facts it was not necessary to re-open the question involved. If the honourable member is interested in any individual resolution I will endeavour to furnish him with the information he desires.

## HUNGER-STRIKERS IN MUZAFFARGARH JAIL.

**\*6975. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) the date on which Dr. Gopi Chand Bhargava, ex-M. L. A., applied for permission to interview the hunger-strikers in Muzaffargarh Jail and the date on which his application was replied to ;
- (b) whether any applications for interview were submitted previous to this date ; if so, by whom and on what dates ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** There was no hunger-strike at Muzaffargarh Jail. Dr. Gopi Chand did, however, apply for permission to interview the prisoners, who were on hunger-strike in the Montgomery Jail on the 20th of September, 1940, and a reply was sent to him the very next day, September the 21st, permitting him to see the hunger-strikers in the Montgomery Jail and also two of them, who had been transferred to Mayo Hospital, Lahore.

ALLOWANCE FOR GOVERNMENT SERVANTS DRAWING RS. 30 PER MENSEM OR LESS.

**\*6997. Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that a proposal has been received by the Punjab Government from the Government of India suggesting the grant of an allowance to those Government servants whose salary is Rs. 30 per mensem or less ;
- (b) if answer to (a) be in the negative, whether the question is under the consideration of Government ?

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

(b) Does not arise.

**Lala Duni Chand :** May I know whether, apart from the Government of India sending any suggestion, the Punjab Government has ever considered this question ?

**Mr. Speaker :** That is a suggestion for action. Disallowed.

**Lala Duni Chand :** May I know if the Punjab Government has ever considered the question of the salaries of the lowest paid men and the highest paid men ?

**Minister :** I do not know whether the question of the highest paid men arises.

**Lala Duni Chand :** Is the Finance Minister aware of the fact that some Government servants get as low a salary as Rs. 14 a month ?

**Minister :** That may be so.

**Lala Duni Chand :** Has Government ever considered the question of raising the scale of their salaries ?

**Mr. Speaker :** Disallowed. Strictly speaking the honourable member is suggesting an action.

**Lala Duni Chand :** I simply want information as to whether Government has been pleased to consider this question at any time.

**Mr. Speaker :** I take it to be a suggestion for action.

**Lala Duni Chand :** May I know if certain men in Government service continue to get a small salary, say Rs. 14 or Rs. 15 a month for as long as they serve, even if they continue to serve for 30 years ?

**Mr. Speaker :** This again is inadmissible. Will the honourable member point out which part of the answer given by the Minister he wants to be explained or elicited by this question ?

**Lala Duni Chand :** The question that has been put to the Finance Minister is whether a suggestion was made by the Government of India to consider the case of those people who get Rs. 30 or under.

**Mr. Speaker :** What is the reply of the Honourable Minister ?

**Lala Duni Chand :** The answer to the question was that no such suggestion has been made by the Government of India.

**Minister :** My answer was in the affirmative.

#### REMOVAL OF THE ELECTED MEMBERS OF THE SMALL TOWN COMMITTEE, MAKHAD.

**\*6761. Sayed Mohy-ud-Din Lal Badshah :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that the Punjab Government, according to the *Government Gazette*, dated 18th March, 1940, have removed all the elected members of the Small Town Committee, Makhad, from membership on the ground of their inefficiency ;
- (b) the number of meetings of the town committee that were attended by the members referred to in (a) before they were so removed ;
- (c) whether any of the members mentioned in (a) have been members of the same town committee on a previous occasion ; if so, whether any complaint of inefficiency was made against them at that time ;
- (d) the nature of the complaint of inefficiency made against each member separately and the name of the authority that made the complaint ;
- (e) whether he would be pleased to lay on the table of the House a copy of the report made against the dismissed members of the aforesaid committee ;
- (f) whether Government propose to revise their decision in connection with the above-mentioned removal ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a), (d) and (e) Five out of the six elected members were removed from membership of the committee on the ground of corrupt practice at the elections. An inquiry into the election petitions against them was held by the Sub-divisional Officer, Pindigheb, and the matter was reported to Government through the usual channel. It is not in the public interest to lay a copy of the report on the table of the House.

[Sh. Faiz Muhammad.]

(b) One member attended one meeting; the others attended three.

(c) One of them was a member on a previous occasion. There was no complaint of inefficiency against him.

(f) No.

COMPLAINT AGAINST SUB-INSPECTOR OF POLICE, TEHL SINGH, POSTED TO SUKHEKI MANDI, IN GUJRANWALA DISTRICT.

**\*6765. Malik Barkat Ali:** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that Tehl Singh, Sub-Inspector of Police, Sukheki Mandi, tahsil Hafizabad, district Gujranwala, had two fields in village Tawelawala and Jandraka tilled in *kharif* 1939 by the zamindars on his own account for fodder for his mares without paying any rent to the owners of the land;

(b) whether in the *Khasra Girdawari* for *kharif* 1939 the Patwari concerned made the following entries:—

” سردار تھل سنگھ نے میدان اور غلہ روٹی بھرج مٹکان بلا مالکانہ پرچہ ہونے  
 نہانیدار سلیم کی “

(c) if the answer to the above be in the affirmative, the action so far taken in the matter; if no action has been taken, whether Government intends taking action?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):

(a) The facts are that Sub-Inspector Tehl Singh of Sukheki Police Station had two fields in Tawelawala and Jandraka tilled for fodder for his mare on payment of the rent, land revenue and water rates chargeable on the two plots of land.

(b) Yes. Inquiries made have proved that the entry relating to Sub-Inspector Tehl Singh's occupation of the land without payment of revenue is incorrect.

(c) Government does not intend taking any action.

Khaksar-Police Clash in Tibbi Bazaar.

**\*6809. Sayed Mohy-ud-Din Lal Badshah:** Will the Honourable Premier be pleased to state—

(a) the total number of the Khaksars who lost their lives in the Khaksar-Police clash on March 19, 1940, as a result of firing by the police in the Tibbi Bazaar and of those who later on died of their injuries in the Mayo Hospital, Lahore;

(b) the names and home addresses of the deceased;

(c) the total number of the injured Khaksars who were admitted into the Mayo Hospital, Lahore;

(d) the names and home addresses of the injured Khaksars;

- (e) the total number of the Khaksars who were arrested from the *Adarai Alya* and *Bab-i-Ali* after the clash between the police and the Khaksars took place in the Tibbi Bazar on March 19?

**Parliamentary Secretary** (Mir Maqbool Mahmood): (a) 21 Khaksars lost their lives in the Khaksar-Police clash as a result of firing by the Police in the Tibbi Bazar, and 11 died in the Mayo Hospital, Lahore.

(b) A list giving the required information is attached.

(c) 55.

(d) A list giving the required information is the laid on table.

(e) 77.

**Sayed Mohy-ud-Din Lal Badshah**: On a point of order, Sir. The last portion of the question which I originally sent to the office has been omitted. That was the most important part and I want to know why it has been omitted?

**Mr. Speaker**: It was disallowed by me.

**Sayed Mohy-ud-Din Lal Badshah**: But I have not received any information to that effect.

**Mr. Speaker**: I shall inquire about it.

**Sayed Mohy-ud-Din Lal Badshah**: If the report of the Khaksar Inquiry Committee establishes the fact that the police officers were guilty of having committed excesses on the Khaksars, will Government besides hauling them up before courts of law pay reasonable compensation to all the Khaksars who suffered during the Khaksar-Police clash on March 19, 1940, or in case of their demise to their families?

**Mr. Speaker**: That is a hypothetical question. Disallowed.

**Lala Duni Chand**: Is there any proposal before the Government to compensate the dependants of those Khaksars who lost their lives—whether in a good or a bad case, I leave it to them?

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

**Lala Duni Chand**: From the fact that certain Khaksars were killed as a result of the firing.

**Mr. Speaker**: The honourable member must know that supplementary questions can be asked only to elucidate an answer given.

**Lala Duni Chand**: During the last three years we have endeavoured to understand—

**Chaudhri Muhammad Hassan**: What is the difficulty in giving out the reply to part (b)? Is the statement too long?

**Parliamentary Secretary**: The statement is fairly long. It contains the names and addresses of the persons. I understand it has been supplied to the member concerned.

*List of dead Khaksars.*

Serial No.	Name and Parentage.	Residence.	REMARKS.
1	Unknown .. ..	..	
2	Do .. ..	..	
3	Do. .. ..	..	
4	Do. .. ..	..	
5	Do. .. ..	..	
6	Do. .. ..	..	
7	Do. .. ..	..	
8	Do. .. ..	..	
9	Do. .. ..	..	
10	Since identified as Dost Muhammad, son of Gohar Khan, Dhund Samli of Dajal, Police Station Murree, District Rawalpindi.		
11	Since identified as Mansur Zaigham, nephew of Murtaza Ahmad of the <i>Shahbaz</i> , Lahore.		
12	Unknown .. ..	..	
13	Do. .. ..	..	
14	Do. .. ..	..	
15	Do. .. ..	..	
16	Do. .. ..	..	
17	Do. .. ..	..	
18	Do. .. ..	..	
19	Do. .. ..	..	
20	Do. .. ..	..	
21	Do. .. ..	..	
22	Qamar Din, son of Khair Din ..	Yakki Gate, Lahore.	
23	Abdul Wahid, son of Abdul Jabar ..	Lyallpur.	
24	Abdul Karim, son of Abdullah ..	Pandorian, Sheikhpura.	
25	Gulam Sarwar, son of Sandani ..	Hasht Nagri, Peshawar.	
26	Nadar Hussein, son of Ali .. ..	Lange, Gujrat.	
27	Muhammad Abdur Rahman, son of Mowaz Khan.	Campbellpur.	
28	Abdul Ghani .. ..	..	
29	Khaksar No. 1137 .. ..	..	
30	Abdul Rahman, son of Umar Din ..	Peshawar, Ganj.	
31	Bhag Ali .. ..	..	
32	Khaksar No. 1459 .. ..	..	

*Names and home addresses of the injured Khaksars in the Khaksar-Police clash on the 19th March, 1940.*

1. Taj Muhammad, son of Mian Muhammad, Milk Seller, Hasht Nagar Gate, Peshawar.
2. Abdul Rehman, son of Abdulla, Tailor, Mohalla Pain Bagh, Najibabad.
3. Inayat Hussain, son of Rehmat Ali, Leather Merchant, Zaffarwal, district Sialkot.
4. Hafiz Ullah, son of Allah Rakha, Mason, Zaffarwal.
5. Muhammad Hussain, son of Imam Din, Flower Seller, Faiz Bagh, Lahore.
6. Nur Muhammad, son of Kher Zaman, Clerk in cement factory, Wah, residence Hassan Abdal.
7. Abdul Latif, son of Abdul Aziz, Shopkeeper, Mohalla Pracha, Rawalpindi.
8. Abdul Karim, son of Ida, Carpenter, Holi Gate, Muttra, United Provinces.
9. Ghulam Nabi, son of Mian Dad, Zimindar, district Mardan, village Munir Bala.
10. Fazal Karim, son of Muhammad Din, Qureshi, Nankana Sahib, district Sheikhpura.
11. Ghulam Nabi, son of Munnavar Din, Clock Tower, Peshawar, at present Garhi Shahu, Lahore.
12. Muhammad Amin, son of Nabi Bakhsh, Khokhar, Mohalla Kumharan, Dera Ismail Khan.
13. Muhammad Sharif, son of Abdul Hakim, Shoe-maker, Mochi Gate; Garhi Habib Ullah, district Hazara.
14. Dost Muhammad, son of Muhammad Azim, Khaksar, Ballo Khel, district Mianwali.
15. Jaffar Hussain, son of Ghulam Muhammad, Carpenter, Mohalla Hyderi, district Montgomery.
16. Nur Muhammad, son of Sultan Ahmed, Mistri, Mohalla Afghanan, Aligarh.
17. Muhammad Hussain, son of Gul Hussain, Mason, Mohalla Telian, Peshawar.

18. Abdul Aziz, son of Abdul Ghani, Cook of Hotel Muhammad Sadiq, Hira Mandi, Lahore.

19. Allah Rakha, son of Ali Muhammad, Shopkeeper, Mohalla Katra Hakiman, Amritsar.

20. Ihsan Ullah, son of Sana Ullah, Cycle Dealer, Mohalla Islampura, Lyallpur.

21. Habib-ur-Rahman, son of Din Muhammad, Sheikh, Khaksar, Jullundur city (Phagwara Gate).

22. Muhammad Aslam, son of Jaffar Khan, Jat, Haripur, district Hazara.

23. Muhammad Nadir, son of Fazal Qadir, Afghan, Kotla Sultan Khan, Peshawar.

24. Hassan Din, son of Muhammad Ji, Awan, Sidhu, police station Hassan Abdal, district Campbellpur.

25. Sarwar Khan, son of Behram Khan, Pathan, Dera Nur Mahi, district Gurdaspur (at present Sargodha).

26. Muhammad Nawaz, son of Fateh Muhammad, Pleader, Khaksar, Sheikhpura.

27. Muhammad Aslam, son of Muhammad Hayat, Khaksar, Bherawal, police station Lala Musa, district Gujrat.

28. Muhammad Akbar, son of Nawab Khan, Khokhar, Purani Attari, Sheikhpura.

29. Ghulam Haider, son of Ghulam Muhammad, Weaver, Talagang, district Campbellpur.

30. Mubarak Shah, son of Qadir Shah, Sayed of Murree Hills, district Rawalpindi.

31. Muhammad Iqbal, son of Chiragh Din, Moghal, Tailor, Khaksar, Gujrat.

32. Muhammad Khurshaid, son of Abdul Hakim, Raj, Khaksar, Islampura, Lyallpur.

33. Bashir Ahmed, son of Muhammad Din, Kashmiri, Tibbi Jallian, Sialkot city.

34. Abdul Qayyum, son of Abdul Ghafar, Butt, Zaffarwal, district Sialkot.

35. Karam Din, son of Rahim Bakhsh, Weaver, Zaffarwal, district Sialkot.



36. Muhammad Sadiq, son of Abdul Majid, Awan, Haji Shah, Campbellpore.

37. Abdul Hamid, son of Abdul Aziz, Shaikh Mohalla Sidhupura, Multan city.

38. Khuda Dad, son of Allah Dad, Awan of Chhina, police station Kahuta, district Rawalpindi.

39. Fazal Ahmed, son of Allah Lok, Shaikh, Jadda, district Jhelum.

40. Makhdum Bakhsh, son of Mahbub Bakhsh, Sheikh, Mohalla Mamun Bhai, Aligarh.

41. Ahmed Khan, son of Wali Muhammad, Qureshi, Abbottabad, Hazara.

42. Muhammad Hussain, son of Sher Wali, Qureshi, Tailor, Qabili Gate, Peshawar.

43. Fazal Karim, son of Kala, Vegetable Seller, Zamindar, Dastgiri Gate, Peshawar city.

44. Muhammad Sadiq, son of Allah Ditta, Qureshi, Kahuta, district Rawalpindi.

45. Muhammad Shafi, son of Jiwan Bakhsh, Shaikh of Kunjah, Gujrat.

46. Karam Elahi, son of Ghulam Muhammad, Awan, Jhelum city.

47. Badshah Gul, son of Mukhtar Jan, Afghan, Sahibzada -Khel of Wir, "Ilaqa Ghair."

48. Habib-ur-Rahman, son of Abdul Aziz, Jat, Zaffarwal, Sialkot.

49. Khan Muhammad, son of Sher Khan, Chakwal, district Jhelum.

50. Muhammad Sadiq, son of Ali Bakhsh, Arain, Toba Tek Singh, Lyallpur.

51. Nazir Ahmed, son of Illam Din, Teli, of Pandorian, police station Sangla, district Sheikhupura.

52. Abdur Rahim, son of Hafiz Muhammad Shafiq, Pathan, Mohalla Tolan Ghali, Peshawar city.

53. Abdul Haye, son of Muhammad Ibrahim, Motor Mechanic of Peshawar.

54. Muhammad Ramzan, son of Maula Dad, Dherwala, Kunjah, district Gujrat.

55. Miran Bakhsh, son of Arura, resident of Nur Mohalla, Bhati Gate, Lahore.

STRICTURE PASSED BY ADDITIONAL DISTRICT MAGISTRATE, MULTAN, AGAINST  
A SUB-INSPECTOR OF POLICE.

**\*6858. Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government is aware of the judgment delivered by the Additional District Magistrate, Multan, in case No. 164/2 of 1939, decided on 14th November, 1939, concerning Manza Multan, tahsil and district Multan and of the remarks made therein by the aforesaid Magistrate about a Sub-Inspector to the effect "He has entirely failed to explain the omission and his statement that he did not consider it necessary to enter these facts in his report is to say the least not worthy of the rank he holds";

- (b) if so, what action has been taken against the said Sub-Inspector?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : Government have had inquiries made into the facts of this case and it has been found that the Sub-Inspector was not to be blamed, as his action in recording the Case Diary, which was criticized by the Additional District Magistrate, Multan, in case No. 164/2 of 1939, followed the departmental procedure laid down by the rules.

- (b) No action is considered necessary against this Sub-Inspector.

---

OFFICERS ON DEPUTATION TO VARIOUS MUNICIPAL COMMITTEES  
IN THE PUNJAB.

**\*6867. Rai Bahadur Lala Sohan Lal :** Will the Honourable Minister of Public Works be pleased to lay on the table of the House a list of officers of the Government at present on deputation and working either as Executive Officers or Secretaries of the various Municipal Committees in the Punjab with the reasons for selecting them for these appointments indicating also the changes on transfers, if any, made during the last three years among these officers?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : I regret that a reply to this question is not yet ready.

---

PANCHAYAT OFFICERS AND ASSISTANT PANCHAYAT OFFICERS.

**\*6868. Rai Bahadur Lala Sohan Lal :** Will the Honourable Minister of Public Works be pleased to lay on the table of the House a consolidated list of Panchayat Officers and Assistant Panchayat Officers appointed by the Government during the last three years with the special qualifications of each selected candidate stating the reasons for not referring the matter of appointment of the Panchayat Officers to the Public Service Commission and also the method of selection adopted while selecting men for the above-mentioned posts?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** A statement showing the names of Panchayat Officers and Assistant Panchayat Officers is laid on the table. Apart from their educational qualifications, they were selected because they possessed the necessary aptitude for the work to be performed by them. As the posts are mentioned in Schedule B to the Punjab and North-West Frontier Province Joint Public Service Commission (Limitation of Functions) Regulations, it was not necessary to consult the Commission. The appointments are made by Government. All applications are carefully considered, and selected candidates are called for interview after which the final selection is made.

*Panchayat Officers.*

- |                          |                                 |
|--------------------------|---------------------------------|
| 1. Todar Singh.          | 19. Chaudhri Muhammad Abdullah. |
| 2. Madan Mohan Singh.    | 20. Nawab-ud-Din.               |
| 3. Ved Mitra.            | 21. Muhammad Ali Khan.          |
| 4. Mohar Singh.          | 22. Abdur Rahman.               |
| 5. Nizam-ud-Din.         | 23. Karam Dad Khan.             |
| 6. Rajindara Pal.        | 24. Muhammad Amir Khan.         |
| 7. Pala Singh.           | 25. Faizullah Khan.             |
| 8. Dharam Singh.         | 26. Jaswant Singh Diwana.       |
| 9. Jagrup Singh.         | 27. Gopal Singh Bajwa.          |
| 10. Dalip Singh.         | 28. Ahmad Hussain Shah.         |
| 11. Abdur Rashid.        | 29. Ahmad Nawaz Khan.           |
| 12. Harcharan Singh.     | 30. Rahim Bakhsh.               |
| 13. Muhammad Mumtaz.     | 31. Hari Kishan Bajaj.          |
| 14. Ajit Singh.          | 32. Said-ur-Rahman Khan.        |
| 15. Karnail Singh.       | 33. Ghulam Raza Shah.           |
| 16. Manohar Lal Saini.   | 34. Ghulam Hassan Saihani.      |
| 17. Muhammad Nawaz Khan. | 35. Ram Singh Bahmani.          |
| 18. Nur Ahmad Prehar.    |                                 |

*Assistant Panchayat Officers.*

- |                       |                             |
|-----------------------|-----------------------------|
| 1. Ram Kishan.        | 17. Randhir Singh.          |
| 2. Chandan Singh.     | 18. Brahm Singh.            |
| 3. Shivkaran Singh.   | 19. Jagdish Singh.          |
| 4. Azmat Ullah.       | 20. Sher Singh Gill.        |
| 5. Yaqub Khan.        | 21. Ram Singh.              |
| 6. Bishambar Sarup.   | 22. Abdustar Khan.          |
| 7. Ude Singh.         | 23. Amin Chand.             |
| 8. Baldev Singh.      | 24. Sunder Singh Pal.       |
| 9. Mul Chand.         | 25. Ram Rikhsba.            |
| 10. Risal Singh.      | 26. Thakar Dass.            |
| 11. Shivtaj Singh.    | 27. Ram Dass.               |
| 12. Jai Narain Singh. | 28. Lal Chand.              |
| 13. Shanker Singh.    | 29. Balbir Singh.           |
| 14. Mustqim Ali Khan. | 30. Nirat Singh.            |
| 15. Hakim-ud-Din.     | 31. Aziz Muhammad.          |
| 16. Ram Kishan Verma. | 32. Sayeed Ahmad Khan Rana. |

- |                            |  |
|----------------------------|--|
| 33. Har Krishan Singh.     | 75. Rab Nawaz Khan.  |
| 34. Hardayal Singh.        | 76. Malik Muhammad Sharif.                                 |
| 35. Sadhu Singh Bhangal.   | 77. Muhammad Aslam Khan.                                   |
| 36. Nawazish Ali Malik.    | 78. Masahab Khan.  |
| 37. Gulwant Singh Johl.    | 79. Bakhshi Roshan Lal.                                    |
| 38. Muhammad Sarwar Khan.  | 80. Muhammad Sabir.  |
| 39. Khalid Khalil Alvi.    | 81. Nawab Khan.  |
| 40. Jhang Singh.           | 82. Feroz Khan.  |
| 41. Bakhtawar Singh.       | 83. Muhammad Ayub Khan.                                    |
| 42. Bagh Singh Man.        | 84. Barkhurdar Khan.                                       |
| 43. Nasrullah Khan.        | 85. Ahmad Khan Niazi.                                      |
| 44. Autar Singh Sidhu.     | 86. Ghulam Nabi.   |
| 45. Abdul Hameed.          | 87. Mukhtar Singh.   |
| 46. Jaimal Singh.          | 88. Manzur Ahmad Gilani.                                   |
| 47. Ayub Khan.             | 89. Rahim Yar Khan.  |
| 48. Jarnail Singh.         | 90. Khurshaid Ahmad.                                       |
| 49. Hari Singh.            | 91. Rattan Singh.  |
| 50. Bhag Singh.            | 92. Raj Singh.   |
| 51. Safdar Ali.            | 93. Haq Nawaz Khan.  |
| 52. Muhammad Iqbal Khan.   | 94. Umar Hayat Bhatti.                                     |
| 53. Muhammad Rashid.       | 95. Khan Muhammad Khan.                                    |
| 54. Abdur Rashid.          | 96. Muhammad Salim Khan.                                   |
| 55. Kirpal Singh.          | 97. Ghulam Qadir.  |
| 56. Obeid Ullah.           | 98. Hazur Bakhsh.  |
| 57. Jagir Singh.           | 99. Alam Sher.   |
| 58. Basbir Ahmad Bajwa.    | 100. Harkishan Singh.                                      |
| 59. Fazel Hussain Malik.   | 101. Jaswant Singh Kong.                                   |
| 60. Hans Raj.              | 102. Muhammad Nawaz Khetran.                               |
| 61. Muhammad Ashraf.       | 103. Joginder Singh.                                       |
| 62. Sher Singh Mann.       | 104. Sher Muhammad Challu.                                 |
| 63. Muhammad Akram Khan.   | 105. Qamar-uz-Zaman.                                       |
| 64. Abdur Rashid.          | 106. Ghulam Ahmad.   |
| 65. Kartar Singh.          | 107. Lal Bakhsh Khan <i>alias</i><br>Muhammad Arshad Khan. |
| 66. Khadim Husain.         | 108. Muhammad Ibrahim.                                     |
| 67. Muhammad Iqbal.        | 109. Ashiq Muhammad Balooch.                               |
| 68. Muhammad Zaman.        | 110. Hazara Ram.   |
| 69. Sayed Muhammad Gondal. | 111. Swatam Dass.  |
| 70. Nur Muhammad.          | 112. Bachan Singh.   |
| 71. Khuda Bakhsh.          | 113. Calvin Mathias.                                       |
| 72. Lal Khan.              | 114. Abdul Jalal Kyani.                                    |
| 73. Ahmad Nawaz Mekan.     |  |
| 74. Sartaj Khan.           |  |

PERSONS BOUND DOWN UNDER SECTION 107, CRIMINAL PROCEDURE CODE,  
IN RAWALPINDI DISTRICT.

**\*6916. Khan Muhammad Yusuf Khan:** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of cases challaned by the police under section 107, Criminal Procedure Code, or 151/107, Criminal Procedure

Code, in the Rawalpindi district during the current year up-to-date ;

- (b) the number of persons involved in cases as in (a) above, who have been bound down ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :  
(a) 476.

(b) 1,241.

---

ASSISTANT SUB-INSPECTOR OF POLICE, SUBATHU.

**\*6917. Lala Deshbandhu Gupta :** With reference to the reply to part (e) of starred question No. 2609<sup>1</sup> asked on the 8th April, 1938, will the Honourable Minister of Public Works be pleased to state the result of the inquiry conducted by the Deputy Commissioner, Simla, on the representation that was made against the assistant sub-inspector of Subathu ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : Sufficient evidence against the assistant sub-inspector, then in-charge Police Station Subathu, was not forthcoming and no disciplinary action was, therefore, taken against him. He was, however, transferred to Police Lines, Simla.

**Lala Deshbandhu Gupta :** Was any one of the signatories to that representation called by the inquiring officer to produce any evidence ?

**Parliamentary Secretary :** In the original case which the Sub-Inspector brought against seven citizens of Subathu besides the prosecution witnesses, defence witnesses were also examined and the accused were then let off. The complaint against the sub-inspector for wantonly prosecuting the people was found by the inquiring officer to be baseless.

**Lala Deshbandhu Gupta :** It seems that the Parliamentary Secretary has not read the question. There is no question of defence witnesses or prosecution witnesses. There is a representation made against the sub-inspector and an inquiry was promised. I want to know whether the persons who made that representation were asked to produce any evidence. How has the Government formed that opinion that sufficient evidence was not forthcoming ?

**Parliamentary Secretary :** I have stated that in the original case—

**Lala Deshbandhu Gupta :** Which case ?

**Parliamentary Secretary :** On the basis of which a representation against the sub-inspector was made by the citizens of Subathu. The deputy commissioner made inquiries in that representation and the result of the inquiry is that no action was called for against the sub-inspector.

**Lala Deshbandhu Gupta :** There is no question of any case. Which particular case is the honourable member referring to?

**Parliamentary Secretary :** If my honourable friend would refer to his previous question on the subject and the reply thereto, he would have no difficulty in following my point.

**Lala Deshbandhu Gupta :** Has not the Parliamentary Secretary got it before him? What does the representation say?

**Parliamentary Secretary :** I have not got the representation with me, but the deputy commissioner made inquiries and the result of those inquiries was that no action was required to be taken against the sub-inspector.

**Lala Deshbandhu Gupta :** So there is no question of a case. My question is whether the inquiring officer, whether it be the deputy commissioner or some other officer to whom the powers were delegated, whoever it was, asked those persons who were the signatories to this representation, to produce any evidence in corroboration of the allegations made by them in the representation. That is a definite question and I want to have a definite answer.

**Parliamentary Secretary :** I cannot say offhand whether any evidence of the complainants was taken by the inquiring officer.

**Lala Deshbandhu Gupta :** I only want to know whether any inquiry was made from those persons who made those allegations. Otherwise how are you in a position to say that sufficient evidence was not forthcoming?

**Parliamentary Secretary :** The inquiring officer after making full investigation stated that sufficient evidence was not forthcoming.

**Lala Deshbandhu Gupta :** Without referring to the persons who made the representation?

**Parliamentary Secretary :** You are only assuming it.

**Diwan Chaman Lall :** Has my honourable friend any information that the people who made the complaint were actually asked to come forward and give evidence? Is there any positive evidence to that effect?

**Parliamentary Secretary :** I cannot give the information off hand.

**Diwan Chaman Lall :** Do I take it then that my honourable friend has no information whether they were actually called for or not, excepting merely a presumption?

**Parliamentary Secretary :** If my honourable friend wants detailed information, he should give notice.

**Diwan Chaman Lall :** May I ask my honourable friend, is it not fair to this House that all the information regarding a question should be made available to the honourable member? The information that my honourable friend wanted was whether any of those men who made the actual complaint were actually called for by the deputy commissioner to substantiate the charge that they had made. My honourable friend merely says that there is no evidence that they were not called. Have you any positive information that they were?

**Parliamentary Secretary :** I have already stated that on inquiry sufficient evidence against the sub-inspector was not forthcoming and that no action was taken against him. If my honourable friend wants detailed information as to who the persons were who were examined or who gave evidence and so on, he might give notice.

**Diwan Chaman Lall :** Why has not my honourable friend got the information?

**Premier :** My honourable friend has not seen the question. All that he asked is this :—

With reference to the reply to part (c) of starred question No. 2609, asked on 8th April, 1938, will the Honourable Minister for Public Works be pleased to state the result of the inquiry conducted by the deputy commissioner, Simla, on the representation that was made against the assistant sub-inspector of Subathu?

That is what he asked and that is what has been answered.

**Diwan Chaman Lall :** May I ask the Honourable Premier to read the question properly? It reads—

Will the Honourable Minister for Public Works be pleased to state the result of the inquiry conducted by the deputy commissioner, Simla, on the representation that was made against the assistant sub-inspector of Subathu.

The question is were any of those who made the complaint called before the inquiring officer.

**Premier :** If you want this detailed information, you will have to give notice. The honourable member merely asked for the result of the inquiry.

**Mr. Speaker :** No further questions on this point for the simple reason that what they mean to say is that they require notice.

**Lala Deshbandhu Gupta :** In order to save the time of the House, would it not be right for the Honourable Premier or the Ministers concerned, to keep all the information relevant to the question ready with them?

**Mr. Speaker :** There is no debate on that point.

**Lala Deshbandhu Gupta :** It is not a question of debate, it is a question of saving time of the House.

**Mr. Speaker :** The honourable member has to hear the answer given and not to criticize it. However, he may ask a supplementary question according to rules ; but he cannot discuss why a certain answer has been given.

**Lala Duni Chand :** If nothing was proved against this gentleman, why was he transferred, remembering that transfer is also a form of punishment ?

**Minister for Public Works :** It is not. It is in the exigencies of service that transfers are made.

**Mr. Speaker :** The question is hypothetical as it is based on the assumption that transfer is a punishment.

**Pandit Shri Ram Sharma :** What were the allegations against him ?

**Minister :** Ask another question.

#### EXECUTIVE OFFICER, GUJRANWALA MUNICIPALITY.

**\*6998. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that one Sayed Ejaz Husain was appointed Executive Officer of Gujranwala Municipal Committee by a unanimous vote about three months ago ;
- (b) whether it is also a fact that Government has not so far given its approval to his appointment, if so, the reasons therefor ;
- (c) whether it is a fact that a deputation consisting of the president and the two vice-presidents, in accordance with a resolution of the municipal committee, waited upon the Deputy Commissioner and Commissioner and represented that the application of the Executive Officers Act to the Gujranwala Municipal Committee be abrogated and if so, with what result ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) The requisite majority of the committee was in favour of his appointment.

(b) The committee appointed him for one year, while under subsection (1) of section 9 of the Municipal (Executive Officers) Act the appointment could not be made for a period of less than five years. The appointment was, therefore, not in accordance with law and Government made a fresh appointment under subsection (4).

(c) The deputation waited upon the deputy commissioner and their representation was forwarded to Government through the Commissioner. Government decided not to cancel the notification extending the Municipal (Executive Officers) Act to the Municipality.



**Lala Duni Chand :** May I know if there was a mere majority in favour of his appointment or there was unanimity among the members of the Committee?

**Parliamentary Secretary :** I have said that the requisite majority was there.

**Lala Duni Chand :** May I know how many members were opposed to his appointment?

**Parliamentary Secretary :** There was unanimity.

**Lala Duni Chand :** May I know if it is not a fact that the Parliamentary Secretary in his answer said that there was a mere majority?

**Parliamentary Secretary :** So far as the Government is concerned only the requisite majority is taken into consideration.

**Lala Duni Chand :** May I know on what grounds the discretion vested in the Government was exercised in this case against his appointment? What were the grounds, in view of the fact that the appointment was unanimous?

**Parliamentary Secretary :** I have already given a detailed reply and I am not prepared to add to it anything so far as this supplementary question is concerned.

**Lala Duni Chand :** May I know if the Government is aware of the extent of the feeling of the public of Gujranwala caused by this action of the Government? May I know if the Government has assured itself that the people of Gujranwala are pleased over this act?

**Mr. Speaker :** Disallowed, as indignation of the public is not a matter with which the question is concerned. It deals with the illegality or irregularity of an appointment. If it is illegal whether the public resents or not, it is there, but if it is legal, the resentment of the public would not matter.

**Lala Duni Chand :** The point is that here was a case of unanimous appointment and I asked whether in view of that fact the Government can justify its action. That is the real point and in support of it, I wanted to know from the Parliamentary Secretary if there was any proof within the knowledge of the Government as regards the feeling of the public with regard to the action taken by the Government.

**Parliamentary Secretary :** The extent of the feeling of the people of Gujranwala can be gauged by the fact that whereas it was open to the committee to appoint him for a period of five years, they appointed him only for one year.

**Lala Duni Chand :** May I know if there is any material in possession of the Government against this unfortunate gentleman?

**Parliamentary Secretary :** Hesitation of the committee to appoint him for a period of five years is sufficient to show that the committee did not sufficiently trust him.

**Malik Barkat Ali :** Will the Parliamentary Secretary please state the reasons why the Government set aside the unanimous decision of the committee in appointing this executive officer?

**Minister for Public Works :** It was due to a technical flaw. When any such recommendations are received we usually refer them to the law officers whether the appointments in question are valid or not. In this particular case we were advised that due to a technical defect the appointment was not valid. Hence the only alternative for the Government was to appoint another officer.

**Malik Barkat Ali :** In view of the statement of the Minister that there was a technical defect in the appointment, will the Honourable Minister be pleased to state whether it was not open to him to ask the Committee to remove that technical defect and in the meantime to approve of the appointment of this executive officer to the extent that it could be approved?

**Parliamentary Secretary :** The unfortunate part of the thing is that under the Municipal Executive Officers Act there is no provision for the Government to refer the case back to the Committee for the removal of any flaw.

**Malik Barkat Ali :** In view of the statement that the defect was of a technical character, will the Honourable Minister be pleased to state why he did not appoint the same man as Executive Officer?

**Parliamentary Secretary :** So far as that part of the question is concerned, there was a technical flaw and the Government had to remove that flaw. The appointment of that gentleman could not be made by the Committee for a period of less than five years. Instead of appointing him for five years, the Committee appointed him for one year.

**Malik Barkat Ali :** Perhaps the Parliamentary Secretary has not understood my supplementary question. I will repeat it. The supplementary question is this; in view of the fact that the appointment of that gentleman was defective, that there was a technical flaw, why then did the Government not appoint the same very person as Executive Officer in exercise of the powers conferred on the Government by the Act?

**Minister of Public Works :** The Committee may appoint any person, but when the Government has to make such appointments, we appoint tried and experienced gentlemen. In many cases we appoint tried persons of the Provincial Civil Service. If the Committee appointed that gentleman, it was their look out, but we had to appoint a suitable officer.

**Malik Barkat Ali :** In this way Government can absolutely nullify the self-Government enjoyed or supposed to be enjoyed by these local bodies!

**Lala Bhim Sen Sachar :** May I know whether the Government took the trouble to refer the matter back to the Committee to ascertain as to whether they wanted that gentleman to be the Executive Officer for one year or for five years, when the question arose that the Committee could not appoint a person for less than five years?

**Parliamentary Secretary :** No reference could be made to the Committee under the Executive Officer Act.

**Lala Bhim Sen Sachar :** Is it a fact that the Government did not like that gentleman because in their opinion he was an undesirable person, and therefore, they did not refer the matter of his appointment back to the municipal committee?

**Parliamentary Secretary :** There is no provision under the Executive Officer Act to refer back the matter to the Committee.

**Dr. Sir Gokul Chand Narang :** Under what section did the Government make the appointment?

**Parliamentary Secretary :** Under subsection (4) of section 8 of the Executive Officer Act.

**Dr. Sir Gokul Chand Narang :** If there was any flaw in the appointment of the Executive Officer, did the Government refer the matter to its legal officer or not?

**Parliamentary Secretary :** Yes, the matter was referred to the Legal Remembrancer.

**Lala Bhim Sen Sachar :** May I know if the opinion of the Advocate-General was taken on this point?

**Parliamentary Secretary :** The opinion of the Advocate-General is generally taken on matters which arise in the House. On other matters that arise outside the House the Government consult the Legal Remembrancer.

**Lala Duni Chand :** May I know whether the Honourable Minister or his learned Parliamentary Secretary can quote any legal authority in support of their action?

**Mr. Speaker :** Legal opinion cannot be sought.

**Khan Sahib Khawaja Ghulam Samad :** May I know from the Honourable Minister whether it is not a fact that the unanimous opinion of the public should prevail over the desire of the Government in appointing a person?

**Mr. Speaker :** I disallow the question inasmuch as whether an Executive Officer is appointed by the requisite majority of the Municipal Committee or unanimously, the final approval rests with the Government. If the honourable member means that in case of unanimity, the Government must always give approval, he means that the law, as it is, should be amended.

**Khan Sahib Khawaja Ghulam Samad :** I want to know why the papers were not returned to the Municipality to remove the technical flaw or difficulty.

**Mr. Speaker :** There is no such provision in the Act.

**Lala Duni Chand :** There must be something wrong, when a gentleman like Khawaja Ghulam Samad also feels on this point.

**Malik Barkat Ali :** Will the Honourable Minister please state whether there is any precedent for the action which he has taken? If there is any precedent, will he kindly state it?

---

**TOWN COMMITTEE, LALAMUSA.**

**\*7000. Sardar Sampuran Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether efficient management and solvency has been secured in the administration of the superseded Town Committee of Lalamusa; if so, to what extent;
- (b) the improvement made in financial and civic affairs of the administration;
- (c) whether the authorities reviewed the situation after the prescribed period of one year and whether it is proposed to restore the committee in view of the improvement mentioned in part (a) and (b); if so, when and if not, the reasons for this continued suspension?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) and (b). The financial condition of the Town Committee has improved considerably. All the liabilities have been paid. Its income during the period 1st July, 1939, to 30th June, 1940, was Rs. 40,075 as against an expenditure of Rs. 21,074. The conservancy staff has been increased and the question of providing drainage is under consideration.

(c) It has been decided to reconstitute the committee with effect from the date of publication of the results of the next general elections.

---

**NOTIFIED AREA COMMITTEES, GUJRAT.**

**\*7042. Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the Government has taken a decision in the matter of existence of three municipal notified area committees at Gujrat;
- (b) if so, the nature of the decision;
- (c) if no decision has been so far taken, the reasons for this delay?

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

(b) It has been decided to amalgamate the three local bodies at Gujrat.

(c) Does not arise.

## POSTS HELD BY SIKHS IN EDUCATION DEPARTMENT.

**\*6870. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state whether a Sikh has ever held any of the posts of Deputy Director of Public Instruction, Registrar, Departmental Examinations, Inspector, Vernacular Education and Inspector, Training Institutions ?

**The Honourable Mian Abdul Haye :** As the question savours of communalism I shall be glad to answer it if the honourable member puts an unstarred question.

**Lala Bhim Sen Sachar :** In what manner does this question savour of communalism ? Has not the Government fixed proportions of various communities with regard to the appointments in Government service ? I merely want to know what action has been taken in this case ?

**Mr. Speaker :** That is an argument.

**Lala Bhim Sen Sachar :** Why does the Honourable Minister give an answer which gives rise to such an important point of law for discussion ?

**Mr. Speaker :** The honourable member cannot discuss the answer.

**Lala Bhim Sen Sachar :** This is the time to ask questions and get answers.

**Mr. Speaker :** It is not a supplementary question.

**Lala Deshbandhu Gupta :** It is a supplementary question.

**Mr. Speaker :** It is not.

**Lala Bhim Sen Sachar :** The Honourable Minister says that it savours of communalism. May I know how it savours of communalism ? That is my question.

**Mr. Speaker :** That question is certainly permissible, but what the honourable member asked before was irrelevant.

**Minister :** The honourable member should read the question and he will know that it savours of communalism.

**Lala Bhim Sen Sachar :** Will he please point out as to how it savours of communalism ? We have read the question and therefore we have put this question again.

## SIKHS AMONG INSPECTRESSES OF SCHOOLS.

**\*6871. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that there is not a single Sikh Inspectress of Schools in the province ;
- (b) the action Government propose to take to give adequate representation to the Sikhs in this cadre ?

**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 an unstarred question a reply will be given.

**Lala Duni Chand :** May I know if the question of proportionate adjustment of different communities in Government services is a question which savours of communalism ?

**Sardar Lal Singh :** Is not the Honourable Minister trying to hide the true fact as to whether members of a certain community have held certain posts or not ? He should say "yes" or "no." May I know whether any Sikh lady has held these posts ?

**Minister :** If the honourable member puts a separate question he will get the reply.

**Lala Deshbandhu Gupta :** May I know whether the instructions issued by the Government in this connection, that is, restoring the proportion between different communities, have been acted upon in this particular case or not ?

**Minister :** The instructions that have been issued by the Government as regards communal proportion relate to new entrants only.

#### CASES PENDING AND DECIDED BY SIKH GURDWARA TRIBUNAL.

**\*6918. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) the total number of cases pending in the Sikh Gurdwaras Tribunal, Lahore, on the 1st of January, 1939, and on the 31st of December, 1939 ;
- (b) the number of contested cases decided by the Tribunal during 1939 ;
- (c) whether any Honourable Judge of the High Court has ever inspected the working of the Tribunal and if not, the reasons for the same ?

**The Honourable Mian Abdul Haye :** (a) 20 and 13 respectively.

(b) 19.

(c) An Honourable Judge of the High Court is the President of the Sikh Gurdwaras Tribunal. The question of inspection of the working of the Tribunal by another Honourable Judge does not therefore arise.

**Lala Duni Chand :** May I know if it is true that really there is no work to keep and maintain this white elephant ?

**Minister :** The work is there.

**Lala Duni Chand :** May I know whether the judges of this Tribunal do not sit for full time in court ?

**Minister :** They are not supposed to sit for full time.

**Lala Duni Chand :** Has the Honourable Minister sent for the information on the point whether really the judges of this Tribunal work for 6 hours ?

**Minister :** The work is not sufficient to keep them occupied for 6 hours and the Government is now trying to reduce the expenditure.

**Lala Duni Chand :** May I know, if according to the admission of the Honourable Minister there is not sufficient work to keep them occupied, why the tax-payer is taxed ?

**Minister :** The Government is required by statute to keep this Tribunal alive.

**Lala Duni Chand :** Does he mean to say that the Government is helpless ?

**Minister :** The Government is not helpless, but there is a statutory provision that this Tribunal is to be there so long as there is some work for it.

#### SIKH GURDWARA TRIBUNAL.

**\*6919. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

(a) the total number of days in 1939, for which the Sikh Gurdwaras Tribunal sat to decide cases brought before it ;

(b) the number of days that the President was present along with another member or members of the Tribunal during 1939 ?

**The Honourable Mian Abdul Haye :** (a) 53.

(b) 10.

#### GOVERNMENT HIGH SCHOOL FOR GIRLS AT BHIWANI.

**\*7041. Chaudhri Kartar Singh :** Will the Honourable Minister of Education be pleased to state whether the question of opening a Government Girl High School at Bhiwani (Hissar) has been decided by Government ; if so, the nature of the decision ?

**The Honourable Mian Abdul Haye :** A Government Vernacular Middle School for Girls has been opened at Bhiwani with effect from the 1st October, 1940.

**Lala Deshbandhu Gupta :** The question relates to a high school ?

**Minister :** I have said that a vernacular middle school has been opened. It is obvious that it is not a high school.

**Pandit Shri Ram Sharma :** May I know the difficulty which the Government had to face in opening an English high school there ?

**Minister :** The honourable member is aware that in the budget we had provided for the opening of certain Government vernacular schools. We have not opened any new high school.

**Lala Deshbandhu Gupta :** Did the Government receive any representation from the residents of that place asking for opening a high school ?

**Minister :** I am not aware of it.

**APPLICATION OF SHEIKH ABDUL GHANI TO START A PRINTING PRESS.**

**\*6848. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Sheikh Abdul Ghani of Rohtak applied about a year ago to start a Printing Press;
- (b) whether it is also a fact that in spite of repeated reminders and the inquiry of the Tahsildar in this connection no final order has yet been passed on the application;
- (c) the reasons for the unusual delay in accepting the declaration?

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

(b) Yes.

(c) It is regretted that the original papers were unfortunately mislaid. The matter is now receiving immediate attention.

**Lala Deshbandhu Gupta :** May I know when this thing came to the notice of the Government?

**Premier :** When this question was put.

**Lala Deshbandhu Gupta :** Does it mean that the Honourable Premier or the authorities of the district concerned were sitting tight on the reminders that were received by them and that the Honourable Premier is satisfied with that state of affairs?

**Premier :** There is no question of sitting tight. The papers were mislaid here in the central office and the officer concerned is going to expedite the matter.

**Lala Deshbandhu Gupta :** When was the first reminder received?

**Premier :** I do not know. The original papers were mislaid.

**Lala Deshbandhu Gupta :** Part (b) of the question says—

“Whether it is also a fact that in spite of repeated reminders,”

May I know whether the original papers were mislaid or the reminders?

**Premier :** Original papers.

**Lala Deshbandhu Gupta :** What did happen to the reminders?

**Premier :** They are now trying to expedite the matter and duplicate copies are now being procured.

**Lala Deshbandhu Gupta :** What did the Deputy Commissioner or the Collector do with the first reminder, second reminder and the third reminder?

**Premier :** It is not the fault of the Deputy Commissioner or the Collector. The papers were mislaid here in the central office.

**Lala Deshbandhu Gupta :** May I know whether the first reminder, the second reminder and the third reminder were received by you or by the Commissioner and if they were received by the Commissioner whether he made any reference to them and asked for the papers?



**Premier :** I cannot reply to it offhand. The officer concerned regretted that the papers were mislaid and that was why the delay occurred. Now, my honourable friend wants to know whether it was Deputy Commissioner or the Collector who was responsible for it. It was the central office where the delay occurred.

**Lala Deshbandhu Gupta :** It is a very serious matter and the Honourable Premier should not take it so lightly. The application for declaration was made a year ago and to-day the Parliamentary Secretary says that the papers were mislaid and no answer was given to the person concerned. The Government should have written to the Deputy Commissioner that he should not have taken one year over this question.

**Mr. Speaker :** That is an argument.

**Lala Deshbandhu Gupta :** I want to locate the responsibility on somebody. When was the first reminder, second reminder and third reminder received and by whom ?

**Premier :** Give notice of that question and you will get the reply.

**Lala Deshbandhu Gupta :** Notice is there.

**Premier :** It is not there.

**Lala Deshbandhu Gupta :** You should have read the question.

**Mr. Speaker :** Where is the notice ?

**Lala Deshbandhu Gupta :** Notice is there, but the reply is not satisfactory.

**Mr. Speaker :** He has given reasons.

**Lala Deshbandhu Gupta :** He has not given any reason.

**Mr. Speaker :** They may not be sufficient or convincing ; but they are there.

**Lala Deshbandhu Gupta :** They are not the reasons.

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

**Pandit Shri Ram Sharma :** May I know whether the applicant was informed that his papers had been mislaid and therefore he should submit another application so that action might be taken on it ?

**Premier :** It is really regrettable that my honourable friend has failed to follow the clear and succinct reply to the question. It has already been stated that the actual papers were mislaid in the office here. But do my honourable friends want that for this lapse I should send the persons concerned to the gallows ?

**Pandit Shri Ram Sharma :** No ; remunerate them handsomely.  
(Laughter.)

**Premier :** Well the reminders must have been received by the office concerned and sent to the Collector who again must have forwarded them to the central office. But when the fact that papers were mislaid came to the notice of the officers, they expressed regret for this mistake. Now they are expediting the matter.

**Pandit Shri Ram Sharma :** In what office were the said papers mislaid ; in Deputy Commissioner's office or any other office ?

**Premier :** In the central office.

## TOUR PROGRAMME OF THE HONOURABLE MINISTERS.

**\*6863. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state the number of places visited by each Honourable Minister since 1st May, 1940, up to date?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** The collection of this information would require an amount of time and labour out of all proportion to the results likely to be obtained. It is, however, usually published in the press and if the honourable member attaches importance to it he should be able to get it from that source.

**Lala Bhim Sen Sachar :** Is it suggested that the tours have been so extensive that the labour involved to collect the information will be too much?

**Mr. Speaker :** Is that a question or an interpretation?

**Lala Duni Chand :** Granting that the honourable member does not think it necessary to take so much trouble, may I know what was the total quantity of light thrown at different places by the honourable ministers?

**Mr. Speaker :** Disallowed.

## AMOUNTS RECEIVED BY NEWSPAPERS FOR WAR PUBLICITY.

**\*6873. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the names of the newspapers with the amount they received from the Punjab Government for war publicity;
- (b) the names of the newspapers which approached and applied to the Punjab Government for this purpose?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** It is presumed that the honourable member wishes to know whether a subsidy in the usual sense of the word has been paid to any newspaper for war publicity; if so, the answer is that no such subsidy has been paid.

**Pandit Shri Ram Sharma :** May I know whether Government have sanctioned any amount for payment to the newspapers as a subsidy for war propaganda purposes?

**Premier :** The reply is in the negative.

**Pandit Shri Ram Sharma :** May I know if any newspaper received financial assistance from Government in the form of a subsidy or otherwise?

**Premier :** In connection with war publicity no subsidy was given to any newspaper.

**Mr. Dev Raj Sethi :** Is it a fact that "Inqilab" received a subsidy amounting to Rs. 7,500 for the purpose of making war propaganda?

**Premier :** No subsidy was given to the "Inqilab."

**Lala Deshbandhu Gupta :** May I know whether any amount in the form of subsidy or in the form of payment for war advertisement or circulars issued by the Director, Information Bureau, or in the form of a consolidated subscription for 6 to 7 thousand copies each has been given to half a dozen newspapers in Lahore?

**Premier :** If my honourable friend will put that down on paper, I shall endeavour to answer it. I am not in a position to reply to his question offhand.

**Lala Deshbandhu Gupta :** Is it too awkward for the honourable Premier to disclose the facts?

**Premier :** Certainly not.

**Diwan Chaman Lall :** The question is not of subsidy or no subsidy. The question is whether any payment in any form has been made to newspapers for war publicity. Further, the question merely asks the names of those newspapers that have received any amount from the Punjab Government for purposes of war publicity whether in the form of a consolidated subscription or *bakhshish* or *inam*. The second question is the names of those newspapers that have applied to the Punjab Government for this purpose. The main point is whether any payment has been made; not necessarily subsidy.

**Parliamentary Secretary :** I stated in my reply that payments for war publicity as they used to be understood in the past in the form of subsidy have not been made to any newspaper. If my honourable friends want to know whether any other form of assistance in regard to war publicity has been made, I will explain the position. The Punjab Government does not believe in the policy of spending any money for payment for war publicity work to any paper. What was done was that the Punjab Government felt that it was fair in order to avoid panic to give correct information particularly to the rural areas as to what was happening in regard to war and also to avoid communal bitterness. Originally there was an official paper, the *Fauji Akhbar* which used to be sent to the rural areas in order to give correct war news. That paper merely gave information to the interested soldiers or ex-soldiers and their families and did not contain any useful information for the general public. The policy originally adopted was that three thousand copies were issued, later on, the number was reduced to one thousand and thereafter it was discontinued. The Government felt that it was in the interests of the general public that correct news of war should be published. In order to secure the patriotic co-operation of the Press, a conference was called and managers and editors of all the daily newspapers irrespective of their political creed were invited. They were told that the Government did not in any way want to interfere with their policy or line of action, but if they wanted to co-operate with the patriotic intentions of the Government, they might issue weekly editions of their papers merely giving war news. The cost of papers concerned was also discussed and it was agreed that all those papers who would co-operate with this patriotic move of the Government would be required to supply a certain number of copies at a certain fixed price.

**An honourable member :** Patriotic move ?

**Parliamentary Secretary :** Yes, patriotic move for those who honestly believe in us. As a result of that; some papers, we are grateful to them, offered to co-operate with us. I think everybody will agree with me that it is not a subsidy for war publicity.

**Pandit Shri Ram Sharma :** Will the Honourable Premier please state the names of the newspapers and the number of copies of their weekly editions (giving war news) purchased by Government ?

**Premier :** The question of my honourable friend has already been answered by the Parliamentary Secretary. The matter in a nutshell is that certain terms were offered to certain newspapers for publishing war news. We decided to purchase 1,600 copies of weekly editions of those newspapers who co-operated with us and accepted the terms.

**Pandit Shri Ram Sharma :** What are those newspapers ?

**Lala Dev Raj Sethi :** The "honourable" newspapers ?

**Premier :** I require notice for this.

**Pandit Shri Ram Sharma :** Do you give any subsidy to the *Civil and Military Gazette* ?

**Premier :** I require notice for that question.

**Lala Deshbandhu Gupta :** I would like to draw attention to part (b) of the question which asks for the names of newspapers which approached the Punjab Government for subsidy. Now, the Parliamentary Secretary has made it clear that it was not the newspapers that approached the Government, but that it is the Government that approached the newspapers. Then, it should not be difficult for the Parliamentary Secretary to give the names of the newspapers that offered to co-operate with the Government in this "honourable and patriotic" task.

**Premier :** If the honourable member will give notice, we will find out the names of the papers.

**Lala Deshbandhu Gupta :** The notice is already there.

**Premier :** The question relates to newspapers which approached the Government for the subsidy. It has been replied that no newspapers approached Government. We have not given any subsidy and it is not intended to give any subsidy to any newspaper. What actually happened was that certain papers were asked to co-operate with the Government in giving war publicity and we offered to buy 300 copies of those newspapers. If my honourable friend wants to know the names of the papers that agreed to our offer, he must give notice.

**Lala Deshbandhu Gupta :** Does the Honourable Premier seriously contend that he does not know the names of the papers at present ?

**Premier :** I do not know who have accepted our offer.

**Lala Deshbandhu Gupta :** Can the Parliamentary Secretary tell us, barring the honourable exceptions, the names of the papers which did not accept the offer ?

**Parliamentary Secretary :** I would not like to be drawn into a discussion whether those exceptions were honourable or not.

**Premier :** There is no question of honourable or dishonourable. The whole press is co-operating with us.

**Mr. Speaker :** The question hour is over.

**Pandit Shri Ram Sharma :** Will you please allow us to continue supplementary questions on this question to-morrow as it is a very important question ?

**Mr. Speaker :** I do not think it fair to allow so many supplementary questions, as that would reduce the chance of questions of the other members being reached.

## UNSTARRED QUESTIONS AND ANSWERS.

### APPOINTMENT OF A SIKH INSPECTRESS OF SCHOOLS.

**1198. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state whether there is not a single Sikh Inspectress of Schools in the province ; if so, the action Government propose taking to give adequate representation to the Sikhs in the cadre ?

**The Honourable Mian Abdul Haye :** It is not a fact. There are no Sikh Circle Inspectresses but there are three Sikh District Inspectresses and one Assistant Inspectress of Domestic Science. There is no separate cadre of Inspectresses.

### POSTS IN THE INDUSTRIES DEPARTMENT.

**1199. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state the number of gazetted posts in (i) the Education, Technical Education, Textiles, Dying and Calico Printing branches of the Department of Industries, (ii) Government Tanning Institute, Jullundur and (iii) the office of the Chief Inspector of Factories as also the number of posts held by the Sikhs ?

**The Honourable Chaudhri Sir Chhotu Ram :** Attention of the honourable member is invited to the reply to unstarred Assembly Question No. 1175.<sup>1</sup>

### POSTS IN THE DEPARTMENT OF INDUSTRIES.

**1200. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of posts of Superintendents of Industries, teachers and other non-gazetted official posts other than the gazetted posts, in the Department of Industries;

[Captain Sodhi Harnam Singh.]

- (b) the number of Superintendents and head clerks in the office establishment ;
- (c) the total number of clerks in the Industries Department and the number of Sikhs working as clerks ;
- (d) the steps Government propose to take to make up the deficiency of the Sikhs, if any, in the various branches of service under the Industries Department, within a reasonably short period ?

**The Honourable Chaudhri Sir Chhotu Ram :** Attention of the honourable member is invited to the reply given to unstarred Assembly Question No. 1176.<sup>1</sup>

#### CASES UNDER THE DEFENCE OF INDIA ACT.

**1201 Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the number and names of persons arrested under the Defence of India Act with the following particulars, district-wise, in the districts of Rohtak, Gurgaon, Hissar and Karnal ;
- (b) the date and reasons of arrest, sentence and the result of appeal if preferred, in each case ;
- (c) the sections under which these arrests were made, duration of trial, bail applications accepted or rejected in the lower and appellate courts ;
- (d) how many cases were started on the report of police, patwari or any body else respectively ;
- (e) how many of the speeches on which prosecution of persons mentioned in (a) was based, were taken in shorthand ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) The number of persons arrested under the Defence of India Rules in the districts named is—

Rohtak ..	..	..	..	..	46
Gurgaon	..	..	..	..	10
Hissar ..	..	..	..	..	7
Karnal ..	..	..	..	..	8

(b) Forty-one persons were arrested between the 24th March, 1940, and the 8th April, 1940, under Rule 58 (2) of the Defence of India Rules for parading in military information. In 22 instances the prosecution was withdrawn. One person was sentenced to 3 years' rigorous imprisonment and Rs. 100 fine; two to 2½ years and Rs. 50 fine each; another two to 2 years' rigorous imprisonment and Rs. 50 fine each; twelve to 1½ years' rigorous imprisonment and Rs. 50 fine each; one to 1 year's rigorous imprisonment and Rs. 50 fine and another to 6 months' rigorous imprisonment and Rs. 50 fine. Appeals were rejected in all cases.

Thirty persons were arrested under Rule 38 of the Defence of India Rules, which prohibits prejudicial acts, on various dates between the 2nd October, 1939, and the 26th September, 1940. In six instances the prosecution was withdrawn. Eight were acquitted; one was sentenced to 2½ years' rigorous imprisonment; one to 1½ years' rigorous imprisonment; two to 1 year's rigorous imprisonment; another to 9 months' rigorous imprisonment; another to 6 months' rigorous imprisonment; another to 4 months' rigorous imprisonment, and two were sentenced till the rising of the court. Cases are still pending against seven persons. Appeals were accepted in three cases.

(c) and (d) The collection and tabulation of this information would produce results incommensurate with the amount of time and labour involved.

(e) In no case was the prosecution based on a report taken in shorthand.

#### CORRUPTION CASES.

**1202. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) the number and names of Government servants, districtwise, in the districts of Rohtak, Gurgaon, Hissar and Karnal against whom departmental enquiries and judicial cases were started since 1st April, 1937, on the charges of corruption and the result in each case;

(b) the cases which were started on complaints from the public and those which were started at the instance of the department concerned?

**The Honourable Major Sir Sikander Hyat-Khan :** A statement containing the required information is attached. It is not the policy of Government to disclose names. Particulars regarding the number of cases which were started on complaints from the public and those started at the instance of the department concerned are not readily available, but it is fair to assume that both factors were present in most of the cases, if not in all.

*Statement of departmental and judicial action taken against Government servants on charges of corruption in the Hissar, Rohtak, Karnal and Gurgaon districts, since the 1st April, 1937.*

	Hissar.	Rohtak.	Karnal.	Gurgaon.
<b>(a) DEPARTMENTAL CASES :—</b>				
Dismissals ..	12	5	2	..
	64 (Temporary staff).	20 (Temporary staff).	..	..
Discharges ..	3	..	..	..
Compulsory retirement ..	..	..	..	1
Removal from service ..	202 (Temporary staff).	..	..	..
Reduction in grade ..	3	..	2	..
Charges not proved ..	8	2	..	..
Forfeiture of part of pay ..	4	..	..	..
Forfeiture of approved service.	..	..	1	..
Suspension period treated as leave without pay.	1	..	..	..
Resignation accepted ..	1	..	..	..
Censured ..	..	2	..	..
Reduction in pension ..	..	..	1	..
Warned ..	5 (Temporary staff).	..	2	..
Fined ..	124 (Temporary staff).	..	..	..
Inquiry pending ..	16	..	..	1
Total ..	443	29	8	2
<b>(b) CRIMINAL CASES :—</b>				
1. Convictions ..	1	1	1	..
2. Acquittals ..	1	..	2	..
Total ..	2	1	3	..



**TRANSFER OR DEPUTATION OF PROVINCIAL CIVIL SERVICE  
(EXECUTIVE BRANCH) OFFICERS.**

**1203. Sardar Jogindar Singh Mann :** Will the Honourable Premier be pleased to state the names of the members of Provincial Civil Service (Executive Branch) transferred, deputed or otherwise posted so far to the Departments other than that of Law and Order under the charge of each Minister separately from 1st April, 1937, stating against each the designation of the post to which each of them was so appointed?

**The Honourable Major Sir Sikander Hyat-Khan :** A statement giving the required information is attached. Many of the officers in the list attached have since been transferred to other posts.

**Premier :**

- |   |  |
|---|--|
| 1. Khan Sahib Shaikh Abdul Hamid        | Nominated Member to the Indian Legislative Assembly.                         |
| 2. Nawabzada Fateh Ullah Khan ..        | Land Control Officer, North-Western Railway.                                 |
| 3. Khan Bahadur Shaikh Fazal Ilahi      | (i) Special Press Advisor.<br>(ii) Superintendent, Census Operation, Punjab. |
| 4. Mr. Hanrahan ..                      | Personal Assistant to Commissioner, Lahore Division.                         |
| 5. Sayed Lal Shah Bukhari ..            | Indian Vice-Consul, Jeddah.  |
| 6. Mian Muhammad Nagim Hussain          | Private Secretary to the High Commissioner for India.                        |
| 7. Rai Sahib Lala Ram Nath Luthera.     | Personal Assistant to Commissioner, Lahore Division.                         |
| 8. Khan Sahib Shaikh Rashid Ahmad Khan. | Personal Assistant to His Excellency.  |
| 9. Lala Savitri Prashad ..              | Assistant Press Advisor.   |
| 10. Mr. Ghulam Hussain Rathaur ..       | } 5 Electoral Officers.  |
| 11. Sardar Kashmira Singh ..            |  |
| 12. Mr. P. N. Bhanot ..                 |  |
| 13. Chaudhri Bhim Singh ..              |  |
| 14. M. Muhammad Akram ..                |  |

**The Honourable Minister of Revenue :**

- |                                    |   |
|------------------------------------|---|
| 1. Khan Bahadur Malik Abdul Haq .. | (i) Officer on Special Duty in the Financial Commissioners' office.<br>(ii) Revenue Secretary to Financial Commissioners. |
| 2. Khan Sahib Shaikh Abdul Hamid   | Revenue Secretary to Financial Commissioners.   |
| 3. Qazi Ali Muhammad ..            | Land Acquisition Officer, Irrigation Branch.  |
| 4. Sardar Arjan Singh ..           | Land Acquisition Officer, Irrigation Branch.  |

5. Chaudhri Muhammad Anwar .. Land Acquisition Officer, Thal Project.
6. Rai Sahib Lala Vishnu Bhagwan .. Officer on Special Duty in Financial Commissioners' office.

### **The Honourable Minister of Development :**

1. Khan Sahib Mian Abdus Samad .. Officer on Special Duty in the Industries Department.
2. Mir Hassan Mahmood .. (i) Officer on Special Duty in the Office of Director of Industries, Punjab.  
(ii) Director of Industries, Punjab.

### **The Honourable Minister of Finance :**

1. Mirza Aziz Ahmad .. Assistant to the Deputy Commissioner for Criminal Tribes.
2. Rai Sahib Lala Dwarka Das .. Superintendent, Reformatory Settlement, Amritsar.
3. Khan Sahib Chaudhri Ghulam Ahmad .. Assistant Reclamation Officer.
4. Sardar Jaswant Singh Uppal .. Jail Department.
5. Shaikh Muhammad Rashid .. Superintendent, C. T. Settlements, Montgomery.
6. Sardar Ram Singh .. (i) Superintendent, Reformatory Settlement, Amritsar.  
(ii) Superintendent, Jail.

### **The Honourable Minister of Public Works :**

1. Khan Bahadur Malik Abdul Haq .. Secretary, Medical and Local Government Departments.
2. Khan Sahib Mian Abdus Samad .. Secretary, Municipal Committee, Simla.
3. Shaikh Ala-ud-Din Arshad .. Executive Officer, Municipal Committee, Rawalpindi.
4. Sardar Bachitar Singh .. Secretary, Member Regional Transport Authority.
5. Mr. E. Benjamin .. (i) Divisional Inspector of Local Bodies, Multan.  
(ii) Executive Officer, Municipal Committee, Multan.
6. Mian Ijaz Hussain .. Executive Officer, Municipal Committee, Sialkot.
7. Mr. Victor Fazal .. Executive Officer, Municipal Committee, Gujranwala.
8. Mr. Hanrahan .. Inspector, Local Bodies, Multan Division.

**The Honourable Minister of Public Works—concd.**

- |                              |  |
|------------------------------|--|
| 9. Mir Hassan Mahmood        | .. Under-Secretary to Government, Punjab, Local Self-Department.             |
| 10. Chaudhri Mehdi Ali       | .. Municipal Elections Officer.  |
| 11. M. Muhammad Afzal Khan   | .. Secretary, Member Regional Transport Authority.                           |
| 12. Mian Muhammad Akram Khan | .. Inspector, Local Bodies, Lahore Division.                                 |
| 13. M. Muhammad Saeed        | .. Executive Officer, Gujranwala Municipal Committee.                        |
| 14. Shaikh Muhammad Yaqub    | .. Executive Officer, Rawalpindi Municipal Committee.                        |
| 15. Khan M. Z. Alam          | .. Secretary, Lahore Improvement Trust.                                      |
| 16. Sardar Raghbir Singh     | .. Inspector, Local Bodies, Jullundur Division.                              |
| 17. Sayed Sadiq Ali Shah     | .. Secretary to Chief Engineer, Public Works Department, Electricity Branch. |
| 18. Kanwar Shiv Singh        | .. Inspector, Local Bodies, Ambala Division.                                 |
| 19. Mian Rattan Singh        | .. Inspector, Local Bodies, Ambala Division.                                 |
| 20. Rai Sher Muhammad Bhatti | .. Executive Officer, Sargodha Municipal Committee.                          |
| 21. M. Zaffar-ul-Haq Khan    | .. Secretary, Municipal Committee, Lahore.                                   |

**The Honourable Minister of Education :**

1. Khan Bahadur Malik Abdul Haq      Secretary, Medical and Local Government Departments.

**SIKHS IN GOVERNMENT SERVICE.**

**1204. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether a Sikh has ever held any of the posts of Advocate-General, Assistant to the Advocate-General, Legal Remembrancer and Assistant Legal Remembrancer ;
- (b) the number of all the posts mentioned in (a) and the steps Government contemplate taking in order to give the Sikhs their due share in these posts ?

**The Honourable Mr. Manohar Lal :** (a) No.

(b) Five. No special steps are contemplated. The general policy of Government as regards communal representation in the services is well-known.

## SIKHS IN GOVERNMENT SERVICE.

**1205. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of Superintendents and Assistant Superintendents in the offices of the Deputy Commissioners and Commissioners in the province and the number of Sikhs holding these posts ;
- (b) the number of Head Vernacular Clerks and Head Treasury Clerks in these offices and the number of these posts held by the Sikhs ;
- (c) the total number of the other clerks in those offices and the number of the posts among them that are held by the Sikhs ;
- (d) the steps the Government propose to take to see that the Sikhs get their minimum share, i.e., 20 per cent within a fixed period ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a), (b) and (c) 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.

(d) In order to secure 20 per cent for Sikhs in the future, recruitment is and will continue to be in accordance with determined proportions. Under-representation is being corrected accordingly and not by creating a block of under-represented communities—a procedure which might incidentally prejudice the prospects of Sikhs in those services in which their proportions exceed 20 per cent.

## SIKHS IN GOVERNMENT SERVICE.

**1206. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of Inspectors, Sub-Inspectors of Industries, Head Clerks and Clerks in the Co-operative Department as also the number of Sikhs holding posts in each of these cadres ;
- (b) the steps Government contemplate taking to make up the deficiency, if any, of the Sikhs in these cadres within a reasonable period ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a)—

			Total number of posts.	Posts held by Sikhs.
Inspectors	..	..	194	81
Industrial Sub-Inspectors	..	..	28	2
Head Clerks	..	..	25	2
Clerks	..	..	294	49

(b) In order to secure the prescribed representation for the Sikhs in the future, recruitment is and will continue to be in accordance with determined proportions.

## SIKHS IN GOVERNMENT SERVICE.

**1207. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to give the total number of Superintendents, Head Assistants, Stenographers and Clerks in the office of the Director of Land Records and the number of these posts held by the Sikhs and the steps Government propose taking to make up the deficiency, if any, of the Sikhs in the above-mentioned office establishments within a reasonable time?

**The Honourable Dr. Sir Sundar Singh Majithia :** (*First part*)—

<i>Cadre.</i>	<i>Total number.</i>	<i>Number of Sikhs.</i>
Superintendent .. ..	1	..
Head Assistants .. ..	4	..
Stenographers .. ..	1	..
Clerks .. ..	16	2
Mapper .. ..	1	..
Total .. ..	23	2

(*Second part*).—Steps are being taken to apply the standard communal formula for future recruitments.

## SIKHS IN GOVERNMENT SERVICE.

**1208. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) (i) the number of clerks, that of the hands on the technical establishment, as also of Mukaddams in the Department of Agriculture in the Punjab and (ii) the number of posts among them that are held by the Sikhs in each class;
- (b) the steps Government propose taking in order to make up the deficiency of the Sikhs, if any?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) (i) and (ii) The required information is furnished in the attached statement.

(b) It will be observed that taking the three cadres as a whole, Sikhs are over represented. In spite of this, however, due consideration has been given during the last three years to make up the shortage of Sikhs in the cadres of clerks and Mukaddams at the time of filling vacancies. In working out the figures, the incumbents of the posts actually working therein

[Minister for Development.]

and those absentees who are on leave for a period not exceeding four months have been taken into account —

Cadre.	Total number of of posts permanent and temporary.	Number of posts held by Sikhs.	NUMBER OF APPOINTMENTS AD- MISSIBLE AT THE RATE OF 20 PER CENT AND SHORTAGE OR EXCESS.		
			Number.	Short- age.	Excess.
1. Clerks ..	210	32 (15.2 per cent of total).	42	10	..
2. Agricultural Assist- ants.	384	117 (30.4 per cent of total).	77	..	40
Mukaddams ..	504	89 (17.6 per cent of total).	101	12	..
Total ..	1,098	238 (21.6 per cent of total).	220	..	18

#### SIKHS IN EXCISE DEPARTMENT.

**1209. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Finance be pleased to state—

- whether the post of the Excise Assistant to Financial Commissioner, Revenue, has ever been held by a Sikh ;
- the number of Superintendents in the Excise Department and the number of such posts held by the Sikhs as also the number of Inspectors and Sub-Inspectors in the Excise Department and the number of posts among them that are held by the Sikhs ;
- the steps Government contemplate taking to make up the deficiency ; if any, in the number of Sikhs within a reasonably short period ?

**The Honourable Mr. Manohar Lal :** (a) No, but the post of Excise Superintendent, which preceded the post of Excise Assistant to the Financial Commissioners, was held by a Sikh (Sardar Bishan Singh) from 1910 to 1925.

	Total number of posts.	Number of post held by Sikhs.
(b) (i) Excise Superintendents ..	2	Nil.
(ii) Excise Inspectors ..	85	4
(iii) Excise Sub-Inspectors ..	185	24

(c) Government have issued orders that recruitment in the Excise Department shall, as in the case of all other departments, be according to the accepted ratio of 50 per cent Muslims, 30 per cent Hindus and others and 20 per cent Sikhs.

#### SIKH STENOGRAPHERS IN THE CIVIL SECRETARIAT.

**1210. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state whether it is a fact that there is no Sikh Stenographer in the establishment of the Civil Secretariat, Punjab ; if so, the action Government intend to take to give the Sikhs their due share of these appointments ?

**The Honourable Major Sir Sikander Hyat-Khan :** As Personal Assistants to Ministers are ordinarily appointed from permanent stenographers in the Civil Secretariat, they are grouped together as one class for purposes of communal representation. Out of a cadre of 17 there are—

Sikhs .. .. .	3
Muslims .. .. .	8
Hindus .. .. .	5
Anglo-Indian .. .. .	1

It will thus be seen that all communities are fairly represented.

#### APPOINTMENTS IN PUNJAB EDUCATIONAL SERVICE.

**1211. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state the number of appointments, community-wise, made to the Punjab Educational Service (Classes I and II) since 1st April, 1937 (i) by promotion ; (ii) by direct recruitment ?

**The Honourable Mian Abdul Haye :** A statement giving the required information is attached.

*Statement showing the number of appointments community-wise made in Punjab Educational Service (Class I) and Punjab Educational Service (Class II) since 1st April, 1937.*

Service.	NUMBER OF APPOINTMENTS MADE BY PROMOTION SINCE 1ST APRIL, 1937.				NUMBER OF APPOINTMENTS MADE BY DIRECT RECRUIT- MENT SINCE 1ST APRIL, 1937.			
	Hindus.	Muslims.	Sikhs.	Others.	Hindus.	Muslims.	Sikhs.	Others.
Punjab Educational Service (I) (Men).	2	5	1	..	..	..	..	..
Punjab Educational Service (I) (Women).	..	1	..	..	..	..	..	..
Punjab Educational Service (II) (Men).	12	15	4	2	..	..	..	..
Punjab Educational Service (II) (Women).	..	1	1	3	..	1	1	..

## PROCESS SERVERS.

**1212. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Finance be pleased to state the total number of process servers in the province community-wise ?

**The Honourable Mr. Manohar Lal :**

Muslims	..	..	..	..	905
Hindus	..	..	..	..	752
Sikhs	..	..	..	..	109
Scheduled classes	..	..	..	..	5
Christians	..	..	..	..	2
Total					.. 1,778
					plus 8 vacant posts.

## DEBT CONCILIATION BOARDS.

**1213. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of Debt Conciliation Boards now working in the province ;
- (b) the number of cases brought before each of them and the amount involved in each case up-to-date ;
- (c) the number of cases brought by creditors and by debtors respectively before each of the Debt Conciliation Boards ;
- (d) the number of cases which have so far been disposed of by each board, the amount of the debts so far settled by each of these boards and the amount actually paid to the creditors ;
- (e) the number of cases pending at present before the Conciliation Boards ;
- (f) the amount of expenditure incurred on each Debt Conciliation Board by way of salaries and allowances of the Chairman and members and the establishment up-to-date ;
- (g) whether any changes in membership have been made in the case of any Debt Conciliation Boards since its establishment ; if so, the nature of such changes ;
- (h) the number and the names of members of Debt Conciliation Boards ; if any, who are also members of local bodies ;



- (e) whether Government have received any complaints against the working of any Debt Conciliation Board during the last two and a half years ; if so, the names of such boards and whether proper inquiries were held in each case and if so, the results of such inquiries and if no inquiries were held the reasons for the same ;
- (f) whether any instances of bogus creditors put forward any time before any of the boards have been brought to the notice of Government ; if so, whether any action was taken against the persons putting in bogus names and the persons whose names were thus put forward as creditors ; if not, why not ;
- (k) whether in accordance with the promise made by the Honourable Premier on the floor of the Punjab Legislative Assembly on the 25th June, 1937, any instructions were issued to the Deputy Commissioners that they should occasionally inspect the working of these boards ;
- (l) the number of cases inspected by each Deputy Commissioner since the instructions were issued and the result of such inspections ;
- (m) whether it is the intention of Government to exercise a more strict control on the working of these Conciliation Boards ; if so, how ; if not, why not ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) to (j) and (l). The detailed information asked for in parts (a) to (j) and (l) of the question will largely be found in the report on the working of these boards for the year 1939 which Government hope shortly to publish.

(k) Yes. Reports of such inspections are now being regularly received by Government.

(m) Government intend to continue to watch the working of the boards with the object of satisfying themselves that the boards are adequately and impartially performing the functions for which they were created.

#### CASES OF CORRUPTION INSTITUTED BY ANTI-CORRUPTION DEPARTMENT.

**1214. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) the total number of cases of corruption instituted by the Anti-Corruption Department since its inception up-to-date, against Government officials, department-wise, and community-wise ;
- (b) nature of offences and the action taken so far against those officials, department-wise and community-wise ;
- (c) the number of cases withdrawn ;
- (d) number of cases still pending and the period for which they have so far been pending ?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) Thirty-three cases in all were investigated by the Special Inquiry Agency. Department and community-wise they were—

Department.	Muham- madans.	Hindus.	Sikhs.	Europeans and Anglo- Indians.	Total
Judicial .. .. .	4	2	..	..	6
Development .. .. .	1	2	..	1	4
Revenue and Executive .. .. .	1	3	1	1	6
Police .. .. .	..	1	2	2	5
Irrigation .. .. .	2	1	1	1	5
Medical .. .. .	2	1	2	1	6
Public Works Department .. .. .	..	1	..	..	1
Total .. .. .	10	11	6	6	33

(b) All cases related to allegations of corruption. Sufficient evidence was not forthcoming in 8 out of the 33 cases investigated by the Agency and no further action was therefore taken in those cases. Allegations of corruption were proved in 20 cases while 5 cases are yet pending investigation. The following table shows the cases under each of these heads :—

Department.	SUCCESSFUL.					NOT PROVED.					PENDING.				
	Muslims.	Hindus.	Sikhs.	Europeans and Anglo-Indians.	Total.	Muslims.	Hindus.	Sikhs.	Europeans and Anglo-Indian.	Total.	Muslims.	Hindus.	Sikhs.	Europeans and Anglo-Indians.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Judicial ..	3	1	..	..	4	1	1	..	..	2	..	..	..	..	..
Development ..	1	1	..	1	3	..	..	..	..	..	..	1	..	..	1
Revenue and Executive.	..	2	..	1	3	..	..	..	..	..	1	1	1	..	3
Police ..	..	1	1	1	3	..	..	1	1	2	..	..	..	..	..
Irrigation ..	2	..	1	..	3	..	1	..	1	2	..	..	..	..	..
Medical ..	1	..	2	1	4	1	1	..	..	2	..	..	..	..	..
Public Works Department.	..	..	..	..	..	..	..	..	..	..	..	1	..	..	1
Total ..	7	5	4	4	20	2	3	1	2	8	1	3	1	..	5

Only 8 out of the 20 cases prosecuted by the Special Inquiry Agency have so far been finally decided. The accused officers in all these cases have been found guilty and punished. The rest are either pending formal inquiry or final orders of Government. Department and community-wise they are as follows:—

Department.	Muslims.	Hindus.	Sikhs.	Europeans and Anglo-Indians.	Total.	REMARKS.
Judicial ..	1	..	..	..	1	Warned.
Development ..	1	1	..	..	2	Both dismissed.
Revenue and Executive.	..	..	..	1	1	Dismissed.
Police ..	..	..	..	1	1	Reverted.
Medical ..	1	..	2	..	3	Dismissed.
GRAND TOTAL ..	3	1	2	2	8	

(c) No case has been withdrawn.

(d) Five cases are pending with the Special Inquiry Agency as shown in the statement on the previous page. All these were recently sent to the Agency except one which has been pending for over a year. For want of staff and owing to the difficult nature of the case it has not been possible to complete this case earlier.

#### DAMAGE TO CROPS BY HAILSTORM IN CERTAIN VILLAGES IN FEROZEPUR DISTRICT.

**1215. Sardar Tara Singh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that all the crops in the villages Phang Jharry, Dabre, Phulewala, Chak Dohewala, Dohewala, Dehgana, Bhonkarsar, Mehrajwala, Khunan and others situated within the jurisdiction of thana Muktsar and the crops of certain villages within the jurisdiction of thana Kot Bhai, tahsil Muktsar, district Ferozepore, were almost destroyed by hailstorm in the last week of September, 1940, and that the zamindars who have suffered thereby have applied to the authorities concerned for remission in land revenue and abiana and for the grant of taccavi loans ; if so, the action taken or proposed to be taken in the matter ?

**The Honourable Dr. Sir Sundar Singh Majithia :** Crops in these villages except Bhang Jharry and Dabra were damaged.

Some of the zamindars did apply for relief.

Taccavi loans have been advanced to the extent of Rs. 11,400. Remissions in land revenue and abiana will be granted in due course according to rules.

## METALLED ROAD FOR VILLAGE NATHANA TO VILLAGE JANDANWALA.

**1216. Sardar Tara Singh :** Will the Honourable Minister of Public Works be pleased to state whether the Ferozepore District Board by means of a resolution passed in one of its meetings held in the month of August 1940, requested the Government for some financial help for building a metalled road from village Nathana in district Ferozepore up to village Jandanwala in the Faridkot State area ; if so, the action Government has taken or propose to take in the matter ?

**The Honourable Malik Khizar Hyat Tiwana :** Yes. The matter is under consideration, but no hope of a grant for metalling this road can be held out at present.

RELIEF TO ZAMINDARS OF BHACHHO AND OTHER VILLAGES  
IN THE FEROZEPUR DISTRICT.

**1217. Sardar Tara Singh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that there has been no *barani* crop for the last four years in the villages Bhachho, Gobindpura, Bibiwala, Choganand, Tungwali, Mehna and others in *ilaga* thana Nathana, district Ferozepore ; if so, the action Government propose to take to give relief to the zamindars in their abovementioned distress ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The answer to the first part of the question is in the negative. The second part does not arise.

## SIKHS IN EDUCATION DEPARTMENT.

## DEBATE ON ANSWERS TO QUESTIONS 6870 AND 6871.

**Sardar Lal Singh :** I beg to ask for leave of the House to raise a debate on the answers which are no answers at all, given by the Honourable Minister for Education to questions 6870 and 6871.  
1 p. m.

**Mr. Speaker :** The honourable member wishes to raise a discussion on the answers to questions 6870 and 6871. Has he the leave of the House ?  
(Honourable Members : No.) The honourable member has not the leave of the House.

## ADJOURNMENT MOTIONS.

ACTION AGAINST POLICE REPORTER FOR MISREPORTING M. ABDUL GHANI'S  
SPEECH.

**Chaudhri Muhammad Hassan :** I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, failure of the Government to take action against the reporter who added certain objectionable passages

in the speech of M. Abdul Ghani who was being prosecuted under the Defence of India Rules, but has been acquitted by the Sessions Judge of Ludhiana very recently, that is, the 9th of November, 1940.

**Mr. Speaker :** An identical motion in the name of Lala Duni Chand has been disallowed.

**Chaudhri Muhammad Hasan :** The purport may be the same, but the wording is not the same.

**Mr. Speaker :** Wording is immaterial. Look to the substance.

**Chaudhri Muhammad Hasan :** I submit that even the substance is different. Lala Duni Chand's motion wanted to discuss the concoction of a false report by the police reporter against M. Abdul Ghani. My motion wants to discuss the failure of Government to take action against the reporter who added certain objectionable passages in the speech of M. Abdul Ghani. It is the duty of the reporter to give a true and faithful report of the speech. If, instead of that, he misreports, it is the duty of the Government to punish him so that it may serve as a warning both to him and to others who are put on this duty that they should report correctly and faithfully. My motion wants to discuss the failure of the Government to take action against the reporter concerned.

**Mr. Speaker :** The next motion.

CONTRIBUTION FOR WAR FUND.

**Sardar Kapoor Singh :** 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 notice issued by Sub-Overseer, Kalabagh, on behalf of the District Engineer, Mianwali, to Fateh Khan, Chaukidar, Dak Bangalow, Chapree, tahsil Isa Khel, to pay for the War Fund against his will.

I have got that notice with me in original. You will find that it is a very important matter. Certain instances were brought to your notice the day before yesterday to the effect that people are being compelled to pay for the War Fund. Yet the Government is telling the world that India is helping the British Government whole-heartedly and voluntarily. This is not just a solitary instance. You will find these instances in every district. Everywhere you will find methods being adopted which I might call cruel. If any one applies for a gun licence, he is asked to pay towards the fund before the licence is given. If any one applies for a passport, he is compelled to pay something for the War Fund. I can vouch for one particular case where a man went to a Sub-Registrar for the registration of a document and that Registrar refused to proceed with the registration of that document until he subscribed to the War Fund.

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

**Sardar Kapoor Singh :** That is one instance.

**Minister of Public Works :** Will the honourable member please read out the letter ?

**Sardar Kapoor Singh :** Certainly. It reads—

بیکار ہو کار

حکم مذکور فتم خان چو کیدار ڈاک بنڈا جاویں  
 آپکو ڈسٹرکٹ انجنیئر صاحب یہ درمیانوالی کے حکم سے مطلع کیا جاتا ہے کہ  
 مبلغ ایک چنڈہ وار فنڈ (War Fund) جلد از جلد روانہ کریں۔ اس روئے بندریہ  
 ملی آرڈر یا دستی جلد از جلد بدم ڈسٹرکٹ انجنیئر صاحب بہادر میانوالی  
 پہنچ جانا چاہئے۔

عبدالعزیز صاحب سب اور سب کالاباغ ۲۰ ج ۱۹۴۰

**Premier :** If I remind a friend of his promise which he may have made to me, to contribute towards any fund, would that amount to coercion?

**Sardar Kapoor Singh :** The post card used is a service card, and was sent by the overseer officially and not in his personal capacity.

**Lala Deshbandhu Gupta :** May I say a word?

**Mr. Speaker :** No, the Honourable Sardar Kapoor Singh is explaining his motion. I cannot allow any other member to do that. No one can be allowed to explain the object of an adjournment motion, except the honourable member who has given notice of it.

**Sardar Kapoor Singh :** From this card it is quite clear that it was written in his official capacity and the words clearly show that the chaukidar was asked to pay not voluntarily but against his will. The post card used is a service post card.

**Mr. Speaker :** If official information is available, will the Honourable Minister concerned give it?

**Minister of Public Works (The Honourable Malik Khizar Hayat Tiwana) :** I was going to say that a card has been read out in this House. Beyond this and the notice of adjournment motion on the agenda I have no other information. But apparently, Sir, what has happened is this. This man seems to have promised a donation or expressed willingness to donate this amount. According to the information that has been given, this man is an employee of a district board and I would say that in the fitness of things what has been said here must be discussed on the floor of the district board which has elected representatives. The district board will decide whether the Engineer was at fault or not.

**Munshi Hari Lal :** Mr. Speaker, may I raise a point of order?

**Mr. Speaker :** Do not interrupt, please.

**Munshi Hari Lal :** I am raising a point of order. Under the rules I am entitled to do so.

**Mr. Speaker :** Certainly. But wait for a minute, if possible.

**Munshi Hari Lal :** I rise to a point of order.

**Mr. Speaker :** Has the Honourable Minister finished? He should resume his seat.

**Minister :** I only wanted to say that the District Engineer and the chaukidar are not Punjab Government employees. They are the employees

of the District Board, Mianwali, and are under their jurisdiction and the matter should be left to the board.

**Mr. Speaker :** The honourable member may raise his point of order.

**Munshi Hari Lal :** Now it is useless. I wanted to point out that the Minister was making a speech and that he was not in order in making a speech.

**Mr. Speaker :** I anticipated the honourable member and, therefore, I asked the Honourable Minister to resume his seat.

**Khan Bahadur Captain Malik Muzaffar Khan :** This matter relates to the Mianwali District Board, and the Government have nothing to do with it.

**Mr. Speaker :** The honourable member cannot stand up and start a speech without the permission of the chair.

*(At this stage Lala Deshbandhu Gupta got up to say something.)*

**Mr. Speaker :** The next motion please.

**Lala Deshbandhu Gupta :** Am I not entitled to know whether you have disallowed the motion ?

**Mr. Speaker :** Will the honourable member read rule 44 which reads thus—

“ 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.”

If the Speaker is of the opinion that the motion is in order, then and then only he will read it. Had I been of that opinion I would have read out that motion.

**Lala Deshbandhu Gupta :** May I know whether the honourable members of this House are entitled to influence the opinion of the Speaker or not ?

**Mr. Speaker :** In the case of adjournment motions only the gentleman who has given notice can explain the object of his motion. That is all. I may not allow discussion by other members.

**Lala Deshbandhu Gupta :** Is it open to an honourable member of this House or not to quote your own ruling given earlier and to point out that you are not right ?

**Mr. Speaker :** This can be done, after I have given my ruling.

**Sardar Kapoor Singh :** May I know the reasons for disallowing this motion ?

**Mr. Speaker :** I am not bound to give reasons in every case.

**Lala Deshbandhu Gupta :** Why not rule out all adjournment motions then at one stroke ? You give one reason one day and another reason on another day. May I know whether it is open to me or to any other member in this House to point out to the chair before it gives the ruling about an adjournment motion that the ruling should be in favour of the motion being allowed on account of the earlier rulings given by the chair itself ?

**Mr. Speaker :** Only the member, who has given notice of the motion, if he is asked to explain his object, may speak. But if I want advice or

[Mr. Speaker.]

legal opinion I can ask any member to speak. But they cannot volunteer and inflict their opinions on me.

**Lala Deshbandhu Gupta :** Is it not open to an honourable member to request the chair to allow him to speak ?

**Mr. Speaker :** No. Please point out the rule.

**Lala Deshbandhu Gupta :** In the past you have been following an entirely different practice.

**Chaudhri Krishna Gopal Dutt :** Every member has got the right to have his say.

**Lala Deshbandhu Gupta :** The chair is taking away the right of the members.

**Pandit Muni Lal Kalra :** May I know whether the House is debarred from quoting a precedent on the chair ?

**Lala Deshbandhu Gupta :** The precedents are changing every day.

**Mr. Speaker :** I have allowed the member concerned to say what he has to say in support of his motion.

**Diwan Chaman Lal :** Is it not a fact that it is absolutely within your competence to ask any honourable member to have his say ?

**Sardar Lal Singh :** Rule 44 says :

If objection is taken the Speaker shall request those members who are in favour of leave being granted to rise in their places.

He has no alternative.

**Mr. Speaker :** The rule is perfectly clear. If I am of the opinion that the motion is in order, then and then alone I will put the matter to the House, but not otherwise.

**Sardar Lal Singh :** You had called for objections.

**Mr. Speaker :** No. It is only when I consider the motion in order that I ask the House whether anybody objects.

#### MOTOR STANDS IN SIALKOT AND GURDASPUR DISTRICTS.

**Pandit Bhagat Ram Sharma :** I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to take action under Punjab Motor Rules, 1940, by stopping Public Motor Vehicles from collecting passengers from unapproved motor stands in Sialkot and Gurdaspur districts resulting in serious inconvenience and nuisance to the public.

**Mr. Speaker :** The motion is vague and indefinite.

**Sardar Sampuran Singh :** May I just make one request ? As it seems that you are inclined not to accept any adjournment motion, I think you have more or less given it out, therefore, as a protest I request my honourable friends not to move any adjournment motion.

**Mr. Speaker :** I cannot allow a motion if in my opinion it is inadmissible.



## ORDERS OF REGIONAL TRANSPORT AUTHORITIES.

**Pandit Bhagat 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 arranging for the supply of copies of orders of Regional Transport Authorities in the province to the aggrieved persons and associations resulting in great inconvenience and loss to the public.

**Mr. Speaker :** *Prima facie* it is meaningless and vague. The honourable member may explain his meaning.

**Pandit Bhagat Ram Sharma :** There are certain rules framed by the Punjab Government in 1940 which provide that those people have got a right to get copies of those orders and an appeal lies against those orders. Certain applications were made to the Regional Transport Authorities who made certain orders but no copies are forthcoming. The Financial Commissioner has informed the applicants that arrangements are being made to give them copies but no arrangements have so far been made. This has resulted in great inconvenience and loss to the public. I think the adjournment motion as worded is capable of that meaning.

**Mr. Speaker :** The sum and substance of the honourable member's motion is that certain orders are passed but under the rules their copies are not supplied. This is not a matter of urgency.

## RELIEF TO PEASANTS OF JULLUNDUR DISTRICT.

**Sardar Partap Singh :** I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, to discuss the measures of relief adopted by the Government in giving relief to the peasants of Jullundur district on account of the damage done to the standing crops of zamindars by the hail-storm that swept over the area at the end of the month of September.

I have omitted Amritsar so that you may not get a chance of ruling it out of order.

**Mr. Speaker :** May I know if any official information is available as to the measures of relief adopted.

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** I would like the honourable mover of this motion to say what are the measures of relief which the Government may have adopted and which he wants to criticise.

**Chaudhri Krishna Gopal Dutt :** But no other member of the House can speak on it according to Mr. Speaker.

**Mr. Speaker :** I require official information.

**Chaudhri Muhammad Hassan :** He is not replying to your question. He wants information from the honourable mover. You wanted that information from the Parliamentary Secretary.

**Mr. Speaker :** The mover also may supply.

**Sardar Partap Singh :** So far as my information goes, they have been touring in the *ilaga* and have given some form of relief by remission of

[Sardar Partap Singh.]

land revenue and by granting taccavi and there may be perhaps some other measures adopted by the Government. I wish to discuss these measures as the damage done to crops by hailstorm was very severe and I want to know how far the Government has proceeded in the matter.

**Mr. Speaker :** What measures of relief are there ?

**Sardar Partap Singh :** Taccavi and remission of land revenue.

**Mr. Speaker :** Have these measures been adopted ?

**Sardar Partap Singh :** Yes, like asking the people to apply for taccavi and granting remission of half the land revenue and so on.

**Mr. Speaker :** Please state definitely what measures of relief have been adopted. First state them and then discuss their inadequacy.

**Sardar Partap Singh :** The Government has in some cases recommended to its subordinates the postponement of the realization of land revenue or remission of half the revenue ~~of~~ the whole of it and the second thing is taccavi. These are the measures which the Government are adopting to help the zamindars of these *ilayas*. I can discuss these measures which I hold as inadequate.

**Mr. Speaker :** Make your motion more clear and definite.

**Sardar Partap Singh :** Suggest to me how to do so.

**Mr. Speaker :** Take my secretary's help in drafting.

**Sardar Partap Singh :** You can have more discretion in the matter. As to the measures of relief, naturally you will agree with me that after a hailstorm they are necessary.

**Mr. Speaker :** Measures of relief may be very many.

**Sardar Partap Singh :** Measure of relief is the point of the motion.

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** May I help you in the matter? So far as I am aware no relief measures have so far been adopted by the Government. What we have done is that officers have been deputed to survey the area, make extensive tours and frame their reports and submit them to the Government. So far no relief measures have been adopted. I, therefore, do not understand what the honourable member wants to discuss.

**Sardar Partap Singh :** Then it means that they have not adopted any measures of relief at all.

**Mr. Speaker :** Yes.

**Sardar Partap Singh :** I will discuss only preliminary measures.

**Mr. Speaker :** The next motion.

#### WAR FUND, KANGRA DISTRICT.

**Pandit Bhagat 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 realization of War Fund from poor public by means of coercion by the Government officials in Kangra District.

I submit that I am fully aware of the ruling given by you day before yesterday in the case of the motion relating to Rohtak, the adjournment motion moved by my honourable friend Pandit Shri Ram Sharma, but my submission is that that ruling does not apply to the adjournment motion which is being moved by me. My first submission for your consideration is that you were pleased to rule in that case that any act done by the Government officials in their private capacity cannot form the subject matter of adjournment motion. I beg to submit that as is clear from the wording of my adjournment motion, there is no private capacity which I want, or the private character of the official which I want to bring under discussion by moving this motion. It is the public capacity of the officials which is sought to be discussed and my second submission is that as a matter of fact the officials have no private capacity, as far as their public conduct is concerned. They have only one capacity and that is their official capacity.

**Mr. Speaker :** Use the word official and un-official capacity. Do not bring in private capacity.

**Pandit Bhagat Ram Sharma :** I beg to submit that as far as his conduct is an official is concerned, there is no other capacity, there is only one capacity and that is his official capacity and whenever we take any objection to the conduct of an official, it is always his official capacity which is sought to be discussed and I want to draw your pointed attention to the word "coercion" used in the motion. The word "coercion" connotes that there is an abuse of the official powers.

**Mr. Speaker :** Which official, all or some of them ?

**Pandit Bhagat Ram Sharma :** All in the Kangra district.

**Mr. Speaker :** For reasons already given, I am not in favour of allowing the motion.

**Pandit Bhagat Ram Sharma :** My submission was that your previous ruling did not apply to this motion.

#### LEGISLATIVE ASSEMBLY ELECTORAL ROLLS.

**Sardar Kapoor Singh :** I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, short time limit and complicated costly procedure for claims as to the enlistment of Assembly voters.

**Chaudhri Muhammad Hassan :** It is quite in order.

**Mr. Speaker :** I wish it were so. It is a very important motion and has my sympathy. Mian Nurullah has also given notice of a motion to the same effect. He says—

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 inadequate time limit and complicated costly, vague and varied procedure, that is being adopted by officials for claims as to enlistment of Assembly Voters.

Had these motions been properly drafted the House should have certainly got an opportunity to discuss them. They are very important.

**Lala Bhim Sen Sachar :** If you agree the motion may be redrafted by the Secretary.

**Mr. Speaker :** If the motion is redrafted and handed over to me to-morrow, it will be considered. (*Honourable members :* All right, all right.)

**Mian Abdul Aziz :** To-day is the last day for objections and claims.

**Diwan Chaman Lall :** Sir, the honourable the mover of the resolution may amend the motion and may move it in the following form :—

*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, varied procedure, that is being adopted by officials for claims as to enlistment of Assembly Voters.*

**Premier :** Before you decide the admissibility of this motion, Sir, I would like to make a submission in this connection. You will see that there is nothing urgent in this matter. The procedure laid down under the rules is being followed. Now, under the rules in force a person whose name has not been entered in the electoral rolls can put an unstamped application for the inclusion of his name within a certain prescribed period. These rules were prepared some time ago. I fail to see what the difficulty in the rules is. Since 1936 the same procedure is being followed. What we have done is that now no court fee or stamp will be required. Formerly a person who wanted his name entered in the electoral rolls had to pay a court fee stamp of the value of Re. 1. Suppose there were four hundred or five hundred people who wanted their names to be included in the electoral rolls, they had to pay rupees four hundred or five hundred in the shape of court fee. But now applications can be entertained without any court fee or stamp.

**Sardar Kapoor Singh :** But what about the literacy qualification ? It is very difficult for one to prove literacy.

**Premier :** Rules are laid down with regard to literacy qualifications also. In order to prove literacy a person can bring a certificate from his school master or from a village notable. He can prove his literacy by reading in the presence of the officer concerned. I am sorry my honourable friend has not seen the rules.

**Mian Abdul Aziz (Urdu) :** I am afraid, Sir, that the Honourable the Premier has not realized the importance of the grievances to which this motion relates. I would like to inform him that the grievances are not as frivolous as he seems to think. For instance, students are being asked to submit their school-leaving certificates to prove that they possess the necessary educational qualifications. Even true copies of these certificates are not considered admissible. Similarly in the matter of property qualifications people are asked to submit patwari's *fard*. There are many other complicated procedures which we want to discuss. Let me give you a concrete example to make my point absolutely clear. Each one of the Inner and Outer Lahore Muslim Women Constituencies consisted of about 4,200 women voters at the time of the last general elections in 1937 but now there are only about 1,200 voters in one constituency and about 1,000 in the other. You know, Sir, that the limits of the Outer Lahore have now been extended. By the inclusion in it of six more police stations its area has become about 116 square miles and yet the number of voters in both

constituencies has decreased from 8,400 to about 2,200. These are the matters which we intend to discuss. Similarly in Outer Lahore Muslim Male Constituency, which has been increased 6 or 7 times more in area, the number of voters has very much been reduced by thousands.

The electoral rolls were published on the 31st October and the last date for putting in objections, etc., is the 21st November. This question of too short period allowed for submitting claims and objections also has to be discussed. Again, we want to know how the number of voters came to be reduced to such an extent. We want to make sure whether this reduction is due to the machinations of some interested person or persons or to some other cause. We want to discuss this question thoroughly so that we may know which authority is responsible for scrapping the names of so many voters.

**Premier (Urdu):** Sir, my honourable friend is an eminent lawyer and, therefore, he should be the last person to lose sight of the fact that the rules relating to this matter have not been made to-day. They were framed long ago and the House had the opportunity to discuss them. They were thoroughly discussed and some amendments were made therein during the discussion. These rules were passed by the House and now the work is going on in accordance with them. If my honourable friend can prove that the rules are not being observed and the work is being carried on in contravention thereof, I am prepared to interfere and remove any cause for complaint that he may have. But if the work is going on in accordance with the rules, what complaint can my friend have and what does he want me to do? A similar representation was received from Amritsar and I gave a similar reply. Moreover you were given an opportunity to put in objections.

**Mian Abdul Aziz :** Only three weeks' time was allowed.

**Premier :** Yes, three weeks. And that period was enough for the purpose. The preliminary rolls are prepared only to give the public an opportunity to file any objections.

**Munshi Hari Lal :** Do you know what difficulties the public has to face in the matter of these applications?

**Premier :** Yes, I know that. But time is given for getting the mistakes, if any, removed and if you do not avail of that opportunity who is to blame?

**Munshi Hari Lal :** The patwaris are responsible for mistakes.

**Premier :** But you can get them rectified. I may also add that these rolls have to be printed and published at the proper time and if that is not done all the votes entered therein will become invalid.

**Mr. Speaker :** The first question is whether the rules, under which the voters lists are prepared, are to be discussed and criticised or the preparation of the lists, under these rules, is to be discussed and criticised. So far as the rules are concerned, if I am not mistaken, they were not made by the Punjab Government. As regards the preparation of voters lists and the procedure regulating claims, etc., if the honourable members wish to discuss this they may give notice to that effect. If they want to further

[Mr. Speaker.]

criticise the rules and procedure, an adjournment motion will not be sufficient. In that case they should approach Government for time. I am sure that Government will accede to their request, if made properly.

**Diwan Chaman Lall :** May I take it that the adjournment motion is in order but you prefer that the discussion should take place on the day allotted for this purpose which the Government may be asked to appoint in order that adequate discussion should take place? May I ask the Honourable Premier whether he is prepared to accept the suggestion made by you and the request made from this side of the House for the allotment of a day for the discussion of this matter?

**Premier :** I regret I cannot agree with my honourable friend for the simple reason that the period is fixed under the rules and it is not in my power to change them. If he says that the time is not sufficient, that it is only 3 weeks and that it should be 4 weeks, I am sorry it is not in my power to do anything.

**Diwan Chaman Lall :** I am not discussing whether it is 3 weeks or 4 weeks. There is a complaint made by my honourable friend, Mian Abdul Aziz to the effect that thousands of voters, who were eligible for voting have been found missing from the electoral rolls. My suggestion is that the Honourable Premier should give us a day for the discussion of this particular matter.

**Premier :** There is no question of giving a day. What would be the result of that discussion? Suppose my honourable friend says that 500 voters have been left out, the remedy lies in his hand and he can rectify that mistake now. I cannot change the rules. These are the Orders in Council and it will take several months to change them.

**Khan Bahadur Nawab Muzaffar Khan :** I quite agree with the Honourable Premier. It is no use discussing this thing now. The complaint that Mian Sahib has made is about female voters. The Order in Council, as far as I remember, is that those who want to be registered must apply in writing for registration. They have not taken these steps and have not applied. I do not think either the Government or anybody else can help them. The main complaint was about female voters. They had more than six months. To-day I think is the last day and I do not think that the Government, even if it so desires, can extend that date. It would be waste of time of the House to discuss this thing now.

**Diwan Chaman Lall :** I may be wrong in what I consider to be the import of the rules. But I do not think that the rule regarding the laying down of 3 weeks limit, that is, from 31st October up to 31st November, is to be found anywhere in the Order in Council. That is the limit put down by my honourable friend. Dates are chosen by him. There is not the slightest doubt that if the dates had been found in the Order in Council we could not have them changed. That is not the position. This particular period has been selected by my honourable friend's Government. They have chosen and fixed the particular date from which the lists should be shown to the public and the public were invited, during this particular period, to put in fresh applications.

**Mr. Speaker :** Are dates fixed by the provincial Government ?

**Premier :** Quite true.

**Khan Bahadur Nawab Muzaffar Khan :** I think he is right.

**Premier :** The dates were fixed by the provincial Government but not the period. So, I cannot change the period.

**Diwan Chaman Lall :** Not only are these dates chosen by my honourable friend but again a very important question has arisen, namely, all the voters who were, let us say, in one constituency represented by my honourable friend on my left, the voters in the original list, it is discovered do not find place in the present list and their number has gone down from 6,000 to 2,000 ; although they are still alive and eligible, yet somehow their names have been left out of the list. It may be that it is done with good faith but surely this House has every right to discuss the matter which so vitally affects the representative character of this House. If we cannot discuss it by way of an adjournment motion surely my honourable friend should give us an opportunity to discuss it on an allotted day.

**Khan Bahadur Nawab Muzaffar Khan :** The limit of 21 days is fixed under the Rules and I do not think that at this stage the Government could even if it so desired change the rules.

**Premier :** I would refer my honourable friend to Chapter VI which says—

All claims and objections, relating either to the inclusion of names in or to the exclusion of names from the electoral rolls, shall be presented, between the hours of 10 A. M. and 4 P. M. on any day which is not a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881, nor has been notified by the Governor as a day to be observed as a holiday in district or divisional office, within 21 days of the date of the publication of the electoral roll to which they relate.

It is true that we fixed the date of the publication of the rolls and that was fixed long ago. Originally during the last financial year, the actual programme was fixed and that was why we included this thing in last year's budget. During this financial year we have taken in hand the preparation of electoral rolls and their final publication. It was notified several times in the press, in communiques and in the Government Gazette and some important papers drew the attention of the public in their editorials. I received a complaint from Amritsar. I told the complainants that

2 P. M.

I could not do anything. They were at liberty to put in their applications within three weeks and, if necessary, I would depute a special officer to see that those applications were properly scrutinised. That is all I can do. If my honourable friends will assure and convince me that there are fifty thousand applications put in from Lahore, I will appoint one officer or several officers to see that those applications are thoroughly scrutinised. Neither I nor my honourable friends can force anybody to put in an application.

**Mian Abdul Aziz (Urdu) :** Sir, what I want to emphasise is this. The perusal of the provisional rolls prepared by the clerks at first showed that the entries made therein were correct. As a matter of fact wherever the clerks preparing the lists of voters went to collect the necessary information regarding the names and number of the voters of a particular *ilaga*, it was supplied to them in full. And all went well till the despatch lists to

[M. Abdul Aziz.]

press. But after this date when the electoral rolls were printed and made available to the public for inspection, we found to our great disappointment that in mohallas where 100 or 200 voters had been registered only a few came on the printed list. This no doubt was a very disconcerting omission and naturally everybody viewed this state of affairs with great disfavour, and alarm. And hence the volley of complaints. Again, I have not the slightest intention to lay the blame at the door of the Government for this omission or gap in the actual number of voters and the number brought on the printed rolls. I have simply brought this defect in the electoral rolls to the notice of the Government, whose duty it is to see that correct and complete rolls are prepared. Besides, it is not in Lahore only where complaints of this nature have been made. This is rather a general complaint in the whole of the province. Only a few minutes earlier the Honourable Premier himself stated that he has received complaints from Amritsar. I am, therefore, of the opinion that the time limit fixed for making claims and putting applications for registration as voters was very short. You will see, Sir, that the lists of voters are fairly lengthy and voluminous. It takes at least 15 days to go through them carefully, and check them. But the time allotted for putting in claims was only three weeks. In other words only one week was left for those people whose names had been omitted for no fault of theirs to submit their applications. It was certainly difficult for them to do so. I may also make it clear that we do not want to discuss this subject on the floor of the House with a view to secure the postponement of elections. We would rather feel glad if they are held to-day instead of to-morrow. But my point is that the people whose names have been left out in the electoral rolls, have not been given sufficient time to submit claims for enlistment as voters. I think it is the duty of the Government to compare the present electoral rolls with the original or previous ones.

**Premier (Urdu):** I quite agree with what has been said by my honourable friend over there and I have no mind to differ with him. But I must say that no useful purpose would be served by his endeavour to convince me regarding this matter of the discussion of this subject on the floor of the House. The time fixed for that purpose has passed and nothing can be done now in this connection.

I received complaints no doubt from Amritsar, but this fact should not be lost sight of that I at once deputed an officer to look into the matter. I may also tell my honourable friend that election officers personally went to several places to attend to such complaints and they scrutinised all the applications that were submitted to them. Besides, when such complaints were received by the secretaries of the Government, they advised the complainants to put in their applications for the registration of names inadvertently omitted from the rolls, within the prescribed period of 21 days. Now the time-limit is over and there is no remedy left. The electoral rolls cannot be amended now. If at this stage any change is made the entire electoral rolls would become null and void and all the labour already put in their preparation would be lost. They will have to be prepared *ab initio*. I regret I feel helpless in the matter.

**Munshi Hari Lal (Urdu):** Sir, I am of the opinion that the discussion of this matter on the floor of the House would reveal the true state of affairs.



**Premier :** It will be a sheer waste of time.

**Munshi Hari Lal :** Please have patience. First listen to my arguments and then form your conclusions. Well, Sir, I was submitting that if this adjournment motion is allowed to be discussed, one thing would become evident and that is that there exists a general complaint in the province regarding the omission of names from the electoral rolls. In the Election Rules there is a specific rule which lays down that the Governor is empowered to amend the electoral rolls after their republication after an application to the Election Commissioner is given in this behalf.

**Premier :** No, only clerical omissions or mistakes can be rectified.

**Munshi Hari Lal :** If my honourable friend the Premier would lend me the Election Rules, I would quote the rule I am referring to.

**Mrs. J. A. Shah Nawaz :** Sir, I want to correct something which was said by an honourable member. It was stated that every woman who is entitled to vote has to apply for registration. That is incorrect. Women who are enfranchised under the ordinary property qualifications have not to apply for registration. It is the women who are entitled to vote under the special qualifications, namely, educational qualifications or as their being the wives of voters, that have to apply for registration. Unfortunately during the last five months women and women's organisations have not taken such keen interest in this matter as they did during the registration of voters last time and a large number of women have not applied for registration. We are very disappointed to find that very few women have come on to the electoral rolls this time.

**Munshi Hari Lal :** Sir, I will read out to you the rule relating to the matter under discussion. It runs—

Notwithstanding anything hereinbefore contained any person may apply to the Elections Commissioner for the amendment of any electoral roll for the time being in force, and the Governor, exercising his individual judgment, may, at any time after any such application has been made in respect of an electoral roll, by notification in the Gazette direct preparation of a list of amendments thereto, and all the provisions of this part of these Rules shall apply in the case of every such list in like manner as they apply in the case of electoral rolls :

**Mr. Speaker :** I have attentively heard the speeches made and the opinions expressed by several honourable members. The question is not clear or free from doubt. There may be serious defects in the registers which should have been prepared as carefully and accurately as possible. The rule read by Munshi Hari Lal is perfectly clear and it is essential that the electoral rolls should be as correct and complete as possible. The difficulty, as pointed out by Munshi Hari Lal, can be overcome by making a representation to the Government and not by discussing the rules and irregularities here. Therefore, I rule this motion out of order.

**Diwan Chaman Lall :** May I draw your attention to one fact ? When the Honourable Premier read out a particular point we were not in a position to challenge that statement. Now, it has come to our notice that 21 days is only the minimum period. The rule is that the notice shall be published not less than 21 days. This part of the House considers that this mistake should not have happened in regard to the electoral rolls. It is by this adjournment motion that we want to bring this matter to the notice

[D. Chaman Lal.]

of Government. We are within our rights in assuming that this is a matter which affects you and every other member of this House.

**Mr. Speaker :** The honourable member may consider the matter again and give notice of a carefully worded motion. I will not reject it if it is in order.

#### FAILURE OF COTTON CROP IN NILI BAR AND RELIEF TO SUFFERERS.

**Sardar Ajit Singh :** I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the general failure of American cotton crop due to *tirak* in Nili Bar and Ganji Bar colonies and the failure of the Government to give relief to sufferers.

**Mr. Speaker :** Has any time been fixed for considering this matter ?

**Sardar Ajit Singh :** That time is now over. (*Punjabi*) Sir, the Government have paid absolutely no attention to this important question although hundreds and thousands of applications have been submitted by the poor agriculturists of Nili Bar and the Ganji Bar Colonies. But now the time of inspection has gone. The cotton crop is going to be harvested and no trace of it will be left in a short time to come. It will be difficult now to say what particular area was ruined and had suffered totally and what partially. True it is that a field which was ordinarily expected to yield 5 to 6 maunds is only yielding 5 seers, and it is a pity that even the pickers have refused to pick up the partly opened balls due to *tirak*. In fact the whole cotton crop has failed. The poor people have been submitting applications to the officers for remission but the officers have turned a deaf ear to them and have not inspected the affected areas. How can we, now, hope that the Government will do its duty when it has become too late now and no inspection is practicable? The *tirak* disease has ruined the American cotton in the Nili Bar and Ganji Bar colonies. My honourable friend Raja Ghazanfar Ali Khan must have received hundreds of applications to this effect and the Honourable Minister of Revenue too would have received a large number of them but unfortunately he is ill. I have personally received several applications and one such application from the zamindars of Chak 176/9-C has been received by me recently which is here in my hand. In this application it is stated that the *tirak* has totally ruined the American cotton in that area. It is a thousand pities that the Zamindar Government has not done anything to alleviate the suffering of the zamindars by granting them remissions speedily. Even the Deputy Director of Agriculture, whom I happened to see in this connection, had admitted that the American cotton had suffered to the extent of 60 per cent. in the Nili Bar and the Ganji Bar colonies, and yet the Government has taken no steps to ascertain the extent of the damage done and the remissions to be granted to the poor zamindars who have suffered through this calamity.

In view of these remarks I would request the Honourable Speaker to kindly allow my adjournment motion to be moved and discussed in the House so that the Government may, after realising the situation, see its way to grant the necessary remissions to the zamindars.

**Raja Ghazanfar Ali Khan** (Parliamentary Secretary): As the House is aware Government has all along taken a very sympathetic view in the matter of remissions and suspensions wherever necessary. The time has not yet arrived when the Government will be in a position to know the extent of the damage. It will be about the 10th of January when the Government will be in a position to know what the loss is. Meanwhile Government have satisfied themselves that the local officers are keeping a vigilant eye and they are touring and collecting the necessary data. The Financial Commissioner is going on tour to Montgomery and Multan from the 4th to 10th December and it will be one of the main objects of his tour to ascertain on the spot what the conditions are. I can assure the House that the moment the Government have ascertained the real extent of damage they will certainly grant such remissions and suspensions as are called for.

**Mr. Speaker** : The Assembly will now take up Bills.

#### THE PUNJAB PROVINCE PRISONS (AMENDMENT) BILL.

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

That leave be granted to introduce the Punjab Province Prisons (Amendment) Bill.

**Mr. Speaker** : Motion moved—

That leave be granted to introduce the Punjab Province Prisons (Amendment) Bill.

Any objection ?

**Minister for Finance** (The Honourable Mr. Manohar Lal) : Yes.

**Pandit Muni Lal Kalia** : Mr. Speaker, the amendments which are proposed in this Bill are very harmless. They only seek to make a distinction between criminal prisoners and political prisoners. They are neither radical nor in any way an innovation. All we want is that a distinction should be made between a criminal prisoner and a political prisoner. In practice this is already being done in this province, because the political prisoners are kept separate from the ordinary prisoners, and they are treated differently. They get their food and other supplies in jail. It is now all the more important when most of us are going to jail and we want that there should not be any trouble between us and the Government. For that purpose also it is necessary that the rights of political prisoners should be defined.

**An Honourable Member** : It is very selfish then. The honourable member says that because he is likely to go to jail, therefore, this legislation should be passed. Evidently he is personally interested in this matter. (Laughter).

**Pandit Muni Lal Kalia** : Yes, there is personal interest, but it is not monetary interest, all that I want to say is that we should be treated as political prisoners. In the Bill before you, you will see that there are three or four definitions dealing with "political prisoner", "convicted political prisoner", "political offence" and "political activity". These are terms which are very much in use and for that purpose we have defined all these terms.

[Pt. Muni Lal Kalra.]

Then we want that political prisoners should be kept apart from criminal prisoners and unconvicted political prisoners should be kept apart from convicted political prisoners. We know that that is being actually done in the Punjab Jails, but we want to give a statutory colour to these things, so that the discretion of superintendents and other jail officers should not come in and trouble may not arise in such cases. Similarly, with regard to employment of political prisoners and the kind of work that they may get there and so on. We do not want to make any other change, but this change is necessary. Of course some minor alterations will have to be made in the Jail Manual to that effect.

I would point out to the Minister in charge that this is a thing which will not only save a lot of inconvenience and worry to the Government officials, but at the same time it will improve the relations between the prisoners and the jail authorities, and administration in jail will not be so troublesome as it is at present. There need be no fear. There is no question of hunger strike or of the liberties of the prisoners or with regard to classification. Simply because the Bill is being moved from the Congress benches it should not be taken to be in any way an inroad on the Punjab Government. Since the Act came into operation in 1894, there have not been many amendments. Some amendments were made in 1926. I hope that the Minister in charge will see his way to reconsider his refusal to leave being granted to introduce the Bill.

**Minister for Finance** (The Honourable Mr. Manohar Lal): Before I address myself to the Bill itself for the introduction of which permission is being sought, I must say at the outset that I much appreciate the exceedingly efficient manner in which the Bill has been drafted, and, secondly, I wish to say that I hope and trust that the honourable member who has made himself responsible for this Bill would not carry out his unfortunate intention of going to any of our jails. If he does, he may take it from me that he will receive the best possible treatment.

**Lala Deshbandhu Gupta** : Thank you for the invitation.

**Minister** : Now coming to the Bill itself, you will see that one of the most important things that is attempted there is the definition of "political prisoner" and also of what constitutes a "political offence". You will see particularly in the definition of "political offence" that it is stated that it includes an offence which is committed with a political motive. I have often had occasion to intimate to this House that the definition of "political offence" is one of my despairs. It has not been possible for Government to answer questions with regard to the so-called political prisoners because the category is vague, and it is not capable of any definition. The difficulty is particularly great with regard to the definition of a political offence, because the offence is usually described in terms of a political motive. It is known to all lawyers that motive is not generally the concern of a court. It has often some evidentiary value in courts in arriving at the conclusion whether an offence has been committed. Otherwise as we all realise, the motive of a man remains usually hopelessly inscrutable. But it is in terms of a motive that the whole of this Bill is conceived. I am not prepared to accept any such definition of a political offence or of a political prisoner

as the learned member who has made himself responsible for the Bill attempted, and that being so, if we are not able to attempt correct definitions of these terms, the Bill becomes, if I may venture to say so, meaningless.

Now Governments have tried in the past, and honourable members of Legislative Assemblies have tried in the past, to attempt a definition of a political prisoner and of a political offence, and they have failed to do so. It is suggested in the Bill that a political prisoner is a person who commits a political offence. That is no definition at all. That is the reason for the rejection of this Bill, we could not possibly allow it to be introduced.

Now further there is the operative part of this Bill, viz., sections 12 and 13. Certain privileges are suggested for political prisoners. I shall only say one thing. Government examines with great care the cases of those political prisoners who are entitled to class A and class B or to better treatment in the jail. A stage has reached now in the unfolding of a comprehensive political movement when a very large number of persons might go to jail, because they seek to court arrest in pursuit of a particular idea; it is thus that a number of persons are now convicted and go to jails—movements such as, among others, the Kisan movement or the Khaksar movement—persons belonging to movements for which a claim is made—though many of them indulge in murderous assaults, for instance the Babbar Akalis—that they are political prisoners.

The class of these persons is so large that you cannot without discrimination give all of them the same privileges with regard to interview, with regard to the mode of their living, with regard to their clothing and with regard to other amenities which they may at their own expense acquire. So whether we consider the question as regards the definition of the expression "political prisoner" or whether we examine the inclusion of motive—whether some people are to be called "political prisoners"—opinions differ as to what these political motives are—whether you take as regards the definition of the prisoners to whom this suggested amendment is to be applied or the other privileges that are going to be claimed for them, because of the large classes to which this definition so loosely worded would have to be applied, Government is not in a position to accept this Bill.

**Lala Deshbandhu Gupta :** May I ask whether it would be acceptable to him if we say that all offences not involving moral turpitude should be separated from other offences—you may call it political or anything else?

**Minister of Finance :** This Bill is so carefully drafted and the exact definition given is, "political offence" includes an offence which is committed with a political motive and the commission of which does not involve the use of any but technical force or violence to person or property."

**Pandit Muni Lal Kalra :** That can be amended.

**Minister of Finance :** I, at any rate, have failed to follow exactly what the honourable member means by "which does not involve the use of any, but technical force or violence to person or property."

**Pandit Muni Lal Kalra :** Let the select committee deal with it.

**Minister of Finance :** It would surely not be enough if you merely say that an offence which does not involve moral turpitude—these words

[Minister for Finance.]

are of too wide an import and vague—might be regarded as a political offence. I want a positive definition of what a political offence is and the definition as given here is, a political offence is an offence which is committed from a political motive. I am perfectly clear in my own mind firstly that motive cannot be the primary factor. It is not anything tangible. It would be a novel idea in criminal jurisprudence to determine an offence by reference only to the motive. But suppose we said that an offence is committed with a political motive and it has no moral turpitude about it, there again I do not feel myself on any secure ground, because how many offenders—I want to merely use it for illustrative purpose—taking the case of the whole of the Kisan movement—how many would you say have committed the offence where no moral turpitude is involved? Would you be prepared to extend to all the 10,000 persons in the Punjab all the privileges that you suggest, putting aside for the time the question whether a person deserves A or B class? One would have to apply his mind only for a minute to the implications of these suggestions to come to the conclusion that they are wholly unpractical and unreasonable.

**Lala Deshbandhu Gupta :** Has the Honourable Minister studied the changes made in the Prison Act in the United Provinces?

**Minister of Finance :** I do not know whether the United Provinces have been able at all to solve the problem as conceived by them.

**Lala Deshbandhu Gupta :** In the United Provinces they have divided the whole thing into two classes. I think the Honourable Minister should study it.

**Minister of Finance :** I would say this, that I think no Government in India is more liberal in examining the cases of prisoners who deserve treatment of a higher class and the House may take it from me that every single case is examined carefully by me—every single case. (*Hear, hear*).

**Lala Deshbandhu Gupta :** That remains with your person. The question is of amending the law.

**Mr. Speaker :** Question is—

That leave be granted to introduce the Punjab Province Prisons (Amendment) Bill.

*The Assembly divided : Ayes 22, Noes 74.*

AYES.

Abdul Aziz, Mian.  
Baldev Singh, Sardar.  
Bhagat Ram Sharma, Pandit.  
Deshbandhu Gupta, Lala.  
Dev Raj Sethi, Mr.  
Duni Chand, Mr.  
Faqir Chand, Chaudhri.  
Girdhari Das, Mahant.  
Hari Lal, Munshi.  
Jalal-ud-Din Amber, Chaudhri.  
Jugal Kishore, Chaudhri.

Kartar Singh, Chaudhri.  
Muhammad Hassan, Chaudhri.  
Mula Singh, Sardar.  
Muni Lal Kalia, Pandit.  
Raghubir Kaur, Shrimati.  
Sahib Ram, Chaudhri.  
Sampuran Singh, Sardar.  
Sant Ram Sethi, Dr.  
Shanno Devi Sehgal, Shrimati.  
Shri Ram Sharma, Pandit.  
Sudarshan, Sethi.

## NOES.

- Abdul Hamid Khan, Sufi.  
 Abdul Haye, The Honourable Mian.  
 Abdul Rab, Mian.  
 Abdul Rahim, Chaudhri (Gurdas-pur).  
 Abdul Rahim, Chaudhri (Gurgaon).  
 Akbar Ali, Pir.  
 Ali Akbar, Chaudhri.  
 Allah Yar Khan Daulatana, Mian.  
 Amjad Ali Shah, Sayed.  
 Anant Ram, Chaudhri.  
 Ashiq Hussain, Major.  
 Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.  
 Chhotu Ram, The Honourable Chaudhri Sir.  
 Dasaundha Singh, Sardar.  
 Faiz Muhammad, Shaikh.  
 Faqir Hussain Khan, Chaudhri.  
 Ferman Ali Khan, Subedar-Major Raja.  
 Fateh Sher Khan, Malik.  
 Fazl Ali, Khan Bahadur Nawab Chaudhri.  
 Fazal Karim Bakhsh, Mian.  
 Few, Mr. E.  
 Ghazanfar Ali Khan, Raja.  
 Ghulam Qadir Khan, Khan Bahadur.  
 Gopal Singh (American), Sardar.  
 Guest, Mr. P. H.  
 Gurbachan Singh, Sardar Bahadur Sardar.  
 Habib Ullah Khan, Malik.  
 Haibat Khan Daha, Khan.  
 Hans Raj, Bhagat.  
 Harnam Singh, Captain Sodhi.  
 Het Ram, Rai Bahadur Chaudhri.  
 Inder Singh, Sardar.  
 Jafar Ali Khan, M.  
 Jagjit Singh Bedi, Tikka.  
 Jagjit Singh Man, Sardar.  
 Karamat Ali, Shaikh.  
 Khizar Hayat Tiwana, The Honourable Malik.  
 Kishan Das, Seth.  
 Manohar Lal, The Honourable Mr.
- Maqbool Mahmood, Mir.  
 Muhammad Ashraf, Chaudhri.  
 Muhammad Hussain, Chaudhri.  
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.  
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.  
 Muhammad Yasin Khan, Chaudhri.  
 Muhammad Yusuf Khan, Khan.  
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.  
 Muzaffar Khan, Khan Bahadur Captain Malik.  
 Muzaffar Khan, Khan Bahadur Nawab.  
 Nasir-ud-Din Shah, Pir.  
 Nawazish Ali Shah, Sayed.  
 Nur Ahmad Khan, Khan Bahadur Mian.  
 Pir Muhammad, Khan Sahib Chaudhri.  
 Pohop Singh, Rao.  
 Prem Singh, Chaudhri.  
 Pritam Singh Siddhu, Sardar.  
 Ram Sarup, Chaudhri.  
 Ranpat Singh, Chaudhri.  
 Riasat Ali, Khan Bahadur Chaudhri.  
 Ripudaman Singh, Rai Sahib Thakur.  
 Roberts, Sir William.  
 Sadiq Hassan, Shaikh.  
 Sahib Dad Khan, Khan Sahib Chaudhri.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Sir.  
 Sikander Hyat-Khan, The Honourable Major Sir.  
 Sultan Mahmood Hotiana, Mian.  
 Sumer Singh, Chaudhri.  
 Suraj Mal, Chaudhri.  
 Talib Hussain Khan, Khan.  
 Tara Singh, Sardar.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Bahadur Sardar.  
 Wali Muhammad Sayyal Hiraj, Sardar.

## LAND REVENUE (AMENDMENT) BILL.

**Sardar Sampuran Singh** (Lyallpur West, Sikh. Rural): Sir, I beg to move—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

**Mr. Speaker :** The motion moved is—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

Any objection?

**Raja Ghazanfar Ali Khan :** Yes, Sir. I object.

**Sardar Sampuran Singh :** Sir, this Bill is meant to help those people who cultivate lands with their own hands; and those people who have only 4 acres of land on the canal, or only 6 acres of land on well irrigated and only 9 acres of land on barani land. So, what I beg to submit in this connection is that this Bill is not for any rich people, nor for those people who save anything out of their lands. The Government have instituted inquiries with regard to small holdings of land and the result of those enquiries is recorded in Farm Accounts in the Punjab for several years. I shall take an instance from the year 1937-38. There is a farm of about 5½ acres in which Government enquiry has definitely established that it is running at a loss. In the same way there are several farms in the Multan district, in the Lyallpur district and in the Jullundur district, in which the investigators have definitely come to the conclusion that the farms of small areas do not pay economically and that the people are actually losing on these lands. Consequently, there is no sense in charging any land revenue from those people.

Sir, the point that the land belonged to the agriculturists, or the zamindars, was conceded by this House on a previous occasion and in that sense the land revenue has no meaning except that of a tax. You may call it anything; you may call it land revenue; you may call it mere revenue; you may call it a share of the Government; you may call it whatever you like, but the fact remains that when we have admitted that land belongs to the agriculturists, then this charge cannot be called anything else except a tax. You will see that the rest of the people pay taxes on different basis altogether. No person of this country or of this province is taxed if his annual income from sources other than land is below two thousand rupees; and there is no reason why in the case of small holdings, when you have definitely come to the conclusion that these are not a paying proposition, the proprietors of those small holdings should be taxed at all. Sir, I want to submit that this House is predominated by a very large majority of agriculturists, those people who know the conditions of the people for whose benefit I am asking for leave to introduce this Bill. I think the record of this House is full of sympathetic words for the welfare of the proprietors of small holdings and this is the best opportunity for this House to give some substantial help to the people of this class. It may be asked by the other side, wherefrom are the funds to come? I would submit that there are so many sources which may be tapped. But even if the Government is unable to tap any sources I would submit that the present funds of the Government are for the benefit and safety of those people who are being crushed and exploited. We do not care whether or not this Government remains in the present form; we do not care whether or not the British.



Government remains; we do not care what Governments remain in the world and what Governments are washed away from the surface of the earth, but we have to protect the people of this class. We must protect these people for whom the Government claim to exist. (*Cheers*).

Sir, before I sit down, I would like to compare the people of this province with those of other countries. Dr. P. Jackson of the League of Nations, who was the Head of the Financial and Economic section—

**Raja Ghazanfar Ali Khan :** You have reminded us of the existence of the League of Nations. We have not heard about it for a long time.

**Sardar Sampuran Singh :** The League of Nations may be dead, but its work in the economic and social sphere is not dead. The work the League of Nations has done and the principle it has laid down and the conclusions to which all the nations of the world have come are still there. Dr. Jackson says—

Recent tendency in the European countries has been to overhaul the land tax proper and to tax profits from agriculture, subject to the ordinary income-tax with annual assessment.

**Premier :** Unfortunately, my honourable colleague the Honourable Finance Minister, who is absent at the present moment, and who was invited to attend the League of Nations, could not go there, otherwise he would have looked into these matters there.

**Sardar Sampuran Singh :** You are also a very great sympathiser of the poor zamindars, and I hope you also will take the trouble of looking into their conditions.

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

The same principles are now being introduced in France, Italy and Great Britain.

Another word, which I would like to add is that this definition of “net assets”, which you have introduced in this country and which means not allowing relief to the peasants, does not exist anywhere else. Under these circumstances I would submit that the conditions which you have imposed upon your brethren, the peasants and agriculturists of this province—I mean the small landholders—are not in force anywhere in the world. You are treating everybody else in this country on different lines. Under these circumstances I am not asking you, when seeking leave to introduce this Bill, any favour for them, but only justice to which they are entitled and to the giving of which all of us, including my friends opposite are committed. There is nothing new, in this Bill. I am only asking you not to treat them unfairly but at least to show them the same treatment which you are showing to other people.

I may say a word about Mr. Darling's report. The recommendations which he has made for the small landholders do not go any far. They are, as a matter of fact, very insufficient. They are not likely to give much help. Do not be misled by his saying “the people do not want to be deprived of being called *malguzars*.” People shall, consider it an insult if they cease to be called *malguzars*. Therefore, let them remain to be called as *malguzars*. It is better that this tax should not be taken away from

[S. Sampuran Singh.]

their shoulders." I think, like sensible men you will take my suggestion seriously and will not go by such recommendations. Try to help them when there is yet time.

With these words I commend my motion to the House.

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): Sir, I rise to oppose this Bill at the introduction stage. It is not because we are not sympathetic so far as the supposed object of this Bill is concerned, but it is because the Bill is so defective and so rotten that I do not think that it deserves any serious consideration. If you carefully go through the Bill, you will find that it is intended to provide relief only to those people who are holding either 6 acres or 4 acres or 8 acres of land. It does not give relief to those people who are holding less than the figure described in the Bill. (Sardar Sampuran Singh: Bring another Bill). The number of those who are holding land in accordance with this Bill may not be more than a few hundreds in this province. Therefore, I hope the House will agree with me when I say that the Bill does not deserve serious consideration. I am sorry that the Leader of the Opposition should have been so careless in drafting the Bill—I do not know whether he deliberately left out these poor people or it is an oversight. Anyhow it is most regrettable. So far as providing relief to the poor is concerned, I think, the Honourable Premier has made it so often clear on the floor of this House that he will take the earliest opportunity of providing such relief to these poor people, the zamindars, as will give them some substantial assistance and not such as is to be given by remitting land revenue to the extent of five rupees. The Honourable Leader of the Opposition has made a reference to the Darling Committee's report. I think this committee, after very careful and close examination came to the conclusion that to exempt the zamindars who are paying land revenue to the extent of five or ten rupees will give very little relief to the people concerned, but would very seriously affect the revenues of the province. As you are aware, Sir, this province does not consist of very large number of rich landlords. Therefore, to expect that the revenues of the province should be confined merely to the sources of these rich people will be a very wrong notion. The number of people, who would be affected, if you reduce the land revenue up to the extent of ten rupees, will be between 30 and 40 lakhs and the average relief which one person will get will be about two rupees per annum per head. I would ask the honourable members of this House to seriously consider whether the relief of two rupees per annum per head would be of any worth so far as raising the standard of life of the poor is concerned. We know that during the last 4 years this Government has done so much for the poor zamindars as all other Governments in India combined have not done. (Hear, hear). (Sardar Sampuran Singh: Are you satisfied)? This Government, since the last 4 years, has only one consideration in mind and that is, how to provide relief to the poor man, particularly the zamindars. (Hear, hear). Well, Sir, as the honourable members know, the Government intend to bring forward legislation by which they will be able to raise some amount of money from rich urban people. I can assure you that the moment the Government feel that they are in such a happy financial condition that they can easily forego an amount of Rs. 60 or 70 lakhs, they will certainly do so, not necessarily in the form

of remission but in some such form which would give relief to the poor peasantry. I hope when that opportunity comes, the Opposition, who claim to be the sympathisers of the poor, would help us.

**Sardar Sampuran Singh** Try to give something to the poor peasant and see what we do.

**Raja Ghazanfar Ali Khan** : I am very grateful to the Honourable Leader of the Opposition and I am sure that he and his Party will stand together and support such legislation. Let there be no misunderstanding that the only way to provide relief to the poor zamindars in this province is to be able to charge a fairly large amount of money from the urban people and those who are rich and if the Honourable Leader of the Opposition and his Party are prepared to support the Government on such a measure, I can assure you that nothing will give us greater pleasure than to give relief to the small people.

**Mr. Deputy Speaker** : The question is—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

*The motion was lost.*

#### PROHIBITION BILL.

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

That leave be granted to introduce the Punjab Prohibition Bill.

**Mr. Deputy Speaker** : Motion moved—

That leave be granted to introduce the Punjab Prohibition Bill.

Any objection ?

**Minister of Finance** : I oppose it.

**Munshi Hari Lal** : I am really amazed and amused to hear opposition to this Bill. On the 4th March, 1938, a resolution was moved in this House by a member of the Unionist Party, Subedar-Major Raja Farman Ali Khan and it was carried. I am going to remind you of your own doings. The resolution ran thus—

This Assembly recommends to the Government that prohibition be introduced in five districts of the province on an experimental basis.

This resolution was passed by the House unanimously. There was not a single dissentient voice. Speaking on that resolution the Honourable Premier was pleased to say, "You will find that the Punjab Government will give a lead in this matter". The Honourable Minister for Revenue was pleased to remark—

We are all the same thinking at the present moment of meeting my honourable friends by trying this experiment in certain parts of the province—not an experiment to be tried in such a way that we may fail but try to see that we succeed in that experiment. Once we succeed in that experiment we shall extend the sphere of prohibition in other parts of the province.

This was the pronouncement made by the Honourable Minister for Revenue. I am really amused to think that while the Honourable Premier gave us the word that he would see that the Punjab would lead in this matter and the Minister for Revenue also promised to do everything, they are still thinking over it. The Premier is still conceiving, the Unionist

[M. Hari Lal.]

Government is still conceiving—there is no living organism that can conceive for such a long time and bring forth nothing. It is more than 2½ years that this resolution was passed and after this long period we find that the Government is not allowing leave to introduce this Bill. If you will kindly refer to this Bill, you will find that “this Act shall come into force in five districts and in any other local area in the Punjab on such date as the provincial government may, by notification, appoint.” In other words, this Bill is in conformity with the resolution that was carried in this House. If, however, the Government differ in details, there can be a circulation motion, motion for reference to a select committee and there will be ample chances of amending it at the consideration stage, if you only give leave to introduce it. The only difficulty that can be put forward, and I am sure that it will be put forward, as my motion is being opposed by the Honourable Minister of Finance, is the question of finance. In this connection I may submit that my Bill does not extend to the whole of the province, but to certain parts of it and if we succeed, we can extend it to the whole of the province.

As honourable members are aware prohibition was introduced in some provinces by a notification of the Government and rules were laid down. The legality of that notification was questioned in law courts, which declared it to be illegal. Excise Law is the same in the Punjab as it is in other provinces. Hence the necessity of this Bill in order that prohibition may be legalised and introduced in the province with the assent of the House in the shape of an Act. With these words, I request that leave be granted to introduce this Bill.

**Minister for Finance** (The Honourable Mr. Manohar Lal) : I regret to have to oppose this motion which has a very commendable object in view. The policy of the Government in the question of prohibition was made clear over 2½ years ago in the course of a resolution that was moved by the honourable member from Jhelum and I am able to say that Government has had no occasion whatever to depart from its policy on the subject. The question, as the Government has to face it and not merely as the honourable member in a very brief statement of objects and reasons has been pleased to point out, involves serious administrative difficulties. There are considerations that cannot be disregarded deeper than mere administrative difficulties and I will put the matter to the House in the very fewest possible words. The House is aware, as I pointed out last March in presenting the Budget that we have had to incur directly or indirectly an expenditure of no less than three crores because of the famine with which the province was afflicted in the south-east of the Punjab. Can any one imagine that our province would have been able to meet that heavy expenditure if we had also simultaneously launched upon a policy of prohibition? Famine is not with us to-day with the same severity. But it has not completely disappeared. We are yet face to face with a fairly considerable expenditure beyond the amount that we have provided in the budget up to August of this year because of the famine. That is one thing. Further, the honourable member does not seem to be aware what even a moderate policy of prohibition would mean. He says that he is suggesting merely a gradua

introduction of it. Government has had this subject examined and it was found that the introduction of a policy of prohibition, a policy that might not be effective, still an attempted policy of prohibition, would cost the Government even on a small scale and in a few districts no less than 20 lakhs. Is it sound administration to introduce prohibition in a limited part of the province, involving a loss of 20 lakhs in our revenues unless you feel quite sure that you are financially in a condition to introduce it? I may inform the House that a policy of prohibition if it were introduced in the province as a whole would cost in round figures, would take away from our revenues, about a crore and a half of rupees per year. Not only that. Can any one say to-day that our finances can stand the strain of a loss of a crore and a half of rupees in order to secure this particular object, commendable as it might be? At any rate, I, as Finance Minister, cannot possibly recommend to Government the adoption of any such policy unless and until I find that our finances have some other sources of income safely secured which will make this possible. I think the House will agree with me in this attitude. Not only this. The object is described, and rightly so, as commendable. But even if we are to surrender an income of a crore and a half of rupees, can any one say in this province that the object will be secured? Very small attention paid to the geographical position of the province would make it abundantly clear that it is honeycombed with a large number of Indian States and if they do not completely co-operate with us, and agree to lose a substantial part of their income, no proper policy of prohibition can be introduced. That is the administrative difficulty and it is a difficulty of a kind which we must take note of if we are to achieve the object successfully. If the object of prohibition cannot be achieved and if you are still to lose a crore and a half, I cannot recommend it to Government unless my colleagues can show me a clear way out of the financial embarrassment.

**Diwan Chaman Lall :** Your colleague on your left is suggesting an addition to your revenues of six crores.

**Minister of Finance :** Let him first bring to me these Labled six crores and then I will attempt prohibition if I find I can effectively carry it out. (*Hear, hear.*)

Further, prohibition, though it is a very desirable thing, still, it is also imaginary fear. Our province is not one of those that are terribly afflicted with the sin or vice of drunkenness. Let me give some figures in this connection. In the year 1931 the consumption per head was just half of that in 1911. We are a steadily improving province so far as the stamping out of this evil of drunkenness is concerned. I have not had occasion to work out figures since 1931, but I have no reason to think that the evil of drunkenness is on the increase in this province. Convictions for drunkenness in this province were only 958 between the years 1933 and 1938. Those sections which constitute the masses of the people are not given to any drinking at all.

Now, it is not merely that we have had to face famine which I could not have faced—I say that with the completest assurance—if there had been any prohibition; but we are all aware that for the last twelve months or even more we have been confronted with a very heavy war, and the expenditure actually incurred by the Punjab Government might not have been so

[Minister of Finance.]

far as heavy as it may be in the near future, still we had to face a fairly heavy expenditure on account of war. Would any responsible member of this House say, "Oh" let famine alone; care not for war; let us strive for prohibition, even though we may never be able to secure it." That is the issue before the House to-day. That is not all, It is well known that as a result of war there has been considerable disturbance of prices; and our industrial and commercial economy has also suffered serious shocks. That being so, we are on uncertain ground as regards the essential part of our social construction. In the face of the problem of famine and the question of war expenditure he would be a bold man, may I say an unthinking person, who would suggest that to-day is the time to introduce prohibition. Whatever may be the position two years hence or four years hence or twenty years hence when my colleague on my left can bring into my pocket, if I then be responsible for the finances of the province, six crores of rupees, that will be a different matter, but can any one suggest that to-day, when we cannot even effectively carry out the work of prohibition, when the Indian States have not shown a desire to carry forward the work of prohibition, in view of the financial position, in view of the grave problems that confront us, can any one say that to-day is the day when the Punjab Government can with calmness and without serious disturbance to our financial position enter upon a course that will mean financial ruin?

Let me state once again to the House that the soundness of finance is absolutely necessary before you can work and keep the foundations of your administration in any secure condition. I am sure our Government is not prepared to see the finances of the province impaired, in howsoever alluring a manner the proposal to effect that object may be presented.

**Mr. Deputy Speaker :** The question is—

That leave be granted to introduce the Punjab Prohibition Bill.

*The motion was lost.*

## RURAL POOR AND UNEMPLOYED RELIEF BILL.

**Dr. Sant Ram Seth :** Sir, I beg to move—

That leave be granted to introduce the Rural Poor and Unemployed Relief Bill.

**Mr. Deputy Speaker :** Motion moved—

That leave be granted to introduce the Rural Poor and Unemployed Relief Bill.

Any objection?

**Minister for Development :** I object.

**Dr. Sant Ram Seth** (Amritsar City, General, Urban), (Urdu): Sir, I have made it clear in the statement of objects and reasons why this Bill has been brought forward by the Congress Party. This Bill aims at improving the lot of the poor rural masses. The Government and specially the Honourable the Minister for Development and the Honourable Premier have always claimed that the Government they have formed mainly aims at the amelioration of the rural masses whom they represent. Such claims of theirs have encouraged me to make the present attempt at introducing this

Bill in this House. Had this Government been formed by the money-lenders instead of the zamindars I would not have dared to bring forward this Bill. The main purpose of this Bill is to provide the poor zamindars with work. After the *Hari* and *Sawani* crops at least for six months they sit idle and have nothing to do. This Bill if enacted will provide them with work. (Interruption). But this Government is of the big landlords who are more interested in themselves than in the poor rural masses. Although they claim to represent the poor masses in reality they only represent themselves. With these words I commend my motion for the favourable consideration of the House.

**Minister for Development** (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, the honourable member while seeking leave to introduce the Bill has said that if the Government in power had been other than the Zamindara Government, he would not have dared to bring forward the present Bill. May I enquire from him why he would not have dared to bring forward this Bill if there had been any other Government in power? Does the honourable member imply that the provisions of his Bill are, so stupid, unreasonable or unpracticable?

**Dr. Sant Ram Seth**: I moved this Bill because I was sure that the present Government which professes to exist mainly for the benefit of the zamindars will not object to it.

**Minister for Development**: The honourable member said that he would not have dared to bring forward this Bill if there had been some other Government in power instead of the present one. Does he admit that a Congress Government would have opposed it?

Sir, although the Bill purports to have been drafted for the benefit of the zamindars the underlying motive is different. The Bill is a mere blind for a sinister object. The Opposition is under the delusion that by merely attaching the word "Zamindar" to any of their Bills or to any other motion they can deceive the public into believing that they are the true well-wishers of the poor zamindars and that the present Government, which professes to be their supporter, is not, as is apparent from the fact that it opposes measures, however beneficial to zamindars, which are moved by the Opposition for their betterment. But now the zamindars fully understand who is their friend and who is their foe. They can no longer be deceived by such tactics. The purpose of introducing this Bill is to bring the present Government into disfavour with the people by creating a pretext for saying that even Bills, so obviously beneficial to zamindars are opposed by the Party in power. Their only aim in bringing forward this Bill is to find an excuse for doing adverse propaganda against the Unionist Government. They are not sincere at heart. From August, 1938 to April, 1940 they had at least five very important occasions to prove their sincerity towards the cause of the zamindars, but they failed miserably on those occasions. They did not support our agrarian legislation which we have enacted during the last few years to help the zamindars. Instead of supporting that legislation they opposed it. And notwithstanding all this they have the cheek to pose as the well-wishers of the zamindars. The Congress High Command gave them definite instructions not to obstruct the passage of the Bills comprised in our agrarian legislation. But they defied even the

[Minister for Development.]

instructions of their own high command and were vehement in their opposition to those good measures. They simply want to make a show of sympathy which finds no echo in their heart. This is a true picture of their sincerity.

**Diwan Chaman Lall :** What about the merits of the Bill ?

**Minister for Development :** Shall I come to the merits of the Bill ? Very well. The Bill provides that a fund may be created to help the distressed zamindars and that this fund may remain in charge of a committee consisting of all the members of the district board. The president and the vice-president of a district board shall be the ex-officio president and vice-president of that committee.

And who will report cases of distress to the committee contemplated in the Bill and when will such reports be made ? The Bill says that if any chaukidar finds within the area of his jurisdiction that any person has been without food for a period of more than twenty four hours, he shall immediately report the fact to the president of the committee. If the president happens to be on tour what procedure is the chowkidar to adopt ? After all in most cases the presidents of such committees will be deputy commissioners who have to perform touring duties as well. Anyhow in the event of the president's absence the chaukidar shall report the case to the vice-president. Now the honourable members are aware that vice-presidents of district boards who will be *ex-officio* vice-presidents of such committees are non-officials. Usually they reside outside the headquarters of the districts. So, if unfortunately the vice-president is also absent from the headquarters as is very likely in most cases the chaukidar shall have to go all the way to the vice-president's village to report that case to him. If he is absent from his village also then the chaukidar shall report the fact to such other member or members of the committee as may have been authorised by the committee to receive such reports in the absence of the president and the vice-president. Anyhow after the report has been finally made to a competent authority it will have to be seen whether there is any money available in the poor box, which boxes are more often than not empty. If the requisite funds are not forthcoming then the fact will be reported to the tahsildar of the locality. Here also there is every possibility that the tahsildar may be off on tour and if that happens it will take one or two days more to apprise him of the whole situation. The tahsildar will then call a meeting of the inhabitants of the tahsil for the purpose of securing contributions to the fund. As soon as the tahsildar has done so my honourable friend Dr. Sant Ram Seth or somebody else will send in a notice of a question suggesting oppression and coercion on the part of the tahsildar for the purpose of raising subscriptions. These are in a nutshell the merits of the Bill. Need I say anything more to expose their real nature and purpose ?

**Mr. Deputy Speaker :** The question is—

That leave be granted to introduce the Punjab Rural Poor and Unemployed Relief Bill.

*The motion was lost.*



## LAND REVENUE (AMENDMENT) BILL. (ii).

**Sardar Sampuran Singh** (Lyallpur West, Sikh, Rural): Sir, I beg to move—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

**Mir Maqbool Mahmood**: On a point of order. Has the honourable member obtained leave of the Governor for introducing this Bill?

**Mr. Deputy Speaker**: This Bill does not fall under section 299 (3) of the Government of India Act. No leave is necessary. Motion moved is—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

Any objection?

**Raja Ghazanfar Ali Khan** (Parliamentary Secretary): I object.

**Sardar Sampuran Singh**: Sir, I ask for leave to introduce this Bill which aims at making the posts of lambardars, safaidposhes and zaildars elected posts and not nominated ones. I will mention only two or three points which show the necessity for making these posts elected. There is great corruption going on amongst the lower ranks of police, canal department, and revenue and civil courts. This is a thing of common knowledge. I do not mean to say that these are the only people who are corrupt nor do I mean to say that all of them are corrupt. This is the main agency through which money is received and corruption is encouraged by these departments. Moreover on account of the influence which they exercise they are sought as a model in the countryside and people try to emulate them and when these people themselves are morally so low and wretched on account of corruption, naturally the standard of the people also in the villages becomes very low. So it will be a good thing if these posts are made elected and people living in the villages have some control over them and they are made to care for the public opinion in their neighbourhood. They will thus be kept in check and there will be less of corruption and the general moral standard of the people in the villages will also rise.

Then, Sir, this point was discussed sometime ago in this House and the only point made out by the Parliamentary Secretary at that time was that these people if elected by the small landholders would be under their influence and consequently they would not be able to do their work as efficiently as they could do otherwise, their duties as then mentioned being collection of revenue, stopping of crimes and so on. So far as collection of revenue is concerned, I do not think that if they are elected that duty will in any way be affected because everybody knows that he has to pay land revenue and even if there was no lambardar, people would go and deposit the revenue in tahsils.

People shall much prefer if this panjotra which is paid to the lambardars is not assessed upon the people or is not charged from the people and the people are made to remit their revenues either through the post office or some other local agency or even tahsils. I think they would much prefer some such arrangement to the good deal of *zulam* and tyranny which is being carried on in the villages under this system of collection of revenue. Even if it were thought necessary that the revenue should be collected

[S. Sampuran Singh.]

through lambardars, I am certain that by making these posts elective efficiency, so far as the collection of revenue is concerned, will not be affected at all. Then there remains the question of stopping crimes. I am afraid the Parliamentary Secretary at that time had very low opinion about his own people living in the villages, as he thought that it is only the badmashes or men who do not happen to be of good character who can influence all the people in the villages. He seems to think that the people are so immoral in villages or the majority of them are so that they can be easily led away by such badmashes. I think this is a very low opinion that he is holding of his own people and I am afraid if the conditions were like that, that is perhaps a very pessimistic view he is taking of the character and conduct of our peasantry. Certainly if there were people in the villages who keep the healthy opinion in the villages under their influence, lambardars would not be allowed to continue their corrupt practices, I mean providing bribes to the sub-inspectors and other people, nor will they feel encouraged to give false evidence in the courts under the influence of such officials. A lot of corruption and other crimes will certainly be removed from the countryside if these posts are made elected instead of nominated. With these words I move my motion.

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): I rise to oppose this Bill. As you are aware, Sir, this House discussed such a Bill only about seven months ago and rejected the introduction of this Bill by a very large majority. I think it was by 91 votes. I am, therefore surprised to know what new circumstances have since arisen for the Leader of the Opposition to move this Bill.

**Sardar Sampuran Singh**: The hope that you have come to senses.

**Raja Ghazanfar Ali Khan**: It appears to me looking into the Bill that the Opposition having exhausted all their resources of thinking of new legislation are trying to repeat one thing three times over again. Sir, I am sorry to observe that the Honourable Leader of the Opposition has not given any convincing argument. He has attributed to me what I never said. As a matter of fact I never dreamt of it. He has said that I hold very low opinion about the morality of the villagers. This is entirely false. On the other hand I hold a very high opinion about the commonsense of the villagers and what I said on that occasion was—.

**Sardar Sampuran Singh**: Read your own speech on the last occasion.

**Raja Ghazanfar Ali Khan**: I would ask the Leader of the Opposition to kindly quote from the speech instead of referring me to it. I can give him my speech and I challenge him to quote where such passages occur.

**Sardar Sampuran Singh**: I should like to have it.

**Raja Ghazanfar Ali Khan**: What I said was that the main duty of the lambardar is to help in the collection of land revenue and in the prevention of crime and I said, naturally a person who is part and parcel of the administration cannot be expected to do his duty satisfactorily and independently if he is under the influence of the general public in the villages. That is the point that I made out and I stick to it even now.

The second point that I made before the House for its consideration was that the total number of lambardars was nearly 80,000. I do not remember the correct number of villages in the province, but I think it is somewhere about 37,000 and if we even take the average of two lambardars per village, the total number of lambardars would be about 80,000. Similarly, I would submit that the number of zaildars is about 1,760 and the number of sufedposhes and inamkhars must be in the neighbourhood of one thousand. Therefore the Government, if they accept the Bill shall have to hold elections of about 82,000 people in the province every five years or so. Now, I would ask honourable members on this side of the House whether they are really serious when they stress such a preposterous thing and have about 90,000 elections in the province on the basis of universal franchise. And, Sir, what object will it serve? What does the honourable Leader of the Opposition think would be the cost of one election?

**Sardar Sampuran Singh :** No cost.

**Raja Ghazanfar Ali Khan :** I think he did not spend this time anything on his own election. My opinion is different. I personally think that a very ordinary election costs quite a lot. But I know my honourable friend the Leader of the Opposition is in the fortunate position of spending out of certain funds, but unfortunately we on this side of the House have to depend on our own limited resources. I always shudder at the idea of elections and they are not a very happy and pleasant excursion, but those who have got in their charge—

**Sardar Sampuran Singh :** May I ask through you what the honourable member means? I may tell him that I have no funds in my charge from which I draw. As he mentioned this, I would like to know what he means. If he means that I use any public funds, then I say he is a liar, if he says that.

**Mir Maqbool Mahmood :** I am not saying anything about the insinuation, but the Honourable Leader of the Opposition should withdraw that word he has used.

**Mr. Deputy Speaker :** The honourable member did not mean anything of the sort.

**Sardar Sampuran Singh :** Then let him explain himself.

**Mir Maqbool Mahmood :** On a point of order. The word "liar" is  
 4 p.m.                      unparliamentary, we can enter into the question raised  
                                  by the honourable Leader of the Opposition later  
 on, but he must first withdraw the unparliamentary expression used by him.

**Raja Ghazanfar Ali Khan :** I was under the impression that my honourable friend had changed his temperament when he changed his position.

**Sardar Sampuran Singh :** I say first explain yourself. What do you mean by that—

*(Uproar and cries of order, order).*

**Raja Ghazanfar Ali Khan :** Sir, the honourable member has used unparliamentary language. I am surprised to hear such an unparliamentary

[R. Ghazanfar Ali Khan.]

expression from the mouth of the Leader of the Opposition. If this unparliamentary expression had come from a back bencher, there would have been less surprise, and I would not have cared, but the honourable member who is the Leader of the Opposition should not have used such unparliamentary language.

*(Cries of, "he should withdraw the unparliamentary word.")*

I do not insist upon his withdrawing the unparliamentary word. If he takes pride in using abusive language, he is quite welcome to do it.

**Sardar Sampuran Singh :** You are worse than that. *(Cries of order, order).* You deserve that.

**Raja Ghazanfar Ali Khan :** Sir, let him take pride in his abusive language.

**Mir Maqbool Mahmood :** It is very undignified for the Leader of the Opposition to have used such words. These words are unparliamentary. He should withdraw them. *(Cries of order, order).*

**Sardar Sampuran Singh :** The Premier has used this word and since that time it has become parliamentary. *(Cries of "no, no.")*

**Mr. Deputy Speaker :** The use of this word is definitely unparliamentary. The honourable member should withdraw this word.

**Mir Maqbool Mahmood :** Sir, I insist that the dignity of the House requires that the Leader of the Opposition should withdraw his words.

**Mr. Deputy Speaker :** I would request the honourable member to withdraw his words.

**Sardar Sampuran Singh :** First he should withdraw what he said about me.

**Raja Ghazanfar Ali Khan :** Sir, I most humbly submit that I withdraw what I have not said. *(hear, hear).* I still maintain that a leader of an organized political party has got certain funds at his disposal in order to run and fight elections. This is not at all unparliamentary.

**Sardar Sampuran Singh :** I have not been a Leader of any Party. I am a poor man. I have got no funds.

**Raja Ghazanfar Ali Khan :** Sir, is it a new thing? In every country elections are fought on party lines. And there are party funds. I have not used a single word which is unparliamentary. Therefore the question of withdrawing does not arise.

**Mr. Deputy Speaker :** The honourable member should withdraw.

**Raja Ghazanfar Ali Khan :** I am not going to withdraw a single word or a coma. I have said nothing unparliamentary. What should I withdraw? On the other hand the Leader of the Opposition has used very abusive language which is most unparliamentary. He should withdraw it. *(Cries of "withdraw, withdraw" and Uproar).*

**Mr. Deputy Speaker :** The honourable member should withdraw.

**Raja Ghazanfar Ali Khan :** Sir, I withdraw the words which I did not say.

**Sardar Sampuran Singh :** Then I withdraw the word "liar" as well. (*Hear, hear*).

**Raja Ghazanfar Ali Khan :** Sir, I would repeat once more that those people who have the good fortune of having collected funds and run elections on party tickets—

**Sardar Sampuran Singh :** Sir, is it relevant? He is trying to be-fool everybody here.

**Raja Ghazanfar Ali Khan :** He may draw his own conclusion.

**Sardar Sampuran Singh :** Is there much difference between a "falsehood" and a "lie"?

(*Cries of order, order*).

**Raja Ghazanfar Ali Khan :** I do not know why my honourable friend is so much excited. He is asking for leave to introduce a Bill. When he is unable to meet our arguments, he loses his temper like a back-bencher.

**Sardar Sampuran Singh :** There is no question of losing temper.

**Chaudhri Jalal-ud-Din Ambar :** Sir, I rise on a point of order. Parliamentary Secretary remarked just now that if a back bencher had used such a language he would not have taken it as an insult. Is it not a reflection on the back bencher? There should be no distinction between a back bencher and a front bencher (*hear, hear*).

**Raja Ghazanfar Ali Khan :** I would submit, Sir, that I have not the least intention to cast any reflection on the back benchers or to insult them in any way. Whatever I have said about the back benchers I withdraw. I am myself a back bencher.

What I was submitting was that thousands of elections would be held annually. And then, Sir, what would happen when there is a difference of opinion between the electors and the collectors. A lambardar and a zaildar is responsible to the district magistrate and to the collector of the district for the performance of his duty. On the other hand I feel that those people who are elected feel that they are responsible to those who have elected them. Therefore, if I am elected a lambardar by the people, I will be responsible to the people who have elected me and to nobody else. Similarly, if the zaildars are elected by the people, then their responsibility will be entirely to the voters and not to the collector or the district magistrate, who is to take work from them.

As I have already described, lambardarship is the best and the cheapest system of collecting revenue which was ever devised by human beings. Now, Sir, as you know, lambardarship is hereditary. How can you have it by election? You will be changing the entire order of things with one stroke of the pen. A lambardar is one who carries certain amount of influence in his village or part of the village. (*An honourable member :* How is a lambardar made?) What I am saying is that lambardarship is hereditary.

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

[R. Ghazanfar Ali Khan.]

In a few districts there is not much temptation to become a lambardar ; for instance, in my own district of Jhelum, a lambardar's *panjotra* hardly comes to ten or twenty rupees a year. But in colonies where a lambardar is holding one square of land sometimes of the value of about Rs. 10,000, there certainly lambardarship is a great attraction. Unfortunately our experience is that whenever there is the question of electing people to a position where they will be getting valuable property and money, there is so much anscrupulousness and dishonesty. Therefore, I would oppose lambardars being returned by election.

Then, Sir, there are zaildars. As you know, the Financial Commissioner is not debarred under the existing rules from appointing a zaildar by election. It is still open to him to ascertain as to which of the candidates enjoys the confidence of the largest number of people in the zail.

**Mian Muhammad Nurullah :** How many have been appointed like that ?

**Raja Ghazanfar Ali Khan :** I want notice of that question. (Laughter). It is open to the Financial Commissioner to appoint a zaildar by means of election. Therefore, Sir, the object of election is also served because generally only such a person is appointed zaildar who enjoys the confidence of a large number of people in the zail. Again, some safeguards are provided to see that proper person is not left out. There is an appeal against the order of the collector to the commissioner and there is another appeal against the order of the commissioner to the Financial Commissioner. Therefore, our experience is that generally really deserving men are appointed to these posts. Even in normal times, as I have said, it would be an almost unthinkable proposition for the Government to accept the principle of universal franchise for appointing lambardars and zaildars. But during the war, it is almost impossible and no Government with any common sense or sense of responsibility would accept such ridiculous proposition as to have lambardars and zaildars by election. Most of the honourable members of this House remember that during the last Great War, this class of workers, who were getting only Rs. 100 a year, helped the Government with recruits, with money and in maintaining internal law and order. Similarly, during the present war, I am sure, this band of workers in the villages will again rise to the occasion and will prove their utility to the Government. Under these circumstances I think my honourable friend the Leader of the Opposition will be well advised to withdraw this Bill. Otherwise, he will be creating a very wrong impression outside. People will think that these people have become professional vote hunters and that they want to usurp the posts of poor lambardars and zaildars. So, honourable members should not create such unhappy impression in their constituencies particularly when we are on the eve of fresh elections. After all for a man like me to get up and say that the appointments of lambardars and zaildars should be by election is an indirect way of saying that I should be appointed as a lambardar or zaildar, because naturally all of us sitting here can very easily secure the votes of our zails. Therefore, let us not be so selfish that we should try to devise means to secure for ourselves the posts of lambardars, zaildars and sufaidposhes. I personally think that the Honourable Leader

of the Opposition will take a lesson from the fate which this miserable kind of legislation had to meet in April last when, as I have already said, we rejected this Bill by a very large majority of votes. Therefore, he will be well advised if he will kindly withdraw this Bill.

Before I sit down, I just want to repeat once again that it was very unfair on the part of the Honourable Leader of the Opposition to have attributed to me what I never said. Unfortunately he was not in his seat at that time. He said that I had said in my previous speech that morals of the villagers were hopeless and their character was bad. Well, Sir, this was a very serious allegation. At the commencement of my speech I asked him to be kind enough to quote from my speech and I presented him a copy which he has now been reading for the last 30 minutes. This is one of the reasons for my making a long speech and I must apologise for the same. I gave him ample opportunity. I challenge him to quote those words from my speech. If he cannot quote, I would request him as a gentleman of course I have great respect for the Leader of the Opposition, because I am accustomed to it—I challenge him either to quote from my speech or to withdraw that serious allegation. He is a sportsman as I have seen him at the race course. If he has got a sporting spirit, I am sure he will have no hesitation in adopting one of these courses.

**Sardar Sampuran Singh :** Sir, what I said was that he said that there were two duties of the lambardar, one to stop crime and the other to collect land revenue and that if he was an elected member and under the influence of his voters, he would not be able to stop crime in the village. That was the conclusion he had drawn and from that I have said that if he thought that a lambardar who was under the influence of voters in his own village would encourage crime and not stop it then he had very low opinion about the people in the countryside. That was what I meant. If he thinks that I said anything beyond that then he wrongly understood me.

**Mr. Speaker :** The question is—

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

*The motion was lost.*

## RESOLUTION.

GRANT OF LANDS TO PEOPLE WHOSE LANDS HAVE BEEN ACQUIRED FOR  
CANTONMENT OR MILITARY PURPOSES.

**Khan Bahadur Nawab Muzaffar Khan** (Attock North, Muhammadan, Rural) : Sir I move—

This Assembly recommends to the Government that poor tenants of Attock and other districts who have been rendered homeless by the acquisition of the lands that they cultivated, for Cantonments or other Military purposes, be provided with lands in colony areas on conditions on which the Government has hitherto been granting lands to poor peasants in the Punjab.

The resolution which I have just moved I am sure, will be supported by and received with sympathy from every section of the House. My

[K. B. Nawab Muzaffar Khan.]

cry this time is not for the big land owners, nor is it even for the small land owners. This cry is not for the factory owners or the mill owners or other capitalist classes whom it has become a fashion to condemn in season and out of season. My cry is for the poor tenants of Attock district and other districts who have been deprived of their lands—tenants who day in and day out, in the coldest weather and hottest season work for the classes which I have just mentioned. I am sure I will receive the sympathy of the whole House. Many many years ago, I came across a picture drawn by a sympathetic artist. On the top of that picture there was a portrait of Queen Victoria of blessed memory and underneath it were the words, "I govern all". There was another picture of another man in a smart uniform, a picture of a soldier and underneath it the words were, "I fight for all". Then there was a Padri with the words, "I pray for all." Again, there was a judge and also a lawyer—I forget whether there was anything very complimentary about the lawyer? Last but not the least there came a picture of a poor cultivator of the soil with the words—pathetic words—"I pay for all". That picture still stands fresh in my memory. In the Punjab our peasantry not only pays for us all, but it also fights for us. They form the bulk of our Punjab Army. Luckily for me and luckily for this resolution, the Honourable Premier—if he were in his seat—would have borne testimony to the fact that the peasantry of the Attock district and the tenants of the Attock district came forward during the last great war most willingly and selflessly.\* They fought by his side during the great war and in the Third Afghan War and before his time they fought in the Second Afghan War and various campaigns on the frontier. It is for these tenants that I seek the sympathy of this House. To-day the same peasantry is coming forward most willingly and most cheerfully to stem the tide of Fascism and also to fight battles against, I would say, the present day Changez of Germany and another Halakoo from Italy.

Sir, In several villages in the Attock district lands have been acquired by the Government under the Land Acquisition Act, in some cases temporarily and in others permanently. I must confess I do not know about details of all the villages in that district, but I know about my own village where about four thousand kanals of land have been acquired by the Government. Both the tenants and the land owners have submitted to this hardship most cheerfully and most willingly. Before this they had given one thousand kanals for landing ground for aeroplanes. Leaving aside the unculturable area of that village, the culturable area of that village is I think less than ten thousand kanals. You can very well imagine the condition of that village that has given up half of its area for the greater interests of the country. Attock people are not in the habit of grumbling over such things as they know it is their duty and not a single voice has been raised except a petition to me and perhaps a representation to the Honourable Premier. I hope their silence will not be misunderstood. I know that they are in a miserable condition. As far as the owners are concerned, credit is due to them also, but greater credit is due to the tenants, because the owners will get some compensation whether full or not, but the tenants who have been cultivating those lands for generations past—as in those ilaqas there are not migratory tenants—will practically be rendered homeless.



Do you not think, Sir, it is our duty as human beings to come to their rescue? No doubt they have no legal claims, but they have moral claim. What are they to do without their lands which they were tilling from generations past, unless Government comes forward and helps them out of this difficulty? As you are aware, Government, has lands in colony areas and these lands are generally given to those who hover around the bungalows of deputy commissioners and commissioners and even the Ministers. Instead of giving lands to these undeserving people, I request the Government to give preference to those poor tenants in any scheme which the Government may have in view in regard to the colony areas. I am sure it will not be very difficult for the Government to do so. I know that land is available in the Nili Bar Colony and a new canal is being dug in Mianwali.

**Mr. Speaker :** Order please, it is 4-30 now.

*The Assembly then adjourned till 2-30 p. m. on Friday, the 22nd November, 1940.*

1911

1911年1月1日  
1911年1月1日  
1911年1月1日

1911年1月1日

1911年1月1日

1911年1月1日



1911年1月1日

1911年1月1日

1911

**PUNJAB LEGISLATIVE ASSEMBLY.**  
**SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE**  
**ASSEMBLY.**

Friday, 22nd November, 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.**

*Question No. 6873.*

**AMOUNTS RECEIVED BY NEWSPAPERS FOR WAR PUBLICITY.**

**Pandit Shri Ram Sharma :** Sir, you were pleased to say yesterday that you would allow further supplementary questions about question No. \*6873 to-day, if necessary.

**Mr. Speaker :** All right. I have no objection.

**Pandit Shri Ram Sharma :** Will the Parliamentary Secretary please mention the names of those newspapers the weekly editions of which are bought by the Government ? How many copies of each are purchased by the Government ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** In reply to this question I told the honourable member yesterday to give a fresh notice if he wanted full information.

**Pandit Shri Ram Sharma :** May I know the fund from which this amount is being paid ?

**Parliamentary Secretary :** From the item of Rs. 75,000 which has been provided in the Budget for this purpose .

**Pandit Shri Ram Sharma :** Is it a fact that *Tribune*, *Milap*, *Partap* and *Vir Bharat* refused to accept this offer ?

**Parliamentary Secretary :** The *Tribune* was not invited because the Government had only invited the vernacular papers for this purpose. The representatives of the papers mentioned by the honourable members were present in the conference and they had expressed their agreement with this noble principle. But they could not agree to the terms of the offer, as they feared that some misunderstanding would be created in the mind of the public in spite of the fact that they would not be really in the pay of the Government. It was for this reason that they did not join with other papers.

**Lala Deshbandhu Gupta :** Yesterday you said that all the papers were invited.

**Parliamentary Secretary :** I said all the Urdu papers.

**Lala Deshbandhu Gupta :** Has there been any correspondence between the *Partap* and the *Milap*, and the Government in this connection ?

**Parliamentary Secretary :** I want notice of that question.

**Lala Deshbandhu Gupta :** Are you sure that the *Pratap* also on principle agreed and did not see any objection to accepting the offer ?

**Parliamentary Secretary :** That is my information.

**Lala Deshbandhu Gupta :** May I ask the Parliamentary Secretary whether the Director of Information Bureau received this letter ? I will read it out to you.

17th February, 1940.

**MR. AHMAD, Esq.,**

Director, Information Bureau, Punjab,  
Lahore.

DEAR MR. MR. AHMAD,

I am in receipt of your letter No. D. O. 733-W.P., dated February 15. We have given your offer thoughtful consideration, but I regret to inform you that it will not be possible for us to accept the offer. I know from business point of view, your offer will prove beneficial for us. But we are not prepared to identify ourselves with the present policy of the Government, nor do we want to act as an instrument of the Government. It will be impossible for us to restrict the choice of news to only those which are in accordance with the policy of the Government. In these circumstances we cannot avail of your offer.

Thanking you,

Yours sincerely,

Managing Editor,  
The Daily *Pratap*, Lahore.

**Parliamentary Secretary :** What is the date of this letter ?

**Lala Deshbandhu Gupta :** February 17. Do you also want the year ? It was 1940. (*Laughter.*)

**Pandit Shri Ram Sharma :** What were the conditions of this offer ?

**Premier :** There was no condition except that the said weekly editions should not contain any matter of communal bitterness.

**Parliamentary Secretary :** The Joint Chief Secretary was also present in the conference and the said papers had agreed to the principle of publishing the required weekly editions.

**Mr. Dev Raj Sethi :** May I know if one of the conditions was that the material would be supplied by the Government and that the newspapers in question would not disclose or acknowledge the source of their knowledge ?

**Premier :** No. My honourable friend has been wrongly informed. News is supplied by the Government to all the papers and they publish whatever they like. It may be noted particularly that the news supplied by the Information Bureau, Punjab, is gladly published by the papers because newspapers themselves have no authentic sources of information. As to the complaint that the newspapers are prohibited to acknowledge the source of their information, I can only say that I am not aware of this, as no complaint of this nature has ever been made to me.

**Lala Deshbandhu Gupta :** Is it also a fact that the Director of Information Bureau, Punjab, asked the newspapers to publish the editorials which the former would send them ?

**Premier :** I do not know this, but the only condition that I am aware of was that the newspapers should not publish anything that would savour of communalism.

**Lala Deshbandhu Gupta :** Is this advice being acted upon at present by the papers which have accepted the terms of the Government and the names of which papers are being kept in the secret ? Is it a fact that the contents of all the required 12 pages are supplied by the Director, Information Bureau, Punjab, and the papers publish it straight away ?

**Premier :** I do not know, but I will find it out if the honourable member would give notice.

**Lala Deshbandhu Gupta :** May I know if the Government distributes only the 12 pages and not the rest of the pages of the newspapers which contain independent material ?

**Premier :** I am not aware of it. If my honourable friend gives notice I will inquire into it.

**Lala Deshbandhu Gupta :** I am in possession of a letter of the Director of Information Bureau, Punjab, which was sent to the newspapers and in which the following instruction is contained :—

"Any comments or political and controversial stuff may go if you like in the extra pages which you can add to make up the full paper for consumption of your ordinary subscribers."

Does it not mean that the persons to whom only the 12 pages supplied by the Government will be sent, would receive the impression that it is the policy of *Milap* or *Partap* that is being presented to them in the form of those pages while in fact that would not be the case ?

**Premier :** There is no question of the policy of the *Milap* or *Partap* or the Government. We wanted to avoid all political or controversial material, because otherwise you would have accused us for compelling the newspapers to propagate our views among the public. That is why we avoided political views appearing in them.

**Lala Deshbandhu Gupta :** Is it a fact that the papers have been selected in view of the particular policy or political motive or expedience ?

**Parliamentary Secretary :** I repudiate the insinuation.

**Lala Deshbandhu Gupta :** Will the Parliamentary Secretary be pleased to state whether the offer was made to all the papers ?

**Parliamentary Secretary :** I have said that for the conference representatives of all the vernacular dailies were invited, many of them attended the conference in which all these decisions were arrived at.

**Premier :** If ever we decided to hold such a conference at Delhi I assure the honourable member that he also would be invited.

**Lala Deshbandhu Gupta :** Is it a fact that among the staff of the various newspapers there are people who are in the pay of the Director of Information Bureau and like the fifth column they watch the interests of the Government there ?

**Premier :** I do not know anything about it.

**Lala Deshbandhu Gupta :** Does the Director of Information Bureau pay them without the knowledge of the Honourable Premier?

**Premier :** I have said I do not know anything about it. You are wrongly informed.

**Mr. Dev Raj Sethi :** How long will this arrangement continue?

**Premier :** So long as it is useful.

**Mr. Dev Raj Sethi :** For what period has the payment been made in advance?

**Premier :** Every week one issue is purchased by the Government.

**Lala Deshbandhu Gupta :** Has a sum of Rs. 7,500 been paid to each paper in advance?

**Premier :** I do not know.

**Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state the ground on which the papers alleged that the rates offered to them were too low?

**Premier :** The grounds were that the cost of the paper and printing had increased.

**Lala Deshbandhu Gupta :** May I know the basis on which these rates were fixed?

**Premier :** On cost price.

#### AUTHORISED FULL SUPPLY OF WATER FOR THE WESTERN JUMNA CANAL.

**\*6754. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

(a) the authorised full supply of water for the Western Jumna Canal;

(b) the actual average quantity of water running in the said canal per day during the months of January, February and March each year during the past ten years?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) Full supply of the Western Jumna Canal at Dadupur is 6,784 cusecs.

(b) The information is not easily available.

**Mian Muhammad Nurullah :** Is it available for any period, say one or two years, if not ten?

**Parliamentary Secretary :** It is very difficult to collect the information even for two years.

#### TACCARI IN LYALLPUR.

**\*6775. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

(a) the total amount of *taccari* grants granted to zamindars in each tahsil of the Lyallpur and the Jhang districts for sinking wells and other allied purposes in the year 1939;

(b) the date of application by each of the grantees for *taccavi* loans and the actual date when such loans were sanctioned and paid to each of the applicants;

(c) the number of those who have defaulted in paying back the *taccavi* instalments in each tahsil of the two districts?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a)

Lyallpur	}	Rs. 500 each.
Samundri		
Jhang		

(b)

Name of tahsil.	Date of application.	Date of order.	Date on which <i>taccavi</i> was given.
Lyallpur ..	12th June, 1939 ..	20th September, 1939	6th October, 1939.
Samundri ..	24th January, 1939..	22nd July, 1939 ..	10th August, 1939.
Jhang ..	15th March, 1939 ..	30th August, 1939 ..	1st instalment on 25th September, 1939. 2nd instalment on 9th February, 1940.

(c) *Nil.*

**AREA OF BENAMI LANDS RESTORED TO THE ORIGINAL OWNERS:  
IN THE JHANG DISTRICT.**

**\*6782. Mr. Dev Raj Sethi:** Will the Honourable Minister for Revenue be pleased to state—

(a) the date on which a special officer, if any, was appointed for the enforcement of the Land Alienation (Second Amendment) Act in the Jhang district;

(b) the total area of *benami* lands in the said district restored to the original owners along with the number of holdings up to 31st March, 1940;

(c) the number of applications for restoration of such lands received and the number of those disposed of up to 31st March, 1940;

(d) the approximate value of land restored to the original owners and compensation, if any, given in lieu of improvements effected by those who held possession of these lands;

(e) the number of appeals so far filed with the Collector of Jhang against the orders restoring such lands?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a) 1st May, 1940.

(b) 4,583 kanals 4 marlas and 100, respectively.

[Raja Ghazanfar Ali Khan.]

(c) 486 and 144, respectively.

(d) Rupees 71,717. No improvements were effected by those who held possession of these lands, hence no compensation was awarded.

(e) Appeals in such cases do not lie to the Collector.

#### AREA OF LAND RESTITUTED IN JHANG DISTRICT.

**\*6783. Mr. Dev Raj Sethi :** Will the Honourable Minister for Revenue be pleased to state—

(a) the date on which a special officer, if any, was appointed for the enforcement of the Restitution of Mortgaged Lands Act in Jhang district ;

(b) the total area of land restituted in the said district along with the number of holdings and the number of families affected up to 31st March, 1940 ;

(c) the number of applications for the restitution of mortgaged lands received and the number disposed of up to 31st March, 1940 ;

(d) the approximate value of the land restituted and the amount of compensation allowed to those who had to return these lands ;

(e) the number of appeals so far filed with the Collector of Jhang against the orders restituting the mortgaged lands ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) 1st May, 1940.

(b) Area restored 17,648 kanals.

Number of holdings and families affected : 17 and 8, respectively.

(c) 1,608 and 86, respectively.

(d) Rs. 90,000 and Rs. 70, respectively.

(e) Appeals against such orders do not lie to the Collector.

#### BENAMI TRANSACTIONS AND MORTGAGES.

**\*6790. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

(a) the number of *benami* transactions and mortgages effected before June, 1901, and reported to date in the Hissar and Rohtak districts tahsil-wise ;

(b) the number of applications for the restitution of such mortgages and cancellation of *benami* transactions received by the authorities in these two districts, from Badlada, Tohana, Hansi, Hissar, Sirsa, Mahem, Rohtak, Jhajjar, and Sonapat towns ;

(c) the action intended to be taken to expedite disposal of such applications ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** It is understood that as regards *benami* transactions information is required for the



period after the 8th June, 1901, as before that date there could have been no *benami* transactions in contravention of the Punjab Alienation of Land Act. The information is being collected. It will be supplied to the honourable member when ready.

**EXPENDITURE ON FAMINE RELIEF MEASURES IN ROHTAK DISTRICT.**

**\*6791. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state the total expenditure with details on the famine relief measures of all kinds incurred by the Government to give relief to the people of Rohtak district in 1938, 1939, to date ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** A statement is laid on the table.

*Expenditure on famine relief in Rohtak district.*

	1938.	1939.	1940 (up to end of September).
	Rs.	Rs.	Rs.
<b>54—Famine—</b>			
Test works .. ..	4,351	4,21,773	1,83,616
Spinning centres .. ..	..	15,840	2,505
Gratuitous relief .. ..	..	19,638	46,398
Stud bulls .. ..	..	17,650	9,870
Special staff .. ..	..	17,478	16,502
<b>Total .. ..</b>	<b>4,351</b>	<b>4,92,179</b>	<b>2,58,891</b>

Information regarding fodder concessions by districts is not available.

	1938.	1939.	1940 (up to end of September).
	Rs.	Rs.	Rs.
<b>Tacavi Advances—</b>			
Under Act XII, 1884 .. ..	67,417	9,14,047	2,57,095
Under Act XIX, 1883 .. ..	6,250	12,475	2,100
<b>Tacavi remissions .. ..</b>	<b>4,878</b>	<b>6,888</b>	<b>1,625</b>
<b>Tacavi suspensions .. ..</b>	<b>18,736</b>	<b>60,235</b>	<b>2,14,000</b>
<b>Land Revenue*—</b>			
Remissions .. ..	558	55,148	1,90,325
Suspensions .. ..	68,312	6,66,733	4,46,915
<b>Adiana Remissions†—</b>			
Ordinary .. ..	55,114	89,114	7,365
Special .. ..	3,88,026	4,140	1,922
<b>GRAND TOTAL .. ..</b>	<b>6,13,642</b>	<b>23,00,959</b>	<b>13,80,245</b>

\*Figures are for Rabi 1938 ; Kharif 1938 and Rabi 1939 and Kharif 1939 and Rabi 1940.

†Figures are by financial years.

## EXTENSION OF WESTERN JUMNA CANAL.

\*6885. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether the project of extension of Western Jumna Canal flowing in the Hissar and Rohtak districts has so far been taken in hand by the Government ;

(b) if so, the date on which this work was taken in hand and the probable date by which this work will be completed ?

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

(b) Earthwork on new channels was started in June, 1940. If no unforeseen difficulties arise, it will be possible to give water to Tosham area in Kharif 1941, and to Pai Rohana and Beri Bhalaut in Kharif 1942.

**Khan Sahib Khawaja Ghulam Samad** : May I know whether the Western Jumna Canal and the Sirhind Canal will be extended to other areas in the Rohtak and Hissar districts ?

**Parliamentary Secretary** : I want notice of that question.

**Chaudhri Suraj Mal** : Is it a fact that part of this scheme will pass through Jind territory ?

**Parliamentary Secretary** : I believe so.

**Chaudhri Suraj Mal** : Has the Government come to any arrangement with the Jind State about the use of the land ?

**Parliamentary Secretary** : Correspondence is going on.

**Khan Sahib Khawaja Ghulam Samad** : Is the honourable member in a position to state now how much area will be irrigated by this channel ?

**Parliamentary Secretary** : I shall gladly give those figures if notice of a fresh question is given.

**Pandit Shri Ram Sharma** : Will the Parliamentary Secretary be pleased to state whether it is a fact that the Honourable Ministers assured the people of the Rohtak district that in the year 1940-41 these canals shall get water ?

**Parliamentary Secretary** : The said canals will surely get water in 1940-41. The Honourable Ministers were right in giving this assurance to the people.

**Pandit Shri Ram Sharma** : It has been stated in the answer given by the Government to this question that the canal in question will get water in the year 1942, but the Honourable Premier and the Honourable Minister for Development had assured the people that it would get water in the year 1940.

**Parliamentary Secretary** : Every effort is being made to expedite the work but you must realise that in the construction of canals there are many difficulties which have to be overcome, for example, at many places bridges have to be built.

**Pandit Shri Ram Sharma** : You are right in saying this. But what I cannot understand is why false promises are made to the people unnecessarily.

**Mr. Speaker :** The Minister might say that he intends to do a certain thing. But circumstances change and he is unable to do it. Is that failure on his part or not doing it deliberately ?

**Pandit Shri Ram Sharma :** Yes. That too is possible.

**ALIENATION OF LANDS OF BRAHMAN IN JULLUNDUR DISTRICT.**

**\*7045. Chaudhri Kartar Singh :** With reference to the reply to starred question No. 4008, asked on the 28rd of January, 1939, printed in volume VII, pages 696-97, will the Honourable Minister of Revenue be pleased to state—

- (a) whether any report has been received from the Deputy Commissioner, Jullundur, in regard to the matter of alienation of lands of Brahmans of villages Chopra, Khewa and Ladhewali, tahsil Nakodar, district Jullundur, to money-lenders ;
- (b) if so, will he be pleased to place a copy of the report on the table ; if no report has been received so far the reasons for the delay ;
- (c) whether the Government proposes to take any action in the matter ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) Yes. The attention of the honourable member is drawn to the final answer, copies of which were sent to the Secretary of the Legislative Assembly, as usual, for communication to the honourable member who put it. A copy is laid on the table.

(b) The relevant figures from the report are contained in the copy laid on the table.

(c) No.

**ALIENATION OF THE LANDS OF BRAHMIN OF CERTAIN VILLAGES IN DISTRICT JULLUNDUR.**

**\*4003. Lala Bhagat Ram Choda :** Will the Honourable Minister of Revenue be pleased to state how much land owned by Brahmans of villages Chopra, Khewa and Ladhewali, tahsil Nakodar, district Jullundur, has been transferred to money-lenders and others through auction, mortgage and sale, separately, during the period from 1901 to 1938 ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The required information is given in the statement attached.

*Statement showing information regarding the land owned by Brahmans which has been transferred to money-lenders and others through auction, mortgage and sale during the period from 1901 to 1938.*

Name of tahsil.	Name of village.	TRANSFERRED THROUGH AUCTION TO.		TRANSFERRED THROUGH MORTGAGE TO		TRANSFERRED THROUGH SALE TO	
		Money-lenders.	Others.	Money-lenders.	Others.	Money-lenders.	Others.
		Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Nakodar..	Chuhar ..	3	..	64	55	98	197
Do. ..	Ladhewali	4	..	30	10	24	8
Do. ..	Khewa ..	64	..	175	148	358	284

**MAINTENANCE CHARGES FOR THE RANGOI CANAL IN HISSAR DISTRICT.**

**\*7080. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the District Board, Hissar, in its general meeting held on 27th May, 1940, asked for permission from Government to collect water rate if it was to be held responsible for the maintenance and upkeep of the Rangoi canal in the Hissar canal in the Hissar district in future ;
- (b) if answer to part (a) above be in the affirmative, what steps, if any, Government has taken so far to give effect to that resolution of the District Board taking in view the interests of the zamindars of the villages on this canal ?

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

(b) Government have not received any proposals from local officers so far.

**TRANSFER OF THE MANAGEMENT OF RANGOI CANAL TO DISTRICT BOARD, HISSAR.**

**\*7081. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that before the management of Rangoi canal in the Hissar district was transferred to the District Board, Hissar, it used to be maintained and looked after by the Irrigation Department ;
- (b) if so, the reasons for the transfer of the management of the canal to the District Board ;
- (c) whether it is or it is not a fact that the District Board has not been able to maintain it at all in the past much to the loss of zamindars of the villages irrigated by this canal ; if so, the action Government propose to take in the matter ?

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

(b) The Rangoi Canal which was a District Board concern was made over to the Irrigation Department in 1897, only for carrying out certain improvements as a measure of relieving famine, which affected the Hissar district in that year. The intention was that the canal would have the advantage of starting under expert management and that the District Board would then have no difficulty in taking it over.

The channel remained under the control of the Irrigation Department up to 31st March, 1912, when it was transferred back to the District Board on the following grounds :—

- (i) The channel having been improved by the Irrigation Branch and run satisfactorily for a number of years the District Board would be able to work it equally efficiently and at less cost.

- (iv) The Executive Engineer would be their ex-officio professional adviser and always available for advice on technical matters.
- (iii) The prejudice against the payment of water rates would die out if the Deputy Commissioner had the management of the Canal.
- (iv) Settlement operations were in progress in the District, and this was considered as the most suitable time for transferring the management of the Canal to the District Board.
- (c) It is a fact that the District Board failed to manage the Canal properly. Government have now silt-cleared the canal by employing famine labour at an estimated cost of Rs. 31,278 and the District Board have promised to silt-clear the channels annually after each flood season.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether the District Board intends to change the course of the Rangoi canal to some extent ?

**Parliamentary Secretary :** Only the District Board can answer that.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether after the transfer of the Rangoi Canal from the Government to the District Board, any protest was made by the inhabitants of the villages irrigated by the Rangoi Canal before the transfer ?

**Parliamentary Secretary :** Not to my knowledge.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether representations were received by the Honourable Minister ?

**Parliamentary Secretary :** No such representations were received as far as I am aware.

**Khan Sahib Khawaja Ghulam Samad :** I would request the Parliamentary Secretary to enquire from the Honourable Minister.

**Mr. Speaker :** The honourable member may give notice.

#### RANGOI CANAL.

**\*7062. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the bed of the Rangoi canal in the Hissar district just revived, is several feet higher than the bed of its feeder, the Ghaggar river, and the Rangoi canal will run only when the column of water in the Ghaggar is high enough for feeding the Rangoi canal ; if so, the action intended to be taken to regulate the supply of water in the canal ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** It is correct that the bed of the Rangoi canal is higher than the bed of the Ghaggar river. Government have considered this position but have decided not to take any action. It is not practicable to construct a bund in the river as such a course will affect the rights of the irrigators from the canal that are fed by the Ghaggar river both in British territory and certain Indian States.

**Khan Sahib Khawaja Ghulam Samad :** The Parliamentary Secretary has told the House that the Government has not taken into consideration yet the question of the bed of the Rangoi canal being higher than the Ghaggar river. May I know from him whether the District Board will be in a position to solve this problem, when the Rangoi canal has been transferred to it ?

**Parliamentary Secretary :** I have already stated in my reply that the Government know that the bed of the Rangoi Canal is higher than the bed of the river, but unfortunately there is no remedy.

VISITS BY DIRECTOR AND DEPUTY DIRECTOR OF AGRICULTURE TO  
*BHIT ILAQA.*

**\*6715. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Development be pleased to state for how many times the Director of Agriculture, Punjab, and Deputy Director of Agriculture at Ludhiana have visited the villages in the Ludhiana district to see what improved methods the zamindars of the district have employed during the last three years for increasing the produce from their lands ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (1) During the last three years the Director of Agriculture visited villages in Ludhiana district on six occasions.

In addition the Assistant to the Director of Agriculture also toured extensively in the district on one occasion.

(2) The Deputy Director of Agriculture, Jullundur, toured in Ludhiana district as follows :—

8 times in 1937-38.

11 times in 1938-39.

11 times in 1939-40.

(3) The Extra Assistant Director of Agriculture, in whose charge Ludhiana district is situated, toured—

12 times in 1937-38.

11 times in 1939-40.

11 times in 1939-40.

**Chaudhri Muhammad Hasan :** Is it a fact that the Deputy Director of Agriculture, Jullundur, visited Ludhiana for the purpose of arranging for the meetings in honour of the Honourable Minister for Development's visit ?

**Parliamentary Secretary :** No, Sir.

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

**Chaudhri Muhammad Hasan :** From the fact stated that he visited Ludhiana so many times. With what object did the Deputy Director of Agriculture, Jullundur, tour the district so extensively in 1937-38 ?

**Parliamentary Secretary :** In connection with the departmental duties.

**Chaudhri Muhammad Hasan :** What did he do ? Is it a fact that he held no demonstrations, nor exhibitions to impress upon the zamindars the desirability of taking to improved methods of agriculture ?

## MODEL FARMS AT JAGRAON AND SAMRALA.

**\*6716. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Development be pleased to state whether or not Government intends to open model agricultural farms at Jagraon and Samrala Tahsil headquarters at any future date, and, if it does intend to do so, the date approximately when it is intended to do so?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** It is not intended at present to start agricultural farm at the headquarters of Jagraon and Samrala tahsils.

**Chaudhri Muhammad Hasan :** Has it come to the notice of the Parliamentary Secretary that zamindars of Jagraon and Samrala tahsils have several times submitted representations that they have to go very far off from their villages to Ludhiana headquarters to purchase seeds?

**Parliamentary Secretary :** May be so.

**Chaudhri Muhammad Hasan :** Has the Government ever considered the desirability of providing facilities regarding obtaining seeds nearer home to these people?

**Mr. Speaker :** This is a request for action.

**Chaudhri Muhammad Hasan :** Is it a fact that the zamindars have not been provided facilities so far as these tahsils are concerned, for the improvement of agriculture in these two tahsils?

**Parliamentary Secretary :** May be so.

**Chaudhri Muhammad Hasan :** Is it a fact that in a public meeting addressed by the Honourable Minister for Development and the Honourable Premier zamindars of these two tahsils brought these grievances to their notice?

**Minister for Development :** Not to my notice.

**Mr. Speaker :** That gives information and does not seek any.

DEMONSTRATION BY AGRICULTURAL ASSISTANTS IN  
LUDHIANA DISTRICT.

**\*6717. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Development be pleased to give a detailed tour programme of the agricultural assistants in the Ludhiana district and also the amount of travelling allowance drawn by each of them during the year 1989 and also state the number of places in the district where each of the agricultural assistants held demonstrations to impress on the zamindars the need for introducing and taking to improved methods of agriculture?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** It will take a long time, not commensurate with the labour involved, to prepare detailed tour programme of the agricultural assistants in the Ludhiana district in the year 1989. The following statement shows the amounts of travelling allowance drawn by them and the number of demonstrations held to impress

[Chaudhri Tikka Ram.]

the superiority of the improved methods of agriculture with a view to introduce them amongst the zamindars in the district :—

Agricultural Assistant.	Amount of travelling allowance drawn during the year 1939.	Number of demonstrations held.
	Rs.   A.   P.	
1. Ludhiana Tahsil .. ..	810   6   0	440
2. Jagraon Tahsil .. ..	402   4   0	156
3. Samrala Tahsil .. ..	349   9   0	145

**Premier :** That answers your previous supplementaries.

**Chaudhri Muhammad Hasan :** What is the pay of the agricultural assistants in each tahsil ?

**Premier :** My honourable friend should look it up in the Civil List.

**Chaudhri Muhammad Hasan :** Is it a fact that the travelling allowance drawn by them was four times as much as their pay ?

**Premier :** Figures about the travelling allowances given in the answer are for the whole year.

**Chaudhri Muhammad Hasan :** Is it a fact that the travelling allowance drawn by them was in proportion to the travelling allowance drawn by the Honourable Minister ?

**Mr. Speaker :** Disallowed.

**Lala Deshbandhu Gupta :** Is it a fact that some of the Ministers are also drawing as much travelling allowance as their pay ?

**Mr. Speaker :** Disallowed.

#### COMPLAINTS AGAINST INSPECTOR OF CO-OPERATIVE SOCIETIES, SHAHDARA.

\*7004. **Sardar Sampuran Singh :** With reference to the answer to starred question No. 2624,<sup>1</sup> asked on 8th April, 1938, will the Honourable Minister of Development be pleased to state the result of the consideration of the report on the inquiry in question ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** All the allegations were found to be distorted or baseless and seemed to have been made in the hope of deterring the Inspector from doing his duty in relation to defaulters. In one single instance, however, he was found to have erred and was given a warning.



## MUZAFFARGARH JAIL.

**\*6978. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) the reasons why Muzaffargarh Jail has been selected for the lodging of distinguished public men who have been detained under the Defence of India Rules ;

(b) the maximum summer temperature on record of Muzaffargarh and Rajanpur Jails for the years 1939 and 1938 ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) Owing to the difficulty of providing separate accommodation in most jails, some detainees were for a time lodged in the Muzaffargarh Jail. There are only two there now.

(b) For Muzaffargarh 118 degrees. Figures for Rajanpur are not available.

**Lala Deshbandhu Gupta :** Will the Honourable Parliamentary Secretary please state whether it is necessary under the Defence of India Rules that all detainees should be lodged separately in cells ?

**Parliamentary Secretary :** Due to the financial stringency and the right type of accommodation not being available in all jails, they were lodged separately wherever the accommodation was available.

**Lala Duni Chand :** Is it a fact that the two districts of the Punjab, that is, Muzaffargarh and Dera Ghazi Khan are the Andamans of the Punjab ?

**Premier :** A district that produces stalwarts like my honourable friend Mian Mushtaq Ahmad Gurmani, cannot be the Andamans of the Punjab. (*Laughter.*)

**Diwan Chaman Lall :** May I ask why were the honourable members of this House, who were detained under the Defence of India Rules, sent to this particular jail ?

**Premier :** Because it was necessary to keep them separately and we could not provide better accommodation for them in other jails.

**Diwan Chaman Lall :** May I know whether any enquiry was made from other jails with regard to the accommodation for these political prisoners ?

**Premier :** Every enquiry was made before they were sent to this particular jail ?

**Diwan Chaman Lall :** Will the Honourable Premier lay all the papers in this connection on the table of the House ?

**Premier :** No.

**Munshi Hari Lal :** What was the number of detainees in Muzaffargarh jail ?

**Parliamentary Secretary :** I require notice for this question.

**Lala Duni Chand :** May I know whether the object of Government to keep these political prisoners in Muzaffargarh jail was to keep them out of touch with the political life of the province ?

**Premier :** No. You cannot remain in touch with the political life of the province, if you are detained in any jail in the province.

**Lala Duni Chand :** May I know whether it is not a fact that these political prisoners were sent to distant places in order that they may not remain in touch with the political life of the province ?

**Mr. Speaker :** Disallowed.

**Pandit Shri Ram Sharma :** May I know whether Muzaffargarh jail is the only jail that has the largest number of separate cells ?

**Premier :** Accommodation could very easily be made available in Muzaffargarh jail.

**Lala Deshbandhu Gupta :** May I know whether the honourable members of this House, who have been detained as political prisoners, have been sent to any other jails in this province ?

**Premier :** No.

**Lala Deshbandhu Gupta :** May I know why some honourable members of this House have been sent to Deoli camp ?

**Premier :** Because a request was made for this. They wanted to live together. There they could get better accommodation, better facilities and more amenities.

**Lala Deshbandhu Gupta :** Were they sent there under the orders of the Government of India ?

**Premier :** No.

**Sardar Lal Singh :** Did the Government issue orders to provide them with every convenience there ?

**Premier :** Orders were issued that every facility should be given to them and it was given.

**Lala Duni Chand :** May I know whether the Honourable Premier is quite sure that he or his Government was actuated by consideration of humanity that these persons were sent to Deoli camp ?

**Premier :** I am quite sure. There they will have better accommodation, better facilities and better climate.

**Lala Duni Chand :** Better climate than that of Muzaffargarh ?

**Mian Mushtaq Ahmad Gurmani :** Has not the atmosphere of Muzaffargarh jail improved their looks and habits ? (*Laughter.*)

#### MUZAFFARGARH JAIL PRISONERS.

\*6979. **Sardar Lal Singh :** Will the Honourable Finance Minister be pleased to state the percentage of the prisoners of Muzaffargarh jail who were admitted to the hospital in the months of June, July, August and September in the years 1937-38, 1939-40 ?

**The Honourable Mr. Manohar Lal :** The information the honourable member asks is not readily available as the jail population and the hospital population vary from day to day and consequently the calculation of monthly percentages for four months over a period of four years would involve obtaining the average of several hundred daily percentages, a task

which would require an enormous expenditure of time and labour. I have, however, obtained the relevant percentages for the first day of the months of June, July, August and September in the years 1937—40 inclusive. These figures are given in the statement which is laid on the table.

*Statement showing the percentage of prisoners admitted into the Muszaffargarh Sub-Jail Hospital on the 1st of June, July, August and September of the years 1937, 1938, 1939 and 1940.*

Name of month.					1937.	1938.	1939.	1940.
June	..	..	..	..	..	..	..	..
July	..	..	..	..	..	..	1 41	1 60
August	..	..	..	..	..	..	..	..
September	..	..	..	..	..	..	..	..

#### ACCOMMODATION FOR LEGAL PRACTITIONERS AND LITIGANT PUBLIC IN CIVIL COURTS, LAHORE.

**\*7005. Sardar Sampuran Singh :** Reference to answer to unstarred question No. 408,<sup>1</sup> asked on 4th April, 1938, will the Honourable Minister of Finance be pleased to state as to what action has been taken in the matter of providing adequate accommodation for legal practitioners and litigant public in the civil courts at Lahore?

**The Honourable Mr. Manohar Lal :** Government have accorded administrative approval to the construction of a new civil court building in the Jind House compound, Lahore ; plans and estimates of the building have been forwarded to the Public Works Department, Buildings and Roads Branch, and the work will, it is hoped, be started in the financial year 1941-42. It is expected that the new buildings will remove any inconveniences at present experienced.

#### FIXING OF A CLOCK ON ASSEMBLY BUILDING AND WALLED FENCING OF PUBLIC GALLERIES.

**\*6735. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- whether the Government has considered the desirability of fixing a big clock on the forehead of the Punjab Assembly Buildings ; if so, with what result ;
- whether it has also been considered by the Government to substitute the walled fencing of the public galleries with a metal fencing for the convenience of the visitors in the Assembly Chamber ; if so, with what result ?

**Parliamentary Secretary** (Mir Maqbool Mahmood) : (a) Yes. The clock tower was estimated to cost Rs. 1 lakh, and the scheme was abandoned for reasons of economy.

(b) The question has been examined and it has been decided to postpone further consideration of the matter till the financial position improves.

**Pandit Shri Ram Sharma** : What was the estimate of the cost for which the idea of having a clock was abandoned ?

**Parliamentary Secretary** : As I have already stated it was prohibitive.

**Pandit Shri Ram Sharma** : Another supplementary question, Sir.

**Mr. Speaker** : I am not bound to allow every supplementary question, as in that case the honourable members, who have given notices of questions which are on to-day's printed list, shall not be able to ask their questions. I will allow only important supplementary questions.

**Pandit Shri Ram Sharma** : Sir, I have asked only one supplementary question so far, and you do not allow me to ask a second supplementary question.

#### POLICE RAID ON NIZAM-UD-DIN'S HOUSE.

**\*6999. Mian Muhammad Iftikhar-ud-Din** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the house of one Nizam-ud-Din, son of Pir Bakhsh, caste Lohar, of Husain Khanwala in Kasur tahsil, district Lahore, was raided by a police party on the 24th February, 1940 ; if so, the reasons for the same, and the names of responsible persons of the village present at the time of the raid ;
- (b) whether it is a fact that the said Nizam-ud-Din telegraphically made a complaint to the Superintendent of Police, Kasur, on the 26th February, and also personally saw the said official and after waiting for two days he again sent a telegram to the Senior Superintendent of Police, Lahore ;
- (c) whether it is a fact that on the 8th March, 1940, a complaint was again lodged in the office of Inspector-General of Police and the Senior Superintendent of Police on behalf of the responsible persons of the village in this connection ;
- (d) if the answer to the (a), (b) and (c) be in the affirmative, the action Government has taken in the matter, if no action has been taken, the reasons for the same ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :

(a) The shop of Nizam-ud-Din, Lohar of Hussain Khan Wala, was raided by a police party headed by the Assistant Sub-Inspector, Ganda Singh Wala, on the 24th February, 1940. This raid was based on secret information received personally by the Assistant Sub-Inspector of Police to the effect that an unlicensed pistol was kept in the shop. The police party consisted of the Assistant Sub-Inspector of Police, Ganda Singh Wala, Muhammad Ali,

Zaildar, Mianwala; Mujammad Mukhtar, Sufedposh, Ghaus Muhammad, Lambardar, Burj Kalan, Nizam Din, Arain of Minawala, Bagh Ali, and Ali Mohammad, Lambardars of Hussain Khan Wala.

(b) Nizam-ud-Din did not make any complaint telegraphically on the 26th February, 1940. His brother Ala Din, however, did send a telegram on that day to the Deputy Commissioner, Lahore, and a copy to the Additional Superintendent of Police, Kasur. This complaint was duly investigated by the Station House Officer, Ganda Singh Wala.

(c) There is no record in the office of the Inspector-General of Police of the receipt of a complaint, dated the 8th March, 1940, from Nizam-ud-Din.

(d) Government do not propose to take any action.

**Chaudhri Muhammad Hasan :** Is no record kept of the complaints in the office of the Inspector-General ?

**Parliamentary Secretary :** There is no question of keeping any record. The particular complaint is not to be found in the office, it may not have been received there.

**Chaudhri Muhammad Hasan :** Has the Parliamentary Secretary cared to enquire into the reasons of the loss of this complaint ?

**Parliamentary Secretary :** It is not known whether that complaint was actually received there or not.

**Lala Duni Chand :** May I know if it is generally true that the complaints made are consigned to the waste paper basket ?

**Parliamentary Secretary :** It is not at all true. If certain complaints deserve that fate they are certainly put in the waste paper basket.

**Lala Duni Chand :** May I know in what percentage of the complaints made action is taken by the Government ? Is it not true that even in one case in a thousand action is not taken ?

**Parliamentary Secretary :** Action is taken on all those complaints where action requires to be taken.

**Lala Duni Chand :** Can he state during the last six months in how many complaints of any kind action was taken ?

**Parliamentary Secretary :** Is it possible for me to give an answer now to such a question ?

**Lala Duni Chand :** Is not the Parliamentary Secretary keeping a watch over his department ?

**Mr. Speaker :** Disallowed.

#### DEATH OF ACCUSED BY TORTURE IN POLICE CUSTODY.

**\*7003. Sardar Sampuran Singh :** Will the Honourable Minister of Public Works be pleased to state—

- how many persons since April, 1937, have died while in police custody respecting cases under investigation ;
- in how many of these cases it was found that death was due to torture by the police and whether inquiries were held in these cases ; if so, with what result ;
- the action taken against officials responsible for the deaths ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh): I regret that the answer to this question is not yet ready.<sup>1</sup>

**Lala Deshbandhu Gupta**: When did the Honourable Parliamentary Secretary receive notice of this question?

**Mr. Speaker**: Disallowed.

**Lala Deshbandhu Gupta**: Am I not entitled to ask any supplementary questions?

**Mr. Speaker**: The honourable member is not entitled to ask inadmissible questions.

**Diwan Chaman Lall**: On a point of order. May I ask your ruling in regard to the questions regarding which replies are given that the answers are not ready? Are these to come up on the agenda automatically later on or are the honourable members concerned to be given the replies individually and the House debarred from putting any supplementary questions or whether fresh notice is to be given?

**Secretary**: Our practice is that the answers to questions, to which *ad interim* replies are given, are forwarded to the members concerned when they are received from Government. The answers are also printed in the debates as appendix.

**Lala Deshbandhu Gupta**: The House is practically debarred from putting supplementary questions.

**Premier**: May I point out that in this particular case considerable research is required and the information is to be collected for the last 4 years from all the districts in the Punjab?

**Diwan Chaman Lall**: That is not the point. The question is merely of procedure. May I ask if you would be pleased to reconsider this point as to whether those questions should not re-appear automatically on the list when the answers are ready with the Government department concerned to give us an opportunity of putting necessary supplementary questions?

**Premier**: Answers to questions of this type could very well be refused on the ground that the information asked for will not be commensurate with the labour and cost involved in the collection thereof. Anyhow, in this particular case I am prepared to accommodate my honourable friends and we are obtaining information but it will take some time as it relates to all the districts in the Punjab.

**Diwan Chaman Lall**: My honourable friend is quite correct that it will take considerable time to collect that information. But what I am suggesting is that when the information is collected and my honourable friend is ready to answer the question, that question must automatically come on the list and be answered on the floor of the House, instead of private communication being made to the honourable member concerned.

**Premier**: That is for the Honourable Speaker to decide. In my opinion the answer will become absolutely out-of-date. Suppose at the end of the session a question is asked and its answer is not ready then what would be the position? The present practice is that as soon as we receive the information

<sup>1</sup>For the final answer please see appendix at page 307 *infra*.

it is communicated to the honourable member concerned; and if the other suggestion is adopted it is quite possible that it might take eight months before he gets the information.

**Secretary :** In any case the answer is printed in the debates as appendix.

**Diwan Chaman Lall :** That is not the point. My submission is that when a starred question is put, it is put with the definite object of getting the reply on the floor of the House to enable the members to put supplementary questions. But when the Government says that the answer is not ready, that particular privilege that the honourable members have of putting supplementary questions is withdrawn. So I suggest that when the answer is ready that answer should be given on the floor of the House.

**Premier :** My honourable friend is labouring under a misapprehension. If the answer is communicated to him in writing, my honourable friend, instead of putting supplementary questions, can put down considered questions again and then ask supplementary questions.

#### RATES OF OCTROI IN GUJRAT.

**\*7043. Chaudhri Kartar Singh :** With reference to the starred question No. 4307,<sup>1</sup> asked on the 21st March, 1939, will the Honourable Minister for Public Works be pleased to state the action Government has so far taken or proposes to take in regard to the disparity as between the rates of octroi obtaining in the Gujrat municipality and in the notified area Railway Bazar ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** It has been decided to amalgamate the two local bodies, and the disparity will disappear when one Octroi Schedule, at present under the consideration of Government, is introduced in the amalgamated area.

#### SCHEDULED CASTE REPRESENTATION IN DISTRICT BOARD, HISSAR.

**\*7044. Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether any representations were received from M.L.A.'s of Hissar district belonging to scheduled caste seeking representation for their community on the district board of that district;
- (b) if so, the action taken on those representations; if no action has been taken so far, the reasons therefor ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) A representation was received from certain members of the scheduled castes belonging to the Hissar district.

(b) A person belonging to a scheduled caste has been appointed a member of the district board.

## ELECTION PETITION AGAINST LALA KESAR MAL OF LYALLPUR.

**\*7050. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that on January 28, 1940, or thereabout Lala Ram Labhaya Chanana, son of Lala Sant Ram, filed an election petition against the election of Lala Kesar Mal declared duly elected from Ward No. 2, Lyallpur Municipal Committee;
- (b) the action, if any, so far taken by the Government in the matter, if no action has so far been taken, the reasons for the same;
- (c) when the Government intend to hand over the petition to the Election Tribunal?

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

(b) and (c) Government have appointed a commission to hold an inquiry into the allegations made in the election petition.

**Mr. Dev Raj Sethi :** When was that enquiry committee appointed?

**Parliamentary Secretary :** I cannot give the exact date.

**Mr. Dev Raj Sethi :** Was that enquiry committee appointed soon after the question was put?

**Premier :** My honourable friend has got a very wrong notion about it.

**Mr. Dev Raj Sethi :** Is it a fact that more than nine months have been taken in the matter?

**Parliamentary Secretary :** I cannot say exactly how much time was taken.

## CHOLERA IN PANIPAT.

**\*6862. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state whether it is a fact that cholera broke out in the city of Panipat in the months of August and September, 1940; if so, its causes, the total number of cases reported so far, the total number of deaths due to cholera so far and the precautions the Municipal Committee, Panipat, and the Government are taking to prevent the epidemic from spreading further?

**The Honourable Mian Abdul Haye :** The first case occurred on the 7th September, 1940. The source of infection could not be traced but it was reported that the infection was probably imported from village Kairana of district Muzaffarnagar in the United Provinces which is 14 miles away from Panipat. The last case occurred on the 11th September and the last death on the 13th September. The town was declared free of the disease on the 28th September. Twenty-six cases and 12 deaths were reported in all.

Necessary anti-cholera measures comprising the establishment of a cholera post on the main road to Kairana, the isolation and treatment of cases and their contacts, inoculation, disinfection of water supplies, improving the reporting agency and other sanitary measures were taken to arrest the further progress of the disease. One thousand, three hundred and sixty-one anti-cholera inoculations were performed in the town.



**STABILITY AND EFFICIENCY WAGE OF MEMBERS OF THE TEACHING STAFF.**

**\*6900. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution asking for the guaranteeing of stability and efficiency wage to the members of the teaching staff passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University; if so, what action has been taken by the Government thereon?

**The Honourable Mian Abdul Haye :** Yes. The model rules of service for employees in recognised schools under private management embodied in the Punjab Education Code, as Appendix XXVII, have been made binding on all schools recognised after April, 1933. These rules give the Department adequate powers for enforcing observance of the conditions of service. Compensation for arbitrary termination of services of teachers is secured in accordance with the terms of agreement between the teachers and the management of the school. The draft form of agreement is given in the Punjab Education Code as Appendix XXVIII.

The question of the fixation of a minimum salary of teachers of different qualifications under local body service is under consideration.

**Mian Muhammad Nurullah :** How far have the suggestions made by non-Government Schools Federation been accepted by the Government?

**Minister :** What suggestions?

**Mian Muhammad Nurullah :** A copy of the resolutions together with a letter was forwarded to the Honourable Minister. May I know what changes have been made after those suggestions?

**Minister :** No change has been made by the Government, because action had already been taken.

**Lala Duni Chand :** What is the efficiency wage according to the Minister of Education?

**Minister :** It might be different for the honourable member and different for others.

**Lala Duni Chand :** Does he not know the least salary that a member of the Education Department gets?

**Minister :** It all depends upon the qualifications and the circumstances.

**Lala Duni Chand :** Has the Honourable Minister during the notable period of his regime increased the efficiency wage? May I know what is that figure?

**Minister :** I have not been able to understand the phrase used by the honourable member?

**Lala Duni Chand :** What steps has the Honourable Minister taken to increase the efficiency wage?

**Minister :** The honourable member seems to be labouring under a misapprehension. The question relates to the teachers employed by private schools and not Government institutions and the answer is that the matter is under consideration.

**Lala Duni Chand :** Has the Minister no control over the private schools ? Is he sure that during his period it has been a case of *ترقي معکوس* so far as the efficiency wage is concerned ? (*Laughter*).

#### UNHAPPY PLIGHT OF TEACHERS IN PRIVATE SCHOOLS.

**\*6901. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution drawing attention to the unhappy plight of the teachers in private schools passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidency of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes. The model rules of service for employees in recognised schools under private management embodied in the Punjab Education Code as Appendix XXVII have been made binding on all schools recognised after April, 1938. These rules give the Department adequate powers for enforcing observance of the conditions of service. Compensation for arbitrary termination of services of teachers is secured in accordance with the terms of agreement between the teachers and the management of the school. The draft form of agreement is given in the Punjab Education Code as Appendix XXVIII.

**Mian Muhammad Nurullah :** Is it a fact that recently Government has fixed a maximum limit of grant-in-aid to non-Government schools ?

**Minister :** I am afraid this question does not arise out of the answer that I have given.

#### COMPENSATION FOR PUNJABEES KILLED OR WOUNDED IN FRONTIER MAIL ACCIDENT.

**\*6893. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) the names and number of the Punjabees killed and wounded in the Frontier Mail accident in May, 1940 ;
- (b) steps, if any, taken by the Government to obtain compensation from the authorities concerned for the relatives and dependents of the persons killed and injured ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) So far as is known the only Punjabi passenger killed in the accident was Rai Bahadur Fakir Chand Malhan, Chief Auditor of the G. B. S. Railway, and the only Punjabi injured was Mr. Karamsingh Tejsingh, servant of the former.

(b) No steps have been taken by Government in the matter, as it is for the relatives of the persons concerned to prefer claims against the railway administration. The good offices of the Government, however, are always available in such cases for all possible assistance if and when required.

EMPLOYMENT OF DEPRESSED CLASSES CANDIDATES IN THE DEPARTMENTS IN LYALLPUR DISTRICT.

**\*6921. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state whether any candidates from the depressed classes belonging to Lyallpur district have been given employment by the Government during the last three years in (i) Police, (ii) Co-operative department, (iii) Rural Reconstruction, (iv) Education, (v) as Panchayat Officers ; and (vi) Patwaris ; if so, how many in each department ?

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

BILL FOR DEFINING PRIVILEGES OF THE MEMBERS OF THE ASSEMBLY.

**\*7012. Sardar Sampuran Singh :** Reference answer to starred question No. 1794,<sup>1</sup> asked on 24th February, 1938, will the Honourable Premier be pleased to state whether he proposes to cause a committee of privileges to be appointed ; if so, when ; if not, why not ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** This matter is still under the consideration of Government and I hope to be able to come to decision later in this session, and the honourable member will be informed of what is decided.

GOVERNMENT SERVANTS AND THEIR PARTICIPATION IN THE ACTIVITIES OF POLITICAL ORGANISATIONS.

**\*7014. Sardar Sampuran Singh :** Will the Honourable Premier be pleased to state—

- (a) whether any class of Government servants are allowed to interest themselves in any political organisations such as Congress, Akhbar, Muslim League, Unionist, Hindu Sabha or the Sikh League existing in the Punjab ;
- (b) if so, the names of such organisations and the reasons for this permission ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) No,—vide Rule 20 of the Government Servant's Conduct Rules.

- (b) Does not arise.

PROCLAMATION AGAINST BEGAR TAKEN FROM MEMBERS OF SCHEDULED CASTES.

**\*6708. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that in connection with the proclamation against the *Begar* local officers were instructed to obtain the signatures or thumb-impressions of leading members of the scheduled castes in each village testifying to the fact that the necessary proclamation had been made ; if so, whether such signatures have been obtained from such persons in all the villages in the districts of Rohtak, Gurgaon, Hissar and Karnal ; and if so, in which office these signatures are kept for record ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** First and second parts.—Yes.

Third part.—In district offices.

**Pandit Shri Ram Sharma :** May I know whether it is a public or private record ?

**Parliamentary Secretary :** It is a Government record.

**Pandit Shri Ram Sharma :** Can anybody testify whether signatures have been obtained ?

**Parliamentary Secretary :** Every gentleman should believe a gentleman's word.

**Pandit Shri Ram Sharma :** What is the standard of gentlemanliness ?

**Parliamentary Secretary :** Whosoever believes in the words of a gentleman.

**Pandit Shri Ram Sharma :** May I take it that the local officers who obtained signatures included patwaris, gardawars, etc. ?

**Parliamentary Secretary :** The officers who obtained signatures and thumb-impressions were tahsildars and naib-tahsildars and other Government servants.

**Pandit Shri Ram Sharma :** May I know whether the officers subordinate to the ranks of tahsildars and naib-tahsildars also obtained signatures ?

**Parliamentary Secretary :** Yes. Patwaris and gardawars and other officers obtained the signatures.

**Pandit Shri Ram Sharma :** May I know whether zaildars and sufed-poshes also took part in obtaining signatures ?

**Parliamentary Secretary :** Quite possible. Zaildars may have also obtained the signatures.

**Pandit Shri Ram Sharma :** Replying to my first supplementary question the Parliamentary Secretary has stated that tahsildars and naib-tahsildars took part in obtaining signatures and now he says that zaildars, patwaris and gardawars were also among those who obtained signatures. May I know why he first concealed this fact ?

**Parliamentary Secretary :** I must confess I have not been able to understand the significance of the question put by the honourable member. I do not follow what he is driving at.

**Lala Duni Chand :** Is that a *Shrifana* way of answering a question ?

#### UNSTARRED QUESTIONS AND ANSWERS.

CASES REPORTED AT POLICE STATIONS IN RAWALPINDI DISTRICT.

**1218. Khan Muhammad Yusaf Khan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of cases reported to police at all police stations under different sections of the Indian Penal Code and Criminal Procedure Code by different persons in the Rawalpindi district during the year 1939 and from 1st January, 1940, up-to-date ;

- (b) whether it is a fact that the number of such cases is on the increase; if so, the reasons therefor;
- (c) the number of reports, if any, registered by the police, the number of reports, which the S. H. Os refused to register, the number of cases reported and filed on the contending parties compromising and also the number of cases reported and found on investigation not fit to be challaned, respectively, in 1939 and from 1st January, 1940, up-to-date?

**The Honourable Malik Khizar Hayat Tiwana :**

(a) Number of cases registered under the Indian Penal Code in 1939 .. .. .	1,411
Number of cases registered under the Indian Penal Code from 1st January, 1940, up-to-date (7th November, 1940)	631
Cases under the Criminal Procedure Code are not registered by the Police.	
(b) No, does not arise.	
(c) Number of reports recorded in 1939 .. .. .	1,511
Number of reports recorded from 1st January, 1940, up-to-date (7th November, 1940) .. .. .	1,194
Number of reports which Station House Officers refused to register in 1939 .. .. .	Nil.
Number of reports which Station House Officers refused to register in 1940 up-to-date .. .. .	Nil.
Number of cases filed by the Police on the compromise of the contending parties in 1939 .. .. .	Nil.
Number of cases filed by the Police on the compromise of the contending parties from 1st January, 1940, up-to-date (7th November, 1940) .. .. .	Nil.
Number of cases cancelled in 1939 .. .. .	298
Number of cases cancelled from 1st January, 1940, up-to-date (7th November, 1940) .. .. .	136
Number of cases remained untraced in 1939 .. .. .	403
Number of cases remained untraced from 1st January, 1940, up-to-date (7th November, 1940) .. .. .	170

**CASES REPORTED TO POLICE IN THE PROVINCE.**

**1219. Khan Muhammad Yusaf Khan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of cases reported to the police under different sections of the Indian Penal Code and Criminal Procedure Code by the public throughout the province during the current year up-to-date;
- (b) the number of cases, if any, registered by the police on the reports made to them in the various districts of the province;

[Khan Mohd. Yusuf Khan.]

- (c) the number of cases which ended in compromise before being challaned, the number of cases which the police refused to register and also the number of cases which on investigation were found not fit to be challaned, respectively, during the said period ?

**The Honourable Malik Khizar Hayat Tiwana :** (a) and (b). The value of the information asked for would not be commensurate with the labour and expense involved in its collection. The following information, however, is available and may satisfy the honourable member :—

The total of all reported crime, exclusive of security cases, up to the end of September, 1940, is 42,842. This is made up as follows :—

Murders	..	..	..	1,196
Dacoities	..	..	..	221
Burglaries	..	..	..	18,318
Miscellaneous	..	..	..	27,607
Total				42,842

The figures for the previous year up to the end of September were as follows :—

Murders	..	..	..	1,059
Dacoities	..	..	..	168
Burglaries	..	..	..	14,109
Miscellaneous	..	..	..	26,624
Total				41,960

- (c) No cognizable cases are compromised before being put into court. All cognizable cases reported to the police are registered.

**RAIDS BY POLICE ON HOTELS AND RESTAURANTS IN TOWNS UNDER  
THE PUNJAB SUPPRESSION OF IMMORAL TRAFFIC  
ACT.**

**1220. Khan Muhammad Yusaf Khan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of police raids made in different towns of the province on hotels, restaurants and private abodes under the Punjab Suppression of Immoral Traffic Act, 1935, or under any other law in force, intended to check prostitution, during the current year ;
- (b) the number of cases challaned as a result of the above raids ; if any, how many of these cases resulted in conviction and the nature of punishment awarded in each case ?

**The Honourable Malik Khizar Hayat Tiwana :** (a) Thirty-one raids are reported to have been made by the Police on hotels and restaurants

in towns under the Punjab Suppression of Immoral Traffic Act, 1935, as follows :—

Ludhiana	..	..	..	3
Sialkot ..	..	..	..	1
Amritsar	..	..	..	3
Lahore ..	..	..	..	11
Rawalpindi	..	..	..	18

(b) Twenty-eight cases were challaned and resulted in conviction or otherwise as follows :—

Ludhiana, 8 cases	..	2 acquitted, 1 pending.
Sialkot, 1 case	..	2 males and one female were convicted and sentenced to one month's rigorous imprisonment each.
Lahore, 8 cases	..	7 cases are pending and accused in one case discharged.
Rawalpindi, 16 cases	..	5 cases have ended in conviction, 3 discharged and 8 are pending. In 3 cases accused were fined Rs. 100 and Rs. 150. In 2 cases sentence of one month's rigorous imprisonment awarded.

#### PROSTITUTION HOUSES AND BROTHELS.

**1221. Khan Muhammad Yusaf Khan :** Will the Honourable Minister of Public Works be pleased to state—

- the number of the prostitution houses and brothels in the province according to the police information or the municipal registers ;
- the number of brothels within each municipal limit of the province, the number of prostitutes in each of these brothels, the number of such prostitutes among them who are below 20 years of age ;
- steps, if any, so far taken by the Government to check further progress of prostitution in the province ?

**The Honourable Malik Khizar Hayat Tiwana :** (a) and (b) Neither the police nor the municipalities are under any obligation to maintain lists of brothels and prostitution houses. The police are not empowered to enter places of prostitution or brothels under section 12 of the Punjab Suppression of Immoral Traffic Act, 1935, unless they have reason to believe :—

- that an offence punishable under section 4 has been, or is being, committed in respect of the place.

**NOTE.**—Section 4 has not been extended to any part of the province.

- that a woman or girl in respect of whom an offence punishable under sections 5, 6, 7, 8 and 9 has been committed is found to be therein.

[Minister of Public Works.]

It would not be possible to provide an answer to these two parts of this question without a comprehensive inquiry throughout the province for which there are no statutory powers.

(c) All the provisions of the Punjab Suppression of Immoral Traffic Act, 1935, except section 4, have been applied to the municipal areas of Lahore, Simla, Amritsar, Ludhiana, Rawalpindi and Sialkot; also to Ambala City, Ambala Sadar, Ambala Cantonment, Ward No. 1 of the Dharmasala Municipality and certain areas in the neighbourhood of Ferozepore including Ferozepore City and Ferozepore Cantonment. The provisions of Section 6 of the Act have been applied to the Rohtak and Gurgaon districts.

#### GOVERNMENT HELP TO MISSIONARY SOCIETIES.

**1222. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Government extend help to Missionary Societies either for the uplift of depressed classes or other activities in the form of land, monetary grants or other facilities and concessions;
- (b) if the answer to (a) be in the affirmative, (i) the names of such missionary societies, (ii) the nature of help given to each;
- (c) whether there are any set of rules governing grants-in-aid to such societies doing public welfare work; if so, will he be pleased to lay them on the table?

**The Honourable Major Sir Sikander Hyat-Khan :** (a), (b) and (c). In the past certain grants of land have been made to a few missionary societies or to nominees of those societies, but no such grants have been made since the inception of Provincial Autonomy in April, 1937. Monetary grants are given to medical and educational institutions run by missionary societies on the same conditions as to similar institutions run by other non-official bodies. Details as to names and amounts of grants are not readily available.

#### APPLICATIONS RECEIVED BY THE DEBT CONCILIATION BOARD, JHANG, FROM DEBTORS AND CREDITORS.

**1223. Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state—

- (a) the number separately of applications received from debtors and creditors by the Debt Conciliation Board, Jhang, from 1st April, 1939, to 31st August, 1940, the total amount of money involved in both cases and the amount awarded by the Board;
- (b) the total number of working days on which the Board held sittings and the number of applications disposed of by the Board during this period;
- (c) the number of the applications still pending before the Board and the amount of money expended on the Board in the form of salaries and travelling allowances during the period?

**The Honourable Chaudhri Sir Chhotu Ram :** (a), (b) and (c): A statement is enclosed.



*Statement regarding applications received by the Debt Conciliation Board, Jhang, from Debtors and Creditors.*

(a)

NUMBER OF APPLICATIONS RECEIVED BY THE DEBT CONCILIATION BOARD, JHANG, FROM 1ST APRIL, 1939 TO 31ST AUGUST 1940.			TOTAL AMOUNT OF MONEY INVOLVED.			AMOUNT AWARDED BY THE BOARD.
By Debtors.	By Creditors.	Total.	By Debtors.	By Creditors.	Total.	
710	2,602	3,312	Rs. 16,26,851	Rs. 24,15,670	Rs. 40,42,521	Rs. 19,26,436

(b)

Total number of working days on which the Board held its sittings.	NUMBER OF APPLICATIONS DISPOSED OF BY THE BOARD DURING THIS PERIOD.		
	By debtors.	By creditors.	Total.
357 days.	1,967	3,247	5,214

(c)

Number of applications pending on 31st August 1940.	Amount of money expended on the Board in the form of salaries and travelling allowance during the period.
1,515	Rs. 24,370 10 0

**DACOITIES AND THEFTS IN JHANG AND LYALLPUR DISTRICTS.**

**1224. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state—

- the number of murders, dacoities and thefts committed tahsil-wise in the districts of Jhang and Lyallpur during the last three years;
- the number of cases out of these which have been actually chalaned during this period;
- the number of cases out of these which have remained untraced;
- the number of cases out of these in which the chalans were dismissed by the courts?

**The Honourable Malik Khizar Hayat Tiwana :** Two statements are laid on the table.

*Statement showing the number of murders, dacoities and thefts committed in the Jhang district during the years 1937, 1938 and 1939.*

Year.	Name of Tahsil.	Crime.	Committed.	Actually charged.	Untraced.	Acquitted.
1	2	3	4	5	6	7
1937	Jhang ..	Murders ..	5	3	2	1
		Dacoities ..	1	1	..	..
		Thefts ..	92	55	37	13
	Chiniot ..	Murders ..	6	6	1	3
		Dacoities ..	..	..	..	..
		Thefts ..	78	47	31	9
	Shorkot ..	Murders ..	5	4	1	2
		Dacoities ..	1	1	..	..
		Thefts ..	46	31	15	7
1938	Jhang ..	Murders ..	7	7	..	5
		Dacoities ..	1	1	..	..
		Thefts ..	91	45	46	17
	Chiniot ..	Murders ..	9	6	3	5
		Dacoities ..	..	..	..	..
		Thefts ..	98	53	45	12
	Shorkot ..	Murders ..	5	3	2	1
		Dacoities ..	..	..	..	..
		Thefts ..	59	29	30	7
1939	Jhang ..	Murders ..	11	10	1	6
		Dacoities ..	2	1	1	1
		Thefts ..	97	54	43	13
	Chiniot ..	Murders ..	9	5	4	5
		Dacoities ..	..	..	..	..
		Thefts ..	114	65	49	21
	Shorkot ..	Murders ..	5	4	1	3
		Dacoities ..	..	..	..	..
		Thefts ..	65	37	28	9

*Statement showing the number of murders, dacoities and thefts committed in the Lyallpur district during the years 1937, 1938 and 1939.*

Year.	Name of Tehsil.	Crime.	Committed.	Actually charged.	Untraced.	Acquitted.
1	2	3	4	5	6	7
1937	Lyallpur ..	Murders .. ..	12	9	3	6
		Dacoities .. ..	1	1	..	1
		Thefts .. ..	205	98	119	13
	Jaranwala ..	Murders .. ..	13	8	5	6
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	85	40	45	4
	Samundri ..	Murders .. ..	10	7	3	3
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	87	37	50	12
	Toba Tek Singh ..	Murders .. ..	5	5	..	2
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	123	60	63	9
1938	Lyallpur ..	Murders .. ..	16	14	2	11
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	239	111	128	41
	Jaranwala ..	Murders .. ..	9	6	3	5
		Dacoities .. ..	2	2	..	..
		Thefts .. ..	96	42	54	14
	Samundri ..	Murders .. ..	5	2	3	2
		Dacoities .. ..	1	1	..	..
		Thefts .. ..	119	62	57	18
	Toba Tek Singh ..	Murders .. ..	12	6	6	4
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	174	83	92	27

Year.	Name of Tahsil.	Crime.	Committed.	Actually charged.	Untraced.	Acquitted.
1	2	3	4	5	6	7
1939	Lyallpur...	Murders .. ..	25	18	7	9
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	226	115	111	36
	Jaranwala..	Murders .. ..	11	6	5	5
		Dacoities .. ..	1	..	1	..
		Thefts .. ..	87	52	35	20
	Samundri..	Murders .. ..	9	7	2	4
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	103	52	51	19
	Toba Tek Singh.	Murders .. ..	9	9	..	2
		Dacoities .. ..	..	..	..	..
		Thefts .. ..	166	78	88	16

**CASES OF ILLICIT DISTILLATION OF WINE IN JHANG, LYALLPUR AND MULTAN DISTRICTS.**

**1225. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of criminal cases instituted tahsil-wise in the districts of Jhang, Lyallpur and Multan during the last three years against illicit distillers of wine ;
- (b) the number of cases out of them dismissed during the same period by different courts of law ;
- (c) the number of cases out of these in which illicit distillers were sent to jail ;
- (d) the total amount of money paid as reward to informers in connection with these cases during this period ;
- (e) the total cost which the Government had to bear in connection with the institution of such cases during the period ;
- (f) the total amount of fine realised by the Government from illicit distillers during this period ?

**The Honourable Mr. Manohar Lal :** Government consider that the labour, time and expense involved in collecting the information would be out of all proportions to the importance of the question asked.

## RECRUITMENT OF CONSTABLES IN MULTAN DIVISION.

1226. **Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state the number of constables recruited for the Multan Division, community-wise, during the last 12 months, giving figures for each district, and also the names of districts to which the recruits belong by birth?

**The Honourable Malik Khizar Hayat Tiwana :** The statement is laid on the table:

*Statement showing recruitment of constables in the Multan Division during the last 12 months.*

Serial No.	District.	Total number recruited.	Muslims.	Hindus.	Sikhs.	Others.	Residence.	No.
1	Montgomery ..	121	79	20	22	..	Montgomery ..	36
							Jullundur ..	8
							Jhang ..	3
							Gujranwala ..	3
							Shahpur ..	6
							Lahore ..	5
							Lyallpur ..	11
							Jhelum ..	9
							Gujrat ..	2
							Hoshiarpur ..	3
							Rawalpindi ..	4
							Sialkot ..	6
							Attock ..	2
							Amritsar ..	6
							Gurdaspur ..	1
							Ferozepore ..	2
							Mianwali ..	1
							Sheikhpura ..	4
							Hazara (North-West Frontier Province).	1
							Kangra ..	3
							Ludhiana ..	2
							Ambala ..	1
							Rohtak ..	2
	Total ..							121
2	Lyallpur ..	71	52	7	11	1	Lyallpur ..	59
							Lahore ..	1
							Jullundur ..	1
							Sialkot ..	3
							Gurdaspur ..	1
							Jhelum ..	1
							Mianwali ..	1
							Amritsar ..	1
							Gujrat ..	1
							Jhang ..	2
	Total ..							71



Serial No.	District.	Total number recruited.	Muslim.	Hindus.	Sikhs.	Others.	Residence.	No.
6	Dera Ghazi Khan	77	67	9		1	Dera Ghazi Khan	29
							Mianwali ..	12
							Rawalpindi ..	6
							Muzaffargarh ..	6
							Shahpur ..	7
							Gujrat ..	4
							Jhelum ..	4
							Jhang ..	4
							Sialkot ..	1
							Hoshiarpur ..	1
							Hazara ..	2
							Lahore ..	1
							Total ..	77
	GRAND TOTAL	509	365	81	61	2	..	509

**RECRUITMENT OF SUB-INSPECTORS AND ASSISTANT  
SUB-INSPECTORS**

**1227. Mr. Dev Raj Sethi:** Will the Honourable Minister for Public Works be pleased to lay on the table a statement showing for the last three years the number of Sub-Inspectors and Assistant Sub-Inspectors of Police appointed by direct recruitment, community-wise, giving their educational qualifications?

**The Honourable Malik Khizar Hayat Tiwana:** Direct appointments to the rank of Sub-Inspector are now made for the Prosecuting Branch only. A statement showing the number of Prosecuting Sub-Inspectors and Assistant Sub-Inspectors recruited by direct appointment during the years 1938, 1939 and 1940 is laid on the table.

*Statement showing the number community-wise of Prosecuting Sub-Inspectors and Assistant Sub-Inspectors appointed during the years 1938, 1939 and 1940.*

Year.	Muslims.	Hindus.	Sikhs.	Christians.	Total.	Educational qualifications.				
1	2	3	4	5	6	7				
<i>Prosecuting Sub-Inspectors.</i>										
1938	4	2	2	..	8	Muslim	..	B.A., LL.B.	..	4
						Hindu	..	Do.	..	2
						Sikh	..	Do.	..	2

Year.	Muslims.	Hindus.	Sikhs.	Christians.	Total.	Educational qualifications.
1	2	3	4	5	6	7
1939 ..	6	8	7	..	21	Muslim .. B.A., LL.B. .. 6 Hindu .. M.A., LL.B. .. 1 B.A., LL.B. .. 6 B.Sc., LL.B. .. 1 Sikh .. B.Sc., LL.B. .. 1 B.A., LL.B. .. 6
1940 ..	5	5	..	..	10	Muslim .. B.A., LL.B. .. 5 Hindu .. Do. .. 5

*Assistant Sub-Inspectors.*

1938 ..	21	8	13	1	43	Muslim .. B.A., LL.B. .. 1 B.A. .. 8 F.A. .. 12 Hindu .. B.A., LL.B. .. 1 B.A. .. 4 F.A. .. 3 Sikh .. B.Sc. .. 1 B.A. .. 4 F.A. .. 7 Chiefs College Diplo- ma. .. 1 Christian .. F.A. .. 1
1939 ..	13	4	10	..	27	Muslim .. B.A. .. 8 F.A. .. 6 Hindu .. M.A. .. 1 B.A. .. 2 F.A. .. 1 Sikh .. B.Sc. .. 1 B.A. .. 4 F.Sc. .. 1 F.A. .. 4
1940 ..	17	5	8	1	31	Muslim .. M.A., LL.B. .. 1 B.A. .. 5 F.A. .. 11 Hindu .. B.A. .. 2 F.A. .. 2 Army Certificate .. 1 Sikh .. B.Sc. .. 1 B.A. .. 3 F.A. .. 4 Christian .. F.A. .. 1



**ADMISSION OF STUDENTS TO PUNJAB COLLEGE OF ENGINEERING AND TECHNOLOGY, LAHORE AND PUNJAB AGRICULTURE COLLEGE, LYALLPUR.**

**1228. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state, community-wise, the total number of students admitted to the (i) MacLagan Engineering College, Mughalpura, (ii) Punjab Agriculture College, Lyallpur, during the last 3 years?

**The Honourable Malik Khizar Hayat Tiwana :** The total number of students admitted communitywise to (i) the Punjab College of Engineering and Technology, Lahore, and (ii) Punjab Agricultural College, Lyallpur, during the last three years, is as follows :—

<i>Punjab College of Engineering and Technology.</i>			
<i>Muslims.</i>	<i>Hindus and Others.</i>	<i>Sikhs.</i>	<i>Total.</i>
188	91	48	272
<i>Punjab Agricultural College.</i>			
117	71	45	233

**MURDER OF HINDU AND SIKH MONEY-LENDERS.**

**1229. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state—

- the number and particulars of the Hindu and Sikh money-lenders murdered during 1937—39;
- the total number of the accused that were challaned by the police in this connection specifying the number belonging to the various communities;
- the number of these among them who have been convicted specifying the number of those sentenced to death;
- the number of cases in which the culprits could not be traced?

**The Honourable Malik Khizar Hayat Tiwana :** (a) 27 Hindu and 5 Sikh money-lenders were murdered during 1937—39. A statement giving the particulars is laid on the table :—

	<i>Hindus.</i>	<i>Sikhs.</i>	<i>Muslims.</i>
(b) 58 accused were challaned	18	16	24
(c) 18 accused were convicted	5	6	2
7 accused were sentenced to death	3	1	3
(d) 9 cases remained untraced.			

**SALE OF AGRICULTURAL LAND.**

**1230. Sardar Sampuran Singh :** Will the Honourable Minister of Revenue be pleased to state—

- the number of persons who have been turned landless in the province as a result of the sale of agricultural lands each year during the years 1931—40;
- the number of such agricultural labourers whose lands have been mortgaged during the same period in their entirety?

**The Honourable Dr. Sir Sundar Singh Majithia :** This information is not readily available. The collection of these statistics would require an amount of time and labour out of all proportion to the results obtainable. I regret that the Government do not feel justified in collecting the information.

**SALE AND LEASE OF LAND ON THE HAVELI PROJECT.**

**1231. Sardar Sampuran Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of the persons to whom Crown lands have been given so far on lease or to whom they have been sold as a result of colonization operations in connection with the Haveli Project ;
- (b) whether any such lease of land has been given so far to non-cultivating landholders ; if so, their names and the area leased out to each of them ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a)<sup>1</sup> A list of persons to whom land has been sold or leased in the Haveli Project Colony is laid on the table.

(b) The land sold or leased is granted to the highest bidder or tenderer regardless of whether he is a cultivating landholder or not, and no information is available to show which of these persons are cultivating landholders. The area leased is for short periods and the permanent allotment of land in the Haveli Project is now beginning.

**COMMUNAL REPRESENTATION AMONG SUB-DIVISIONAL OFFICERS AND ASSISTANT ENGINEERS, BUILDINGS AND ROADS BRANCH, PUBLIC WORKS DEPARTMENT.**

**1232. Chaudhri Sahib Ram :** Will the Honourable Minister of Public Works be pleased to state with regard to the Buildings and Roads Branch of the Public Works Department—

- (a) how many overseers are officiating as Sub-Divisional Officers and what is the number of respective communities, viz., Hindus, Muhammadans and Sikhs ;
- (b) among the Hindus officiating as Sub-Divisional Officers what is the number of Hindu agriculturists and if it is nil what action is proposed to be taken to redress the grievances of Hindu agriculturists ;
- (c) after the new recruitments of Assistant Engineers how many Sub-Divisions will normally be available for the overseers and the share which Government intends to reserve for the Hindu agriculturist overseers ;
- (d) the number of Assistant Engineers promoted to class 1 service from the old ranks last year giving the figures, community-wise and with the number of Hindu agriculturists among Hindus,

<sup>1</sup>Kept in the Assembly Library.

and if the number of Hindu agriculturists is nil, what steps Government intends taking to redress the grievances of Hindu agriculturists on this account;

- (e) the number of Assistant Engineers to be recruited this year and what proportion has been reserved for Hindu agriculturists?

**The Honourable Malik Khizar Hayat Tiwana:** (a) 9 overseers are officiating as Sub-Divisional Officers at present of which 5 are Hindus, 3 Muslims and one Sikh;

(b) Nil. There are only 5 Hindu agriculturists overseers at present employed in this Branch and they are too junior to be considered for promotion to the rank of the Sub-Divisional Officers.

(c) After all Engineer Officers recently appointed have joined, 7 overseers will remain in charge of sub-divisions and these overseers, who are officiating as Sub-Divisional Officers, will continue to hold charge of sub-divisions. In view of the reply to question (b) no reservation is possible for Hindu agriculturist overseers. It is added that the posting of overseers as officiating Sub-Divisional Officers is made by selection and not on a communal basis.

(d) The number of officers promoted last year to the Punjab Service of Engineers (New) from the old Service community-wise is as follows:—

	Number.	Agriculturist.	Non-agriculturist.
Hindus .. ..	7	1	6
Muslims .. ..	1	..	..
European .. ..	1	..	..

The promotions were made by strict selection. Recruitment to various Services in this Branch is made on a basis of 60 per cent agriculturists and this proportion will be adhered to when recruitment of Hindu Engineer Officers is made in future.

- (e) Seven Engineer Officers have already actually been recruited and two more are to join.

### SHORT NOTICE QUESTION AND ANSWER.

#### HOURS OF EXAMINATION FOR PUNJAB CIVIL SERVICE

##### (EXECUTIVE BRANCH).

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): My honourable friend, Chaudhri Muhammad Hassan, gave notice of a short notice question and I agreed to accept that short notice question. But unfortunately that acceptance has not been communicated to the Assembly Office in time. Since the matter is urgent from his point of view I take this opportunity to make the position quite clear. The question is with regard

Will the Honourable the Premier be pleased to state whether it is a fact that in the Punjab Civil Service (Executive Branch) Competitive Examination to be held on the 25th November, 1944, the time fixed from 1 p.m. to 4 p.m. for the second paper on that day clashes with the time for Zohar prayers; if so, what action does the Government propose to take to remove this grievance of the Muslim candidates appearing in the said examination?

[Premier.]

to the time of the competitive examination for the Punjab Civil Service (Executive Branch). This is the position.

The Public Service Commission has already notified that the second paper for this examination will begin at 2-30 p.m. on Fridays and at 2 p.m. on other days except the first Monday when it was notified to begin at 1 p.m. This will show that the Public Service Commission had already given consideration to the reasonable convenience of the examinees. Moreover, on a reference by the Government, the Public Service Commission has already intimated that they propose informing the examinees concerned on the morning of the 25th instant that the second paper, as on other days except Fridays, will begin at 2 p.m. and continue up to 5 p.m. As such the Government does not consider it necessary to take any further action in the matter.

#### WITHDRAWAL OF REMARKS ABOUT THE PRESS.

**Lala Deshbandhu Gupta :** Sir, I have been given to understand that some members of the Press Gallery have taken offence at the remarks made by me in one of my questions.<sup>1</sup> I wish to make it perfectly clear that no insinuation was meant against the sub-editors or reporters as such. An instance or two had come to my notice and so it was in order to protect the honour of the press and to get correct information that the question was put. If the press has taken offence at it, I am very sorry. I may assure the members of the press that no offence was meant. It was far from my intention. I am always for safeguarding the interests and integrity of the press.

**Mr. Speaker :** The honourable member's statement is really very commendable and I hope the members of the press will appreciate it.

**Pandit Shri Ram Sharma :** May I know the remarks objected to by the press?

#### ADJOURNMENT MOTIONS.

##### UNSATISFACTORY REPLY TO A QUESTION TO NEWSPAPERS AND WAR PUBLICITY.

**Mr. Speaker :** Does Lala Deshbandhu Gupta want to move his adjournment motion?

**Lala Deshbandhu Gupta :** I shall take only one minute to explain my position. I wish only to point out that my object would be amply served if the Government in future would answer the questions not in an evasive manner as they did yesterday. The simple question was, the names

<sup>1</sup>The members of the Press Gallery of the Punjab Legislative Assembly strongly protest against the mischievous insinuation contained in the remarks made by Lala Deshbandhu Gupta on the floor of the House on November 22 during the question hour against Sub-Editors and Reporters of newspapers. It is hoped that Mr. Gupta will withdraw his remarks on the floor of the House.

<sup>2</sup>Lala Deshbandhu Gupta, M.L.A., to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the unsatisfactory reply given to starred question No. 6963, on 21st November 1940.

of newspapers with the amount they received from the Punjab Government for war publicity. It was a very simple question and the Parliamentary Secretary could have answered it. Instead of doing so he wasted about half an hour of this House and yet would not disclose the names of the press although he admitted all the facts that were alleged yesterday. So, if the Honourable Premier or his Parliamentary Secretary would answer question in future properly I will not press my motion.

REMEDIES AGAINST *TIRAK* EPIDEMIC TO COTTON CROP.

**Sardar Ajit Singh :** Sir, I beg to ask for leave to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Agriculture Department to research suitable remedies against the *tirak* epidemic to the American cotton crop for the last two years resulting in the total failure of the crops and thereby heavy losses to the zamindars of Nili Bar and Ganji Bar colonies.

(*Punjabi*) : The adjournment motion for which leave is being sought is of vital importance and I think it is in order. The object of this motion is to discuss the failure of the Agriculture Department in making researches with a view to finding out some suitable remedies for combating the *tirak* epidemic. Now, Sir, this *tirak* disease has been causing havoc to the American cotton crops for the last two years with the result that the zamindars of Nili Bar and Ganji Bar had to sustain heavy losses. But the Department of agriculture which has been established for the purpose of helping the zamindars in the matter of cultivation of better crops and their protection from destructive diseases has remained inert in the discharge of its duties. From the reports of this very department it appears that last year damage to the extent of 70 to 80 per cent was caused to the American cotton crops by *tirak* epidemic in the abovementioned colonies while this year too about 60 to 70 per cent American cotton crops have totally failed due to this disease. But this department has not taken any step to find out suitable remedies, therefore this department has failed to discharge its proper duties. About 20 lakhs of rupees are annully spent on the maintenance of this department. I think that this colossal amount which comes directly from the pockets of the poverty-stricken zamindars, is being wasted as the department has not moved its little finger in finding out an antidote or some suitable remedies for getting rid of this detestable *tirak* epidemic. I am of the opinion that such a sluggish department, which takes no pains for the welfare of the zamindars, should be abolished lock, stock and barrel, so that the amount of Rs. 20 lakhs may be utilised in some more useful manner. The zamindars cannot afford to see this huge wastage of money. This failure on the part of the Agriculture Department is an urgent matter of public importance and I am sure you will be disposed to hold this motion in order and allow its discussion. Otherwise it will be a great injustice done to the sufferers.

**Mr. Speaker :** Disallowed.

APPLICATIONS FOR ENLISTMENT AS VOTERS.

**Mian Muhammad Nurullah :** 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, refusal by officials at Toba Tek Singh

[Mian Muhammad Nurullah.]

and Lyallpur to receive the applications for claims to enlist as voters on various unlawful grounds, namely, the person filing the application did not hold a stamped power of attorney on behalf of the applicant, etc., etc.

**Mr. Speaker :** Will the honourable member first please state whether under the rules in force persons acting for others are exempt?

**Mian Muhammad Nurullah :** Yes, sir. I have got with me at this moment the Punjab Legislative Assembly Electoral Rules, as published in a circular issued by the head office of the Government. Rule 11 conforms to rule 4 in the Electoral Manual and reads as follows :—

۱۱ دعوے یا عذر داران بذریعہ مختار مجاز پیش کی جاسکتی ہیں۔

This is what is said about the *dava* :—

کوئی دعوے یا عذر داری پیش کرنے والے کو مختار نامہ یا سوگند اس صورت کے مختار نامے کوٹ کا اینڈو رگٹ ہو تحریر ہونا لازمی ہے جس پر دعوے دار یا عذر دار کے دستخط ہوں۔

It does not say that it should be stamped.

اور جو سی الیریٹی مجسٹریٹس۔ جج رجسٹرار۔ ڈیپوٹار۔ لمپرڈار یا وائسبل کہائی۔ چوٹائی۔ نوٹ فکٹ اپہیا۔ شمال ناٹین کی فہرست رائے دہندگان کے لئے مقمر کائی مذکور کے کسی ممبر کے دستخط یا مہر سے صدیق شدہ۔ ہر ایک دے اور عذر داری کے لئے جو کسی دعوے دار یا عذر دار کی طرف سے پیش ہو عائد علیحدہ مختار نامہ داخل کرنا ضروری ہے۔ دعوے اور عذر داران بذریعہ ڈاک ارسال کی جاسکتی ہیں اور عذر دار کا نام لکھا۔

That is all that is required.

۱۲ دعویٰ اور عذر دارین پر کسی اسٹمپ کی ضرورت نہیں۔

It is absolutely clear from this that you do not require any stamp on the *mukhtarnama*. Yet to my personal knowledge many applications have been refused on this ground of want of stamp. The officers say, "better get an advocate of the High Court". There is no necessity of bringing an advocate of the Court in regard to this matter. The valuable right of voting has been lost to them and is being lost daily.

There are other grounds also on which the applications are rejected. One of such grounds is that when a lady member applied that her husband was paying more than Rs. 500 as land revenue and his name was entered in the new electoral roll, and that her name also should be entered in the new list, and when an advocate took the application to the Tahsildar, he said, "Take it to the Town Committee, because the applicant is now a resident in the town". The application was taken to the Secretary of the Municipal Committee and he said, "It is not properly filled in." At the time the application was put in, that officer had to act only as a post box. He had no judicial or any other authority to deal with the application then. Only when the time for examining the applications came should he act judicially and accept or reject them. He was not acting then as a revising authority and could not deal with applications as such.

Another case I know of personally is one that happened in Toba Tek Singh. There an agent took 40 applications from one village to the tahsildar (21 from males and 19 from females) and he said to the agent to bring those people.

**Mr. Speaker :** Now the honourable member is discussing the motion. At this stage the hon'ble member is requested to state only the object of the motion.

**Mian Muhammad Nurullah :** The object of the motion is that they are losing the valuable right of vote which they should get by applying according to the rules. The adjournment motion is in order, it is urgent and it is of public importance.

**Premier :** What is the object of this motion ? Supposing my friend is correct. What is going to happen ? I suggest that he might ask those people to put in a written application. If there has been any technical mistake and on account of that mistake certain applications have been rejected, then it is open to the Election Commissioner under his special power to look into them, otherwise I cannot see any remedy.

**Mian Muhammad Nurullah :** It is very important that the revising authorities have against the rules issued notices that these applications would be heard on the 25th. The rules are definite that they cannot be heard within seven days or after thirty days. Unless you extend the date these irregularities will go on and people will lose a valuable right and many applications which have been admitted for the time being would be unnecessarily rejected.

**Premier :** The position is as I explained yesterday. There may be several voters who might have been left out. My friend must remember that these election rules relate to the whole of the province and he knows that the number of voters is over three million. If later on the revising authorities find that technical mistakes have been committed, I am sure they will consider them sympathetically. It is no use wasting time. Mian Nurullah told me that several voters have been left out. I find that several hundreds of voters have been left out in Lahore and the explanation is quite simple. The reason is that in the last election, and in this election too it is necessary for women voters, who have got the literacy qualification, to apply. An application is necessary. The Electoral Officer could not put in those names even though they appeared in the last list. I am, of course, talking of the preliminary roll. Because they did not apply, several thousands of voters have been left out of the preliminary rolls in Lahore and Amritsar. These rolls were apparently checked by the Election Commissioner himself and he noticed this disparity and he went carefully into the question and he discovered that the disparity was due to the fact that the women voters had not filed their applications. The mistake can be rectified by putting in regular applications.

**Mr. Speaker :** The question is whether an agent can be appointed without a duly stamped power of attorney.

**Mian Muhammad Nurullah :** May I read out from the rules published by the Government ? Rule 4 on page 75, chapter VI of the Punjab Legislative Assembly Electoral Manual, 1936, reads thus : A claim shall

[M. Muhammad Nurullah.]

relate to one person only. It shall be in writing in form No. V or form No. VI appended to these rules, as may be appropriate and it shall be verified by the claimant and shall be presented by him or by a duly authorised agent. If the claim is in form V.

**Mr. Speaker :** My knowledge of law has become rather stale, but I very much doubt whether the honourable member's contention is sound.

**Mian Muhammad Nurullah :** This power of attorney is not to be stamped.

**Mr. Speaker :** I am not quite sure.

**Lala Duni Chand :** I want to ask one question.

**Mr. Speaker :** From whom ?

**Lala Duni Chand :** The Hon'ble Premier. Will the Honourable Premier take cognizance like a good magistrate of the fact that—

**Mr. Speaker :** That is not a question.

**Diwan Chaman Lall :** May I draw your attention to this particular matter ? With your vast experience of elections and legislatures—

**Mr. Speaker :** I have already said that my knowledge has become very stale.

**Diwan Chaman Lall :** Your knowledge is very fresh. With your vast knowledge of these matters you will recall—

**Mr. Speaker :** Is the Government Advocate here ?

**Premier :** No.

**Diwan Chaman Lall :** May I draw your attention to this ? You will recall out of your vast experience that when for an election it is necessary to appoint an election agent no stamp is required. All that is required is a simple ordinary piece of paper on which one writes : " I hereby authorise so and so as my election agent....."

**Mr. Speaker :** The best course is that the honourable member may give me a brief note of his points, I will consult some lawyer.

**Mian Muhammad Nurullah :** If you do so before the date fixed by the revising authority to hear objections it will be very useful.

**Diwan Chaman Lall :** You being a brilliant lawyer yourself the submission that I want to make in regard to this matter is that all the circumstances connected with this adjournment motion of which notice was given yesterday may be taken into consideration by you, because it is a matter which affects vitally the interests of the House.

**Mian Abdul Aziz :** May I add one word more ? You will be pleased to ask the Honourable Premier to let you have copies of all those *communiqués* and other instructions issued subsequent to 1936. I remember there is one particular *communiqué* in which it was stated that no stamp fee is required for the power of attorney.



**Premier :** I think my honourable friend is correct. I also remember having seen a poster in which it was stated, that no stamp was required, if that is what he means. But I am not sure whether it related to an application or power of attorney. I have not got the papers here, otherwise I would have satisfied him.

**Malik Barkat Ali :** I want to clarify the position. Under the Court Fees Act every power of attorney has got to be stamped unless Government by a special notification exempts the *mukhtarnama* from the operation of the Act. The request of Mian Muhammad Nurullah properly understood is that the Honourable Premier may be pleased to exempt these powers of attorney for the purposes of the electoral rules from the operation of the Court Fees Act. Ordinarily, even application made for entry of names into the electoral roll as well as applications made for objecting to names entered in an electoral roll require to be stamped under the Court Fees Act. But Government has already exempted these applications from the operation of the Court Fees Act. Therefore so far as applications for inclusion and objections are concerned, they stand already exempted. But so far as powers of attorney are concerned, they have got to be stamped under the Court Fees Act except in the case of Advocates of the High Court, unless Government chooses to exempt. That is why in these instructions Advocates of the High Court are exempted. Therefore under the law, as it stands, powers of attorney have got to be stamped. Reference was made to the declaration of an election agent. I may state for the information of the House that so far as declarations of election agents are concerned, it has been held by the courts that these declarations by themselves do not come within the definition of a power of attorney as defined in the Court Fees Act. They are merely declarations and as such do not require any court fees.

**Mian Abdul Aziz :** As I have already submitted I remember there is a *communiqué* or something else which exempted these things. If the honourable Premier gets hold of these *communiqués* and other orders I am sure he will find it.

#### SUPPLEMENTARY ESTIMATES (1ST INSTALMENT), 1940-41.

**Minister of Finance** (The honourable Mr. Manohar Lal) : Sir, I beg to present the Supplementary Estimates (1st instalment), 1940-41, and I beg to intimate that the demands made in these estimates are made on the recommendation of the Governor.

#### THE CITY OF LAHORE CORPORATION BILL.

**Minister of Public Works** (The Honourable Malik Khizar Hayat Tiwana) Sir, I beg to present the Report of the Select Committee on the City of Lahore Corporation Bill.

#### CRIMINAL LAW (SECOND AMENDMENT) BILL.

**Mr. Speaker :** The House will now proceed to consider the Punjab Criminal Law (Second Amendment) Bill.

*Clause 1.***Mr. Speaker :** 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 title stand part of the Bill.

*The motion was carried.***Premier** (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I beg to move—

That the Punjab Criminal Law (Second Amendment) Bill be passed.

**Mr. Speaker :** Motion moved—

That the Punjab Criminal Law (Second Amendment) Bill be passed.

**Mr. Dev Raj Sethi** (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, the Honourable Premier has attached little importance to the Criminal Law (Second Amendment) Bill and wants to rush it through. From our point of view it is a very important measure. We have read the statement of objects and reasons and nowhere there are the main reasons for moving this amending Bill given. When last time the Honourable Premier stood up to answer the criticism levelled against this measure we, requested him to acquaint us with the reasons why he wanted to inflict, it on the province for another period of five years. He could not give any satisfactory reasons for bringing forward this Bill. When in 1932 this amending Bill was moved, Sir Henry Craik, our present Governor, was the Finance Member and it was he who moved it.

While introducing it he related the special reasons and the emergent circumstances under which it was considered most indispensable and above all his tone was most apologetic and he assured the House that it would be used very sparingly. Now, sir, with your permission I shall point out the difference between the state of affairs that was prevalent at that time and the circumstances which are obtaining in the Punjab now, in order to stress the point that the Bill now before the House should not be placed on the statute book. At that time, that is in the year 1932, the reason for introducing the Punjab Criminal Law (Amendment) Act was that although civil disobedience movement was practically dead in the Punjab, the activities of the terrorist party were in their full swing. The memory of hanging of Bhagat Singh, who was regarded as a great patriot by the young men, was still fresh as he was hanged only the previous year. In fact at that time the terrorist movement was regarded as a great danger to law and order in the Punjab. The communist party which preached the cult of violence and nihilism and

4 p. m.

for suppression of which the Act referred to above was introduced existed in much more organised form. If we study the state of affairs of those days we would find that many posters of a seditious nature were published by the young communist party. Sir Henry Craik, who was then the Finance Member read out extracts from some of them. I will only quote one of those extracts for the information of the honourable members. It was as follows :

Watch for the date of action and then burn all foreign cloth shops ; set fire to all police stations ; burn railway bridges ; cut telegraph wires ; shoot on the spot any Britisher in India ; kill any Indian Officer who is working like a dog in the hands of the tyrants ; burn their houses and the houses of their relatives. In brief create havoc and anarchy in the length and breadth of the country."

**Mr. Speaker :** At this stage the honourable member should confine his remarks to what is contained in the Bill.

**Mr. Dev Raj Sethi :** The only thing which is stated in the Bill is that in subsection (9) of section (1) of the Punjab Criminal Law (Amendment) Act, 1935, for the word " five " the word " ten " shall be substituted. In other words, it means that the duration of the Act referred to above be extended for five years more. And that is what I am opposing. I am pointing out the fact that this is an extraordinary measure and that it will be used for suppressing our liberty of speech and of the press and like the years 1932 and 1935 in the year 1940 the circumstances obtaining are not such which warrant the enactment of a measure of this nature. With your permission, I was pointing out that in the year 1932 the prevailing circumstances were of an extraordinary nature. At that time it was pointed out that the Punjab Criminal Law (Amendment) Act was needed for suppressing the terrorist movement and also for putting some sort of halter on the press which was violently attacking the Government of the day. As these circumstances are not obtaining now in the Punjab, it is our contention that the Bill now before the House should not be placed on the statute book. I would, therefore, request the honourable members to reject this measure *in toto*.

Besides, at that time one of the reasons for the introduction of the Act referred to above was that the Government wanted to suppress the press. But now the circumstances are quite the opposite of it. The Honourable Premier and the Government of India have declared in so many words that the press has co-operated with them. In this connection I may point out that only recently the Government of India issued an ordinance with regard to the press of the country. But afterwards on representation from the Press Association which they made after their session which they recently held at Delhi, the Government have decided to withdraw that ordinance. Now the press is quite free. If this Bill is meant for the press then I may point out that there is no need for it. And so far as civil disobedience is concerned the Government of India Act is quite sufficient to cope with it.

**Mr. Speaker :** I have already pointed out that at this stage the debate should be restricted only to matters contained in the Bill. " The debate on the third reading is more restricted than it is on the second reading of a Bill and is limited to the matters contained in the Bill." (*See May, page 421*).

**Mr. Dev Raj Sethi :** The only thing mentioned in the Bill now before the House is that the duration of Punjab Criminal Law (Amendment) Act.

[Mr. Dev Raj Sethi.]

should be extended for a period of further five years. My submission is that I can fully express myself on the point only if I say something with regard to the state of affairs now obtaining in the Punjab in view of which this Bill has been introduced. I think this much digression you must allow. If I do not mention these circumstances there is nothing else contained in the Bill except that the duration of the Punjab Criminal Law (Amendment) Act should be extended for a period of further five years. Moreover, the Honourable Premier has not cared to give any arguments in its favour which we should try to refute. In view of this I can only oppose this measure on the ground that there is no emergency which calls for the enactment of a measure of this nature and that it should be thrown out.

Now, sir, my submission is that at present the Government can very well plead the excuse of war for enacting this measure, but my point is that our past experience shows that on some excuse or other, the Government go on increasing the armoury of their special powers so that they may be in a position to use them whenever they like even though the emergency may have passed. Our past experience is sufficient proof of the fact that the old regulations of 1818 and 1827 which were passed for the Moghul princes were applied to the political workers. Similarly the Punjab Criminal Law (Amendment) Act about which categorical assurances were given that its use would be very restricted and sparing was actually applied for banning the entry of Acharya Narendra Dev in the Punjab.

**Mr. Speaker :** Please restrict your speech.

**Mr. Dev Raj Sethi :** I am restricting the speech consistent with the contents of the Bill. Then the same Act was used for banning the entry of Satya Vati. The fact of the matter is that such like laws are enacted ostensibly for a different purpose but they are applied to cases which are quite the reverse of it. On a previous occasion the Honourable Premier pointed out that he wanted to enact this Bill with a view to cope with the special circumstances which had arisen in other provinces and which were likely to arise in this province on account of war. I beg to submit that the entire responsibility for the situation that has been created on account of war lies with my honourable friend, the Premier, and persons of his way of thinking. Now that such a situation has been created in this country my honourable friend proposes to remedy it by extending the life of the Criminal Law (Amendment) Act which would worsen the situation instead of bettering it. Again, if Great Britain wins the war the necessity of such a piece of legislation will not be felt, and if, on the other hand, she is defeated a thousand Acts of the type of the Criminal Law (Amendment) Act would not be able to save her from her doom.

The Honourable Premier has insulted the House by not giving any reasons for the proposed extension of the life of this measure. Neither in the Statement of Objects and Reasons nor anywhere in his ten minutes' speech was there any mention of the reasons why such extraordinary powers were sought to be obtained by the Government.

This Act was brought into being in order to cope with extraordinary conditions created by the civil disobedience movement and the activities of the terrorists, and it was intended to be a temporary measure. But now that 8 years have already elapsed and there is no extraordinary situation to justify the extension of life of this Act, more especially when the Cr. P. C., the I. P. C. and the Defence of India Act are already in force, I do not see any reason why the Government should insist upon retaining this obnoxious weapon in its armoury. Some 68 years ago Mr. J. F. Stephens said :—

“ Indian Penal Code and Criminal Procedure Code were the two grim presents by one nation to another.”

If, however, in spite of these Acts, the Honourable Premier thinks that it would be impossible for him to carry on the administration of the Province without the further aid of such a repressive Act I would refer him to the words of Mr. Lloyd George who once said “ Either govern or get out.” If you really find that you cannot govern without the assistance of such measures then I would say better get out. The Province can do without you and can very well manage its own affairs. This is not legislation but the prostitution of legislation.

It is really surprising that the Government have the cheek to bring in such a measure in the year 1940 while in 1935 a member of the present cabinet, Ch. Sir Chhotu Ram, so vehemently opposed the extension of the very law for whose further extension the concurrence of the House is once again being sought. Sir, I would with your permission like to read out what the Honourable Chaudhri Sahib then said :—

“ Let us come to another very striking difference which is noticeable in the present conditions. That difference is to be found in the present general temperament of the people. As was observed by one of the previous speakers the old weapons, the old drastic remedies, which were once popular and fashionable have lost their charm and the people have lost all faith in those weapons.”

I would like to remind the House that this was an argument which my honourable friend advanced in opposition to the bureaucratic government's demand for an extension in the life of the Criminal Law Amendment Act but now when it is claimed that it is a popular Government based on the popular will and backed by the public opinion, why is it being felt that the measure is so necessary for the very existence of peace and order? The Honourable Premier would have been justified—and let me assure him that he would have had our full support—if he had moved for the repeal of such a measure. After all, in view of their claim that they are a popularly elected Government and the fact that during the last 8 years there has been neither a civil disobedience movement nor a recrudescence of terrorist activities to create extraordinary conditions, where is the justification for this action of the Government? The Government should have been grateful to Mahatma Gandhi for whose cult of non-violence there is not a single violent movement in this country. Even the extremists, who had heretofore believed in violence, had under his influence, renounced their former faith.

In the end, I beg to submit that there does not seem to be any justification for extending the life of the Criminal Law Amendment Act, nor has the Honourable Premier made out any case in support of his contention. I would, therefore, request the House to effectively show its disapproval for this action of the Government by throwing this Bill out.

**Mrs. Duni Chand** (Lahore City, Women, General) (*Urdu*) : Sir, I rise to oppose this Bill on behalf of the women of the province because it aims at curtailing the civil liberties of the people. Pt. Jawahar Lal Nehru has been very rightly declaring that it is the bounden duty of not only congressites but non-congressites as well to safeguard their civil liberties and civic rights. This Bill is a direct insult to the Punjab.

This law was enacted in the first instance in 1932 for a certain period. Then its life was prolonged for another three years and by similar devices it has been kept alive till the year 1940. It was hoped that now that we have a representative Government this sword would be removed from over the heads of the voters. But it is surprising that the Government is insulting by enacting such barbaric measures, those very voters with whose votes the present Ministry has come into existence. Sir, there being no terrorist movement in the Punjab at present there is no need of such a law. To bring forward such a measure at this time is nothing but offering an unwarranted insult to the people of India.

Another point to which I wish to draw your attention is this. There is a clause in this Act to the effect that if a tenant cannot pay Government dues or is compelled by his poverty to defer payment for some time, or else if some sympathiser advises him to defer such payment for some time in view of the fact that his family is starving, such person will be hauled up. This Government which always professes great sympathy for the zamindars is not prepared to grant them even this concession that if they cannot pay the Government dues at a certain time they may pay them after a few days or weeks. Similarly if any tenant of a big zamindar supporter of the Government cannot pay the zamindar's dues at the appointed time he also can be roped in. These people also cannot expect any concession from this so-called zamindar Government and, therefore, it is the duty of every well-wisher of the kisans to oppose this measure.

Again if a person is suspected of being a communist or terrorist he can, under this law, be put behind the bars without being prosecuted in a court of law. Similarly, if the Government suspects that a respectable citizen "has acted, is acting or is about to act" in a manner prejudicial to public peace, he also can be thrown in prison. May I know whether this Government claims the powers of an angel or an astrologer? How can it judge beforehand whether or not a certain person is about to commit an offence? Only God Almighty can know what is in the womb of futurity. But it appears that our Government is now claiming even such powers as can be attributed to God alone and therefore, it is reserving to itself the right and power to haul up a man even before he has committed an offence.

Mr. Speaker, with your permission, I would like to ask how we can rest assured that the Government will stick to justice when there are so many personal quarrels and enmities among the people and they do not scruple to incriminate one another and thus get innocent persons hauled up by instituting false cases against them. This law will increase this danger to a very great extent. I can quote a good many instances of the police having instituted false cases and got innocent persons convicted and sentenced. It is absolutely undesirable to extend the life of a law which can be the cause of so much harshness and harassment to the people. Under this law the police

can demand access to any public meeting and take notes of the proceedings thereof. Not only that. The Government allows the police even to go and take notes of the talk among certain friends who may be discussing the methods and means of the welfare of their country. Everybody has a right to work for the betterment of his country within the four walls of his house. If anybody indulges in any unlawful act in public the Government would be well within its rights to take suitable action against him. But entering private houses and interfering in private matters cannot be allowed under the moral code of any good society or civilized country.

The Honourable the Premier has been pleased to assure us that this law has been administered with utmost care and also that only one man has been arrested under it. I wish he had told us the need for any such law when the Defence of India Act is there. I would like to ask him the number of persons arrested under the Criminal Law (Amendment) Act before and after the enactment of the Defence of India Act. It is a fact that before the Defence of India Act came into force a good many people were arrested under the Criminal Law (Amendment) Act but after the enforcement of the former the number of arrests under the latter Act has decreased. Thus there is no need to keep this dead Act on the statute book when you have a more stringent law at your disposal. It is evident even from the speech of the Honourable the Premier himself that this law is no longer required. However, he was pleased to say that this law may be required after the war is over, but I would submit that the Defence of India Act will remain in force till one or two years after the war and, therefore, that argument does not hold good. I think the real reason is that the general elections are drawing near and the Treasury Benches think that such a law will prove useful at the time of elections to get rid of those likely to prove their formidable opponents. It is in view of that that the necessity of this law is being stressed in the name of peace and order. Whatever peace and order there is today or is likely to be found in this country in future is the result of the teachings of that great man, Mahatma Gandhi. No peace and order has been or can ever be maintained with the help of such silly laws. The Government should learn a lesson from the past history of Bengal. Repression can never ensure peace and order. It can be maintained by justice alone. I would request the Treasury Benches even now to act up to the teachings of Mahatma Gandhi which are responsible for the peace of the country. They should refrain from making such laws because instead of insuring peace and order they destroy it. If you harass law-abiding people without any reason, they get exasperated. This Government should not displease their countrymen. It should withdraw this measure. Otherwise the people will say that although the Government is that of our own countrymen, yet there must be something objectionable in their mind so that they want to subject their brethren to repression and thus find safeguards for themselves. Let me tell them that the days of discrimination between the high and low are gone and now you have to meet out the same treatment to all. They should not prepare such meshes for those whose monetary condition has reduced them to the position of the smaller fry. But the Government consider them weak while they do not think themselves to be so. I may therefore, tell the Government that people can be won over by love and justice and not by the iron rod of law and violence. Are not the Honour-

[Mrs. Duni Chand.]

able Ministers aware of the fact that even ferocious animals can be tamed by love ? But if ever the Government use rod of law and repression and put this violent measure into practice, I may warn them that they would change their friends into foes. I should now finish my speech as my other honourable sisters intend to speak on this subject. I would, however, once again appeal to the Government to withdraw this Bill so that the prestige of the nation may not be hurt and it may not cast a slur on the face of the Government. As Defence of India Act is repressive enough I do not see any necessity for this measure being passed. I again submit that the Government should not incur displeasure by passing this Bill into a law.

With these words, Sir, I oppose the Bill under consideration.

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

**Mir Maqbool Mahmood** (Parliamentary Secretary) (Urdu) : Sir, I unhesitatingly admit that this measure is really a measure of vital importance and of great necessity and I feel that a popular Government before bringing such a measure before the House should fully satisfy themselves about its imperative necessity. And I most respectfully submit that the present Government have considered this measure from every point of view. Let me also point out that this Bill has been sponsored by a responsible and popular Ministry in order to discharge the responsibilities which devolve upon us as representatives of the people who have entrusted us with the task of keeping peace and order in the province. I would meet the objections raised by my honourable friends opposite as I deem it my duty to satisfy them regarding every point issuing from this measure. And I may also point out that the need of the moment is that we should consider this matter dispassionately and should refrain from making fiery speeches or exaggerated expressions on the floor of the House. The honourable sister from the opposite benches has raised an objection to the effect that the present Bill gives more powers to the Government. I may tell her that the crimes and offences for the suppression of which this measure vests powers with the Government are such as require the Government to do their best to curb them, in the interest of peace and tranquillity of the province.

Some of the honourable members have asked the Honourable Sir Chhotu Ram as to why he is in support of this measure now while he had opposed it in 1932. In this connection reference was also made to some other honourable members who are sitting on this side of the House and they were no less than Ch. Ram Sarup and Pir Akbar Ali. So far as these objections are concerned I would only suggest that my honourable friends over there should go through the speech which the Honourable Chaudhri Sir Chhotu Ram made on that occasion. What he stated in the course of his speech was that if the circumstances were such as to actuate the Government to have that law enacted he and his party were quite prepared to join hands with the Government. Further he stated that he was opposed to these powers being given to a bureaucratic Government but as they should be vested in the hands of a responsible Government, in order to maintain law and order and integrity of the country, it should not hesitate to enact severest measures.



I think that in this connection, for the satisfaction of my honourable friends sittings on the Congress benches, I should refer to Mr. Rajagopalachariar, the Premier of Madras, who has done what has not been done by any other Congress province. And he like Sir Chhotu Ram was not hedged by the political programme of a party but the guiding principle of his policy was the fulfilment of the manifestoes and the service of the country. Rajagopalachariar introduced a similar measure in the Madras Legislature and had it enacted into law. The Opposition on that occasion asked the Government benches whether the Act would be enforced and the Government replied in the affirmative. Hence Rajagopalachariar issued instructions to the district officers to enforce the Act in their jurisdiction. Later on a certain resolution was moved in the legislature condemning this measure. *(At this stage Mr. Speaker resumed the Chair.)*

Raja Ji replying to the debate remarked that those members who were opposing this Act were determined to violate its provisions outside the House. It is ridiculous that these people should be allowed to endanger public peace. If to-morrow Japan tells China that as she believes in *ahimsa*, abhors bloodshed, she should not oppose Japan. Is this not ridiculous?

**Lala Duni Chand :** Can the honourable member inform us about the number of persons arrested by the order of Mr. Rajagopalachariar and those arrested by your or the Honourable Premier's order?

**Mir Maqbool Mahmood :** I shall give a convincing reply to my honourable friend's question and he would feel that he should not have put such a question. I was submitting that Rajagopalachariar referring to the position of those persons who wanted to violate the law characterised it as dishonest and ridiculous. But I do not want to use these words. What I want to remind my honourable Congress friends is that in the Madras Assembly a non-official member asked the Premier to repeal this Act but the latter replied that if he had to repeal it he must have opposed it at the time of its introduction. This Act and the pledges which we have signed are for the furtherance of public good and are not meant for the nation to commit suicide. And in this connection he referred to the statement of Mr. Gandhi which he made during the boycott of courts that proceedings should be instituted against fraudulent and defaulting debtors despite the boycott as the boycott was not meant for the Congress to commit suicide.

Then, Sir, this question has been frequently raised by my honourable friends opposite that when no extraordinary conditions or a state of emergency exist at present in the province, why extension is being sought for this measure and whether the ordinary law is not sufficient for maintaining peace in the country. This question has already been fully dealt with by the Honourable Premier and Mr. Rajagopalachariar. They have proved to the hilt the necessity of this measure. My honourable friends opposite conveniently forget that it is not always the organised attempts to defy law or extraordinary agitations that need extraordinary legislation. But sometimes it so happens that the ordinary law fails to deal with certain crimes and offences, the prevention of which is considered to be imperative in the best interests of the country. So it is with this view that new lease of life is being given to the Criminal Law (Amendment) Act for another five years. But my revered friend Lala Duni Chand has put an ironical

[**Mir Maqbool Mahmood.**]

query asking me to state the number of persons arrested or dealt with under the provisions of this Act and the sections of law which have been frequently applied against the people in this province and then compare the statistics with those of Mr. Rajagopalachariar. I accept the gauntlet and shall give facts and figures in this connection. I see that my honourable friend is not in his seat but I hope the honourable lady member Mrs. Duni Chand would do me the favour of conveying this information to him for his enlightenment. These figures relate to the last 5 years :—

*Section 2 of the Criminal Law Amendment Act was applied to 47 persons during the course of the last 5 years. The average per annum comes to 9.*

*Section 3.—Under its restriction clause which prohibits a person from entering, residing or remaining in any area, 45 persons were prosecuted during the same period as above. The average per annum works out to be 9.*

*Under its sub-clause pertaining to externment 25 persons were served with notices. The average for 5 years is 5.*

*Under another sub-clause only 4 persons were ordered to refrain from making speeches. The average hardly comes up to even 1 per annum.*

*For breach of 'peace and order 15 persons were made to stand their trial. The average works out to 3 only.*

*Section 14.—Since this Government came into power, this section has been applied only once.*

I am sure these hard facts will go a long way to allay doubts and anxiety exercising my honourable friend's mind. It is crystal clear that Criminal Law (Amendment) Act has been very sparingly used in the province. Besides, honourable members would be surprised to know that during the last three years under the regime of the Unionist Ministry this Act had been brought into operation against 93 persons only. While in Madras during a short period of 3 months action was taken against 370 persons by Mr. Rajagopalachariar's Government under the provisions of this Act. I do not mean to say that he acted wrongly, nor have I the slightest intention to cast any slur on this illustrious Congress leader. I rather congratulate him for adhering firmly to his convictions and displaying moral courage in the discharge of his duties. I would advise my honourable friends opposite to follow Raja Ji's noble example and shed the slavish mentality. They should consider us as responsible members of a self-respecting Government and desist from offering unnecessary opposition to this Bill.

**Sardar Lal Singh :** May I ask the Parliamentary Secretary to which three months he is referring to. He is evidently referring to a very bad period in the history of the province.

**Mir Maqbool Mahmood :** My honourable friend has not perhaps followed me. What I stated was that while in Madras during three months action was taken against 370 persons, in the Punjab that law was used against one-fourth of that number in four years. (*Hear, hear.*)

**Sardar Lal Singh :** Why do you quote figures when you cannot locate the exact months?

**Mir Maqbool Mahmood :** The Congress remained in office for one and a half years only. It would not be difficult for my honourable friend to locate that period.

**Pandit Bhagat Ram Sharma :** May I know how many arrests have been effected under the Defence of India Rules ?

**Mir Maqbool Mahmood :** My honourable friend is now talking of Defence of India Rules. He should exercise a little patience. He would receive a categorical reply about this matter in a very few days.

Now, I come to another point on which much stress has been laid by almost every speaker on the opposite benches. It has been asked, "what is the necessity of this extraordinary legislation when the Defence of India Rules are already operating with full force in the country? It is a pertinent question and merits consideration at our hands. In this connection I may tell my honourable friends that before arriving at a decision to introduce this Bill the Honourable Premier gave his careful consideration to this very question. In his noting on the file he asked reasons for giving extension to this Act in view of the enforcement of the Defence of India Rules. I may briefly state the reasons necessitating the retention of this measure on the statute book. The provisions of the Defence of India Rules are much more rigid and stringent than those of the Criminal Law (Amendment) Act. Again, the Defence of India Rules are being applied to those who interfere with the war measures only. It would be unfair and hard to apply the provisions of the Defence of India Rules against those who commit offences falling under the purview of the Criminal Law (Amendment) Act and the Honourable Premier does not want to perpetrate this injustice on the people. To elucidate my point, I would like to make a comparison between section 5 of the Criminal Law (Amendment) Act and Rule 26 of the Defence of India Rules. Now any person acting in contravention of section 5 of the Act, is liable to punishment with imprisonment extending up to one year only. But the same offence under Rule 26 of the Defence of India Rules is punishable with an imprisonment of 5 years. It is but natural that under the stress and strain of a war, anti-war activities and offences should be dealt with greater rigour and severity, but in ordinary circumstances it would be the height of injustice and cruelty to punish a person for the same offence under war measures. What I want to emphasise is that there are certain special sections in this Act which have absolutely no corresponding provisions in the Defence of India Rules. Hence the necessity for the proposed legislation.

Then, my honourable friends over there took objection to the section conferring powers for taking reports of speeches in public meetings. I would say if their conscience is clear and if they are imbued with moral courage, that they should not be afraid of such reports and especially when some of them have expressed their desire to infringe law. I fail to understand their line of argument when on the one hand they want to mitigate the severity of law and on the other they are bent upon breaking it. Besides, I may be permitted to refer to the speech of my honourable friend Ch. Krishna Gopal Dutt. This time unlike his previous exquisite speeches, he gave us a sort of a performance in declamation rather than making any constructive and useful suggestions. His gesticulations remind me of the remarks made by Mr. Gladstone in connection with Mr. Jones' speech in the House of Commons. He said, "I have seen the honourable member's speech more than I have heard it". Similarly I saw my honourable friend's speech more than I heard it. We enjoyed this performance thoroughly. He blamed us that

[Mir Maqbool Mahmood.]

this so-called zamindar Government which professed great sympathy for the poor zamindars, was legislating a measure calculated to do them immense harm. He also remarked whether the Honourable Premier would be prepared to apply the provisions of this Act against zamindars refusing to pay or instigating others to refuse to pay land revenue. The Honourable Premier has already answered this question. Besides, my honourable friend's question is a hypothetical one. He should remember that during the last five years not one single case like this took place necessitating the use of this law against a zamindar. I assure him that if a zamindar goes astray and commits an offence falling under the provisions of this Act, it should be the bounden duty of the Government to take action against him and this Government would not fail in the discharge of its honest duties. (Hear, hear.)

Again, my honourable friends opposite were pleased to remark that this measure was calculated to put an end to our freedom. I beg to differ with them. I think it is the imperative duty of every patriotic Punjabi to make endeavours for the protection of his country from the tyranny of the aggressors. I am of the opinion that he would be doing a great service to the country if he sacrifices his individual freedom for the larger interests of the country and collective freedom of the people. With this end in view we must have such weapons in our armoury, as would effectively combat subversive activities calculated to jeopardise the safety of the country. Sir Sikander is held in great esteem by the zamindars, because the latter are fully aware of the fact that he is the greatest champion of their cause, the cause of the freedom of their country and last but not the least the cause of the maintenance of peace and order in the province. If he were to deviate a little from his course, his reputation would certainly suffer a setback. Again, in passing, I might give an inkling of the eagerness and earnest desire of the zamindars of the province to support Sir Sikander in his endeavours to help Britain in bringing the war to a successful conclusion. I represent a rural constituency in this House. Only recently when I went to visit my constituents, they held a meeting and urged upon me that Government should vigorously do everything in their power for the successful prosecution of war and establishment of peace in the country. And so far as their part was concerned they would give unstinted support to all the measures adopted by the Honourable Premier in this connection.

Some of my honourable friends opposite have expressed their wish to see in this province complete communal unity and amity. With this end in view they exhort us to pass such legislation as would usher in a new era of communal good will and an atmosphere of mutual love and sympathy. I appreciate this desire from the bottom of my heart. We on this side of the House would readily welcome that state of affairs when communal bickerings would be brought to an end. But let me hasten to tell my honourable friends opposite that saying is one thing, doing is another. Deeds and not words are wanted to bring about the desired change in the communal relations of the different communities residing in this province. I am afraid their actions belie their professions. I would recall in this connection the recent statement of my honourable friend, Diwan Chaman Lall, who I find is not present in the Chamber at this time. But my young friend, Mian Iftikhar-ud-Din, went a little further than the former in as much as he stated

on the floor of the House what the Diwan had said outside it in the press. What he stated was this that when Mr. Gandhi was helping the Khilafat movement, Sir Sikander Hyat-Khan was fighting against Afghanistan. Such statements are sure to cause resentment and bitterness among the two major communities and I am sorry that Mian Sahib has echoed the voice of his colleague unwittingly. May I ask him that if India is invaded by a foreigner, whether he and Mr. Gandhi will not come forward to repulse the attack provided they have the necessary martial spirit in them. I for one have not the slightest hesitation in declaring that it would be the duty of every Indian to fight the invader even if he happens to be a Muslim. (*Cheers.*) Instead of praising such patriotic moves, my honourable friends begin to excite communal bitterness in the province. Let me inform them, and I will not be disclosing any secret thereby, that when I had the privilege of being in England as the Private Secretary of Sahibzada Sir Aftab Ahmad in 1921 and the Treaty of Sevres was being discussed there, I came to learn from a high British authority that the said Treaty of Sevres was revised and superseded mainly on account of the Herculean efforts of Sir Muhammad Shafi, Sir Fazl-i-Hussain, Maulana Muhammad Ali and Sir Sikander Hyat-Khan (*Cheers*). In view of these hard facts it is unwise and dangerous for my honourable friends opposite to make utterances on the floor of the House without having verified the facts previously. They should not try to mislead the people by wrong statements.

With these few words I beg to support the motion moved by the Honourable Premier.

**Premier :** The question be now put.

**Pandit Muni Lal Kalra** (Ludhiana and Ferozepore, General, Rural) : Mr. Speaker, I just want to draw your attention to two or three points with regard to the passing of this Bill and want a ruling from you. One of these is this, if this amendment is incorporated in the Act, how would it read? Sub-clause (3) of clause 1 of the Punjab Criminal Law (Amendment) Act will then read : "This Act shall remain in force for ten years from 1st December, 1935". I hope you will agree with me that so far you have not seen any Act which comes into force after the date of enforcement has passed five years ago or that it is retrospective. In November 1940 we are saying that this Act shall remain in force for ten years from "1st December 1935". The amendment, if accepted, will create an inconsistency and it will apparently have a retrospective effect. You will agree with me that retrospectivity especially in a criminal Act is not at all permitted.

There is one other point, viz., whether the amendment proposed, can strictly be regarded as an amendment and for that purpose I would draw your attention to five or six quotations from May's Parliamentary Practice. To start with an amendment should be intelligible. When the amendment is made, the amended form will read : "This Act shall remain in force for ten years from 1st December, 1935." The purpose of the amendment is to make it intelligible but in this case it will make it unintelligible.

Then there is a curious method followed in this Act. The previous Act of 1932 was to last for three years. Its life was three years. It had to die after three years, and before it died its natural death in November, 1935, that Act was not revived but a new Act passed. Could that not have been:

[Pt. Muni Lal Kalia.]

done by the House at the time as it is being done now? The two Acts, the Criminal Law (Amendment) Act, 1932, and the one now sought to be amended are practically the same. There is no difference whatever between the two. They are almost exactly the same clause by clause and word for word. There were some consequential changes but so far as I have compared the two Acts, I find no material or substantial difference between the two. Even the basic Act—the Criminal Law (Amendment) Act, 1908, had to be amended in 1932 in a different manner. In that case the mere period was not mentioned. The 1932 Act dealt only with four problems, political meetings, control of suspected persons, power to arrest suspected persons and power with regard to non-payment of taxes. So that the method though easy and sweet has no precedent either in our own province or anywhere else, not even in the Mother of Parliaments.

It may be said that this Bill does not deal with civil law. Even under the criminal law people have rights and those rights of safety of person or of property or with regard to the law by which they are governed are also to be taken into account when another extension to a certain Act is proposed to be made. I maintain that extension is not an amendment. As amendment is a different thing. Extension of an Act is not an amendment and

5 p. m.

therefore for that reason also this must be ruled out. This is the stage at which such a Bill can be killed.

There are other points also. There are also authorities from May's Parliamentary Practice which show whether an amendment of this sort is at all permissible. On page 285 it is stated :

It is an imperative rule that every amendment must be relevant to the question on which the amendment is proposed. Every amendment proposed to be made, either to a question or to a proposed amendment, should be so framed that, if agreed to by the House, the question or amendment, so amended, would be intelligible and consistent with itself.

But in this case this amendment introduces inconsistencies in the measure.

Then on page 404 it is stated :

An amendment must be coherent, and consistent with the context of the bill, and when a proposed amendment had been so amended as to form an incoherent question, the chairman stated that if no further amendments were proposed, he should proceed with the question which next arose upon the clause. Amendments cannot be moved which are based on schedules or other provisions, the terms of which have not been placed before the committee, or which are otherwise incomplete.

These points apply in this case. I want to suggest—subject to correction—that there could be a complete amendment, there could be an amendment with respect to the main provisions and with respect to the years as well. You could merely say that for the year 1935, some other year be inserted. It is an incomplete amendment and as such it should be disallowed. This is beyond the scope of the Bill. Then again on page 405 it is stated :

Amendments to a bill proposing that the address or resolution of one House of Parliament should effect the repeal of the bill have been ruled out of order as unconstitutional, while an amendment proposing that a bill relating to England alone should not come into force until a similar bill should have been passed for Scotland has been ruled to be irrelevant.

Here we want to give it further life by merely changing the number of years.

Then there is another point. On page 406 it is said :

An amendment to include in the Bill a statute which has already ceased to have effect is also out of order.

In this case it may be said that it has not ceased to exist.

Then the last point is dealt with on page 418. It is in regard to inadmissible amendments :

No amendments will be allowed which are inconsistent with the provisions of the bill which have been considered by the House. On consideration of a bill, as amended, an amendment to leave out its only effective clause, or an amendment the effect of which would be to negative the bill, is not in order.

This is one of the effective clauses, the life of the Bill or the period for which it is to exit.

So in the first place this Bill is of a retrospective nature. The second point is whether, strictly speaking, this is an amendment. The third point is whether it is desirable and constitutional to have different laws on the same subject at the same time. There are the Defence of India Rules which are applicable to the Punjab as well. Every provision in this Act is covered by the Defence of India Rules which are of an all-India character and are of a much wider import than the present Act which is aimed to be amended. In view of these three technical objections I think that you should rule this Bill out of order.

**Mr. Speaker :** I wish the honourable member had given me previous notice of the points of order raised by him so that I might have come prepared and given a considered ruling. An off-hand ruling on such important points cannot serve any purpose. *Prima facie* I see no force in the honourable member's points.

**Mian Abdul Aziz :** We accept whatever you say. But it will be an anomalous position if on the one hand you say you have not studied the point carefully and on the other, that there is no force in the honourable member's arguments. I request you to give your definite ruling either to-day or some other day. "*Prima facie*" is not sufficient.

**Mr. Speaker :** I would have given my considered ruling had the honourable member, according to parliamentary practice, given me previous private notice. All I can say at present is that *prima facie*, the honourable member's objections have no force.

**Chaudhri Krishna Gopal Dutt** (North Eastern Towns, General, Urban). *Urdu :* Mr. Speaker, even if you had not asked me to be brief, I had no intention of making a very long speech. Suffering as I am to-day from fever, nothing but a deep sense of my duty has induced me,—for my Leader had asked me to express my feelings on the point—to come here and participate in the debate. Anyhow it was my earnest desire that this Bill should be discussed threadbare on the floor of this House but it was most unfortunate that the Government was rushing through this obnoxious piece of legislation. To my mind there are still many important aspects of the Bill on which practically no light has been thrown and regarding which so far no discussion has taken place. In fact the atmosphere prevailing in the Assembly Chamber and also throughout the length and breadth of the Punjab is such that most important measures like the

[Ch. Krishna Gopal Dutt.]

one now before the House are being enacted in the space of a day or two and yet nobody dares to oppose their passage. I would like to know whether the honourable members are aware of the fact that when in the old Legislative Council this Act was first introduced in 1932 and then in 1935, how many days or how much time was taken for discussion on it? Let me tell them that before that measure was placed on the statute book many inquiries were held, much discussion took place, arguments and counter arguments were advanced and then the measure was enacted into a law. But what do we find here? To-day practically no importance is being attached to a dangerous and a far-reaching measure of this nature. The Honourable Premier knows that he has a big majority at his beck and call and that is why regardless of the sentiments of the Opposition he wants to place this obnoxious and hated measure on the statute book. It is a thousand pities that the House has not thought it fit to expunge or even to omit at least its obnoxious, stringent and nasty clauses. It is my considered opinion that there are many provisions in this Act which in these days of democracy, freedom and enlightenment are held as dangerous and obnoxious. Consequently it was the first and foremost duty of the Honourable Premier, who claims himself to be a great democrat, a socialist and a lover of liberty to expunge those nasty provisions of the Act regarding which assurances were held out in the old Legislative Council that as soon as the emergency was over they would be withdrawn. Now from 1932 onwards many years have elapsed. This is the age of democracy and enlightenment and the least that we expected from this Government was that they should take some steps for ridding this Act of its harmful and obnoxious clauses. I go further and say that if the Honourable Premier has failed to do his duty any other member of the Unionist party could have come forward with a motion to the effect that such and such obnoxious and stringent clauses of the Punjab Criminal Law (Amendment) Act should be expunged. It is a matter of great regret that my honourable friends over there have signally failed to do their duty. This is my first grievance against them. So far as we are concerned our voice in the Assembly Chamber is a voice in the wilderness and nothing more. Anyhow realizing the serious nature of my responsibility I have considered it imperative to acquaint you, Mr. Speaker, and through you, the House and the province as a whole as to what are my feelings on the point. For, that is the duty for which I have been elected to this House.

Sir, the other day the Honourable Premier in his own opinion advanced a seemingly cogent argument when he said that under the Punjab Criminal Law (Amendment) Act, regarding which so much fuss was being made, only one person has so far been interned. From this he argued that the said Act was not as dangerous and obnoxious as it was considered to be and that it was not so very extensively used. Consequently he questioned as to why the honourable members sitting on this side of the House were making a mountain of a mole hill and why they were raising this hue and cry. I have already met this point in one of my previous speeches but he has very conveniently ignored my answer. Mr. Speaker, as he has repeated this point on the floor of the House, I am also constrained to repeat my reply. The question before us is not that under the provisions of the Punjab Criminal Law (Amendment) Act one, two, three, ten or a hundred persons have been



interned. But the question is that both the principle as well as the application of this Bill is wrong. If my honourable friends over there have an iota of honesty in them let them place the facts and figures regarding its use from 1922 onwards. Instead of placing the correct facts and figures before the House they are playing with them and trying to throw dust in the eyes of the public. To-day my learned friend, Mir Maqbool Mahmood, by manipulating these facts and figures has tried to delude the House into believing that the Criminal Law (Amendment) Act has been used very sparingly in the Punjab. Does he think that in this way he can convince us that the said Act had been used very sparingly in the Punjab? We are educated people and if he wanted to convince us he should have taken the trouble of comparing these facts and figures with those of other provinces. But he has done nothing of the sort. He has simply stated that only a small number of arrests have been made under the provisions of this Act in the Punjab. He conveniently forgets one thing that at present arrests are being made in the Punjab under the Defence of India Rules. But when these Rules will no longer be in existence then so comprehensive and dangerous a measure like the Punjab Criminal Law (Amendment) Act will come into operation. And with this end in view the Honourable Premier has brought forward this Bill for extending the duration of the Act referred to above for a period of further five years. (Voices; Question). This is a hard fact and nobody can question it. Further it has been pointed out that the principle underlying the Defence of India Act and the Punjab Criminal Law (Amendment) Act is one and the same and therefore there was no justification for us to oppose the latter. My submission is that we are equally opposed to both of them. We are not enamoured of any one of them. Again my honourable friend Mir Maqbool Mahmood pointed out that it was beyond his comprehension to understand the mentality of those persons who in the first instance break the law of the land and when new laws are enacted for meeting the situation they then object to arrests being made. Let me make it clear to him that the honourable members sitting on these benches are no ordinary individuals. In fact their sacrifices are very well known. They are not idiots that they want to break each and every law howsoever salutary it may be. The question is not that we consider it our duty or it is in our habit to break the laws of the land. But we break only those laws which we consider to be lawless laws. To my mind it is the bounden duty of every self-respecting individual to break such laws, when all other constitutional methods have been ineffective. However, he wants to give us this much credit only, but I may tell him that we are also prepared to create that spirit of unity and good will for which he has so earnestly appealed to the House. But I ask, how does he expect this co-operation from us when his Government is enacting stringent and obnoxious measures like the one now before the House? Let me tell those who are at the helm of affairs that if they are sincere and honest in their professions and if they really want to create this atmosphere in the country we are not opposed to it. In fact every one of us is prepared to lend his helping hand to the Government for creating that spirit of unity and good will in the province. But it is regrettable that the Government have spurned away the hand of co-operation which we extended so willingly and to say the least an era of ruthless repression

[Ch. Krishna Gopal Dutt.]

has set in the Punjab. May I ask, what is the sense of making such appeals when my honourable friends over there are doing everything that lies in their power to create disunity and schism in the rank and file in the country?

Besides, my honourable friend Mir Maqbool Mahmood in the course of his speech made a reference to the application of Criminal Law (Amendment) Act by the Madras Government and thereby he has tried to impress upon the House that his Government was not alone in making use of this Act. By quoting this instance my honourable friend wants to justify the action of his Government. Moreover he took this opportunity of paying great encomiums to the Madras Premier for his being a great statesman and a realist. It appears that he wants to hear what I have to say about this action of the Madras Premier. I know that Mr. Rajagopalachariar has to some extent used the Criminal Law (Amendment) Act in his province. He is undoubtedly a great statesman and a great politician. As a matter of fact he is one of our great men whom we take pride in following. But may I ask if there is any human being on the surface of this earth who cannot err at some time or the other? "To err is human" says the old adage. Anyhow I can say without any fear of contradiction that there is not a single individual in the world who is infallible and Mr. Rajagopalachariar has, by using the Criminal Law (Amendment) Act, committed a great mistake. Not only that, but throughout the length and breadth of India wherever adherents of the Congress are to be found this action of Mr. Rajagopalachariar was condemned. It is not proper therefore for the Government to cite his example as a justification for their own reprehensible action. If you want to convince us, you should quote some resolution of the Congress approving the use of such measures. Simply because a particular Congressman resorted to the use of Criminal Law (Amendment) Act although in quite different circumstances, it does not mean that it should be quoted as a precedent in defence of repression with the aid of lawless laws. It is no argument that because such a thing was done in a Congress-governed province in different circumstances you can perpetuate this extraordinary Act and make use of it for curbing your political opponents. I beg to submit that Mr. Rajagopalachariar was not acting according to the principles of the Congress when he resorted to the use of this Act. Even Mahatma Gandhi disapproved of its use on the part of Mr. Rajagopalachariar. The *Tribune* wrote a series of articles condemning his action and very strongly criticised his policy in much the same manner as it condemns Sir Sikander Hyat-Khan's reactionary activities. It is a well known fact that the *Tribune* is not an extremist journal. It is a moderately nationalist newspaper and as such it could not tolerate any anti-national measures, whether sponsored and used by a Congressman or a Unionist. In fact the whole of the nationalist press condemned Mr. Rajagopalachariar's action and expressed utter disapproval of the statement that he made to clear his position. I would therefore request the Government not to make use of his mistake as an argument. If they were not willing to adopt his good points it does not behove them to take advantage of his bad point.

Again, Sir, I beg to submit that we have always tried to respect the Honourable Premier and to uphold the dignity of the high-

office he holds, in spite of our political differences with him. Such intentions and efforts on our part were sometimes misunderstood by some of our friends who began to suspect the honesty of our leader Dr. Gopi Chand Bhargava and some of his followers for this gentlemanly attitude towards the Premier. Many of us believed that whatever relations we may have outside the House, we must create such an atmosphere in the House and set up such a tradition of amicable relationship in the Punjab Legislative Assembly that Provincial Autonomy and democracy may not be exposed to ridicule. But it is a thousand pities that the Honourable Premier has seldom appreciated and reciprocated our efforts in this behalf, and whenever this Government and their political activities are made a subject of criticism by the opposition, he having no suitable reply to meet our arguments adopts a most deplorable method of debate and resorts to personal attacks. In his last speech he made unprovoked attacks on my colleagues and myself in my absence. I came to know of it only the following morning when I saw in the *Tribune* that during his speech while referring to me and my friends on this side of the House he had said that these people boast of their willingness to be sent to jails because they consider them to be as "their father-in-laws' house". You probably remember Sir, that in the course of my speech the other day when I said that the Punjab enjoyed little freedom and that we were slaves, my honourable friend Mian Mushtaq Ahmad Gurmani interjected that both the Punjab and its people were free. In reply to this interruption I had said that in a few days' time we would see whether or not we were a free people in this Province. It was as a reply to this rejoinder to Mr. Gurmani's interruption that the Honourable Premier made use of that objectionable language which could not be associated with the language of a gentleman. I am sorry that the Honourable Premier in the heat of argument forgot that those prisons were of his own making and to call them "father-in-laws' house" was not decent.

Again, Sir, to placate public opinion in the Punjab and to gain the sympathy of the Press he was pleased to bestow the position of a patriot on Pandit Jawahar Lal Nehru and expressed his sorrow on his arrest. May I enquire from the Honourable the Premier whether Pandit Ji in his province is not being accorded better class treatment in the jail, which made the Premier to characterise the Punjab jails, as father-in-law's houses? I challenge the Honourable Premier who has referred to the classification in jails, to go to jail (and I am prepared to allow him a double "A" class) and see for himself how he would feel that father-in-laws' house. In spite of the fact that Chaudhri Afzal Haq is being treated as a special class prisoner, he is lying on death-bed in jail and Government have so far not seen their way to set him free. Is this how one feels in a father-in-laws house as you call it?

Mr. Speaker, I think it may appear rather mean on my part to refer to what I am just going to say, but as my honourable friend the Premier made a personal attack I am compelled to allude to it by way of a reply. He says that since I am given "A" class and regard the jail as a father-in-law' house, I feel tempted to run to prison. I am afraid the Honourable Premier did not know what he was talking. Ordinary facilities granted to special class prisoners do not make a jail a father-in-laws' house. I cannot be

[Ch. Krishna Gopal Dutt.]

terrified by "C" class. It is those who drink and are addicted to carnivorous habits who should be afraid of "C" class. I neither drink nor take meat that I should be afraid of the "terrors" of "C" class. I am a vegetarian used to a simple fare which I can get even in "C" class. I am not given to luxury like my honourable friends opposite and if "C" class is anything to be afraid of it is the Unionists who will be afraid to go there. Again, another thing which surprises me is the credit that my honourable friends Mr. Manohar Lal and the Premier want to take for this classification. The preceding Government never gave these classes of their own accord; they were compelled into making that concession. At a time when Sir Sikander Hyat-Khan was enjoying a life of ease and luxury in his palatial bungalows, a great Indian patriot was voluntarily laying down his life for a cause. He was that worthy son of mother India, Jatindra Nath Das, who died a slow and painful death for the principle of better treatment of politicals in jails, who compelled the Government to accord better treatment to political prisoners.

**Mr. Speaker :** May I request the honourable member not to go so far.

**Chaudhri Krishna Gopal Dutt :** What did they do to Subhash Bose in jail? What happened to Mr. Sen Gupta of Calcutta? They were also put in special class. It is because they have never seen a prison that they call it father-in-law's house. We can tell you how one feels to be within the four grim walls of a prison.

**Mr. Speaker :** Please do not go so far.

**Chaudhri Krishna Gopal Dutt :** Mr. Speaker, when Mir Maqbool Mahmood referred to the remarks made by Mahatma Gandhi and others and also alluded to the protest of the Honourable Premier, was he speaking about matters relevant to the subject under discussion. It was very easy for him to say that Mahatma Gandhi has betrayed Islam and the Islamic countries but what would my honourable friend say to Mr. Jinnah? Mahatma Gandhi is after all a non-Muslim, but what would you say to Mr. M. A. Jinnah who is at least technically a Mussalman and is the President of the Muslim League? In the Central Legislature Mr. Jinnah said: "I refuse to save the Government from defeat." When Sir Sikander Hyat-Khan also belongs to the Muslim League of Mr. Jinnah, why is there so much difference in their utterances? The Honourable Premier is a curious jumble of inconsistencies. He says one thing in Simla, another thing in the Punjab and quite a different thing in Bombay. May I know if Mr. Jinnah has not betrayed the Islamic countries by refusing money to the British Government when they asked for it?

**Mr. Speaker :** The honourable member is going beyond the limit.

**Chaudhri Krishna Gopal Dutt :** Sir, it was started by the Honourable Premier himself. You did not stop him even when we invited your attention towards it. In short the attitude of Mr. Jinnah has put the Honourable Premier in a very sorry predicament.

With these words, Sir, I strongly urge against the Criminal Law (Amendment) Act.

**Mr. Speaker :** Question is :

That the question be now put.

*The motion was carried.*

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, it is to be regretted that my honourable friend Chaudhri Krishna Gopal Dutt took advantage of the third reading stage of the Bill to indulge in unbridled irrelevancy. When I made the speech to which he has referred he was not here but had gone out to advertise his exploits and achievements. I never said that he did not want to go to jail. What I did say was to the effect that he was a very brave and bold gentleman, because he had said that he was not afraid of going to jail and that he was prepared to go to jail whenever called upon to do so. But I submitted that those utterances had nothing to do with the matter under discussion. Moreover, I pointed out that jail was not now the dreadful place that it used to be. In this connection I may be allowed to refer to an incident in the old Bengal Legislative Council. Mr. Bepin Chandra Pal, who was a member of the Council at that time, was making a speech and another member interrupted him. Mr. Pal expressed his resentment by saying that he was prepared to go to jail. "What is a jail nowadays?" retorted the other member, "I have been to jail when jails were really jails". Now my honourable friend boasts that he remained in the Gujrat jail as a C class prisoner. But those who know anything about that jail cannot be impressed by such boastful statements. Let me tell you what a gentleman, whose opinion even my friends opposite cannot disregard, had to say about the life in that jail. My dear and revered friend Raizada Hans Raj was confined in the Gujrat jail. After his release I met him at the house of Rai Bahadur Lala Gopal Das where both of us were invited in connection with some tea-party or dinner. I congratulated the Raizada on his release and also remarked that jail life had suited him admirably because he had put on flesh and looked as fit as a fiddle. "It was not a jail," replied Raizada Hans Raj, "it was more of a club than a prison. We enjoyed all the facilities that one could wish for. We had English dishes, Indian dishes, fruit and all that. We played badminton and other games. We did not lack even gramophones." At that time the guests at the Lal Kothi were being entertained with music and dancing. Pointing to that party the Raizada remarked, "Barring this you had everything there." This, Sir, was the jail where my honourable friend Chaudhri Krishna Gopal Dutt spent the term of his imprisonment. May I know what more he wanted and how far he is justified in boasting of his going to such a jail?

**Chaudhri Krishna Gopal Dutt :** Then let my friend go to jail and enjoy that very attractive life. I am sure that the very next day he will tender an apology in the most abject terms and thus obtain his release.

**Mr. Speaker :** No interruption, please.

**Premier :** Well, I have never boasted of being as brave as my honourable friend. On the contrary I admit that I am as weak as a human being can be and I always pray to God Almighty to spare me all that I am not strong enough to bear. (*Cheers*). It is men like my honourable friend who have the requisite courage and strength in this respect. But fortunately my friend Raja Muhammad Akram Khan who was in charge of that jail is here. He has told me that once Chaudhri Krishna Gopal Dutt got angry

[Premier.]

for two days although he was taking the same class of food during that period. The Raja Sahib went to him and did all that was possible to appease him saying that he considered the Chaudhri Sahib just like a brother and that it was a question of his honour. Dr. Muhammad Alam also intervened and succeeded in appeasing him and thus after two days everything went on as before. Still my honourable friend says that he was a C class prisoner.

**Chaudhri Krishna Gopal Dutt :** This is a wrong statement. I was on C class diet for months and months as a protest against the treatment accorded to "C" class prisoners. What a level of debate !

**Premier :** I know it has nothing to do with the Bill under consideration but my honourable friend made certain remarks which require a reply. (*Interruptions*). Will the honourable member allow me to proceed ? I did not interrupt him.

Now, Sir, the facts and figures about Madras which were placed before the House by Mir Maqbool Mahmood are not secret or confidential. In fact they are printed and everybody has access to them. Mir Maqbool Mahmood did not say anything derogatory to the Madras Premier. On the contrary he praised his action saying that, when necessary, an administrator has to be courageous enough to make use of the law of the land in the interest of public peace and order. My honourable friend Chaudhri Krishna Gopal Dutt says that when Mr. Rajagopalachariar made use of that law he was not "their" Premier. He has also had the temerity to belittle the personality of Mr. Achariar. But may I ask him why he was not turned out if he had gone against the mandate of the Congress ? Has my honourable friend forgotten that even Mahatma Gandhi supported the use of this law by the Madras Premier saying that it was the first and foremost duty of the Government to preserve peace and order in the country ? I am surprised at Chaudhri Krishna Gopal Dutt trying to sit in judgment on the action of Mr. Rajagopalachariar. (*Chaudhri Krishna Gopal Dutt interrupted.*)

**Mr. Speaker :** If the honourable member interrupts again, I will turn him out.

**Chaudhri Krishna Gopal Dutt :** He has given way.

**Mr. Speaker :** I cannot permit such interruptions.

**Chaudhri Krishna Gopal Dutt :** I am sorry Sir, but—

**Mr. Speaker :** I direct Chaudhri Krishna Gopal Dutt to leave the Chamber.

**Chaudhri Krishna Gopal Dutt :** I have already expressed my regret and after that you ask me to go out.

**Sardar Sampuran Singh :** On a point of order. It would be better if, to keep good spirit in the House such comparisons are not made. So, I would request the Honourable Premier not to do so.

**Mr. Speaker :** I agree.

**Premier :** My honourable friend the Leader of the Opposition was not here when the honourable member was speaking for 25 minutes.

Anyway, Sir, if my honourable friend is going to disown Mr. Rajagopalachariar I have nothing to do with it because I am not a member of the Congress. But I may tell him that Mr. Rajagopalachariar is the only realist Congress leader and if the Congress policy were being directed by him the Congress would not have taken the wrong step it has taken.

**Mr. Speaker :** Please do not criticize the Congress.

**Premier :** Then my honourable friend objected to my expressing my feelings of sympathy and regret on the arrest of Pandit Jawahar Lal Nehru. I once again submit that he is also a realist and a leader in the Congress for whom I have great respect in my heart. And I am sure that he would have served his motherland in a better way if he had not violated the Defence of India Rules. His honesty is beyond reproach and I wonder how my honourable friend Chaudhri Krishna Gopal Dutt has the audacity to compare himself with such eminent personalities as Pandit Jawahar Lal Nehru and Rajagopalachariar while in reality there is no comparison between Rajagopalachariar and my honourable friend. This is what is known as  
 (Laughter and cheers from the Government benches).

**Chaudhri Krishna Gopal Dutt :** I would only suggest, Sir, that the Premier should have a blister on his tongue, when he utters the name of Mr. Rajagopalachariar.

**Premier :** Sir, I was saying that there is a world of difference between Rajagopalachariar and Pandit Jawahar Lal Nehru and my honourable friend Chaudhri Krishna Gopal Dutt. If he aspires to the position held by these two stalwarts then I would say "*Cheh nisbat khak ra ba Alam-i-Pak*" (Renewed laughter and cheers from the Government benches). Then my honourable friend Chaudhri Krishna Gopal Dutt has asked to expunge the objectionable provisions in the Act. I may tell him that we want to keep this Act as a weapon in our armoury and we will use it very seldom as it has already been very sparingly used. At present there is only one person against whom it is being used. Then it has also been remarked from the opposite benches that because of the Defence of India Rules the enactment of this Bill is not necessary. Let me tell them that the provisions of the Defence of India Rules are much more rigid than the provisions of the Criminal Law (Amendment) Act ; and the Defence of India Rules are only applicable to those who interfere with the war measures, and it will be unfair and hard upon people to apply the provisions of the Defence of India Rules against those who commit offences which fall under the provisions of some other law. I may also point out that more severe punishment can be given under the Defence of India Rules than under this Act and, as my honourable friend Mir Maqbool Mahmood has also remarked, the punishment for a certain offences under the Defence of India Rules is five years while under the Criminal Law (Amendment) Act it is only one year. Now coming to the question of its operation, I may assure the House that we will refrain from using this weapon as far as possible.

**Mr. Speaker :** Question is—

That the Punjab Criminal Law (Second Amendment) Bill be passed.

The Assembly divided: Ayes 70, Noes 23.

AYES.

Abdul Hamid Khan, Sufi.	Muhammad Ashraf, Chaudhri.
Abdul Haye, The Honourable Mian.	Muhammad Azam Khan, Sardar.
Abdul Rahim, Chaudhri (Gurgaon).	Muhammad Faiyaz Ali Khan, Nawabzada.
Ahmad Yar Khan, Chaudhri.	Muhammad Hussain, Chaudhri.
Akbar Ali, Pir.	Muhammad Sarfraz Khan, Raja.
Ali Akbar, Chaudhri.	Muhammad Yasin Khan, Chaudhri.
Allah Yar Khan Daulatana, Mian.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Amjad Ali Shah, Sayed.	Muzaffar Khan, Khan Bahadur Captain Malik.
Anant Ram, Chaudhri.	Muzaffar Khan, Khan Bahadur Nawab.
Ashiq Hussain, Major.	Nasir-ud-Din, Chaudhri.
Chhotu Ram, The Honourable Chaudhri Sir.	Nasrullah Khan, Rana.
Dasaundha Singh, Sardar.	Naunihal Singh Mann, Lieutenant Sardar.
Faiz Muhammad, Shaikh.	Nawazish Ali Shah, Sayed.
Faqir Hussain Khan, Chaudhri.	Nur Ahmad Khan, Khan Bahadur Mian.
Fateh Muhammad, Mian.	Pir Muhammad, Khan Sahib Chaudhri.
Fateh Sher Khan, Malik.	Pohop Singh, Rao.
Fazl Ali Khan Bahadur Nawab Chaudhri.	Ram Sarup, Chaudhri.
Fazal Din, Khan Sahib Chaudhri.	Ranpat Singh, Chaudhri.
Fazal Karim Bakhsh, Mian.	Ripudaman Singh, Rai Sahib Thakur.
Few, Mr. E.	Roberts, Sir William.
Ghazanfar Ali Khan, Raja.	Sadiq Hassan, Shaikh.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.	Sahib Dad Khan, Khan Sahib Chaudhri.
Gurbachan Singh, Sardar Bahadur Sardar.	Shahadat Khan, Khan Sahib Rai.
Haibat Khan Dahi, Khan.	Shah Nawaz, Mrs. J. A.
Hans Raj Bhagat.	Shah Nawaz Khan, Nawab Sir.
Harnam Singh, Captain Sodhi.	Sikander Hyat Khan, The Honourable Major Sir.
Het Ram, Rai Bahadur Chaudhri.	Sohan Lal, Rai Bahadur Lala.
Indar Singh, Sardar.	Sultan Mahmood Hotiana, Mian.
Jafar Ali Khan, M.	Sumer Singh, Chaudhri.
Jagjit Singh Bedi, Tikka.	Suraj Mal, Chaudhri.
Jagjit Singh, Mann, Sardar.	Tara Singh, Sardar.
Karamat Ali, Shaikh.	Ujjal Singh, Sardar Bahadur Sardar.
Khizar Hayat Tiwana, The Honourable Malik.	Wali Muhammad Sayyal, Hiraj, Sardar.
Manohar Lal, The Honourable Mr.	
Maqbool Mahmood, Mir.	
Muhammad Akram Khan, Khan Bahadur Raja.	
Muhammad Amin, Khan Sahib Shaikh.	



## NOES.

Barkat Ali, Malik.  
 Bhagat Ram Choda, Lala.  
 Bhagat Ram Sharma, Pandit.  
 Bhim Sen Sachar, Lala.  
 Chaman Lall, Diwan.  
 Dev Raj Sethi, Mr.  
 Duni Chand, Lala.  
 Duni Chand, Mr.  
 Duni Chand, Mrs.  
 Hari Lal, Munshi.  
 Jalal-ud-Din Amber, Chaudhri.  
 Kapoor Singh, Sardar.  
 Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.  
 Muhammad Abdul Rahman Khan,  
 Chaudhri.  
 Muni Lal Kalra, Pandit.  
 Partab Singh, Sardar.  
 Raghbir Kaur, Shrimati.  
 Sahib Ram, Chaudhri.  
 Sampuran Singh, Sardar.  
 Santokh Singh, Sardar Sahib Sar-  
 Sardar.  
 Sant Ram Seth, Dr.  
 Sudarshan, Seth.

## DISTRICT BOARD OF GUJRAT (TAX VALIDATING) BILL.

**Minister for Public Works** (The Honourable Malik Khizar Hayat Tiwana) : Sir, I beg to introduce the District Board of Gujrat (Tax Validating) Bill.

I also move—

That the District Board of Gujrat (Tax Validating) Bill be taken into consideration.

In moving this motion I would refer honourable members to the statement of objects and reasons. This tax which was levied by the District Board of Gujrat has been declared invalid by Court, on merely technical grounds, namely that the haisiyat taxation officer had not the status of a naib-tahsildar as was desired by the notification, that the appointment of that officer had not the approval of the Commissioner. The tax was also challenged on the ground that it was in the nature of an income-tax and could not be levied by the Board and that the assessment was not according to rules. The court of first instance decided all the issues in favour of the Board. But on appeal it was held that the officer appointed for the purpose of assessing the tax was not of the rank of a naib-tahsildar as required by the rules. The High Court also upheld the contention of the first appellate court. Therefore this Bill merely seeks to remedy technical defects pointed out by the courts. The tax in question has been collected to the extent of Rs. 36,998 and if it is to be refunded, the finances of the district board will be disturbed and many of the useful activities of the board will be adversely affected. (*An honourable member* : What is the present financial position of the district board ?) I may not be able to answer that question straight-away, but I can say that it is not rich enough to throw away the sum of Rs. 36,000 for nothing.

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

What I have to say is that during this period for which the tax was collected the assesses have enjoyed many of the amenities provided by the district board and were it not for this technical error, the people could have no objection against payment. This measure is intended to remedy

[Minister for Public Works.]

this technical error and no hardship is involved to the tax payer. It is a non-controversial measure and I hope the House will pass it straightaway. With these words I move the motion.

**Mr. Deputy Speaker :** Motion moved—

That the District Board of Gujrat (Tax Validating) Bill be taken into consideration.

**Chaudhri Krishna Gopal Dutt** (North-Eastern Towns, General, Urban): Sir, I beg to move—

That the District Board of Gujrat (Tax Validating) Bill be circulated for the purpose of eliciting opinion thereon by August, 31, 1941.

This Bill lends colour to the widely prevailing impression that the present Government is out to legalize all illegal things and to make all legal things illegal. If we take into consideration this Bill and eventually enact it into law, I am afraid we will be putting a premium on ignorance, inefficiency and party squabbles. I do not know the details of the case which has necessitated this measure, but from the statement of objects and reasons I come to one and only one conclusion, that is that as a member of a wide-awake and vigilant opposition it is my duty to get this Bill circulated and in attempting to do that try to get the details of the case. I regret to say that the Honourable Minister for Public Works has not taken the House into his confidence as to why the Government is anxious to legalize the grave blunders of local bodies in the province: and that too in the light of the fact that the Government has taken to task and has reprimanded and even punished a large number of local bodies in this province on the basis of technical mistakes, apparently technical offences though in reality on political grounds.

The other day a question was raised in the House as to why Government have not approved of the candidate selected for executive officership of the Gujranwala Municipality. And what was the answer given by the Parliamentary Secretary? He had the audacity to say that the Gujranwala Municipality—

**Minister for Public Works :** Are we discussing the Gujranwala Municipality?

**Mr. Deputy Speaker :** The honourable member is not at all relevant.

**Chaudhri Krishna Gopal Dutt :** I am surprised to be told that I am not relevant. I am only giving you the grounds as to why we on this side of the House are opposing this measure. I am pointing out the attitude of Government towards the mistakes and blunders of the local bodies and therefore I am pointing out to you—

**Mr. Deputy Speaker :** That does not make it relevant.

**Chaudhri Krishna Gopal Dutt :** It does make it relevant. I will submit how.

**Mr. Deputy Speaker :** I would request the honourable member to speak on the motion under discussion.

**Chaudhri Krishna Gopal Dutt :** In this way I will not be able to proceed. If you hear me it will become crystal clear to you that this Bill is a political measure and since the Government is taking a political view of non-political matters, we the members of this House oppose such

measures on political grounds. The fact of the matter is that the Gujranwala Municipality is dominated by the Congress people, while the District Board of Gujrat is dominated by the members of the Unionist Party, by the henchmen of the present bureaucracy, and it is therefore that Government is conniving at the blunders of the district board.

**Mr. Deputy Speaker :** At this stage the honourable member can only discuss the principle underlying the Bill, and its general provisions.

**Chaudhri Krishna Gopal Dutt :** I am developing the argument which I gave at the outset that if we support this measure, it would be tantamount to putting a premium on the inefficiency and incapability of the District Board of Gujrat and I was supplementing it by the statement that in the ordinary course of things no Government would validate the grave blunders of a local body and the former Minister of the Punjab Government, Sir Gokul Chand Narang, will bear me out that the Government has been taking action on all those grave mistakes and blunders committed by the local bodies. But such a long time has passed since the District Board of Gujrat committed those grave blunders. Not only that. In spite of that a large number of the constituents and the members of the district board brought it to the notice of the Board that it had no right to appoint a haisiyat-tax officer without the sanction of the Commissioner. Why did they not listen to the constituents ? Was not the matter brought to the notice of Government ? Did not the members bring it to the notice of the Government ? And why was Government fighting shy of elucidating this matter ? Why did not the Government point out at that time and say : look here, under the rules the District Board has not the power to appoint a haisiyat-tax officer, therefore all the taxes levied by him will be invalid as has now been held by the courts ? Do you think Government has the right to play with impunity with the finances which belong to the poor people ? It is now a question of Rs. 30,000 and all that has been illegal, and the Honourable Minister of Public Works comes before this House, and asks it to make something illegal legal. It is in my opinion a very extraordinary matter that this House should be asked to rescind the legislation passed by this very House. What a peculiar notion of legislation, what a peculiar notion of the legislature the Honourable Minister for Public Works has in his mind and what scant respect he has for the legislation which this provincial legislature passed, which legislation was trampled under foot by the local bodies deliberately in my opinion, as was pointed out by their constituents, and now we are asked to condone the wrong doings of the local bodies ! This Government wants us to condone the acts of the district board because it has no nationalist on it, because the board is not dominated by nationalists but by the Unionist-ridden members.

**An honourable member :** Is nationalism the monopoly of the Congressmen ?

**Chaudhri Krishna Gopal Dutt :** Yes, as treachery is of the Unionists. Mr. Deputy Speaker, when the members of the Gujranwala Municipality passed the resolution appointing an executive officer for one year instead of for five years, it was open to the Government to ask the municipality to pass a further resolution and appoint the executive officer for five years. Where was the harm in so doing ? But since the gentleman appointed

[Ch. Krishna Gopal Dutt.]

was a Congressman, Government did not do that, and found an excuse for not approving of his appointment. Now the District Board being composed of Unionist members the Government wants us to legalize the illegality by asking this House to validate the assessment and collection of the haisiyat-tax that has been made by their haisiyat-tax officer. With these words I move my amendment.

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

That the District Board of Gujrat (Tax Validating) Bill be circulated for the purpose of eliciting opinion thereon by August 31, 1941.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural) (*Punjabi*) : Sir, it is a hard fact that whenever any district board has imposed professional or haisiyat-tax, the poverty-stricken people of this province have suffered very heavily. The imposition of this tax has invariably been wrong and the poor have invariably suffered great losses. Most of the honourable members of this House must be aware of the fact that when the professional or haisiyat-tax was imposed for the first time, some of the district boards imposed it on the basis of the income-tax. But later on a court of law held that this tax was illegal as it was a duplicate form of income-tax and that the income-tax could not be charged twice over. At that time perhaps Dr. Sir Gokul Chand Narang was in charge of Local Self-Government in the Punjab and the Professional Tax Validating Act was passed in order to validate the recovery made through that tax. The result was that the illegal recovery of several lakhs of rupees was made legal under that Act. The poor people suffered a heavy loss for no fault of theirs. They were in fact made to pay for the mistakes and illegalities of the district boards. The noteworthy point in this connection is that the District Board of Gujrat was excluded from the purview of the said Validating Act. I wonder why this district board was not included at that time. Perhaps the then Government thought that the said district board was very efficient and that its method of taxation was held to be correct by the Minister in charge of Local Self-Government.

If this Bill is enacted into law it will subject the people to similar hardships as were suffered by them on account of the first validating Act. As this measure directly affects the people it is necessary to consult their opinion about it. It is also possible that in the light of public opinion which the Government will elicit by circulating the present Bill, they may deem it necessary to amend it in certain respects. Public opinion may reveal some other aspects of this Bill which may be at present hidden from the eyes of the Government. Professional-tax or haisiyat-tax is usually levied on incomes below Rs. 800 which means that its main burden falls upon the poor people. It is, therefore, necessary to know the opinion of those who have been assessed to it by the haisiyat-tax officer of the District Board, Gujrat. The Honourable Minister informed the House that the total amount of the tax, which is to be validated, is only Rs. 36,000. He mentioned this sum as if it was too insignificant to bother the House. (*Interruption*). May I know the exact amount of the collections already made?

**Minister for Development :** It is Rs. 36,933.

**Sardar Kapur Singh :** A sum of Rs. 36,983 has already been realized : an amount which the District Board of Gujrat shall have to refund in the absence of any such measure as is at present being considered by the House. The Honourable Minister thinks that it is a paltry sum. It may be a paltry sum for him. He is a rich man. He gets Rs. 36,000 a year by way of salary alone. Moreover, the object of the Bill is not only to establish the validity of the collection of the tax which has already been made but also to legalize the assessment of the tax made by the haisiyat tax officer, District Board of Gujrat. This means that this Bill will also confer upon the District Board of Gujrat the right of realizing the tax which has been assessed but awaits collection. Ordinarily an assessee has a right of appeal against the assessment orders. But by enacting this measure into law we would be depriving all those people of the district of Gujrat who have been assessed to this tax of their right of appeal.

Another point I want to press upon the attention of the Government is this. Generally the paying capacity of the people is very low and often outstanding amounts of taxes have to be written off as unrealizable. The best thing under the circumstances would be to inquire from the said district board as to how much is the outstanding amount of any tax, which they regard as unrealizable. And if you find that there is any such unrealizable amount due to the said district board, you may authorize them to debit the amount of haisiyat-tax illegally collected by them, to that account. Often on account of the low-paying capacity of the people large amounts of various taxes have to be remitted as unrealisable. It is very probable that the payment of the haisiyat tax already assessed will be deferred by the people from year to year and then the district board will recommend that it may be cancelled as unrealizable. Therefore, I submit that the Bill may be circulated for eliciting public opinion thereon. With these words I resume my seat.

**Chaudhri Jalal-ud-Din Amber** (West Central Punjab, Indian Christian) : Sir, without repeating the arguments that have been advanced in favour of the motion for circulation, I want to point out that the assessment of this tax is in the first instance illegal. From the statement of objects and reasons attached to this Bill we find that the detailed rules came into force after the appointment had been made. If these rules were not in force at the time the assessment was made, that means that the assessment was illegal for the period during which the assessment was made. The rules stated in so many words that the assessment was to be made for such and such a specified period and the rules were not in force when the assessment was made. So, for that period the assessment was made illegally. So, if we pass this Bill we will be falling into the same fallacy into which our Ministry has fallen in regard to the Mortgages Act and the Benami Act, that is, if we make it retrospective. The Government of India Act, 1935, has been interpreted by the civil courts in a different way and difficulties have arisen and the poor zamindars have been led to fall into litigation. If this assessment was illegal for the period during which the rules were not in force, then this validating Bill cannot have retrospective effect and difficulties will arise and you will be affording an opportunity for complications to arise. This point should be made clear before you take action one way or the other. I think there should be no difficulty

(Ch. Jalal-ud-Din Amber.)

in the refund of this assessment because as my honourable friend has pointed out, it can very well be refunded. Those assesseees remain pretty nearly the same every year and exceptions are few. The amounts wrongly taken from them can be made good to them. There should be no difficulty in the refunding of the assessments wrongly collected. The question of legalizing the same, on the other hand, should be carefully looked into. With these words I conclude my remarks and press for the circulation of the Bill.

**Diwan Chaman Lall** (East Punjab Non-Union, Labour) : Mr. Deputy Speaker, I am not concerned with the political issue that has been raised regarding the character of the district board which is sought to be protected by this measure. The point which is essential to the consideration of this Bill would be entirely lost if it were got involved in political side issues. The point has not been put, as it should have been put by my Honourable friend, the Minister in charge, who made a very brief statement in which he confined himself to the one reason, namely, that this Bill is necessary because the assessment and collection made by a particular officer has been made without obtaining the sanction of the Commissioner to his appointment.

**Minister for Public Works :** I stated two reasons.

**Diwan Chaman Lall :** My honourable friend says he stated two reasons. The other reason that he stated, that is my complaint against him. He did not bring that matter before this House as it should have been done. He left it entirely vague saying that the rules have not been complied with. This exactly is the matter which should have been brought before the House. There are certain rules which should have been made after the appointment of a haisiyat-tax officer. When these rules are not complied with, certain serious consequences follow. Now, which is the particular rule which has not been followed in this particular instance which has resulted in grave damage done to the people who are the assesseees ? (*Interruption by the Honourable Minister*). Let the Honourable Minister listen patiently to what I am saying. He probably would agree with me, he knows being in charge of the department that one of the essential rules is this that before this tax is assessed the officer in charge should take the advice of two gentlemen who come from the category of assesseees and who therefore are in the proper position to know who are the people who should be assessed and to what extent they should be assessed. This particular safeguard was put in in order that no arbitrary assessment should be made, in order that wrong people should not be assessed, in order that the poverty-stricken people who are engaged in any particular profession should not be exorbitantly charged and should not be made to suffer financially or otherwise. This was the most important safeguard to utilize for the purpose of making this particular rule and it was utilized and it has been utilized ever since this new rule was promulgated, I understand, from 1935 onwards. Why was this rule made ? I have stated the reasons why this rule was made—for the protection of those who are going to be assessed. In this particular instance that rule was not complied with, there was not the slightest attention paid to this particular rule which is a safeguard for the assessee. The Commissioner is asked to confirm the appointment. Why ? Why

is he asked to confirm this appointment? The reason is that the Commissioner must first satisfy himself that this particular method has been followed in assessing and collecting the haisiyat tax in order to protect the poverty-stricken assesseees. That is the reason for giving the power in the hands of the Commissioner. It is a protective power given into the hands of the Commissioner, but the Commissioner can only satisfy himself that the power has been properly exercised if the two men who are from the category of assesseees are consulted duly and properly by the officer who has been appointed. Now, my honourable friend knows perfectly well that in this particular case that particular procedure was not followed. The judgment that my honourable friend refers to—that judgment unfortunately is not before me, Mr. Deputy Speaker, I left it here in my seat and I find that every paper has disappeared, but my honourable friend knows the judgment—he knows it contained three reasons that were given.

**Khan Bahadur Nawab Muzaffar Khan :** Be careful of your neighbours.

**Diwan Chaman Lall :** I am always careful of all people including my honourable friend over there. My honourable friend knows that three reasons have been given in that judgment and one of the reasons given is this very reason that I am suggesting now that there was no consultation and since there was no consultation and therefore an injustice has been done, are we to take it as an argument that because this particular safeguard which the legislature provided or which the provincial Government with the consent of the legislature provided, the safeguard for those who are to be assessed has not been utilized in this particular case, therefore we must give my honourable friend the power, never mind if that safeguard has not been utilized, we must give him the power, the authority to validate the illegality that has taken place, that is to say, validate the injustice that has taken place and make those assesseees suffer?

*(Interruption by Nawab Fazl Ali.)*

**Mr. Deputy Speaker :** No interruptions please.

**Diwan Chaman Lall :** Mr. Deputy Speaker, I welcome interruptions, but I did not catch my honourable friend. Sometimes this House resolves itself into a private audience room, but we are not concerned with the political issue and it need not be imported into this matter. What is absolutely essential is the point of injustice done to the assesseees. That particular safeguard was meant to protect the assesseees and that safeguard has not been utilized. How can my honourable friend then come before the House and say that the only safeguard of any importance as far as the assesseees are concerned has not been utilized and because it has not been utilized for one reason or another, therefore we must be guilty of injustice to the assesseees who are protected by the rules but for whom the rules are no longer operative? He says it is not a controversial measure. The controversy only arises on the point of injustice. If he is willing to do injustice to the poverty-stricken assesseees, this side of the House is certainly not willing to help him to do that injustice. A particular safeguard is there and that must be utilized. How do we know that assessment was proper? My honourable friend comes before the House and says the assessment and collection of this tax from 1935 onwards, no matter whether

[Diwan Chaman Lal.]

it was illegal, no matter whether it was unjust, no matter whether it was arbitrary, must be made legal now by the vote of this House. It is a most extraordinary proposition to put before the House. I do submit that never in my experience have I come across a measure of this kind being brought before a legislature where a legislature has itself laid down a particular safeguard and certain officers of the Crown or certain organizations like district boards or local bodies have not been carrying out the mandate laid down by the legislature or by the rules provided for by the Government that in that case we must validate whatever illegality they may have committed no matter what injustice has been caused to the assesseses. I submit that this is a most extraordinary proposition. The course my honourable friend should have adopted should have been to allow this tax to lapse and make an assessment under the proper rules and thereafter see that the man who is appointed is appointed according to the rules and see that the assessment he makes is according to the rules. He should not come to the House and utilize his majority for the purpose of oppressing the poor people. (*Hear, hear*). I am one of those who definitely are against what is known as the haisiyat-tax. It is a most scandalous tax. It is a scandalous tax because it affects the most poverty-stricken classes. My honourable friend does not consider the village *lohar* to be poverty-stricken. He is living in the lap of luxury. The trouble is that those who live in the lap of luxury cannot understand the difficulties of poor people unless they are socialistic minded. Does he ever consider that they are living in misery and not in luxury? Does my honourable friend consider that the poor village carpenter is living in the lap of luxury? Does he consider that the village shoemaker is living in the lap of luxury? Does he consider that any one of those poor men, who are engaged in their ordinary vocation in the villages governed by the District Board of Gujrat, is living in the lap of luxury? And yet they are the people who are made to pay this tax without even a reference to their own class or to the assesseses who are under the rules, as I have said, to be consulted by the haisiyat-tax officer. Without any reference to those who are taxed my honourable friend brings forward this measure which he considers to be a proper and just thing to do. I submit that he should have put this aspect of the case before the House and asked the House not to utilize the votes of the House on party basis, but let the votes be free in this House on this one issue whether it is just and proper that this thing should be done. Mr. Deputy Speaker, there is nothing more to be said in regard to this particular measure. I do hope that my honourable friend will follow my advice. Let us not get entangled into political discussion as to whether the Unionist Government is in power in the district of Gujrat or whether the Congress Government is in power in that district. That is not the point. The point merely is this, whether a particular class of persons, who are earning their living in the villages, have been arbitrarily assessed without any consultation with their own class and whether that assessment should be held valid or whether it should not be held valid. I submit that justice demands, law demands and equity demands that my honourable friend should not press this motion before the House and that he should withdraw this motion and that he should proceed to order the district board concerned to collect the haisiyat-tax according



to the rules and regulations made under the authority of the provincial Government. I submit that this is a very simple proposition and I do hope that my honourable friend will give necessary attention to the point that I have raised.

One word more and I have finished. Is my honourable friend absolutely convinced and certain and has he consulted his law authorities that the measure that he has now brought before the House has no lacuna in it and that it is valid? There are many important people, who should know and with whom I have consulted this matter, who are of the opinion that this measure in itself is an invalid measure. Again, my honourable friend may be compelled to come before the House to undo what hurriedly he is wanting to do at the present moment. Therefore, I submit that my honourable friend should take more time to consider the full implications of this measure and see who are the people who are adversely affected by the illegality that has been committed. By taking more time he may be ruled by wiser counsel than he seems to be to-day.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban): Sir, it appears to me that the facts of this case have been most inadequately placed before the House by the Honourable Minister. In fact, I am ready to say that the Honourable Minister does not seem to have made any attempt to appreciate or understand the underlying facts of this case. I claim to know something of the case which formed the subject-matter of litigation and which has given rise to this Bill. I will therefore, first place before this House the fundamental facts of the case, those facts, which this House must know in order that it may be in a position to judge whether this Bill should be supported or should not be supported. The fundamental facts of the case are as follows: On the 21st June, 1930 the provincial Government granted statutory sanction for the imposition of haisiyat-tax by the District Board of Gujrat. Section 30 of the District Boards Act lays down as follows:—

A district board may, with the previous sanction of the provincial Government impose any tax which the provincial Legislature has power to impose in the province under the Government of India Act, 1935.

This proposal was mooted in the District Board of Gujrat, and after having passed that proposal with the necessary majority and after having gone through all the formalities laid down in section 31 of the District Boards Act, the District Board of Gujrat moved the provincial Government for the grant of statutory sanction under section 30 of the District Boards Act. This sanction, as I have told the House, was granted by the provincial Government and duly notified on the 21st June, 1930. The imposition of haisiyat-tax having been sanctioned by the Government, it now fell to the district board to prescribe, regulations about the mode of assessment of this tax and of its collection. Accordingly, the district board appointed a retired Government servant, who was a *sadr kanungo*, as the haisiyat-tax officer. I may also inform the House that in the meantime the local Government in the interests of uniformity had published a set of draft rules on the 10th July, 1934, for the guidance of district boards in the province. These rules were only draft rules and they were published in the *Punjab Government Gazette* and objections were duly invited on behalf of the public. After the period that had been fixed for objections had passed, those rules, framed

[M. Barkat Ali.]

by the Government and which were to be applicable to all the district boards including the District Board of Gujrat, were finally sanctioned by the Government on the 26th November, 1935. Long before this date, that is, 26th November, 1935, the district board, which had a statutory authority under the District Boards Act to proceed to collect this tax which had been sanctioned by the Government under section 30, put into motion its own machinery for the assessment and collection of this tax. The sadr kanungo was appointed by the district board and the board had every authority under the rules which then existed to appoint the sadr kanungo. The sadr kanungo was appointed on the 1st February, 1935. The House should remember that these rules were subsequently sanctioned by the Government on the 26th November, 1935. Therefore, on the 1st February, 1935, there was no question of the illegality of the appointment of the haisiyat-tax officer. Now, before the district board had appointed the sadr kanungo, it had actually sought the sanction of the Commissioner.....

**Lala Bhim Sen Sachar :** On a point of order. Is my honourable friend perfectly in order in casting aspersions on the court because it has been judicially held that the appointment was illegal?

**Malik Barkat Ali :** My honourable friend is still under the wrong impression that it has been judicially held illegal. I was submitting to the House that before the appointment of the sadr kanungo on the 1st February, 1935, the district board duly moved the Commissioner and asked for his approval apparently under the draft rules which were adopted later. The Commissioner, by means of a letter duly forwarded to the district board through the Deputy Commissioner, said that he had no objection to the appointment of the sadr kanungo as haisiyat tax officer. So, you will be pleased to see that on the 1st February, 1935, this sadr kanungo was duly approved by the Commissioner of the division.

**Rai Bahadur Mukand Lal Puri :** What is the date of the Commissioner's letter?

**Malik Barkat Ali :** I will give you the exact date of that letter. Because I did that case myself that is why I am giving you the facts. Kindly note down the words. These are the words of the letter of the Commissioner which unfortunately was not placed in that litigation before the court.

**Rai Bahadur Mukand Lal Puri :** What is the date of that letter?

**Malik Barkat Ali :** That letter is prior to the 1st February, 1935. First hear what the Commissioner said. He said—

I have no objection to your proposal regarding the appointment of S. Ali Muhammad Shah, retired Sadr Kanungo, as haisiyat-tax officer to the District Board, Gujrat.

After this letter of the Commissioner—

**Lala Bhim Sen Sachar :** Please read further.

**Malik Barkat Ali :** That is enough for my purpose. But I will for the satisfaction of my honourable friend read the whole of this letter and leave it to him to draw such solace as he possibly can from the rest of this letter. It runs as follows :—

.....But if it is required to give the haisiyat-tax officer the powers of naib-tahsil-dar it would be necessary to appoint a naib-tahsil-dar or naib-tahsil-dar candidate.

You will be pleased to see that before this letter of the Commissioner came there was no question of a naib-tahsildar or naib-tahsildar candidate being required by any existing rules. These rules became law and came into force on the 26th November, 1935. After this letter had come, the sadr kanungo was appointed as the haisiyat-tax officer and he proceeded to assess and the district board proceeded to collect the haisiyat-tax. One of the assesses instituted a suit in the civil court of Gujrat and he attacked this assessment as illegal on various grounds. The trial judge, Mr. Sansar Chand Bhandari, held that the rules sanctioned by the Government in November, 1935, could have no retrospective effect and therefore the appointment made in February, 1935, was perfectly legitimate and in order. He, therefore, dismissed the suit. There was an appeal to the Senior Sub-Judge, Mr. Ghambir, and he held that the sanction of the Commissioner, as required by the rules which were confirmed by the Government in November, 1935, had not been placed on the record. I have already told the House that the letter of the Commissioner, in which he said that he had no objection—in fact he approved of that appointment—unfortunately was not placed on the record of that case. The case was badly conducted on behalf of the district board in the trial judge's court. The case went up to the High Court and when it came before the High Court, the High Court Judge said, "Look here, there is nothing on the record and it has been found as a fact by the Senior Sub-Judge that the Commissioner's sanction was not obtained." Therefore, sitting as a judge in second appeal, he dismissed it as one concluded by a finding of fact, without any discussion as to whether the imposition was legal or illegal.

**Rai Bahadur Mukand Lal Puri :** Sir, I want a piece of information from the honourable member. May I know if what he is stating is anywhere to be found in the judgment of the court? Will he quote that judgment?

**Malik Barkat Ali :** The judgment of the court was "dismissed". I was a counsel in the case and therefore I am in a better position to know the facts.

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

The district board went up in second appeal to the High Court and the Honourable Judge said: "This judgment of mine or this judgment of the Senior Sub-Judge is not going to be res judicata. What does it matter if you lose five or ten rupees so far as this case is concerned? You bring another case and in that case put on record everything essential. Place on record the letter of the Commissioner and then fight out the case." That is the history of the case. Therefore, for any one to say that the tax is illegal because the Commissioner's sanction has not been obtained is not really correct. In a particular litigation it may have been held so, because a certain letter of the Commissioner was not placed on the record of the case. Again, because the Senior Sub-Judge came to the conclusion that as the Commissioner's letter was not placed on record, therefore he must hold the imposition as illegal, it does not really follow that the imposition is illegal. I would like to draw the attention of the Honourable Minister to his aspect of the case. Have the law officers of the Crown on the facts I have stated reached this conclusion that the imposition of the tax and its

[M. Barkat Ali.]

collection are illegal? If the law officers of the Crown after full study of the case have reached this conclusion, place the facts before us so that we may be in a position to give our verdict. Any legislation of this House should be properly and carefully prepared. Why should you proceed with the assumption based on this case that this levy is an illegal levy? Therefore, I submit that the assumption which underlies this Bill that this haisiyat-tax is really illegal is not justified. From the facts that have been placed before the House and from the little that I know of the facts of the case, it appears to me, as was observed by the Honourable Judge who dismissed the second appeal, that if this case had been properly conducted by the district board in the trial judge's court, it would have succeeded. I have placed these facts before the House in order that we may be in a position to decide. I would appeal to the Honourable Premier to interest himself in this matter if it is really an illegal levy. I may also inform the House that the poor district board in this case was not to blame. I beg to place this further information before the House that after this rule had been sanctioned by the Government in November, 1935, this poor District Board of Gujrat again moved the Commissioner for formal sanction. And do you know what answer it received? The Deputy Commissioner, instead of forwarding that proposal of the district board to the Commissioner, sent back the letter with the remark that the Commissioner's sanction was unnecessary because the haisiyat-tax officer was appointed in February, 1935, long before November, 1935. Obviously rules framed in November, 1935, could not possibly govern an appointment made in February, 1935. Honourable members should not be under the impression that this wrong was committed by the district board and it was the district board that was responsible for this illegality. The district board did its duty; it did ask for sanction, rightly or wrongly, and it was the Deputy Commissioner that turned down the proposal saying that Commissioner's sanction was not needed.

**Lala Bhim Sen Sachar :** Was any sanction necessary before the rules were framed?

**Malik Barkat Ali :** Before the rules no sanction was needed and therefore the appointment made in February was quite valid and it was later on under the draft rules notified in July, 1935, and finally sanctioned in November, 1935, that it was required that the haisiyat-tax officer should be of the rank of a naib-tahsildar. So far as the question of rank is concerned, the status of a sadr kanungo is by no means less than that of a naib-tahsildar. In fact a sadr kanungo may directly be appointed a tahsildar without first being appointed a naib-tahsildar. The jurisdiction of a sadr kanungo extends over the entire district, while that of a naib-tahsildar extends only to one particular tahsil. But this is neither here nor there and I do not propose to waste the time of the House in unnecessary details. What I ask the Government is whether they have satisfied themselves before they proceed with the legislation with regard to two points—firstly, whether there has been any illegality in the appointment of that particular haisiyat-tax officer in February, 1935 and secondly, whether before the appointment of this sadr kanungo the Commissioner did say that he had no objection to that appointment. Even if a sanction was required that sanction is there. How can you ask the House to legalize a legality? You

can, no doubt, come to the House to take its sanction for removing an illegality.

**Parliamentary Secretary (Mir Maqbool Mahmood):** It is a doubtful case.

**Malik Barkat Ali:** On the facts that I have placed there can be no question of doubt. No judgment is given by the High Court that the levy is doubtful. Therefore, I want you to say whether the facts as I have placed them before you are true or not and answer the two points that I have raised.

**Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muham-  
madan, Rural) (Urdu):** Sir, I would not hesitate in saying that my honour-  
able friends who have just finished their speeches except Malik Sahib have  
laboured in vain. Only Malik Sahib has thrown much light on the various  
aspects of this matter as he seems to be fully aware of the facts. But other  
honourable members who have spoken before him seem to be unacquainted  
with the present conditions of the District Board of Gujrat, so far as this  
tax is concerned. When they did not know the judgments given by  
the courts of law regarding this matter and the reasons of this Bill being  
brought before this House, I do not know why they felt the necessity of  
making speeches on this subject. The reason is that they have opposed  
it for the sake of opposition. Some of the preceding speakers who are in  
the habit of abusing others made district boards their target and by making  
allegations against different presidents of different district boards they have  
satisfied their wrath. I may also submit that most of the Congress members  
have been beating about the bush and none of them has been able to hit  
the nail on the head. Some of them have taken objection to this measure  
for the reason that the District Board of Gujrat was under discussion and  
some of them have attacked it on account of my being the Chairman of the  
Gujrat District Board. This is their honesty and mentality. Certain  
honourable members indulged in irrelevancy and referred to the Congress  
activities in Gujrat district. I could not understand what Congress activities  
had to do with this matter which was primarily concerned with the District  
Board of Gujrat. As you are aware, Sir, some Congress members have  
taken me to task and some in spite of moving their hands and jumping in  
their seats like Chaudhri Krishna Gopal Dutt could not impress the House  
and they failed to convince us. This has become a habit with some of the  
honourable members opposite that they go on speaking without rhyme or  
reason and sometimes in the course of their speech they make others laugh  
and sometimes weep but when we consider their speeches minutely we  
find them meaningless. As regards Diwan Chaman Lall, I would say  
that I have great respect for him, but so far as his speech is concerned, I  
may point out that it was wide of the mark and did not relate to the real  
subject. He was helpless as he was not aware of the real facts of the matter  
under discussion. Honourable members sitting on the opposite benches  
were opposed to this Bill only for the sake of opposition. One honourable  
member sitting over there who does not know even the difference between  
professional-tax and haisiyat-tax criticized the haisiyat-tax without know-  
ing the facts and it amazes me that he conveniently forgot that the tax

[K. B. Nawab Ch. Fazl Ali.]

has not been imposed to the amount of Rs. 400. The subject under discussion is that the assessment of the tax has not been considered as legal by the courts of law.

**Mr. Speaker :** Order, please. Further discussion on the Bill may be resumed on a later day. The Honourable Premier will now move his motion relating to hours of sitting of the Assembly.

### HOURS OF SITTING.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : Sir, you will recollect that on the opening day of the session, I made a motion regarding the time of the sitting of the House and it was decided that during the present week except on Friday, we should sit from 12 noon to 4-30 p.m. and that subsequently, I should consult the Leader of the Opposition and then if necessary bring a further motion before the end of this week. I have had an opportunity of consulting the Leader of the Opposition and he explained to me his difficulty in accepting 12 o'clock sitting. He said that a large number of members on his side of the House are anxious that it should be from 2 p.m. because they are lawyers and they do not want to have their work interfered with by an earlier sitting. Personally, I am prepared to sit at any hour. If you sit from 12 to 4, I have to sit in my office till 7 or 8 p.m. to finish my work and if you sit from 2 to 6, I can do my work from 10 a.m. So, it is quite immaterial for me at what time you sit. My colleagues and I are prepared to sit at any time, but a large number of members of this House have on more than one occasion represented to me that if we sit from 2 to 6-30 p.m., it means that they will get no opportunity to join any social function which also I think is important. Moreover, they cannot take any exercise, as we finish the Assembly work when it is dark. Therefore, they suggest that we should sit from 12 to 4-30 and, when there are adjournment motions, to 6-30 p.m. But if we sit from 2 p.m. and there are adjournment motions as well, we will have to sit till 8-30 p.m. I would, therefore, appeal to my honourable friends opposite and especially to the lawyer members who have got a big practice at the High Court and do not want their work interfered with either by this Assembly or by other things, to agree to my suggestion for the convenience of a large number of members of this House. Out of four days in a week that we meet, we meet on Friday at 2-30. It is only during the remaining three days that we want to meet at 12 noon. But even here 7 p.m. the first hour is reserved for questions so that the regular business of the Assembly commences only at 1 p.m. It means that the lawyer members of the House who practice in Lahore can come to the Assembly at 1 p.m. after attending to their court work.

**Sardar Sampuran Singh :** Did we not come to an understanding that we should discuss the matter first with the lawyer members separately? The trouble is that this question is being brought up just at the fag end of the day when many of them have already left the House. I think we can continue consideration of this question on Monday in accordance with our understanding.

**Premier :** I am quite agreeable if the honourable member wants more time to consider the question. I was merely putting forward this argument that since the courts do not sit between 1 and 2 p.m. which is their lunch hour the lawyer members can conveniently come to the House at 1 p.m. If they agree to the Assembly meeting at 12 noon, they will be obliging 90 per cent of the members of the House. I, therefore, appeal to their sense of chivalry—

**Sardar Sampuran Singh :** I make the request for the postponement of the consideration of the question because Mian Abdul Aziz and other lawyer members have been allowed to leave the House on this very understanding that the matter will not be decided to-day.

**Premier :** Then, I propose that on Monday and Tuesday we may meet at 12 noon. On Tuesday I shall make a further motion about the hours of sitting. Meanwhile the Honourable Leader of the Opposition may place before his lawyer friends my point of view before coming to a decision. I accordingly move—

That on Monday the 25th and Tuesday the 26th November, 1940, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4.30 p.m. without question put.

*The motion was carried.*

*The Assembly then adjourned till 12 noon on Monday, 25th November, 1940.*

#### APPENDIX.

*Answer to starred question No. 7008,—vide page 242 ante.*

#### DEATH OF ACCUSED IN POLICE CUSTODY.

**The Honourable Malik Khizar Hayat Tiwana :** (a) Reports received from the Superintendents of Police show that 20 persons have died while in police custody since April, 1937, district-wise as follows :—

Hissar	..	..	..	1
Ferozepore	..	..	..	3
Lahore	..	..	..	4
Amritsar	..	..	..	1
Gurdaspur	..	..	..	1
Sialkot	..	..	..	2
Sheikhupura	..	..	..	2
Multan	..	..	..	2
Gujrat	..	..	..	3
Rawalpindi	..	..	..	1

(b) and (c) In two cases only it was found that death was due to torture by the police. The police officers concerned were prosecuted in these cases, under section 304, Indian Penal Code, in the case of Hissar and under sections 304/331/348, Indian Penal Code, in the case of Gurdaspur. In the Hissar district one head constable and 3 foot constables were sentenced to one year's rigorous imprisonment each and dismissed the force. In the Gurdaspur district one Assistant Sub-Inspector, one head constable and 2 foot constables were acquitted by the Additional District Magistrate. The Crown preferred an appeal against their acquittal and the case is *sub-judice*.





# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 25th November, 1940.

*The Assembly met in the Assembly Chamber at 12 noon of the clock. As there was no quorum at the time Mr. Speaker adjourned the Assembly for fifteen minutes. The Assembly re-assembled at 12.15. Mr. Speaker in the Chair.*

### STARRED QUESTIONS AND ANSWERS.

#### FODDER SUPPLY IN THE FAMINE RELIEF WORK.

**\*6720. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the quantity and rate of fodder supplied by Rai Bahadur Daulat Ram and Chaudhri Banwari Lal, Contractors, respectively, in the Famine Relief Work under the Fodder Adviser to the Government, Punjab, and the amount of money paid to them separately ;
- (b) whether all the contractors of district Gurgaon supplied fodder at a uniform rate ;
- (c) whether the *bhusa* supplied by the contractors mentioned in (a) was weighed at the time of taking delivery, if so, whether there is a record of the same, if not, why not ;
- (d) whether at the time of distribution the *bhusa* supplied by Chaudhri Banwari Lal was found to be much less than the amount for which payment was made to him ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : (a) The accounts of the two contractors have not yet been finally compiled. The rates for fodder supplied by them varies from annas eleven to fourteen annas and six pies per maund according to the kind of fodder supplied.

(b) No.

(c) Yes. *Bhusa* was weighed. Record of weighments exists.

(d) Not much but somewhat. A running payment was made to the contractor and any amount paid to him in excess will be recovered.

**Pandit Shri Ram Sharma :** May I know what amount was paid to them separately as had been asked by me in part (a) of the question ?

**Parliamentary Secretary :** I have already said that the rates were from 11 annas to 14½ annas per maund.

**Pandit Shri Ram Sharma :** The Parliamentary Secretary has not carefully read the last line of part (a) of the original question in which I had asked the total amount of money paid to these contractors. Was any amount of money paid to them or not ?

**Parliamentary Secretary :** The accounts relating to this item are being audited and the audit report has not been completed so far. I cannot, therefore, supply the necessary information just at present.

**Pandit Shri Ram Sharma :** Let the audit go on. I only want to know if any money has at all been paid out to them ?

**Parliamentary Secretary :** Running payment has of course been made, but I cannot give the exact figures.

**Pandit Shri Ram Sharma :** Let it be so. What amount has been paid to them separately by way of running payment ? How much money has passed from the exchequer into the pockets of these contractors ? That is what I want to know.

**Parliamentary Secretary :** I cannot tell that offhand. If notice is given I will collect the figures.

**Pandit Shri Ram Sharma :** May I know from the Parliamentary Secretary if the rates of *bhusa* were different in different cases and if so whether the rates were fixed previously according to a sample or they were fixed after receiving and examining the quality of the *bhusa* ?

**Parliamentary Secretary :** After seeing the *bhusa*, rates were fixed according to the quality.

**Minister of Public Works :** Is it the same old *bhusa* that we used to discuss last year ?

**Pandit Shri Ram Sharma :** Yes, it is the same in which case a lakh of rupees were misappropriated. (*Laughter.*)

**Lala Duni Chand :** It is the same old jobbery.

**Pandit Shri Ram Sharma :** May I inquire from the Parliamentary Secretary if the zamindars were made to obtain *bhusa* at the rates fixed in the *taccavi* chits ?

**Parliamentary Secretary :** I would like to have a notice of this question.

**Chaudhri Muhammad Hasan :** To which part of the district of the province do these gentlemen belong ?

**Parliamentary Secretary :** I am afraid I am not in possession of this information. I shall find it out if required to do so.

**Chaudhri Muhammad Hasan :** Is it a fact that they are both non-agriculturists ?

**Parliamentary Secretary :** Such people are usually non-agriculturists. Agriculturists can hardly make money.

**Pandit Shri Ram Sharma :** Are the accounts of these contractors alone erroneous or is it the same case with the accounts of other contractors also ?

**Lala Duni Chand :** Do these contractors belong to the favoured class of contractors ?

**Mr. Speaker :** Disallowed.

**Pandit Shri Ram Sharma :** Is it the general practice of the Government to advance money to contractors or was it a special case ?

**Parliamentary Secretary :** Who said that we gave money as advance? I had only mentioned running payments.

**Pandit Shri Ram Sharma :** Even if it is so, may I know whether running payment was made in this case alone or is it made in all cases?

**Parliamentary Secretary :** I cannot state in how many cases. If notice is given I will gladly collect the information.

#### FODDER SUPPLY IN THE FAMINE RELIEF WORKS.

\*6721. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that M. Shamshad Ali, Contractor, Railway Station, Khalilpur, district Gurgaon, was paid for 500 maunds of wet *bhusa*; if so, whether it could be put to any use?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** My information is that the contractor had over two thousand maunds of fodder at the dump out of which he was paid for only 500 maunds because under the terms of the contract he was required to keep that quantity at the end of each day.

**Pandit Shri Ram Sharma :** Was the condition of the fodder for which payment was made, good or bad?

**Parliamentary Secretary :** Due to rain about 2,000 maunds of *bhusa* belonging to this contractor had become wet. But as he was required by the orders of the authorities to keep ready in stock only 500 maunds every evening, he was paid only for the loss of 500 maunds.

**Pandit Shri Ram Sharma :** Was the *bhusa* which had become wet utilized in some other way?

**Parliamentary Secretary :** Wet *bhusa*, it must be apparent, was not of any use.

**Pandit Shri Ram Sharma :** Were other contractors also treated similarly?

**Parliamentary Secretary :** Answer has been given about the contractor to whom the question relates. If the honourable member gives fresh notice of a question relating to any other contractor or contractors, it shall be answered.

**Pandit Shri Ram Sharma :** Was any special concession made in the case of the contractor in question?

**Mr. Speaker :** Disallowed.

#### EXPUNCTION OF THE ENTRY OF PROFESSION OF *QASSABS* IN ROHTAK, HISSAR, KARNAL AND GURGAON DISTRICTS.

\*6886. **Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the *Qassabs* of Rohtak, Hissar, Karnal and Gurgaon districts have requested him by means of a memorial to expunge the entry of their 'profession' as *Qassabs* from revenue record of these districts;
- (b) the steps taken by him on this memorial?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) Yes. A memorial was received on behalf of the *Qassabs* of the Rohtak district.

(b) The memorialists were informed that they should file applications to the Deputy Commissioner of the district for determination of their request according to law.

**Khan Sahib Khawaja Ghulam Samad**: Is the Parliamentary Secretary aware that there are thousands among the professional classes, that is, among people who carry on various professions, who are really agriculturists but who are deprived of the benefits of agricultural classes, simply because they are adopting a certain profession?

**Premier**: I am afraid my honourable friend is under a misapprehension with regard to who is an agriculturist. I am an agriculturist, statutory agriculturist of my own district. But I am not an agriculturist in this district or in any other district of the Punjab. I am an agriculturist in my own district because I own land there and my main livelihood is agriculture. Similarly those whose main livelihood is agriculture are also agriculturists.

**Khan Sahib Khawaja Ghulam Samad**: But there are thousands of persons who, notwithstanding the fact that they belong to agricultural tribes, are deprived of their agricultural rights on account of their adopting certain professions and for the existence of entry of profession in the revenue record along with the entry of caste.

**Premier**: How can my honourable friend say so? Suppose I am a doctor, I will not be deprived of my rights.

**Khan Sahib Khawaja Ghulam Samad**: Because you have got yourself entered as a Rajput, and your profession (service) is not recorded in the revenue record. But these illiterate people could not do so. Their profession and caste are recorded in the revenue records and thus there are thousands of people throughout the province who have been deprived of their agricultural rights because they have started certain professions and their profession is also entered in the revenue records along with their caste.

**Premier**: I have not been able to make myself clear though I tried to do so. There are certain conditions for being a statutory agriculturist for instance, the main source of livelihood must be agriculture, a man must belong to a particular area, and the tribe to which he belongs must be fairly large in number and so on. Merely because he is a Rajput, it does not entitle him to be an agriculturist. If all the conditions are fulfilled Government will give very sympathetic consideration to the question.

**Khan Sahib Khawaja Ghulam Samad**: Every member of a particular tribe has been described as an agriculturist; is it not the case?

**Premier**: No, it is not. I am an agriculturist in a particular district but I am not an agriculturist in any other district because my tribe does not exist there or is not important enough there.

**Khan Sahib Khawaja Ghulam Samad**: If a person living in the same district and possessing land, living on agriculture, and carrying on another profession along with the profession of agriculture to make his both ends meet is deprived of the agricultural rights only for entry of profession

and caste in the revenue record will the Honourable Premier be pleased to issue orders to the effect that he must be treated as an agriculturist by expunging the entry of profession from the revenue records?

**Mr. Speaker :** It is a request for action ; disallowed.

**Premier :** Nobody is deprived of his rights merely because he carries on some other profession.

**Lala Duni Chand :** May I know from the Honourable Premier if the Government plays also the part of a social reformer and, if so, what objection the Government has to raise them socially?

**Mr. Speaker :** Disallowed.

REPRESENTATION BY *SHEIKH QURESHI* FOR THE EXPUNCTION OF ENTRY OF *QASSABS* AGAINST THEM.

**\*6887. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that *wafd* of *Sheikh Qureshi (Qassabs)* of Rohtak waited upon the Honourable Premier at Sonapat when the latter presided over a meeting convened to perform the opening ceremony of the Jat High School, Sonapat ;
- (b) whether it is a fact that the members of the *wafd* drew his attention to the entries in the revenue records in which the profession of a proprietor or a cultivator of land was given along with his caste ;
- (c) whether it is a fact that these members of the *wafd* requested the Honourable Premier to expunge the entry in the column of 'profession' from the revenue records especially in the case of those proprietors and cultivators of land who were members of tribes declared as statutory agricultural tribes ;
- (d) the steps taken by him so far to remove the entry in question from the revenue records ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a), (b) and (c) The Honourable the Premier last visited Sonapat early in 1938 and does not now recollect whether the *wafd* referred to interviewed him.

(d) Does not arise. I would however draw the honourable member's attention to the reply given to part (b) of question No. 6886 (starred) (above).

**Khan Sahib Khawaja Ghulam Samad :** The Honourable Premier has said that he does not recollect that any *wafd* waited upon him at Sonapat but I hope the Honourable Premier will recollect the facts if I mention the talk between him and the *wafd*.

**Mr. Speaker :** I have more than once ruled that no conversations which are held outside the House should, if possible, be referred to in the House. One gentleman makes one version and another gentleman contradicts it.

**Khan Sahib Khawaja Ghulam Samad :** Does not my honourable friend recollect that a deputation waited on him at Sonapat ?

**Premier :** I do not know to what my honourable friend is referring. But there were certain sub-castes in that district who were agriculturists. They wanted that certain names entered under sub-castes should be removed. For this they had to apply to the collector under the rules and we issued instructions that where there are large numbers who come forward and say that instead of separate tribes they may come under one group, this may be done.

**Khan Sahib Chaudhri Sahib Dad Khan :** Is it not a fact that some *beoparis* of Tohana proved to be Rajputs in origin were so recorded in revenue papers and got protection of the Land Alienation Act ?

**Premier :** Several persons went to civil courts.

**Chaudhri Muhammad Hasan :** Is it a fact that these *Qassabs* are really *Qureshis* in the Rohtak district and they belong to an agricultural tribe ?

**Premier :** I am not aware. My honourable friend is talking of Rajputs.

**Chaudhri Muhammad Hasan :** Has the Honourable Premier after the *wafd* waited upon him tried to direct enquiries into the matter ?

**Premier :** About what ?

**Chaudhri Muhammad Hasan :** As to whether these *Qassabs* are *Qureshis* or Rajputs.

**Premier :** No, as I said remedies are open to them under the law.

**Chaudhri Muhammad Hasan :** What was the reason for not directing enquiries into that matter, particularly when the Premier professes himself to be the friend of the zamindars and when these people are zamindars ?

**Mr. Speaker :** A legal remedy is open to them.

(*Khawaja Ghulam Samad rose to ask another supplementary.*)

**Mr. Speaker :** I cannot allow any more supplementary questions, because several other honourable members have to ask questions and their questions shall not be reached, if more supplementaries are allowed.

**Khan Sahib Khawaja Ghulam Samad :** Some time you allow half an hour for supplementaries.

**Mr. Speaker :** Yes. That depends on their importance.

#### REALISATION OF MALBA WITH LAND REVENUE.

\*6996. **Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state whether he is aware that even after the announcement made by Government last year that *malba* may not be realised with land revenue, the cess is still being realised as before in the villages in the Ludhiana district and also in other parts of the province ; if so, the action intended to be taken in the matter ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The announcement made by Government last year was not to the effect that *malba* may not be realized with land revenue. Government pointed out in their announcement something different, viz. that *malba* may not be realized as arrears of land revenue.

Government do not propose to take any further action in the matter.

**Chaudhri Muhammad Hasan :** Do Government propose to make it publicly known by the beat of drum that *malba* must not be realized as arrear of land revenue?

**Parliamentary Secretary :** It has already been proclaimed and everybody knows it.

**Chaudhri Muhammad Hasan :** Is it a fact that several complaints have been made by people of village Chanianwalla in the Ludhiana district to the effect that *malba* is being realised in that way?

**Parliamentary Secretary :** I require notice of that question.

**Lala Duni Chand :** What steps have the Government taken so far to see that *malba*, as ordered by the Government, is not realized along with land revenue?

**Parliamentary Secretary :** It is not being realized as arrears of land revenue.

**Lala Duni Chand :** My question is what steps has the Government taken to see that its orders in this respect are carried out?

**Parliamentary Secretary :** It is not realized as an arrear of land revenue.

**Sardar Lal Singh :** Is it not within the knowledge of the Parliamentary Secretary that lambardars refuse to receive the land revenue unless *malba* is paid with it by the zamindars and that is how these people are prosecuted?

**Parliamentary Secretary :** I do not know.

#### ALLOTMENT OF GARDEN SITES AT MANDI BUREWALA.

**\*7046. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the five garden sites which were to be allotted at Mandi Burewala in Nili Bar Colony have been allotted so far;
- (b) if so, to whom have these been allotted and on what conditions;
- (c) if not, when those sites will be allotted and on what conditions;
- (d) whether the selection of tenants for the purpose has been considered by the Government;
- (e) if so, the names and qualifications of tenants so selected;
- (f) if not, the reasons for the delay?

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

(b) *First part—*

- (1) Lala Thakar Das, Zaildar, Awanpur.
- (2) Sardar Bakhtawar Singh, Rais, Burewala and Lambardar, Chak No. 827-E. B.
- (3) Hafiz Abdul Rahim, Sufedposh, Chak No. 831-E. B.
- (4) Sardar Muhammad Yaqub, Sufedposh, Burewala and Member District Board, Multan.
- (5) Sardar Man Singh, Contractor, Burewala.

[Raja Ghazanfar Ali Khan.]

*Second part.*—The grants have been allotted on the conditions published with Punjab Government notification No. 2859-C., dated the 9th April, 1938.

(c) Does not arise.

(d) Yes.

(e) Given in part (b) above. These persons were selected from local residents who appeared most likely to fulfil the conditions satisfactorily.

(f) Does not arise.

**Lala Bhim Sen Sachar :** Are the Government satisfied that by these allotments there has been no communal disequilibrium?

**Parliamentary Secretary :** Government are perfectly satisfied.

#### IRRIGATION OF LANDS IN LUDHIANA DISTRICT.

\*7047. **Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that a new canal distributary (Rajbaba) has to be constructed for the irrigation of lands in village Mullanpore, Mandiani, Talwandi Kalan and Khurd, Markarumain, Sawaddi, Raowal and other villages of Ludhiana district and that the scheme has been sanctioned ;

(b) the reasons for not putting the scheme into practice so far ;

(c) whether Government is aware that the zamindars of these villages are in great distress on account of the lack of canal water ;

(d) the total expenditure to be incurred on the construction of the Rajbaba mentioned in (a) ;

(e) whether several representations, oral and written, have been made for the purpose by the zamindars to the authorities ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) These villages are outside the Canal Irrigation boundary and were not included in the Kokri Distributary Scheme.

(b) They were not included in the Scheme because water was not available in the Sirhind Canal.

(c) No : this area is served by open wells and has good sweet water supply within 20 feet from the natural surface.

(d) Does not arise.

(e) Yes.

**Chaudhri Muhammad Hasan :** Is it a fact that these people on account of their poor financial condition refused to pay to the war fund and is it on account of that failure that the scheme is not put into practice ?

**Parliamentary Secretary :** How does this arise? I consider the statement absurd.



DAMAGE TO COTTON IN MONTGOMERY.

**\*7048. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the present cotton crop in the Montgomery tahsil has been damaged on account of a crop disease ;
- (b) if so, the nature of the disease and the amount of loss suffered by the zamindars in this connection ;
- (c) whether any remissions have been granted in this respect, if not, why not ;
- (d) whether it is also a fact that locusts have completely destroyed standing crops in the Montgomery and the Lyallpur districts recently ;
- (e) if the reply to (d) be in the affirmative, the remissions granted to the zamindars concerned in this respect ;
- (f) the preventive measures, if any, taken for checking the damage on account of the disease mentioned in (a) above ;
- (g) whether it is a fact that Chak No. 168/9-L., in the Montgomery tehsil is the worst sufferer as far as damage from the disease to the cotton crop is concerned ; if so, what compensations or remissions have been granted to the zamindars of this chak in this respect ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) It is a fact that some damage has been done to American cotton.

(b) The damage has been caused by Jassid resulting in Tirak, i.e., premature opening of bolls. Information with regard to the amount of loss suffered by the zamindars is not available.

(c) Remissions will be granted in due course according to rules.

(d) No damage was done in the Montgomery district, while damage in the Lyallpur district was negligible.

(e) Does not arise.

(f) No preventive measures have yet been discovered.

(g) Answer to the first part is in the negative. As regards remissions, attention of the honourable member is invited to the reply to part (c).

CIVIL LITIGATION.

**\*6787. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Finance be pleased to state—

(a) whether it is a fact that civil litigation in the province has considerably decreased since the passing of agrarian Acts from 1935 to date ;

(b) if the answer to the above be in the affirmative, whether the Government have decreased proportionately the number of judicial officers in the province ; if not, why not ?

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

(b) Government have reduced the Punjab Civil Service (Judicial Branch) cadre by 19 posts.

**Lala Duni Chand :** May I know what employment these 19 gentlemen have been provided with ?

**Minister :** They have all been provided for in the Executive Branch of the P. C. S. No one has been dismissed or turned out.

**Lala Duni Chand :** May I know whether there was really any business for them or they have been simply provided for because they had no work on the judicial side ?

**Minister :** There was plenty of work.

**Lala Duni Chand :** Before these gentlemen were given these new posts, how was this business being done ?

**Minister :** This question does not immediately arise, but I am in a position to say that there has been steadily increasing business for the Punjab Civil Service Officers on the executive side.

**Pandit Shri Ram Sharma :** Can the Honourable Minister say whether the executive work increased in proportion to the decrease in judicial work ?

**Minister :** You will have to give me notice for that, but I may say this that the P. C. S. Executive cadre was much larger than the P. C. S. Judicial cadre and therefore the question of proportion would not arise if 19 persons were taken away from one side and placed on the other.

**Lala Duni Chand :** Has the Honourable Finance Minister satisfied himself personally that really these gentlemen have got business to do ?

**Minister :** If that would be any satisfaction to the honourable member, I am in a position to say that I have satisfied myself personally.

**Khan Sahib Khawaja Ghulam Samad :** Is there any likelihood of further reduction in the strength of the judicial officers ?

**Minister :** There has been further sign of decrease on the side of judicial work and it may be that before long we may be able to reduce the judicial work further.

**Chaudhri Muhammad Hasan :** Has the Honourable Minister satisfied himself that there is a decrease of judicial work ?

**Minister :** Yes. I receive reports every three months.

#### INCREASING LAWLESSNESS IN JHANG DISTRICT.

\*6892. **Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

(a) whether the Government is aware of the state of increasing lawlessness in the Jhang district in view of the critical international situation ;

(b) if the answer to (a) above be in the affirmative, whether Government intends to post additional armed police for the area ;

- (c) whether Government for the preservation of law and order in that district has so far issued or intends issuing any instructions for keeping a special watch over those persons who were convicted for lawless activities during 1914-15 disturbances in Jhang district;
- (d) whether, further, Government has issued or intends issuing any instructions to the district authorities to be more liberal in issuing licences for firearms to respectable citizens in the said district;
- (e) what other steps does the Government intend to take in the interest of law and order in the Jhang district?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):** (a) Government is not aware of increasing lawlessness in the Jhang district. The total crime reported has increased, but this is to a large extent due to more complete registration. There has been a decrease in murders and only two dacoities this year.

(b) Does not arise.

(c) Government have not issued any special instructions nor do they intend to do so. Police Rules contain adequate provisions for the control of persons convicted of lawless activities.

(d) Government do not intend to issue instructions for the more liberal issue of firearms licences to respectable citizens.

(e) The armed police reserve of the district has been doubled recently as has been the case in all other districts. Beyond this no further steps seem at present necessary.

**Mr. Dev Raj Sethi:** What is the total increase in crime?

**Parliamentary Secretary:** The total increase is 350 from last year.

**Mr. Dev Raj Sethi:** What was the original number?

**Parliamentary Secretary:** Last year the number of cattle theft was 250 as against 437 and there was an increase of 157 cases in burglary. As I have stated the increase is to a large extent due to more complete registration of cases. The Superintendent of Police took action against 70 village officials.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani:** Is it a fact that in the past it was a general practice that stolen cattle were reported as astray?

**Parliamentary Secretary:** Yes. That is true.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani:** Is it due to correct reporting that the number of cattle theft cases has increased?

**Parliamentary Secretary:** Yes, the increase is due to better reporting.

**Chaudhri Muhammad Hasan:** May I know whether the police or the people were responsible for reporting the cattle theft cases as astray?

**Parliamentary Secretary :** As I have already stated the Superintendent of Police took action against village officials and it was due to this that more cases were reported.

**Lala Duni Chand :** May I know whether the lawlessness is the order of the day in the whole province or whether it is confined to Jhang district only ?

**Mr. Speaker :** Disallowed, as it does not arise from the original question or its answer.

**Lala Bhim Sen Sachar :** Will the Parliamentary Secretary give the figures of increase of other crimes ?

**Parliamentary Secretary :** There has been increase in burglary and cattle theft cases ; but there has been a considerable decrease in murder and dacoity cases. There were 28 murder cases last year as against 17 this year.

**Lala Bhim Sen Sachar :** I hope the Parliamentary Secretary is now in a position to say that increase in burglary is about 25 per cent.

**Parliamentary Secretary :** Whatever the percentage, this increase is due to better reporting.

**Lala Bhim Sen Sachar :** I want to know the percentage of increase.

**Parliamentary Secretary :** If the honourable member wants more detailed figures, he will kindly give me notice.

STRICTURES PASSED BY THE SESSIONS JUDGE, HOSHIARPUR,  
AGAINST S. GURDIAL SINGH, HEAD CONSTABLE.

**\*7008. Sardar Sampuran Singh :** Reference answer to starred question No. 2242<sup>1</sup> asked on 24th March, 1938, will the Honourable Minister of Public Works be pleased to state—

- (a) the conclusions at which the Government has arrived after considering and studying the question in all its aspects ;
- (b) the action taken or proposed to be taken in the matter ?

**Parliamentary Secretary (Mir Magbool Mahmood) :** In view of his past record it was considered sufficient that the delinquent official should be reprimanded and instructions were issued to all Superintendents of Police to overhaul their arrangements for the reporting of speeches. Improved arrangements for reporting speeches have since been made.

**Diwan Chaman Lal :** What are those arrangements ?

**Parliamentary Secretary :** At least one Urdu shorthand writer has been provided in each district.

**Lala Bhim Sen Sachar :** May I know whether the speeches of the Honourable Ministers will also be reported ?

**Parliamentary Secretary :** All speeches which are to be reported have to be reported.

**Lala Bhim Sen Sachar :** Is the speech of the Honourable Sir Chhotu Ram to be also reported ?

**Mr. Speaker :** Disallowed.

**Pandit Shri Ram Sharma :** Since when has this new arrangement that there should be a Urdu shorthand writer in each district, been put into practice ?

**Parliamentary Secretary :** It has been started only recently and as we are able to get more reporters we will be able to complete our arrangement.

#### MEDIUM OF INSTRUCTION AND EXAMINATION AT THE SECONDARY STAGE.

**\*6902. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution with regard to the medium of instruction and examination at the secondary stage passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Hussain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** (i) *First part.*—Yes.

(ii) *Second part.*—The matter is still under consideration.

#### REORGANISATION OF THE PRESENT SYSTEM OF EDUCATION.

**\*6903. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution with regard to the reorganisation of the present system of education passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Hussain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes. The wording of the resolution in question is not clear. The honourable member will remember that long before the resolution in question was passed by the annual conference of the Punjab non-Government Schools' Federation, the report of the Syllabus Revision Committee appointed by the Punjab Government was published in November-December, 1938, and a copy thereof was duly supplied to the honourable member. If, however, the resolution does not refer to this report, but to the details of the syllabus as recommended by the main committee, I may inform the honourable member that the detailed syllabi are now being printed, and a copy of the same will be made available before long.

#### GRANT OF FREEDOM TO TEACHERS FOR EXPERIMENTATION.

**\*6904. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government

[Mian Muhammad Nurullah.]

has been drawn to the resolution expressing the need for full freedom and encouragement to teachers for experimentation passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University; if so, what action has been taken by the Government thereon?

**The Honourable Mian Abdul Haye :** Yes. The Education Department will always welcome and encourage legitimate experiments being tried in the educational sphere and it is not correct to say that the Department "insists on rigidity of scheme in the time-table or curriculum." There has, however, been very little indication that any such experiments are being tried in any school.

**Mian Muhammad Nurullah :** Will the Honourable Minister give an instance of this encouragement?

**Minister :** We issued a circular letter in May, 1938, which runs as follows:—

The Headmasters Association, Ludhiana's proposal that headmasters of selected schools should be granted freedom to try experiments with different curricula and to use improved methods of instruction in order to fulfil real aim of education according to new ideals has been approved as an experimental measure and you are requested to encourage such experiments, offer guidance, watch results and submit to the Department such schemes as have successfully emerged out of the experimental stage.

#### DETAINED POLITICAL WORKERS.

\*6936. **Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

(a) the total number of political workers detained without trial from 1st July, 1940, to 15th October, 1940, and the acts of commission or omission which led to their detention;

(b) whether any allowance has been granted for their families so far; if so, how much in each case, if not, why not?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) It is not understood what the honourable member means by the term "political." Forty-seven persons were arrested between 1st July, 1940, and 15th October, 1940, for activities prejudicial to public peace and order. Of these 11 were released before 15th October, 1940, and 5 more have since been released.

(b) No; it has been decided that no allowance can be granted to such prisoners.

**Mr. Dev Raj Sethi :** What is the number of those who are still under detention?

**Premier :** Forty-seven. Out of these sixteen have been released.

**Diwan Chaman Lall :** Will my honourable friend consider the desirability of providing some subsistence allowance in cases where it is necessary?

**Premier :** If it is necessary in some cases, we will consider those cases.

**Pandit Shri Ram Sharma :** Is there any provision to give allowance to the families of the persons so detained ?

**Premier :** No.

**Mr. Dev Raj Sethi :** What were the allegations against them ?

**Premier :** Activities prejudicial to public peace and order.

#### RECONSIDERATION OF THE RECOMMENDATIONS OF THE POLICE ENQUIRY COMMITTEE.

**\*7018. Sardar Sampuran Singh :** Reference answer to starred question No. 1092 asked on 18th January, 1938, by Lieutenant Sodhi Harnam Singh and supplementaries thereon by Pandit Muni Lal Kalia, will the Honourable Premier be pleased to state whether Government proposes to review and reconsider the recommendations of the Police Enquiry Committee, 1925, in the light of the constitutional changes that are in operation in the Punjab since 1937 with regard to paragraphs 24, 26 and 27 of that report dealing with bribery and corruption ; if so, when ; if not, why not ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** Apparently the honourable member has not read the report of the Police Inquiry Committee, 1925, because paragraphs quoted by him do not contain any recommendations. Certain recommendations were made in the chapter of the report in which these paragraphs appear and such action has been taken as has been found practicable. It is not understood what further light the constitutional changes in operation since 1937 can throw on this matter.

**Diwan Chaman Lall :** What was the action taken regarding the recommendation about bribery and corruption ?

**Premier :** Every possible attempt was made to get the additional staff and since the new Government came into office we have had our own way, and we have been able to get more staff and have issued instructions, and also tried to enlist public support. We are now trying to take action against black sheep among the officials.

**Lala Bhim Sen Sachar :** May I know as to how the reference to the time of drafting is relevant ?

**Lala Duni Chand :** May I know whether the truth of the saying  
 میری عشق نہیں ہے، رشوت لینے میں applies to this case ?

**Parliamentary Secretary :** میری عشق نہیں ہے، رشوت لینے میں

#### TRAVELLING ALLOWANCE DRAWN BY MAGISTRATES IN LUDHIANA DISTRICT.

**\*7090. Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state the amount of travelling allowance drawn by each magistrate in Ludhiana district in the months of July, August, September and October, 1940 ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** They have drawn the travelling allowances to which they are entitled under the Rules ;

[Mir Maqbool Mahmood.]

Government have examined the matter, and do not consider that the touring of any officer has been inconsistent with Government orders on the subject.

**Chaudhri Muhammad Hasan :** Is it a fact that the travelling allowance drawn is in excess of their monthly pay in each case?

**Parliamentary Secretary :** It is not so.

**Chaudhri Muhammad Hasan :** Has the Parliamentary Secretary examined the accounts and satisfied himself?

**Parliamentary Secretary :** Yes, I have done so.

**Chaudhri Muhammad Hasan :** What is the amount of travelling allowance drawn by Sardar Dasaundha Singh, magistrate, in the month of July?

**Parliamentary Secretary :** I do not think it is in the public interest to give the details. I have examined both the cases individually for these months and I am satisfied that the insinuation made by the honourable member is not justified.

**Chaudhri Muhammad Hasan :** Is it a fact that on account of war economy the Government should take some measure in order to reduce travelling allowances?

**Mr. Speaker :** Disallowed.

**Chaudhri Muhammad Hasan :** Is it a fact that the travelling allowance drawn by them exceeds the work done by them in camp?

**Mr. Speaker :** No insinuations against magistrates.

**Lala Duni Chand :** Can the Parliamentary Secretary explain the conundrum how public interest suffers if a certain magistrate draws so much travelling allowance?

**Mr. Speaker :** Disallowed.

#### DETENUS TRANSFERRED TO DEOLI.

**\*7104. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a batch of the Punjabi detenues from Rajanpur jail recently transferred to Deoli; and if so, reasons for the same;
- (b) whether it was proposed to send another batch of Muzaffargarh jail detenues to the same place; and if so, whether the proposal matured or not;
- (c) whether any of the Muzaffargarh detenues are suffering from various diseases;
- (d) the reasons for the proposed transfer of Muzaffargarh detenues to Deoli Jail?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a), (b) and (d) Batches of security prisoners have been transferred from Rajanpur



and Muzaffargarh to Deoli. More suitable accommodation and facilities are available there than in the Punjab jails and the security prisoners themselves have frequently petitioned to be concentrated in a single place.

(c) If the honourable member will inform me of any individual case about which he wishes enquiries made, I will endeavour to obtain the necessary information.

**Diwan Chaman Lall :** May I draw attention to the fact that the question is perfectly clear and it is whether any of the Muzaffargarh detenus are suffering from various diseases ?

**Premier :** The answer is quite clear. So far as we are aware we have received no such report. It is quite possible that somebody might have been suffering from some minor disease.

**Diwan Chaman Lall :** Perhaps the information available is that none of them is suffering from any disease. But if there is any information available, the Honourable Premier can give the information.

**Premier :** None from various diseases.

**Lala Bhim Sen Sachar :** Do I take it that no one of them is suffering from any disease ?

**Premier :** I cannot answer it offhand. If the honourable member puts the question clearly, we will try to collect the information.

**Diwan Chaman Lall :** Is there any information available that any one of them is suffering from any disease ?

**Premier :** We have no information. But if my honourable friend would put the question with regard to a particular prisoner, I will make enquiries. One may be suffering from a disease which one does not want to divulge and that is why we do not know about it. (*Laughter.*)

**Diwan Chaman Lall :** I do protest against the laughing of the Anglo-Indian representative in this House. He should know that it is a serious matter. The men who are entitled to that fate should have been arrested. But we are asking the Government now to give us the information whether any one of them is suffering from any disease. It is not a laughing matter.

**Lala Duni Chand :** May I know if it is not true that these people are examined carefully, if not every day, every week and if so, what reasons are there for the Honourable Premier's inability to answer which of them is suffering from which of the diseases ?

**Premier :** Even if I have that information, I would not divulge it without the consent of the prisoner concerned in some cases. But so far as I am aware I can assure the honourable member, that if he gives the name of any particular prisoner, I will certainly be able to collect the information. His question is whether any of the prisoners are suffering from various diseases. He should be more careful in couching his questions.

**Lala Duni Chand :** The number of these people is very limited and the Honourable Premier can easily get the information.

## FODDER SUPPLY IN FAMINE RELIEF WORK.

**\*6722. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the estimate of *bhoosa* supply at the Khori railway station, district Gurgaon, and the actual distribution from this centre ;
- (b) if the actual distribution was much less than the estimate what happened to the extra quantity which the contractor had brought according to estimate ;
- (c) the reasons for distributing less *bhoosa* than the estimate ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) The estimated supply has varied from month to month between 700 and 5,000 maunds. Up-to-date figures of actual distribution are not available. Roughly 20,000 maunds of fodder has been distributed from Khori railway station.

(b) The extra quantities of fodder over and above the estimated requirements, were removed by the contractors concerned.

(c) Does not arise.

## CONSTRUCTION OF A DAM NEAR SHIVALIK HILLS.

**\*7007. Sardar Sampuran Singh :** Reference answer to starred question No. 2489, part (b), asked on 4th April, 1938, will the Honourable Minister of Revenue be pleased to state the result of the deliberations of the conference in question and the Government's decision on the same ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): Recommendations of the conference and the action taken thereon are briefly summarised below :—

- (a) to take steps to stop denudation at the foot of Shivaliks.

An Anti-Erosion Circle has been opened and the areas at the foot of the hills are now being carefully preserved.

- (b) to get more reliable figures of rainfall. 42 more raingauge stations were opened in addition to the 10 existing ones.

- (c) Gully plugging.

This with the trenching is being done at the foot of the Shivaliks.

- (d) *Watbandi*.

This is progressing in the Hoshiarpur and Jullundur districts.

- (e) Construction of dams across the Choes.

This has special difficulties as the Choes spread out as soon as they leave the hills and training of the Choes is also likely to meet with great local opposition from those who benefit by sailab irrigation from them.

One pacca dam was constructed in May, 1940, across the Eastern Bein near Malsian and the effect of the same will be watched.

- (f) Bist Doab Canal.

A scheme has been prepared and is being considered by the Government.

## REMISSION FOR DAMAGE TO CROPS BY HAILSTORM IN DIPALPUR TAHSIL.

**\*7087. Tika Jagjit Singh Bedi :** Will the Honourable Minister of Revenue be pleased to state whether substantial damage has been caused to crops in Dipalpur tahsil, district Montgomery, by the recent hailstorm, if so, whether Government intends to give remission in land revenue and *abiana* to the zamindars thus affected ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** Substantial damage was done in 24 villages only. Remissions in land revenue and *abiana* are being granted under the rules. *Taccavi* loans have been advanced and gratuitous relief has been given by the district board where necessary.

## SHORT NOTICE QUESTION AND ANSWER.

## DEATH OF JAMNA DAS, A SANSKRIT STUDENT, UNDER MYSTERIOUS CIRCUMSTANCES.

**Mr. Dev Raj Sethi :** Will the Honourable Minister of Finance be pleased to state—

(a) whether a Sanskrit student named Jamna Das died under mysterious circumstances in Sitla Mandir, Lahore, on or about 30th October, 1940 ;

(b) whether the alleged culprit has so far been taken into custody ; if not, the reasons for the same ?

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

(b) No. A case of murder has not yet been established. However, an inquest into the cause of death is being held by a Magistrate who has not yet completed his enquiries.

**Minister for Education :** Sir, it is 1 o'clock and the question hour is over.

**Mr. Speaker :** There appears to be some difference of opinion as to whether the period of 15 minutes, for which I had to adjourn the House for want of quorum, should be deducted from the question hour and the questions should be asked only for 45 minutes, or ; this period of 15 minutes should be deducted from the time for the regular business of the day.

**An honourable member :** From the question hour.

**Minister for Finance :** We have not got a heavy agenda and there are not many questions.

**Mr. Speaker :** So, let us proceed.

**Mr. Dev Raj Sethi :** May I know if this case was registered by the police after the death of the boy ?

**Minister :** The honourable member's question and the reply to it are clear and if he wants more details as to whether police investigation was conducted or not, he may give notice.

**Mr. Dev Raj Sethi :** I merely want to know whether the report of the murder of the boy was lodged with the police before or after his death ?

**Minister :** I have given answer to this question in part (b) of my reply.

**Mr. Dev Raj Sethi :** For how long was this enquiry held by the Government ?

**Minister :** I cannot give you the dates. I require notice for that.

**Mr. Dev Raj Sethi :** Approximately ?

**Minister :** I have to add nothing to the reply that I have already given.

**Diwan Chaman Lall :** It arises out of the reply given by the Honourable Minister. The reply is that a magisterial enquiry is taking place. For how long has that enquiry been taking place ?

**Minister :** This is again a question of time and I require notice.

**Pandit Bhagat Ram Sharma :** May I know whether any police investigation took place ? As I understood it, the Honourable Minister stated that a magisterial enquiry is going on and I want to know whether any police investigation was conducted in this case before the magisterial enquiry began ?

**Minister :** The case of murder has not yet been established. The police enquiry is going on and they have not come to a positive conclusion.

**Pandit Bhagat Ram Sharma :** Am I to understand that the police investigation and the magisterial enquiry is going on side by side ?

**Minister :** The magistrate is holding an inquest.

**Lala Duni Chand :** Will the Honourable Minister for Public Works who is now acting as a Minister for Law and Order (*Laughter*) please bear in mind that in connection with cases of this nature, failure in detection leads to increase in crime ?

**Minister for Public Works :** I entirely agree ; that is experience speaking.

**Pandit Bhagat Ram Sharma :** Was any *post-mortem* examination of the dead body performed ?

**Minister :** I am afraid the only information that I could give is in reply to the question asked for. If the honourable member wants more details, I require notice.

**Pandit Bhagat Ram Sharma :** What are the basis of holding the magisterial enquiry in this case ? What was the data before the Government on which they proceeded to hold that enquiry ? Was any report of the doctor available ?

**Pandit Bhagat Ram Sharma :** I rise to a point of order, Sir. We are putting questions and no reply is forthcoming. There is no idea of asking questions on the floor of this House under such circumstances and we as a protest do not want to ask more questions if that is the attitude of the Government.

**Mr. Speaker :** The honourable member, I think, has gone too far.

**Pandit Bhagat Ram Sharma :** What is the good of asking questions?

**Mr. Speaker :** The honourable member cannot be a complainant and a judge at the same time. That is what I protest against. He could have brought it to my notice first and then protested.

**Pandit Bhagat Ram Sharma :** I raised a point of order and brought the matter to your notice.

**Mr. Dev Raj Sethi :** May I know how many complaints have been received by the Honourable Minister in regard to this matter?

**Minister :** As far as my knowledge goes, I have not received a single complaint.

**Lala Bhim Sen Sachar :** Assuming that this magisterial enquiry is not the usual procedure, may I know the circumstances which led to the ordering of this enquiry by the magistrate?

**Minister :** In cases in which circumstances require it, an inquest is held by a magistrate. This is one of such cases.

**Pandit Bhagat Ram Sharma :** May I know the cause of departure in the present case? The usual procedure is for the police to hold an investigation.

**Minister :** There is no departure in the present case from any rules.

**Lala Bhim Sen Sachar :** Is it not a fact that whenever the Government is not satisfied with the police investigation it orders magisterial enquiry?

**Premier :** I am afraid that because my honourable friend no longer practices in the law courts he has forgotten the law. He is mixing up an inquest with an enquiry. If he will look up section 174 of the Criminal Procedure Code he will find out what an inquest is.

**Sardar Sampuran Singh :** Both the Honourable Premier and the Honourable Minister show gross ignorance of the matter. Magisterial inquest is not an ordinary procedure of law. It is not held in every case. A magisterial inquest is held only in extraordinary cases.

**Premier :** I bow before Solomon. There was a certain amount of suspicion in this case and that is why the procedure of a magisterial inquest was held. It was made clear that it was suspected that in this case some mischief or underhand game was practised.

**Lala Bhim Sen Sachar :** How was the information of suspicion conveyed to Government?

**Premier :** I cannot give information on that point at present. But if he will put that question on paper I shall be able to collect the information for him.

**Lala Bhim Sen Sachar :** Is it a fact that the Government was not satisfied with the police investigation and that is why it ordered magisterial enquiry?

**Premier :** Nothing of the kind. I think my honourable friend is coming to a conclusion which is premature, if nothing else.

**Mr. Dev Raj Sethi :** Is this enquiry because of the fact that the Government received report of police bribery ?

**Minister :** Not at all. In all such cases it is the local officers who take the necessary action. The matter is not even referred to Government. The district authorities, namely, the Superintendent of Police and the District Magistrate order the magisterial enquiry. If the honourable member had asked for these details even in his original question, I would have collected them for him. Unfortunately he asks for them only now and the information is not available now with me.

### PREMIER'S STATEMENT.

#### NEWSPAPERS AND WAR PUBLICITY WORK.

**Premier :** Sir, I crave the indulgence of the House in the matter of a statement which I want to make in order to clarify the position—(*An honourable member :* In regard to what ?) I wish my honourable friend would hold himself in patience. The other day a question and several supplementaries, were put about the press and the share of the press in connection with war publicity work. There was a certain amount of heat engendered in this Chamber and certain questions were put and answered which I think put a very unfair complexion on the whole affair and which was unfair to the press itself. At that time I also tried to interpose and make it clear that so far as the Punjab is concerned, we are grateful to them because every one of them irrespective of party labels, caste or creed, has been helping us and has been throughout co-operating with the Government in the matter of war publicity. Therefore, in order to make the position clear, I have tried to ascertain all the facts and I should like to lay them before the House and, through the House, before friends outside so that in future there may be no misapprehension about the attitude of the press in this province. This is what I have got to say :—

(1) Government's appeal to the publishers and editors of all daily newspapers of Lahore was that they should help in the interests of the province without seeking profits for themselves, and, therefore, give Government special weekly editions conforming to a suggested design, at cost price.

(2) The question of cost was discussed in detail in a conference attended by the Joint Chief Secretary, the Director, Information Bureau and the publishers or representatives of all daily newspapers of Lahore.

(3) One of the objects of holding the conference was to remove certain misunderstandings which seemed to have arisen regarding Government's intentions. One or two newspapers appeared to suspect that Government desired to interfere with their policy or to turn them into instruments of Government propaganda. (This suspicion was expressed, for instance, in the letter of the *Partap*, dated February 17, 1940, read out by Mr. Deshbandhu Gupta in the Assembly on Friday.) In the conference which was held on February 21, 1940, it was clearly explained that there was absolutely no intention of interfering with the policy or political complexion of the ordinary issues of individual newspapers and that they were only being asked to give Government for the use of a particular class of readers a weekly edition of their pages containing war news minus the communal and political

controversies. Newspapers were to have perfect liberty even to add to this edition extra pages of whatever communal or political stuff they liked and sell the enlarged edition to its ordinary subscribers.

(4) Some newspapers were unable to accept the appeal, not because there was any objection on principle either to doing business with Government or producing special war editions free from communal controversies and party politics, but because of practical or business considerations.

(5) Their point of view was that some people would try deliberately to misrepresent their position, necessitating perhaps long and frequent explanations on their part, and that it would not be worth their while to undergo all this worry, particularly as there was little or no margin of profit. But Government could not go beyond cost price.

(6) There is on the official files a record of the proceedings of the conference made by the Joint Chief Secretary in the presence of those who attended. It says :—

“The general scheme was put to them (those who attended) as in Director, Information Bureau's note of 17th February, 1940. The scheme generally was accepted but there was much discussion about price. I explained that if the price of paper rose greatly, Government would of necessity reconsider the position. Meanwhile Government cannot go to a higher figure than the cost price”.

(7) No newspaper has ever objected on principle to selling copies to Government, publishing Government advertisements, or doing with Government any other business which it would do with other customers on ordinary business terms. Indeed Government custom goes to all prominent newspapers, Hindu, Muslim or Sikh and is freely accepted by them. Some newspapers have, however, created an unfortunate position for themselves. Owing to natural trade rivalries among themselves some of them start imputing motives to one another for having accepted Government custom or for taking up a certain attitude towards a certain issue, for instance, the *Partap* recently published an advertisement of about 40 pages for Government and the *Vir Bharat* has been alleging that this was a price accepted by the *Partap* for having rendered some service to the Unionist Ministry or party. This game of imputing motives to one another at times encourages unscrupulous or uncharitable persons to slander the press as a whole.

(8) Government can only sympathise with them in their self-created difficulties, but those newspapers which accepted the appeal of Government and undertook the worry of supplying copies of the special editions only for the sake of public good, deserve special thanks from Government and the province.

(9) Publishers of weeklies were not invited to help, because while it was possible for the dailies to give a weekly edition free from communal controversies and party politics, without in any way affecting the policy and complexion of their ordinary issues, it would not have been possible for weeklies to help without losing their political complexion.

(10) Congress Governments never saw anything wrong in spending money on purchase of copies of newspapers and journals for free distribution.

[Premier.]

For instance, in an official publication of the United Provinces Government "Itlaat" of January, 1939, an attempt is made to repel the charge that the Congress Ministry was following a hostile policy towards the Urdu language and as a proof it is stated on page 55 that Government had spent about Rs. 57,000 on the purchase of Urdu newspapers, journals, etc., for distribution among the public. (This was only on Urdu publications.) Again, in another official publication of the same Government "Public Information" of July, 1938, it is stated that the Congress Government was purchasing copies of 89 daily papers, 151 weeklies and 54 monthlies for village libraries.

I am sorry that Mr. Deshbandhu Gupta is not here. I have got copies of his paper here and I find that in practically every issue he publishes Government advertisements, this is good business, and I do not see why he should complain when other papers are prepared to help without making any profit. This is not a question of profit. I have three issues here with me, if he wants more I will be prepared to furnish them. But any aspersion on the press or any confusion with regard to this matter will, I hope, be dispelled by my statement, and I thank the press of the Punjab, irrespective of class and creed, for being very helpful to us.

**Chaudhri Krishna Gopal Dutt :** I want to enquire from the Premier as to the date on which that particular conference of the representatives of the various newspapers in the province was held and I also want to know whether the representatives of the newspapers including those of the *Partap*, the *Tribune* and the *Milap* agreed in principle to do propaganda on payment.

**Premier :** My honourable friend has not understood me. The date of that conference was 21st February, 1940. As I have said, the representatives of all the Urdu daily papers were there and they did not object, I did not say that they accepted, but that they did not object to the proposal because of any reason other than this that it would interfere with their business.

**Chaudhri Krishna Gopal Dutt :** What do you mean when you say that they did not object to any principle? Did not object to what? That is what I wanted to know. In that conference where this question was discussed that the newspapers should be paid and on that basis of business or bargain they should do war propaganda, was the *Partap* a party to it, was the *Tribune* a party to it and was the *Milap* a party to it? What was the thing that the representatives of the papers did not agree to in principle?

**Premier :** Either my friend has not followed my statement or else he is trying to trip me. I have said that the representatives of the Urdu daily newspapers who were present at the conference did not object to the proposal.

**Mr. Speaker :** No debate or discussion can be allowed on a statement made by a Minister. In asking a question for the information of the honourable members and others a debate has been started which cannot be allowed.

**Chaudhri Krishna Gopal Dutt :** I am not throwing any reflection on that statement. I merely wanted to inform you and through you the honourable members that Mahashe Krishna, the Editor of the *Partap*, rang me up and repudiated the statement.



**Mr. Speaker :** The honourable member is making a speech.

**Chaudhri Krishna Gopal Dutt :** I am not discussing, I am merely saying that the Editor of the *Patriap* was not a party to it.

**Mr. Speaker :** The honourable member is making a speech in the garb of a question. Therefore I cannot allow it.

**Diwan Chaman Lall :** May I appeal to you in view of the statement which the Honourable Premier has made raising a very controversial issue which is apparent from what is happening just now, whether he would be prepared with your concurrence to allot a day for the discussion of this matter ?

**Premier :** My honourable friend has made a request for allotting a day to discuss something about which there is nothing to discuss. It is merely a question of facts.

### MOTIONS FOR ADJOURNMENT.

#### EXTERNMENT OF DR. MUHAMMAD ASHRAF.

**Mr. Dev Raj Sethi :** 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 externment order, dated 21st November, 1940, served on Dr. Muhammad Ashraf, M.A., LL.B., Ph.D., by the Chief Secretary to Government, Punjab, on 23rd November at 12 noon thereby requiring him to be out of the province of the Punjab within 12 hours of the service of the order.

(Urdu): Sir, the order that has been served on Dr. Ashraf is in my possession.

**Mr. Speaker :** Please explain the objects of your motion ?

**Mr. Dev Raj Sethi :** The Government in externing Dr. Ashraf from this province have abused their powers and it is to criticise this action of the Government that I want to move the present adjournment motion. Adjournment motions regarding orders served on such persons as Messrs Narendra Dev, M. N. Roy, Mrs. Satyawati and Mr. Gosh were admitted by you. This motion is also of the same nature. I, therefore, request you to allow me to move it.

**Mr. Speaker :** How is that a matter of public importance ?

**Mr. Dev Raj Sethi :** It is a matter of public importance because Dr. Ashraf is a very important personality. He is an all-India leader and a member of the Congress committee, no action has ever been taken against him under the Defence of India Rules, nor any warrant of arrest or search has been issued against him under the Defence of India Act.

**Mr. Speaker :** An adjournment motion to be of public importance, must raise a larger issue than a merely individual grievance. If I allowed by mistake adjournment motions relating only to individual grievances, it does not follow that I should continue to do so. Only the other day I disallowed five adjournment motions, relating to the detention of five honourable members of this House ; therefore, I am not inclined to allow this motion unless I am convinced that it deals with a matter of public interest

**Mr. Dev Raj Sethi (Urdu) :** It is a matter of public importance in as much as it relates to abuse of power on the part of the Government.

**Mr. Speaker :** If the owner of a House takes care to see that no trespasser should enter the house, can it be said that he is wrong in doing so? Besides, he is not a Punjabi.

**Mian Iftikhar-ud-Din :** So also is Sir Henry Craik.

**Mr. Speaker :** If the Punjab Government has told the gentleman to leave the province, what harm has it done or what illegality has it committed?

**Munshi Hari Lal :** I have got an adjournment motion in my name and I may be allowed to speak on the admissibility of the same.

You have been pleased to remark that in certain cases you have disallowed such motions and when you allowed them, they were by mistake. But in the case of the adjournment motion regarding Professor Ranga, you were pleased to hear the arguments and to hold the motion to be in order basing your ruling upon a ruling of the House of Commons. I may refer you to Volume 155, 5th series, page 205 of the House of Commons debates. This related to one Ronald True who was detained under the orders of the Home Secretary in a criminal lunatic asylum under the Lunatics Act. When the motion of adjournment came up before the House of Commons there was a discussion and the ruling that was given by the Speaker of the House of Commons applies to the present case. This is what is stated there.

**Mr. Speaker :** Before I put this matter to the House, I must make it quite clear that no question of the adjournment can arise on the subject of the advice tendered to His Majesty by Home Secretary with regard to a reprieve, or the converse, of a criminal who has been convicted. That is maintained by a long series of decisions by my predecessors. I will put the question to the House on quite other grounds than that. The question can only be, whether the Home Secretary acted rightly under the powers entrusted to him in this matter.

So the question is whether the Government has acted rightly under the powers entrusted to them under the Defence of India Act. This is a matter of public importance. On this very ruling, you were pleased to admit the adjournment motion in connection with Professor Ranga, you allowed the adjournment motion with regard to Acharya Narendra Dev also on the strength of this ruling. Our object here is quite clear, the object being to discuss whether the Government has acted rightly under the powers that are entrusted to them under the Defence of India Act.

**Premier :** If the gentlemen on whom these orders were served was a personality so outstanding as to create a general sensation in the province, there would be some justification for allowing this adjournment motion. My friends are aware that there are many such cases where such orders have been issued and where they have not brought any adjournment motion with regard to them. Why? Because from their point of view they are not important men.

My point is that there is this law and we have taken action under it. If this had been the only opportunity you would have been justified in allowing the discussion to-day, but this is going to be a long session and these matters would come up for discussion in due course. It is not a matter of urgency, nor of urgent public importance now, merely because we have issued

an order under a particular Act. We are always taking action under various Acts and therefore the question of urgency does not come in. The question of importance does not arise and the question of being of public interest does not come in either, because except for a very small microscopic section, and even those I believe have changed their opinion after hearing his speech yesterday when he made a tirade against Mahatma Ji, the rest of the public is not interested at all. We merely requested him to leave the province and do his good work, if it is a good work, in his own home province. We have already here several gentlemen who are able to continue to do that work. My honourable friend Chaudhri Krishna Gopal Dutt is buckling up his belt to do service, my honourable friend Mian Iftikhar-ud-Din is also going to court arrest by shouting slogans or doing something silly. Thus we have plenty of men here. Why call outsiders? And after the speech that he made, (which I hope has been correctly reported) I do not think there is any real need for such a man in the province. He in his speech went against the Congress creed, Mahatma Ji and everything else.

**Honourable members :** Is that why you have taken this action against him?

**Premier :** No. I only referred to it to show that it is not of importance to the public. He condemns everybody including the body to which my friends opposite belong, therefore they should have no objection to his being externed.

**Mr. Speaker :** After hearing Munshi Hari Lal, I am inclined to hold that the motion is in order. The question is not that the gentleman who has been sent out, has any grievance. The question is whether the Government has acted rightly or wrongly, that is to say, whether the administrative responsibility of the Government is involved. From that view I consider the motion to be in order. It reads—

To make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the externment order, dated 21st November, 1940, served on Dr. Muhammad Ashraf, M.A., LL.B., Ph.D., by the Chief Secretary to Government, Punjab, on 23rd November at 12 noon thereby requiring him to be out of the province of the Punjab within 12 hours of the service of the order.

Had the language been slightly different to discuss the correctness of the order, that would have been much more clear.

**Premier :** I object.

**Mr. Speaker :** Those who are in favour of leave being granted may rise in their seats.

*(The requisite number stood up.)*

The motion will be taken up at 4-30 p. m. to-day.

#### DISTRICT BOARD OF GUJRAT (TAX VALIDATING) BILL.

**Khan Bahadur Nawab Chaudhri Fazl Ali** (Gujrat East, Muhammadan, Rural) (*Urdu*) : Sir, yesterday I began my speech with regard to the Bill now before the House and at that time I pointed out that the honourable members who have so far participated in the debate have said nothing

[K. B. Nawab Fazl Ali.]

which required any reply on my part. Practically they have made out no point which is worth denying. All that they said was that this Bill would adversely affect the poor people and that it was an irregularity on the part of the Government to enact a measure of this nature. Beyond that nothing was urged with regard to this Bill. Yesterday my honourable friend Malik Barkat Ali threw a flood of light on the details of this Bill and he pointed out that there was a technical flaw in the existing Act and that the High Court has on account of that defect declared the assessment of the District Board Tax illegal in a case in which he appeared as one of the advocates. It is with a view to remove that defect that this Bill has been introduced in this House.

Now, Sir, I want to deal with the arguments that have been advanced by my honourable friends over there. My honourable friend Chaudhri Krishna Gopal Dutt was the first to speak on the Bill. According to his old habit he simply hurled abuses on the Government and the Gujrat District Board and made many other irrelevant remarks. In fact there was nothing in his speech which was worth denial. So far as his vituperations are concerned I do not feel any necessity for paying him in the same coin. I would rather advise him that instead of indulging in such irrelevancies it would be much better for him to keep silent. Anyhow if he cannot help abusing he should always keep the following verse before him :

بد نہ دولتِ زورِ گودن کو کہتی میری سہ  
 نہ کہد کی صدا حدس کہہ دیتی سہ

Besides, there is a Persian adage which I would ask him to keep in mind.

ایک کلب کہہ رہا ہوتا تھا کہ میں نے

In my opinion I do not regard it worth while to give any reply to him because it has become a second nature with him to abuse the Government in season and out of season. When any man gets into any habit it is very difficult for him to give it up. For there is an Arabic adage *الاعمال بالمرور* which aptly applies to him.

Besides, my honourable friend Sardar Kapoor Singh who spoke after him said nothing except that this Bill is *ultra vires* and that it would adversely affect the poor people if it is placed on the statute book. In fact he has neither cared to state how this measure will adversely affect the poor nor has he pointed out how it is illegal on the part of the Government to enact a measure of this nature. It appears that he does not know the difference between *habsiyat* and professional taxes. Then my honourable friend Diwan Chaman Lal stood up and opposed this Bill. I was very much surprised that he also thought it fit to oppose it. Anyhow while opposing this Bill he also adopted the same attitude which was adopted by his other friends. I think he is not fully aware of the circumstances why this Bill has been brought forward. Yesterday my honourable friend Malik Barkat Ali elucidated some points with regard to this Bill. And as regards the rest I would like to say a few words for the kind consideration of the House.

It has been generally contended by the speakers from the Opposition benches that the imposition of this tax would be a great hardship to the poor people. In point of fact no new tax is going to be imposed but it is only

what has been already assessed which is proposed to be collected. As I have already stated the assessment had been made and collection had already begun when as a result of a case being started in the courts the collection was stopped. The High Court had thus stopped the work of the Board by giving that decision.

Again, Sir, my honourable friend Sardar Kapoor Singh remarked that this tax would be levied upon persons who only earned one hundred or two hundred rupees annually and would thus cause great hardship to them. My submission is that no tax is envisaged over an income of even Rs. 400 per annum. This is what has been laid down in the Act itself. The amount of the tax will only be a sum of Rs. 2 on an annual income of more than Rs. 400. The House can judge, Sir, whether it would be too much to demand Rs. 2 annually from a person who earns Rs. 33-4-0 per month. It works out to about four days' wages at the rate of annas 8 per day. Moreover this amount is not being demanded from a petty labourer or a poor man but from those who can very easily pay it. I am at a loss to understand why it is being averred by the Opposition that a hardship is going to be perpetrated on the poor.

**Lala Bhim Sen Sachar :** Did the honourable member say Rs. 2 on an income of Rs. 20 ?

**Khan Bahadur Nawab Fazl Ali :** No, what I said was that this will be levied from those whose income exceeds Rs. 400 per annum.

**Sardar Kapoor Singh :** Will it not be levied upon every profession ?

**Khan Bahadur Nawab Fazl Ali :** I am surprised that my honourable friend does not even know that it is a *haisiyat* tax and not a profession tax. Although it was suggested to the District Board that a profession tax should be levied but in that case the difficulty was that the same amount of tax had to be levied on a poor carpenter as well as a flourishing contractor. It was with this fact in view that the Board requested the Government to allow them to tax people according to their income so that those who earned less should have to pay less and *vice versa*.

**Sardar Kapoor Singh :** That is illegal. That would be on income-tax basis.

**Khan Bahadur Nawab Fazl Ali :** No, it is not illegal. Such a thing has already been done in Sialkot, when the matter was referred to the Government of India where it was decided in favour of the Board. But in this case the tax has already been sanctioned by the Government and has already been assessed and there remains no hitch whatsoever. In this connection it would not be out of place to mention that the income of the Board from local rates and such other sources is variously spent by constructing roads, opening school, hospitals, etc.

**Mr. Speaker :** The honourable member's speech is not relevant.

**Khan Bahadur Nawab Fazl Ali :** Very well, Sir, I was submitting that it was only in case of those who had an income of more than Rs. 400 per annum.....

**Mr. Speaker :** That again is not relevant. What is relevant is whether certain assessments and collections, made by the Board, are valid in the eye of law or whether such assessments and collections should be validated.

**Khan Bahadur Nawab Fazl Ali :** I bow to your ruling. Sir, anyway I will not be irrelevant if I say that in the present case the question is not of doing away with the tax. All that it relates to is that the court took exception to the appointment of a sadar qanungo instead of a naib-tahsildar. The tax which was proposed in 1922 and was sanctioned in 1930 and in the realization of which many obstacles had been placed was invalidated on account of a technical flaw. Consequently the tax that had already been realised during the five years have to be remitted, but now that the Secretary has been appointed the haisiyat tax officer the technical objection no longer exists. Again if this Bill is not passed it is only the people who will be put to trouble. In the first instance the tax assessed by the sadar qanungo will have to be remitted and then the Board will again impose it. Now the question is that the House should declare that tax to be valid, otherwise as my honourable friend Malik Barkat Ali suggested litigation will be started all over again and the parties will be put to unnecessary expense and trouble. The same obstacles which delayed the matter from 1922 to 1935 will be created and thus the people will be deprived of the amenities to provide which this tax was imposed. Our object in bringing forward this measure is to avoid litigation and to prevent further delay in a matter which will ultimately result in the general good of the people of the district. With these words commend this Bill for the approval of the House.

**Sardar Kapoor Singh :** Will my honourable friend please inform the House if the tax for 1936, 1937 and 1938 will also be legalised or will that also remain invalid ?

**Khan Bahadur Nawab Fazl Ali :** I have said what I had to say, and I have nothing to add.

**Lala Bhim Sen Sachar** (North-Western Towns, General, Urban) : Sir, my honourable friend Malik Barkat Ali had complained that the Honourable Minister in charge of this Bill had not been pleased to state the facts *in extenso*. Personally I can quite see the reason for this reticence on the part of the Honourable Minister. The facts of this case, if disclosed *in extenso*, will not do credit to the Government for bringing in this Bill. The first point, Sir, which I want the House to know is that this assessment of haisiyat tax was made in the year 1937 for the years 1935-36, 1936-37, 1937-38 and this demand was made in the year 1938. My reason for giving these facts is that I consider that the principle underlying this Bill is very wrong. The District Board made the assessment with respect to the years 1935-36, 1936-37 and 1937-38 in the year 1937. My honourable friend, Malik Barkat Ali, had said that the assessment had not been made under notification No. 40906, dated the 28th November, 1935. In this connection all that I can say is that my honourable friend Malik Barkat Ali has out-heroded Herod. Even the Honourable Minister himself has not claimed the justification which my honourable friend, Malik Barkat Ali put forward. We have it in the judgment of the appellate court itself that the parties are agreed that the assessment is under notification No. 40906 of the 28th November, 1935. The fact that the assessment was made under this very notification being there, the question, which remains to be decided and which was decided by the court, is very simple. The notification is there and it lays down certain qualifications for

2 p. m.

the appointment of the Haisiyat Tax Officer. The notification further lays down the procedure for making the assessment and for making the collection of the amounts assessed. It has been found by the court that the person, who was appointed as the Haisiyat Tax Officer was not properly appointed, because he was not approved by the Commissioner. It was said by Malik Barkat Ali that in a certain letter the approval of the Commissioner was there but it was held that a certain file was sent for from the Commissioner and that no evidence of this fact that that person was approved by the Commissioner was forthcoming. We have therefore no ground for saying that the finding of the court is not correct. The second point is with regard to procedure. A certain procedure is laid down for making assessment but that procedure has not been complied with. Under these circumstances the fact is that the person who was to be appointed to make the assessment was not the person who had the authority to make that assessment. Secondly, the manner in which the assessment list had to be prepared was to be sanctified by following certain procedure but that procedure had not been observed. What is then the result of all this? The result of this is that a certain gentleman tries to take the money from the people to the taking of which he has no right. My honourable friend Nawab Fazl Ali said that this is very immaterial, money has to come from those people on whom it is going to be spent. I am not going to discuss that point. I think my honourable friend will pardon me if I put him a question. He is a resident of that place and he himself is the Chairman of the District Board. Would he be prepared to part with his thousands in favour of the District Board for opening more schools, building roads, etc.? No. The point involved in this Bill is very important. The question is whether the Government should be encouraged to come forward to legalise the actions which are on the face of them illegal? In this particular case the Commissioner had drawn the attention of the District Board to this fact that if the assessment officer was to be entrusted with the powers of a naib-tahsildar, then he must not be below the status of a naib-tahsildar. But the District Board did not agree under the guidance of my honourable friend and they did whatever they liked. Are we here, Sir, in this House to sanctify the arbitrary manner of doing things in the District Board? Are we here to give our approval to the highhandedness indulged by a particular district board? My honourable friend says, 'money shall not be returned.' Why should not that illegal collection be returned? What is the difficulty in making refund of all the amount that has been realised in an illegal manner?

**Khan Bahadur Nawab Fazl Ali :** I did not say that it will not be returned but what I said was that it would again be taken back by the Board.

**Lala Bhim Sen Sachar :** I am coming to that. It has been said that there will be litigation and money shall have to be recovered again. I say, no district board, no public body with any sense of decency will try to recover that money which has been once realised illegally. Again, my honourable friend said—and I do not know which lawyer has advised him—that the assessment for the years 1935-36, 1936-37 and 1937-38 can be realised again by fresh assessment. The old assessment does not exist, the old assessment

[L. Bhim Sen Sachar.]

is wrongly made and therefore, it cannot be enforced. Yet every single pie will be taken out of the pocket of those people who are down-trodden.

Another reason why I object to this Bill on principle is this and I would request the Honourable Minister—if he feels inclined—to give some attention to this observation of mine. The assessment was made and the tax was collected, but not from every assessee. The result of this legislation would be that where you will be validating the assessment you will be validating the collection of that tax from those persons and if I understood the Honourable Minister rightly, he said that he was merely trying to save the District Board from embarrassment that would be caused by the refund of that sum amounting to Rs. 30,900.

I want to ask, is it fair that this tax should be charged only from one section of the people and not from all the assessees. The amount of assessment was much more than Rs. 36,900 and the list of assessees is much larger than the number of people who actually paid the tax. The result of this Bill if passed into law will be that those people who were forced to pay will be the only sufferers and not those who escaped payment. The least that could have been expected from the Honourable Minister was to let it be a proportional realisation. I will make my point clear. Supposing the whole assessment amounted to Rs. 60,000. This amount should be spread over all the assessees. Now this whole amount has not been paid; only Rs. 36,000 have been paid. What I want the Honourable Minister to do is to spread the amount in such a way that those who have not paid anything should share the burden of those who have already paid. But the position is entirely different and the principle involved in this Bill is most objectionable. It discloses two things. Firstly, it discloses the utter disregard by the Government of the sanctity of the procedure laid down by the Government itself and secondly, it shows that Government here think that they can easily carry through any measure in this House that they wished. May I remind the Honourable Minister that he has on more than one occasion flouted public opinion and disregarded it merely on grounds of technical objections? In the Gujranwala case the Government said the technical objection could not be got over, therefore the entire wish of the local body was set at naught. If in such an important matter, a technical objection can be raised, I submit, the whole procedure has been set at naught and no person was authorised to raise this tax. This measure is arbitrary, retrograde, and indefensible from every point of view.

**Sardar Kapoor Singh :** Sir, with your permission, may I ask the Honourable Minister one question? Will he kindly let the House know the total amount of assessment for the years 1935-36, 1936-37 and all the remaining years?

**Minister for Public Works :** I will reply to this particular question and all the other relevant points that have been raised by honourable members. But it is not possible for me to reply to every individual member in regard to every point raised by him. I will endeavour to reply to the debate as a whole.

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Rural): I have some sort of moral responsibility with respect to this measure. Many



people have approached me in connection with this affair for the particular reason that the notification under which this haisiyat-tax was imposed was issued in my time and I was responsible for that notification reference to which has been made by my friend, Lala Bhim Sen Sachar. From a good deal of information that I received from the Gujrat district, I came to the conclusion that there was a widespread grievance in that district. I went on tour and about a hundred people came to see me with their grievances about the assessment of the haisiyat tax in that district. Complaints were made to me; whether they were exaggerated, or true or false, I cannot say. At this moment I am only referring to the fact that serious complaints were made to me about the corruption that prevailed in Gujrat district, so far as the assessment of haisiyat tax was concerned. I was told that members of the district board went about and the task of assessing the tax was entrusted to them and some of them, I was told, utilized that opportunity for making money. They threatened people that unless their palms were greased, those people will be assessed to a figure to which they were not liable to be assessed. Two particular points in the notification in question were emphasised and to the best of my recollection one was to safeguard the people from any oppression and to uproot any corruption about which I had received complaints. In order to meet this, it was considered necessary that an Assessment Officer should be appointed and that officer should not be below the rank of a naib-tahsildar. Any other person could also be appointed, but if that person was below the rank of a naib-tahsildar, approval of the Commissioner was to be taken so that the Commissioner should at least know and have an opportunity to say whether the officer appointed by the district board was reliable or not and competent or otherwise to discharge the duties entrusted to him. The Secretary of the district board could also be appointed and entrusted with this duty. In the same way certain other restrictions were imposed about the staff of the Haisiyat Tax Department. The other important safeguard was this. Before any person was assessed two persons belonging to the same locality were to be consulted, who should be in a position to say what the haisiyat or the position of the would-be assessee was. A member of the district board coming from outside could make a genuine mistake as regards the financial position of the would-be assessee. Therefore it was made obligatory for the assessing officer to consult two local men one of whom must belong to the class to which the assessee belonged, otherwise there might be grievances that a lambardar or a zamindar was prejudiced against the shopkeeper or the *sahukar* or any body else and might say that the *sahukar* was a rich man and should be assessed to this figure or that figure. If I am not mistaken, the amount that could be realised in the form of haisiyat tax could be as high as rupees 500. It is not a small amount, and it depended upon the haisiyat tax officer to fix the amount of tax to be realised. In this case, both these safeguards were thrown to the wind. The person appointed was not a naib-tahsildar; he was, I learn from Nawab Fazl Ali, a *sadr qanungo*. I do not know whether he is still in service or whether he has retired from service. He might have been a very honest and able person, I am not going to say anything against him. The district board made a mistake, as it appears from the judgment of the appellate court, and that mistake was that the Commissioner's approval was not taken and it was held that the appointment of the haisiyat tax officer was invalid. You know, Sir, a President of a Municipal Committee, howsoever high his position may be, is to be

[Dr. Sir Gokul Chand Narang.]

notified by the Government before he can act as such. He has no power to do anything without this approval. Any act done by him would be entirely *ultra vires* and if he passed any order even in a case of emergency, I am sure you would agree with me that such an order would be entirely invalid. It has therefore been rightly held by the appellate court that the appointment of the haisiyat officer in this case was not valid inasmuch as it lacked the necessary confirmation or approval by the Commissioner. The appellate court has given another reason also, namely, the second safeguard which is included in the notification was also disregarded, that is, two local persons one of whom must be of the class to which the assessee belongs were not consulted. That is at least what I gather from the judgment of the appellate court which my honourable friend was kind enough to lend me for perusal. Therefore the position is this that the assessment whether it was made on one person or on a thousand persons was invalid. Now the question is whether that invalidly imposed haisiyat tax should be validated. My submission to the Honourable Minister is that having regard to the fact that a special notification after a good deal of enquiry was issued by the Government in 1935—I think it was in November, 1935—is it proper that the action of a district board which has been guilty of deliberate disregard of the notification issued by the Government should be validated? Is it not, I respectfully ask the Minister, putting a premium upon the lawlessness, upon deliberate disregard of law promulgated by the Government? I call it "deliberate" because it could not be anything else. No district board could have been ignorant of this important notification. Otherwise they would not have appointed even this sadar qanungo. They thought that the sadar qanungo had to be appointed because some person of the status of a naib-tahsildar had to be appointed under this notification, otherwise, before this notification was issued this assessment was made in a rough and ready manner by some member of the district board, or by some clerk or other officer of the district board though I do not know exactly what the practice was in the District Board of Gujrat. It is, however, obvious that the order of Government was deliberately defied and disregarded in this case; and it does not seem proper that a deliberate and contemptuous disregard of a notification issued by the Government should be looked upon with such indulgence which the Honourable Minister now seems to be prepared to show to that district board.

I would just say one word with respect to the statement made by the honourable gentleman who preceded my friend Mr. Bhim Sen Sachar, that it was all being done in the interests of the poor people. I must say with all respect to the honourable Nawab Sahib that I am unable to understand that. I do not know the amount involved, nor is the Honourable Minister in a position to give us the figures. It may be Rs. 25,000 or Rs. 50,000 or even two lakhs. Whatever it is, it must be a considerable amount. Otherwise the district board presided over by a big gentleman like my honourable friend the Nawab Sahib would not have considered it worth while to approach the Government for bringing in a Validating Bill like this. It cannot, again be said that the tax assessed is in every case a small amount. The Nawab Sahib mentioned Rs. 2. I think that is the lowest limit. I shall be obliged if he will tell me the exact amount. I think the maximum limit is Rs. 500.

I do not know whether Rs. 500 has been imposed on any gentleman. Probably there is none so rich as to be assessed to a sum of Rs. 500. But there may be some people who may have been assessed to more than Rs. 2, considerably more than Rs. 2. Otherwise those people would not have considered it worth their while to raise any agitation over this question and to go to a court of law, because it is neither an easy nor a cheap thing to go to a court of law. It is only when people feel oppressed and are forced by circumstances that they resort to courts of law. Therefore it cannot be said that this Bill if passed will help the poor people there. Those people who are assessed to haisiyat tax are not always rich. Even ordinary people are assessed to haisiyat tax such as small shopkeepers, artisans, tailors, *mochis* and others living in villages, whether Hindus, Mussalmans or Sikhs, are all liable to be taxed so that there is absolutely nothing communal in it and there is no class distinction in it. As I have said, this Bill does not help the poor.

Then, again, Nawab Sahib was pleased to say that if this Bill is not passed it would prolong the continuation of litigation. I do not see how there will be any more litigation whatever. I would tell the Nawab Sahib that if he is anxious to stop this litigation, this judgment should be allowed to stand, and the unlawful act done by the district board should not be allowed in any way to be validated. The conduct of the district board of Gujrat has also been objectionable from another point of view. They were not taken un-awares. Just now the Nawab Sahib himself was pleased to refer to the Sialkot case. In the Sialkot district some irregularity had been committed in the assessment of haisiyat tax. I think the pleaders were assessed to haisiyat tax and some of them went to a court of law and secured the judgment that the tax could not be imposed. The district board of Gujrat should have taken warning from this and should have adhered to the letter as well as the spirit of the notification issued by the Government. I would, therefore, submit that no case whatsoever has been made out for the Bill which the Honourable Minister proposes to get passed by the House.

**Mr. Speaker :** The question is :—

That the question be now put.

*The motion was carried.*

**Minister for Public Works** (The Honourable Malik Khizar Hayat Tiwana) : I think it has become almost customary that a dilatory motion should be moved whenever a Bill comes before the House, be it of the simplest character. (*Hear, hear.*) While there may be Bills in which useful purpose can be served by eliciting opinion, I am afraid this Bill is not of that category. In the first place, this Bill has only a local application. It applies to the District Board of Gujrat. Even in that district board area it does not apply to any big class of people. It applies only to the assesses to haisiyat tax. It is these men who have been described as poor and ignorant. But I do not think this tax affects poor people at all as persons with an income of below Rs. 400 are exempt. This Bill applies to comparatively well-off classes of people who are fully conversant with the law, and if any proof of it was wanted, the present litigation which they have successfully brought before the High Court affords sufficient proof.

[Minister for Public Works.]

The main difficulty, I think, is that they are extremely legal minded and in every piece of legislation they can always pick a flaw. I am not sure whether this will be the only Bill and that another Bill will not be necessary. Nothing is sure in this world. We endeavour as much as we can as we are advised that this is a good and sound piece of legislation, but human ingenuity can always find some sort of technical defects. I would therefore not be bold to say that this is a perfect piece of legislation.

As to the publishing of this measure, this was published on the 25th of April, 1940 and for seven months it has been before the public. It was before the last session concluded that we wanted to bring forward this Bill, but that session concluded suddenly and the Bill could not be brought forward. No comments have been offered in the meantime and I must say that the class of assesses affected by this measure has full knowledge of the Bill.

One of the critics, Chaudhri Krishna Gopal Dutt went on to say that there was discrimination allowed between local bodies and local bodies. Some were Unionist and some were Congress. I would not like to reply to that at great length. The district board may be Unionist or not, but the money in question is neither going to the Unionist coffers nor to the Unionist party. It is money to be realised from comparatively well-to-do class and is to be spent on public amenities in the area of Gujrat. It is to be spent on the public themselves and these people have in the meantime been enjoying all the amenities that a local body can provide. Therefore it is in the fitness of things.....

**Diwan Chaman Lall :** May I ask the Hon'ble Minister to let this House know whether he is convinced that every person who has been taxed under this illegal procedure was liable to be taxed? How does he know that the large number of people from whom money has been collected were liable to pay that money. Is not Government utilising money illegally collected?

**Minister :** Technically the honourable member may be correct. I will endeavour to reply to that question later on, but this money is going to be spent for the benefit of the people of the ilaqa. As far as I am concerned, I will try to show to the best of my knowledge that the assessment is as fair as it used to be before this particular notification was issued.

**Dr. Sir Gokul Chand Narang :** Then heaven help those people, if the assessment is as fair as it used to be before the notification.

**Minister :** The honourable member has tried to describe it as illegal. Technically it is illegal, but otherwise there is no serious flaw on account of which one can say that the money should be returned. Before this particular notification was issued, the Haisiyat-tax Officer used to make this assessment. As Honourable Doctor Sahib has stated, according to this notification it was laid down that the Commissioner's sanction should be obtained and the person appointed must be of the status of a naib-tahsildar. The district board was labouring under a misunderstanding, and allowed a sadar kanungo to make the assessment. When he was questioned in the appellate court he had to confess that he could not positively say whether

he had consulted two persons in each village in every case and that was because sometimes either the two persons were not available or they were not required to be consulted as the assessee agreed to the amount assessed.

**Dr. Sir Gokul Chand Narang :** I give him credit for not perjuring himself.

**Minister :** Yes. It comes to this that that sadar kanungo was straight-forward. He said that in a few cases these persons were not available, otherwise as far as the justification of the assessment is concerned, that is as fair as it was before 1935. There was nothing wrong except that two people were not consulted in every case. So it is only setting a technical error right.

**Dr. Sir Gokul Chand Narang :** Do you consider this to be technical?

**Minister :** We might discuss this later when the merits of the Bill are taken into consideration. At present we are concerned with the circulation motion. The man who made the assessment was a sadar kanungo. He has made the assessment and no amount of public opinion can turn him into a naib-tahsildar now. Similarly two persons were not consulted in several cases. They cannot be consulted now. The assessment is as it was in 1935 and that assessment went on and was relied upon in the time of the ministership of my friend who has just criticised. Things may be bad here and there. There are imperfections in every system, but no apparent hardship can take place by validating this assessment.\*

The honourable Diwan Chaman Lal said yesterday, how can we who live in the lap of luxury realise the difficulties of the poor? As I have stated people up to Rs. 400 are already exempt and the poor are not concerned. My honourable friend who criticised me as living in the lap of luxury is in the same boat himself. We are neighbours and by chance belong to the same district. He is a preacher of socialism in this House but he lives a princely life at home. So I do not think he can criticise others in that respect.

I would not like to go into the details of the measure. They have been all explained to the House at great length by Malik Barkat Ali. He was appointed counsel for the district board and he covered the whole ground of his argument right from the lower court to the appellate court and to the High Court. It would be sufficient for me to say that all those arguments put forward by an able lawyer like Malik Barkat Ali were not admitted by the court and for this technical defect the decision was against the board.

I will not discuss the decision. It is no use going into that subject at present. We have to face this technical defect and it has got to be cured. About Rs. 86,000 have already been realised and there are some arrears yet to be realised. The tax is justified and I do not think that the House will think anything wrong in taking up the consideration of this measure at once.

As to the other details I would not take them up at present. When we come to the merits of the Bill and this motion has been defeated, then we can discuss that aspect of the matter also. I do not think the Board committed any deliberate lawlessness or was as a matter of fact trying to

[Minister for Public Works.]

disregard Government rules. It is a technical flaw which might have been avoided but due to a misunderstanding was not avoided and this is how we are faced with the difficulty. I would ask the House to take up the consideration of the Bill immediately.

**Dr. Sir Gokul Chand Narang :** May I ask one question? Will the Honourable Minister just enlighten us whether he does not think that if this Bill was not pressed and was delayed a bit by the acceptance of this motion, we would have more material in our possession than we have now? The Honourable Minister has not been pleased to tell us what the amount of arrears is which he wants to collect from the people. We should also know whether the assessment was fair or unfair.

**Mr. Speaker :** The question is—

That the District Board of Gujrat (Tax Validating) Bill be circulated for the purpose of eliciting opinion thereon.

*The motion was lost.*

**Diwan Chaman Lall** (East Punjab, Non-Union Labour) : I move—

That the District Board of Gujrat (Tax Validating) Bill be referred to a select committee.

*The Assembly divided : Ayes 31, Noes 65.*

#### AYES.

Baldev Singh, Sardar.  
Bhagat Ram Sharma, Pandit.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Dev Raj Sethi, Mr.  
Duni Chand, Lala.  
Duni Chand, Mr.  
Faqir Chand, Chaudhri.  
Girdhari Das, Mahant.  
Gokul Chand Narang, Dr. Sir.  
Gopal Das, Rai Bahadur Lala.  
Hari Lal, Munshi.  
Harnam Das, Lala.  
Jalal-ud-Din Amber, Chaudhri.  
Kapoor Singh, Sardar.  
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.  
Krishna Gopal Dutt, Chaudhri.  
Lal Singh, Sardar.  
Muhammad Hassan, Chaudhri.  
Muhammad Nurullah, Mian.  
Muni Lal Kalia, Pandit.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Sahib Ram, Chaudhri.  
Sampuran Singh, Sardar.  
Santokh Singh, Sardar Sahib Sardar.  
Sant Ram Seth, Dr.  
Satya Pal, Dr.  
Sita Ram, Lala.  
Sudarshan, Seth.

#### NOES.

Abdul Haye, The Honourable Mian.  
Abdul Rahim, Chaudhri (Gurgaon).  
Ali Akbar, Chaudhri.  
Allah Yar Khan Daulatana, Mian.  
Amjad Ali Shah, Sayed.  
Ashiq Hussain, Major.

Badr Mohy-ud-Din Qadiri, Khan  
Sahib Sayed.  
Chhotu Ram, The Honourable Chaudhri Sir.  
Daseendha Singh, Sardar,  
Faiz Muhammad, Shaikh.

Farman Ali Khan, Subedar-Major Raja.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fazal Din, Khan Sahib Chaudhri.	Muzaffar Khan, Khan Bahadur Nawab.
Fazal Karim Bakhsh, Mian.	Nasir-ud-Din, Chaudhri.
Few, Mr. E.	Nasrullah Khan, Rana.
Ghazanfar Ali Khan, Raja.	Nawazish Ali Shah, Sayed.
Gopal Singh (American), Sardar.	Nur Ahmad Khan, Khan Bahadur Mian.
Guest, Mr. P. H.	Pir Muhammad, Khan Sahib Chaudhri.
Haibat Khan Daba, Khan.	Pohop Singh, Rao.
Hans Raj, Bhagat.	Prem Singh, Chaudhri.
Hari Chand, Rai Sahib Rai.	Ram Sarup, Chaudhri.
Het Ram, Rai Bahadur Chaudhri.	Ranpat Singh, Chaudhri.
Indar Singh, Sardar.	Riasat Ali, Khan Bahadur Chaudhri.
Jafar Ali Khan, M.	Ripudaman Singh, Rai Sahib Thakur.
Khizar Hayat Tiwana, The Honourable Malik.	Roberts, Sir William.
Kishan Das, Seth.	Sadiq Hassan, Shaikh.
Manohar Lal, The Honourable Mr.	Shahadat Khan, Khan Sahib Rai.
Maqbool Mahmood, Mir.	Shah Nawaz, Mrs. J. A.
Muhammad Akram Khan, Khan Bahadur Raja.	Shah Nawaz Khan, Nawab Sir.
Muhammad Amin, Khan Sahib Shaikh.	Sikander Hyat-Khan, The Honourable Major Sir.
Muhammad Ashraf, Chaudhri.	Sultan Mahmood Hotiana, Mian.
Muhammad Azam Khan, Sardar.	Sumer Singh, Chaudhri.
Muhammad Faiyaz Ali Khan, Nawabzada.	Suraj Mal, Chaudhri.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	Talib Hussain Khan, Khan.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Tara Singh, Sardar.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Tikka Ram, Chaudhri.
Muhammad Yasin Khan, Chaudhri.	Ujjal Singh, Sardar Bahadur Sardar.
	Wali Muhammad Sayyal Hiraj, Sardar.

**Mr. Speaker :** The question is—

That the District Board of Gujrat (Tax Validating) 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 :** Question is—

That clause I stand part of the Bill.

*The motion was carried.*

*Clause 2.*

**Lala Bhim Sen Sachar** (North-West Towns, General, Urban): Mine is a very simple amendment and reads—

That in line 1, the words 'assessment or' be omitted.

**Mr. Speaker:** The two amendments may go together.

**Lala Bhim Sen Sachar:** Yes, Sir. I will move the second one also—

That in line 10, the words 'assessment or' be omitted.

I hope there is no objection to the acceptance of these two amendments.

**Sardar Kapoor Singh:** If the first is accepted the second shall not be necessary.

**Lala Bhim Sen Sachar:** If we refer to the statement of objects and reasons and to the speech of the Honourable Minister while moving the Bill, we see that the object of this legislation is to avoid financial embarrassment to the district board and save further litigation. These are the two objects which the Bill has in view. If the clause as it stands is not amended, then the result would be that not only the collection, but the assessment will also be validated and if the assessment is also validated, then there is the risk of these assesseees being further pestered. That again will give rise to litigation and to resistance by those people on various grounds. These assessments relate to the years 1935-36, 1936-37 and 1937-38 and therefore my submission is that the word "assessments or" go even beyond the scope of the Bill. The object of the Bill is to save the money that has already been collected. I hope the Honourable Minister will have no difficulty in accepting my amendment, particularly when his view is to save the district board the embarrassment which would be involved in the district board having to refund the amount already collected. In this connection, the Honourable Minister said that the amount involved was only Rs. 36,900 and while making his speech he said that it is such a small amount and therefore he thought that the House would not oppose this measure and would support this validation. If that was the object of the Bill, and I take it that that was the object, then I think it is only right that this amendment should be accepted.

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

That in lines 1 and 10 the words 'assessment or' be omitted.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural): I support the amendment moved by my honourable friend Lala Bhim Sen Sachar and I expect the Honourable Minister would accept it, because according to the statement of objects and reasons, they only want to legalize the collection of the haisiyat tax and not the assessment itself. Their chief difficulty was that if collection were not legalized, they would be required to pay back the amount, but the object of this clause is quite different from the object stated in the statement of objects and reasons. If this amendment is not accepted, it would not only legalize the collection, but also the assessment for the year 1935 and other years and that amount would come to no less than a lakh of rupees, as far as I can judge. Not only that, it would be for the benefit of the honourable member who is the chairman of the district.



board. Let me assure him, I have been a member of a district board for the last 18 years and have also worked as its vice-chairman for more than 7 to 8 years.

**Minister for Education :** Question.

**Sardar Kapoor Singh :** If this Bill is passed and if he expects that all the assesseees would pay for all these four or five years, I submit that it is quite difficult, it is impossible. On the other hand, there would be agitation and there would be a row and the people would be unwilling to pay and there may be agitation. It is, therefore, proper for the Government to accept this amendment, so that the people at least may not be penalized by any illegal action of the district board or the Government. I, therefore, expect the Government and the Honourable Minister that he would consult and point out to the chairman of the district board that it is better for the district board and for the Government to accept this amendment, and have only the collection legalized. So far as legalization of collection is concerned, we are willing to support the Bill.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General, Rural): Sir, I could not have the benefit of listening to any speeches on this subject from the Government benches, but two things are quite clear. One is that Government has asked this House to legalise what it itself chooses to call an illegality on the ground that formal sanction of the Commissioner to the appointment of the Haisiyat Tax Officer had not been obtained. But that is only half the attack which was made on the assessment and collection of this haisiyat tax. No doubt, there were certain illegalities in the appointment of the Haisiyat Tax Officer, and as pointed out by Malik Barkat Ali, this defect might have been condoned later on. But the essential fact, on which the judicial pronouncements relating to the invalidity of this tax, apart altogether from the qualifications of the Haisiyat Tax Officer for the post, is that this Haisiyat Tax Officer did not act properly and did not perform his duties at all. He did not go to any village. What he did was that he sat somewhere in the privacy of his own room, thought of a village and got the names of the possible assesseees from some of his friends and thus went on assessing them.

**Mr. Speaker :** On which motion is the honourable member now speaking?

**Rai Bahadur Mukand Lal Puri :** I am speaking to the amendment. If the Government has made up its mind to legalize an illegality the Act may only be confined to the tax that the Board has already collected so that the Board may not be placed in the awkward situation of having to refund the illegal exaction. But there is no reason or justification whatsoever for permitting the Government to recover from the people now in 1940 an illegal tax not for the year 1940, or for the year 1939, or for the year 1938 or for the year 1937 or for the year 1936, but for the year 1935 and subsequent years a tax which they themselves call illegal. Before the Legislature and the Government favour this District Board, over which one of our colleagues and a member of Unionist Party has the honour to preside, we should not permit anybody to realize from people retrospectively what the highest courts have declared as an illegal tax. None is justified in realizing an assessment for the year 1935 which has never been properly

[R. B. Mukand Lal Puri.]

and rightly assessed and which has judicially been found to be illegal. If the Government thinks that this assessment was right, if you think that this assessment was legal under the circumstances, why don't you take this matter again to the court of law? As pointed out by Malik Barkat Ali this judgment is judgment *in personam* and it affects only a particular individual. It has been alleged that the judgment went against the district board, because certain documents were not placed at all before the courts. If that is so, it is open to the Government or district board to place all the documents before the court in another case and get a judicial decision in their favour. But it appears, that this is not so and the fact that Government is not prepared to submit itself to the decision of the court, shows that the Government realizes that the assessment in this case was illegal and cannot stand criticism for a minute. If that is the case, Sir, we here as representatives of the individual assessees and representatives of all citizens of poor artisans and non-zamindars, who will by this retrospective legislation be affected, cannot be a party to this Bill. It is necessary for us to see that none of these people pays a single pie which is not due from him. Every assessee has a right to place his case before the officer, before he is assessed. But nothing of the sort was done. Here the assessments were made without hearing any objections from the assessees, or making even an attempt to enquire into their case. In the judgment which has been quoted before you and which has been upheld by the High Court it was also remarked that besides want of sanction of the Commissioner, the assessments were not made according to the rules. It runs as follows :—

Lastly, that the Haisiyat Tax Officer did not prepare the assessment list according to rule 12-A-4. The statement of P. W. I is enough on this point. According to this rule the Haisiyat Tax Officer had to consult two local persons, one a non-zamindar and the other a zamindar, and according to the version of P.W.I. he does not at all know what he did on the occasion, and no copy of the proceedings has been produced here to show that the assessment list was prepared according to rule 12-A-4. For these reasons I am constrained to hold that the haisiyat tax levied by the defendant was against law on the last ground urged by the plaintiff appellant.

This judicial decision is quite clear. This gentleman, the Haisiyat Tax Officer, did not do his duty according to the rules. He did not go to the villages and consult two local persons. He was not in a position to say as to whether he went to a village at all. He did not record any proceedings. He could not state before the court whether he ever prepared such a document. All the assessments were made by him in his own home without taking the trouble of going to the villages and consulting the people on the spot.

Under the circumstances, is the Government justified in asking this House to legalize that assessment and permit collection of a tax for the year 1935, when no assessment was at all made and which is admitted by the Government also to be illegal?

**Lala Duni Chand** (Ambala and Simla, General, Rural) : Sir, I want to make out only one point in connection with this debate and believe that this point will persuade my honourable friend, the Minister for Public Works, to change his mind and accept the amendment. The point that I want to make out is this. Ordinarily the tax payer is in a mood to pay only during the period or in the year for which a tax is to be realised. But

if an assessee or a tax payer is required to pay a tax after six or seven years, he will feel it very difficult to pay and would evade payment. This tax would have been paid by the tax payer perhaps with good grace and in good mood in the year 1935 or 1936. Now, about four years have passed and you are going to call upon the people to pay a tax which was assessed in the year 1935 or 1936. Now to ask the tax payer to pay the tax after such a long time is very hard upon him. He would not like to pay the tax after such a long period. That is the point I wanted to make out and hope my honourable friend the Minister for Public Works will give due consideration to this point and will refrain from pressing this part of the Bill.

**Minister of Public Works** (The Honourable Malik Khizar Hayat Tiwana): Sir, I must oppose this amendment. If the words "assessment or" are deleted, I think it will render the Bill useless. Under the District Boards Act and rules the haisiyat tax is first assessed and the tax is then collected. It is in conformity with the District Boards Act and the rules that the words "assessment" and "collection" are used in this Bill. In rule 12 (a) (8) of the District Board Account Code, the district board is required to appoint one or more haisiyat tax officers for assessment and collection. It is, therefore, necessary to have the word "assessment". I do not think I need reply to the arguments of my honourable friend Mr. Mukand Lal Puri, because I had already replied to these very arguments when my honourable friend was, perhaps, arguing a lengthy case in the High Court. So I need not cover the same ground again. The last suggestion put by my honourable friend is that we should not validate the tax, but let the parties fight it out. That would mean further litigation and worry to the assessee as well as the local body concerned and involve an extraordinary expenditure for no good purpose. That money can be spent on providing amenities to the people of Gujrat. With these words I must oppose this amendment.

**Lala Bhim Sen Sachar**: All that I am at this stage concerned with is whether the Honourable Minister is in a mood to confine himself merely to the amount that has been collected. If his intention, as we gathered from his speech on the first day, is—unless it is changed in the meantime—that the District Board should not be embarrassed by being asked to make refunds, then there will be no difficulty and we can agree to some sort of amendment. But if during the course of the discussion and debate the Honourable Minister has become of the opinion that the amount is to be further realised and if the district board, presided over by my honourable friend, wants to make a capital of it, that is a different matter. May I, therefore, put a question to the Honourable Minister, and it is this, is he really willing that the amendment be confined only to the amount that has already been collected? If that is so, then we can agree to this some arrangement and I would have no objection to yield my amendment in favour of the one that may be proposed by the Government by mutual agreement.

**Minister**: I do not think it is my mood that can determine the interpretation of an Act. The wording of the statute is there and it is to be interpreted by the words that occur in the section itself.

**Lala Bhim Sen Sachar**: If you would just permit me I would ask the Honourable Minister to be so good as to see the scope of his Bill. Does

[L. Bhim Sen Sachar.]

he want to confine himself merely to the amount that has already been collected or does he contemplate realising further amount on the basis of the old assessment that has been declared illegal?

**Minister :** The words are "no assessment.".....

**Lala Bhim Sen Sachar :** There is no question of words. What is your mind?

**Minister :** The tax has been held legal otherwise by the courts, but just for a technical flaw we have got to pass this Bill. We are rectifying a mistake which is quite justified. A competent person was not appointed under the notification of 1935, he was merely a sadr kanungo instead of being a naib-tahsildar. That does not add to the arguments that the assessment was arbitrarily made. If I were to accept the suggestion which has been made by the honourable member, it would mean that those good citizens who have paid the tax should not get the refund of money and if a citizen has been a defaulter he should make hay and get away with the money that he might have paid. I would not advise the House to agree to any such action. I oppose it.

**Mr. Speaker :** Question is—

That in lines 1 and 10, the words "assessment or" be omitted.

*The Assembly divided : Ayes 80 ; Noes 62.*

### AYES.

Abdul Aziz, Mian.  
Baldev Singh, Sardar.  
Bhagat Ram Choda, Lala.  
Bhim Sen Sachar, Lala.  
Chaman Lall, Diwan.  
Dev Raj Sethi, Mr.  
Duni Chand, Lala.  
Duni Chand, Mr.  
Faqir Chand, Chaudhri.  
Ghulam Samad, Khan Sahib Khawaja.  
Gokul Chand Narang, Dr. Sir.  
Gopal Das, Rai Bahadur Lala.  
Hari Lal, Munshi.  
Jalal-ud-Din Amber, Chaudhri.  
Jugal Kishore, Chaudhri.  
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.  
Krishna Gopal Dutt, Chaudhri.  
Lal Singh, Sardar.  
Muhammad Abdul Rahman Khan, Chaudhri.  
Muhammad Nurullah, Mian.  
Mukand Lal Puri, Rai Bahadur  
Mula Singh, Sardar.  
Muni Lal Kalia, Pandit.  
Partab Singh, Sardar.  
Prem Singh, Mahant.  
Sampuran Singh, Sardar.  
Santokh Singh, Sardar Sahib-Sardar.  
Sant Ram, Seth, Dr.  
Sudarshan, Seth.

### NOES.

Abdul Haye, The Honourable Mian.	Ahmad Yar Khan, Chaudhri.
Abdul Rahim, Chaudhri (Gurdaspur).	Ali Akbar, Chaudhri.
Abdul Rahim, Chaudhri (Gurgaon).	Allah Yar Khan Daulatana, Mian.
	Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.  
 Ashiq Hussain, Major.  
 Balwant Singh, Sardar.  
 Chhotu Ram, The Honourable Chaudhri Sir.  
 Dasaundha Singh, Sardar.  
 Faiz Muhammad, Shaikh.  
 Farman Ali Khan, Subedar-Major Raja.  
 Fateh Muhammad, Mian.  
 Fazl Ali, Khan Bahadur Nawab Chaudhri.  
 Fazal Din, Khan Sahib Chaudhri.  
 Fazal Karim Bakhsh, Mian.  
 Few, Mr. E.  
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.  
 Ghulam Qadir Khan, Khan Bahadur.  
 Gopal Singh (American), Sardar.  
 Haibat Khan Daba, Khan.  
 Hans Raj, Bhagat.  
 Hari Chand, Rai Sahib Rai.  
 Indar Singh, Sardar.  
 Khizar Hayat Tiwana, The Honourable Malik.  
 Manohar Lal, The Hon'ble 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 Gurohani, Khan Bahadur Sardar.  
 Muhammad Nawaz Khan, Major Sardar Sir.  
 Muhammad Sarfraz Khan, Raja.  
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.  
 Muhammad Yasin Khan, Chaudhri.  
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.  
 Muzaffar Khan, Khan Bahadur Captain Malik.  
 Muzaffar Khan, Khan Bahadur Nawab.  
 Nasrullah Khan, Rana.  
 Nawazish Ali Shah, Sayed.  
 Pohop Singh, Rao.  
 Prem Singh, Chaudhri.  
 Ram Sarup, Chaudhri.  
 Ranpat Singh, Chaudhri.  
 Ripudaman Singh, Rai Sahib Thakur.  
 Sadiq Hassan, Shaikh.  
 Shahadat Khan, Khan Sahib Rai.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Sir.  
 Sikander Hyat-Khan, The Honourable Major Sir.  
 Sultan Mahmood Hotiana, Mian.  
 Sumer Singh, Chaudhri.  
 Suraj Mal, Chaudhri.  
 Talib Hussain Khan, Khan.  
 Tara Singh, Sardar.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Bahadur Sardar.  
 Wali Muhammad Sayyal Hiraj, Sardar.

**Mr. Speaker :** Question is—

That clause 2 stand part 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 Public Works** (The Honourable Malik Khizar Hayat Tiwana) : I move—

That the District Board of Gujrat (Tax Validating) Bill be passed.

*The motion was carried.*

# LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT BILL.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): I introduce the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill. I move—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be taken into consideration.

**Mr. Speaker**: Motion moved is—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be taken into consideration.

**Chaudhri Krishna Gopal Dutt** (North-Eastern Towns, General, Urban): Sir, I beg to move—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be circulated for the purpose of eliciting opinion thereon by February 21, 1941.

I may say at the outset that I do not mean this motion to be a dilatory motion. My reason for moving this motion is to elicit certain information so that it may be made clear to me as to what attitude I should take in regard to this measure. First of all, I shall point out certain anomalies which are incidental to this Bill as well as to the original Government of India Act on this question. I may make it plain that I am not standing here to oppose this Bill. What I would like my honourable friend, the Parliamentary Secretary (Mir Maqbool Mahmood) to do is to throw light on certain doubts which I entertain in regard to this matter. The Bill seeks to remove certain disqualifications from which the employees of the railway suffer under the present rules and regulations. My first doubt in regard to this point is, why should representation be given to the employees of the North-Western Railway in this Assembly? I know that the Parliamentary Secretary will get up and say "We cannot help it. It is provided for in the Government of India Act." But I would point out to him that if the object was to give representation to labour, why should that representation be confined to railway labour only? Why should you not give representation to postal labour, telegraph labour and to other classes of labour in the province? Why I ask this question is because I have an apprehension that if this Bill is passed the Opposition will suffer. If this Bill is passed it will permit any railway servant who is in fact a Government servant to get himself elected to this Assembly. So, obviously the gentleman who will in future be elected will be a servant of the Government. A servant of the Government cannot be a free agent in this Assembly. He will not be able to freely represent either his constituency or the general interests affecting the welfare of the province. I cannot presume that any Government servant will dare go against the wishes of the Punjab Government at any time or will muster sufficient courage to side with the Opposition or even voice popular views prevalent in the province on any particular issue. In view of these apprehensions, I want the Parliamentary Secretary to make it clear as to why the present arrangement is proposed to be disturbed. If there are certain outsiders in the union, from our point of view, from the point of view of the Opposition, from the point of view of nationalists in the province, those outsiders should be more welcome than the Government.

## AMENDMENT BILL.

servants. It may be said very reasonably—and I appreciate it that this constituency is particularly meant for those employees—that when those employees are voters in that constituency, any one of them may get himself elected from that constituency. But there is the anomaly which I have pointed out. I repeat that I am not opposed to this Bill. I am not opposed to giving representation to those people, but the representation should be sensible and should be uniform. I am in favour of giving representation to labour, but I do not want that in the name of giving representation to labour you should put a premium on reactionary elements in the province. So far as other countries are concerned, for instance England or America, labour is not given any special representation. But here in this country on account of the reactionary attitude of the Government of India labourers have got very limited representation. The best method of giving representation to labour is to give them franchise in the general constituencies. But here they do not enjoy that franchise, the right to vote in the general constituencies. This is what I want to make clear. I do not want a false idea to spread in the province that the Opposition is against the interests of labour. My contention is that the Punjab Government should instead of getting this Bill passed, pass a resolution, a unanimous resolution, recommending to the Government of India and through the Government of India to Parliament that there should be wider franchise, there should be adult franchise in the province so that all those who are returned to this Assembly as representatives of the masses, mostly labourers, should have a voice in the formation of the Government which claims to represent them. That is the best way of giving representation to labour, giving them franchise in the general constituencies so that they may have a powerful voice in the election of true representatives. But this is not provided for in the constitution. The Government of India Act gives limited representation only to a certain set of labourers ignoring others to the detriment of general labour in the province. I therefore gave notice of this motion. I had a talk with Diwan Chaman Lall since he is very much interested in these matters. He told me that so far as the limited provisions of the Government of India Act were concerned, this Bill was all right; but he conceded that labourers who formed the masses of people in the general constituencies did not have the right of vote in those constituencies, that they could not elect their own representatives. He said several other things relating to communal matters but they are all beyond my consideration. It is immaterial to me whether a Hindu, or a Mussalman or a Sikh represents labour. As long as he represents labour, that is enough for my purpose; and from that point of view I have not a word to say against the Bill.

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

My friend Diwan Chaman Lall gave his best advice to me and in the light of that I took up the attitude that we should at least get certain elucidation on the questions that I have raised and I hope that the Parliamentary Secretary as well as Diwan Chaman Lall, who is keenly interested in their welfare, will throw light on this, so that we may take up some definite attitude. Meanwhile I would certainly press all these points.

There is another matter, that is, the Bill also removes disqualifications under the present regulations, so far as it affects Government treasurers

[Ch. Krishna Gopal Dutt.]

who hold office of profit under the Crown, and it is felt in certain circles that so far as this disqualification is concerned it should not be removed, and I feel that perhaps my honourable friend Diwan Chaman Lall is also of this opinion. With these words I move my motion.

**Mr. Deputy Speaker :** The motion moved is—

That the Punjab Legislative Assembly (Removal of Disqualification.) Amendment Bill be circulated for the purpose of eliciting opinion thereon.

**Diwan Chaman Lall :** It is good of you to have called on me at this stage to speak.

**Mr. Deputy Speaker :** The honourable member may first move his motion for reference to select committee.

**Diwan Chaman Lall :** I formally move—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be referred to a select committee.

**Chaudhri Krishna Gopal Dutt :** How can there be too different propositions before the House at the same time ?

**Mr. Deputy Speaker :** All these amendments will be discussed together.

**Chaudhri Krishna Gopal Dutt :** They cannot be. They are different in principle altogether.

**Mr. Deputy Speaker :** The amendments will be discussed together, but will be voted upon separately if necessary.

**Chaudhri Krishna Gopal Dutt :** You are creating a precedent. The Speaker has ruled that the circulation motion and the select committee motion are quite different, and they should not be taken together.

**Diwan Chaman Lall** (East Punjab, Non-Union Labour) : Instead of wasting the time of the House over technical matters which are of no importance, I think the best thing is to get on with the subject of the debate. I differ from my honourable friend who has just sat down in holding that this is not an important matter. I consider that this is a matter of most vital importance to a large number of voters in this particular constituency. Not only is it of vital importance to a large number of voters, but the principle that it involves is of equally great importance to every honourable member who wishes democracy to flourish in this country. It is true as my honourable friend who has just sat down said that he was not in a position to make up his mind one way or the other in regard to this measure. I should take it that in these circumstances the best thing is to let somebody else make up his mind for the honourable member.

I would like my honourable friend and my friends opposite to listen carefully to what I have to say in regard to this matter. A complaint has been made that labour should not have been given separate representation. Surely I should have thought that it is too late in the day to-day to make a complaint of this nature in view of the provisions of the Government of India Act. We are unable at this stage to alter the provisions of the Government of India Act. The Government of India Act is there and by virtue of that Act these particular constituencies have been created. How they have been created is a matter for debate, but the fact remains that the



creation of these constituencies is the work of the Government of India Act and not of this legislature or of this Government or of anybody in India. How did these constituencies come into existence? Mr. Deputy Speaker, you would recall that the object and the framework of the Government of India Act is to give representation to certain groups and classes. It is in contradistinction to the arrangement which prevails in America or England where you have adult franchise, where there is no necessity to protect any particular class, where every person, male or female, in the case of America, and male only in the case of England at the age of 21 has the vote and therefore can go to the poll and record his opinion in regard to the representatives of that ilaqa. But it was not so in India. Here the restricted franchise was granted, mostly the property franchise and in some cases the literacy franchise was granted. Then came the necessity of finding out the way, the method, the means of providing franchise for this class who would not be covered ordinarily by the property franchise or even by the literacy franchise. You know very well that the extent of literacy in India is somewhere roundabout 7 per cent. There was the necessity therefore to provide for a particular class of voter who would not be enabled to vote unless he was recognised under the law, who had neither the property qualification nor the literacy qualification and yet who was the most important factor in the life of the nation, namely the industrial worker. It was for that reason that this method was provided which my honourable friend to my right (Chaudhri Krishna Gopal Dutt) has been criticising of giving special representation to labouring classes. Now not only was special representation given to the labouring classes, but special representation was also given to the industrial and commercial classes. My honourable friend to my left obtained special representation. He obtained it through the commerce seat which was once represented by my honourable friend Rai Bahadur Mukand Lal Puri on my left. That particular representation was given to that class because it was also recognised that it was an important class and an important class should be enfranchised. As a counterbalance to that, as a counterbalance to the grant of three seats to the landholders, as a counterbalance to the grant of a seat to the Tumandars—I believe they get one seat—these four seats plus a constituency created for the industries, plus a constituency created for my honourable friend sitting opposite (Mr. Few), plus a seat held by my honourable friend Sir William Roberts, all these classes represent the capitalists classes, as against these seven seats, three seats in the Punjab were to represent the labouring classes.

**Chaudhri Krishna Gopal Dutt :** I never doubted that.

**Diwan Chaman Lall :** My honourable friend says that he never doubted that, and I hope that after my exposition of the fact he will still continue not to doubt it. My honourable friend agrees with me in regard to the necessity for this particular franchise. I quite agree that if there were adult franchise, there would be no necessity whatever for the special classes or groups being enfranchised for the purpose of this legislature. That is an aim, that is an object which we all have in view and I do hope the time will come soon when we arrive at that consummation. But unfortunately we have a very serious anomaly that we have got three constituencies created in the Punjab for labour, two of which are for unorganised labour

[Diwan Chaman Lal.]

and one for organised labour, and unfortunately the seat for organised labour has been restricted to one particular union called the North Western Railway Union. This anomaly that exists is of this nature, that whereas the members of the North Western Railway Union have the right to go to the poll and cast their vote for any representative who is eligible to stand from that constituency, yet not one member of that union who is a railway employee is enabled to stand himself from that very same constituency. The constituency was created for the purpose of enabling employees of the North Western Railway to stand for election in order that they may also be able to safeguard their interests in this legislature and yet the anomaly is apparent that under the rules as they stand, under the disqualification that exists it is not possible for a single member of that union who is an employee of the North Western Railway to stand for election. Why? Because the North Western Railway happens to be a Government-owned concern. There are a few railways left still in India like the Assam Bengal Railway and the B. B. & C. I. Railway which are not Government concerns and to whom this particular disqualification would not apply: but it does, in the opinion of lawyers who have looked into this matter, apply to the North Western Railway Union which are considered under the terms of the Government of India Act to be holding an office of profit under the Crown. If there is a coolie who gets Rs. 10 a month, or if there is a station master, or if there is a ticket collector, or if there is an employee working in the Railway workshop, all these people because they get their emoluments through the Government treasury, because they are servants of the Government, they are held to be holders of office of profit under the Crown and therefore unable to stand from that particular constituency.

I can stand from it. My hon'ble friend, Rai Bahadur Lala Sohan Lal, can stand both from the employers' constituency and from the labour constituency. My honourable friend, Rai Sahib Lala Sita Ram (*An honourable member*: not Rai Sahib)—Rai Bahadur? (*Laughter*). (*An honourable member*: No)—Lala Sita Ram, an honorary magistrate, actually stood from that particular constituency and succeeded in getting in. But as against him not a single actual worker of the North Western Railway, who is a member of the North Western Railway Union, could stand. But in doing away with this particular anomaly I regret to say another anomaly is being created. The object never was of the Franchise Committee or of the Government of India Act to so circumscribe the voting strength of this particular constituency as to limit it only to those who are members of one particular union, although there may be several unions which may be operating on this particular system. Admitted that at the time when the Royal Commission on Labour reported it recommended the creation of this constituency and at the time when the Franchise Committee reported it followed on the recommendations of the Royal Commission on labour and at the time when the Government of India Act presumably was fashioned, there was only one Union on this system—such being the fate of trade unionism in India that it has also shown fissiparous tendency—to-day the anomaly exists that whereas there is one recognised union, a union which the Agent recognises for purposes of negotiation with the representatives of the workers on the North Western Railway, there are other unions which are not recognised by the Agent but

which are probably much more representative of the workers themselves than the recognised union and the anomaly is created curiously enough that the more representative union which has probably a membership of 20,000 is not recognised, has no part in the constituency, is not a voter in that constituency but a union with a membership of anything between 200 and 2,000 or 4,000 is actually a participant in the franchise which is being granted to this constituency. That anomaly, I do hope, my honourable friend, who is going to deal with this subject, will bear in mind and not only bear in mind but do everything in his power in order so to amend the measure as to enable all unions operating on the North Western Railway to become participants in the franchise which has been granted to this constituency.

Now, Mr. Deputy Speaker, I do not think it is necessary to weary the House with extracts from the Delimitation Committee's report and from the Report of the Royal Commission on Labour except merely to say this, that the Delimitation Committee's report in Volume I, on page 180, paragraph 485, stated as follows :—

Our problem would have been simplified had more advantage been taken of the advice given in the report of the Royal Commission on Labour. Their report, and that of the Indian Franchise Committee issued over three years ago; and the latter report suggested, as an encouragement to the development of trade unions, that any trade union which had been registered for six months previous to the first election under the new constitution might be recognised for the purpose of forming the whole or a part of the electorate.

This is the very point that I am driving at. There are unions existing on this system which have been actually operating for a period of more than six months, for a period of several years and yet merely because they do not happen to form part and parcel of the one union which the agent chooses to recognise for purposes best known to him, they are not entitled to the franchise which is granted under this measure. I do submit that this matter be taken up and I hope it will be taken up by the Government with the authorities in Whitehall and an amending order—an order in council—produced, which does not take long to produce, in order to stabilise the position of the North Western Railway and to enable the workers to exercise their franchise who in reality should be and are entitled to the exercise of the franchise; and not merely to create this particular union, merely a pocket borough. My honourable friend, Chaudhri Krishna Gopal Dutt's complaint would have been very valid had it been this that the recognition of one union alone creates a pocket borough and the recognition of one union alone does not enable the vast majority of the workers of the railway to exercise their franchise. That point cannot be settled here. We have gone into this matter and we have come to the conclusion that the only manner in which this point can be settled is for my honourable friends of the Government to move the Government of India for the rectification of the wrong that has been done. The wrong can be righted within a few minutes by the issue of an order-in-council if my honourable friends are minded to do justice to this particular class.

The second portion of this measure relates to Government treasurers. I do not understand why a Government treasurer is sought to be exempted

[Diwan Chaman Lall.]

from the provisions of the Government of India Act. The Government of India Act lays down that any holder of office of profit under the Crown shall not be eligible to sit as an elected member on the floor of this House.

**Mir Maqbool Mahmood :** It will save my honourable friend's time if I were to submit that we have already tabled a motion exactly on the same lines as his own, namely, for the deletion of the clause in the Bill asking for exemption of the treasurers, and I have authority to say that this side is going to support it.

**Diwan Chaman Lall :** I am very glad to hear that my honourable friends are going to move for the deletion of that particular subsection which deals with Government treasurers. They are not going to be exempted from the provisions of the Government of India Act relating to the undesirability or impossibility of a holder of office of profit under the Crown being able to sit on the floor of this House. Therefore, I need not deal with that particular aspect of the matter.

There is only one little aspect of the matter which is to be dealt with and that is the actual draft of the amendment in order to ensure that no injustice is done, no loophole is left and that the object my honourable friends have in view is carried into effect without the possibility of any loopholes being found in this particular amendment. In regard to that particular part of the subject, may I suggest that the amendments of which we have given notice might form the basis of the voting if they are acceptable to my honourable friends. But I take it that practically the same amendment has been given notice of by him as well. The object is this. Let us be quite clear. There are certain categories of railway employees who are not eligible for this constituency. Only those can get franchise who (1) are members of the North Western Railway Union, (2) who are railway employees. But railway employees of a particular category, for instance, supervisory staff, clerical staff, administrative staff, these staffs are not eligible for the franchise.

They are not eligible for the purposes of exercising their vote or for standing for election from this constituency. Therefore in the amendment that is sought, we must make it perfectly clear that only those will be enabled to stand for election from this constituency who are eligible to become members of the North-Western Railway Union being railway employees, that is to say eliminating the administrative, eliminating the clerical staffs of the Railway. If the wider issue is accepted, the result would be that these very categories which are ineligible for election or for the franchise will be enabled to stand for this constituency although they are entitled to vote for this constituency. Therefore I ask my honourable friend to keep this distinction in mind, it is very important for the purpose that he has in view.

**Chaudhri Krishna Gopal Dutt :** On a personal explanation. I have been the victim of a very peculiar kind of joke and in regard to that matter I offer a personal explanation. In view of the fact that I had certain doubts, I should never have spoken at all and I had no mind to speak or to move this motion. I consulted my honourable friend Diwan Chaman Lall who has just sat down and I told him my doubts and I told him that I was not

speaking and it was he who asked me to speak and now after the speech that he has made I withdraw my circulation motion.

**Diwan Chaman Lall:** May I correct my honourable friend. It is rather stupid to discuss this personal explanation, but my honourable friend is in the habit of doing so. There was no request on my part asking him to speak.

**Chaudhri Krishna Gopal Dutt:** It is very stupid to deny a thing which has taken place.

**Chaudhri Sumar Singh:** On a point of order. The honourable member must withdraw the word stupid.

**Diwan Chaman Lall:** Why should he withdraw it, if he thinks it is stupid.

**Lala Sita Ram (Trade Union Labour) (Urdu):** Mr. Deputy Speaker, there is one amendment with regard to this Bill which stands in my name, namely, that the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be circulated for the purpose of eliciting public opinion thereon by 31st December 1940.

Before I advance any arguments in support of my motion, I would like to say a few words in respect of the constituency regarding which this Bill has been introduced. It was most unfortunate to see that a very responsible member of this House who was the first to speak on this Bill and who was in favour of circulating it for eliciting opinion thereon and who has now withdrawn his circulation motion, had allowed himself to dance to the tune of another. But it was gratifying, in the end, to see him confessing that he knew little of the history and of the formation of this constituency and his could not, therefore, be the competent opinion. Then my honourable friend Diwan Chaman Lall, while stating a few facts has deliberately held away others about which, fairness demanded that he should have enlightened the House. Why should he denounce now the constituency which returned me and not him or some friend of his? May I remind my honourable friend that when the labour seats in this province were being allotted to different labour unions he was one of those who were the first to support and urge that one seat should be given to labour general. Consequently in view of the industrial development in this province it was considered necessary under the Government of India Act to allot one seat to labour general in this province. Allow me, Sir, to trace here very briefly the history of this constituency. Let me begin by saying that even before the inauguration of the provincial autonomy a seat for labour general did exist in the old Legislative Council as well, though it was a nominated one. Then under the provisions of the Government of India Act three seats were given to labour unions in the Punjab and they have been termed as labour seats. Now the question arose as to what unions these seats should be given. I shall, indeed, be ungrateful, if I do not give credit to Mr. Ram Autar, Mr. M. A. Khan and my honourable friend D. Chaman Lall along with others who strove hard with us to get this one seat for labour general. But it is a matter of great regret that to-day he has, by mere coincidence or deliberately, I need not go into these facts, tried to oppose the interests of the North-Western Railway Union, and has supported the amending Bill now before the House. My submission is that he calls the

[Lala Sita Ram.]

grapes sour, because he cannot reach them. He was expelled from the Union and matters reached even such a pitch that the whole matter was dragged to a court of law which could not defend my honourable friend.

Under these circumstances one can easily understand why he has the cheek to say that no separate seat should be allotted to the North-Western Railway Union and that along with it other Unions be included to make the former weak and impotent to serve their own end one day. Let me make it clear, Sir, that it concerns me the least, if my honourable friends over there get the Government of India Act amended or ask the Punjab Government to alter an act to suit their own ends. But I must say that by doing so they will do a distinct disservice to a hard-pressed labouring class who will be deprived of an independent representative.

Now, Sir, before I explain how it would apply axe at the very root of the principle, I cannot help remarking that it is an irony of fate that 90 per cent of the honourable members of the present House do not understand the Bills or the amending Acts that are introduced in this House. The procedure of the House is all Greek to them. They do not quite follow a thing much less appreciate it. Ours, therefore, is a hard lot as to how to convince them.

**Mr. Deputy Speaker :** The honourable member is irrelevant.

**Lala Sita Ram :** Am I permitted to explain as to how my remarks are relevant ?

**Mr. Deputy Speaker :** No. The honourable member may proceed with his speech.

**Lala Sita Ram :** I was explaining, Sir, that the procedure adopted by the Government in respect of these amending Bills is defective inasmuch as it says : " add such and such words in such and such a line." The honourable members in an overwhelming majority cannot comprehend the implications of such additions by studying these detached sentences.

**Mr. Deputy Speaker :** The honourable member is again irrelevant.

**Lala Sita Ram :** Sir, as the Indian Delimitation Committee admitted the desirability of the Labour seat going to some recognised trade union, it was decided that one of the labour seats should be reserved for the North-Western Railway Union (Recognised).

**Mir Maqbool Mahmood :** On a point of order. The Bill under consideration is not whether a seat is to be given to this constituency, but the problem at issue is whether a certain person ought to be eligible to stand from this constituency. I would, therefore, request my honourable friend that he should confine his arguments to the Bill under discussion.

**Lala Sita Ram :** I know it very well. But it was necessary to refer briefly to the points which were raised by honourable members of this House.

**Mr. Deputy Speaker :** The honourable member should confine his speech to the motion before the House. If some of the honourable members have said something which was not relevant he need not say anything about those irrelevant things.

**Lala Sita Ram :** I have no intention to go into unnecessary details. I simply wanted to remove a misunderstanding. Any way, now let us turn to the real issue which is whether the disqualification provided in the Government of India Act in respect of persons holding an office of profit should or should not be retained in this case. I do not want to advance any lengthy arguments. If these railway employees are elected, I shall be only too glad. My personal opinion is that they should be able to ventilate their own grievances by returning to this House and boldly asserting their rights. But the question is : are they so able to do so ? My contention, supported by the recommendations and findings of the Delimitation Committee, is that they are not so at present. The labour is yet unorganised. There is utter illiteracy in their rank and file. They cannot as yet rise above low levels of personal gains to think first of the great whole of which they are only an insignificant part.

Again, it is a pity, Sir, that those from among them, who may be able to represent are not allowed to become voters of this constituency and hence they are debarred from seeking election. The real intention of the Government is to enable an ignorant labourer to return to this House, who may be won and brought over to vote for them blindly. Let me hurl the facts to your face. Let us see who can become a voter in this constituency. In this connection I would draw your attention to Rule 15 of the Government of India (Provincial Legislative Assemblies) Order. It reads :

- (1) A person shall not be qualified to be included in the electoral roll for a labour constituency unless he has lived in the province for a period of not less than six months in the year ending on the prescribed date.
- (2) A person shall not be qualified to be included in the electoral roll for a labour constituency if he is employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity, and Acts of the Provincial Legislature and Rules may contain provisions for defining the persons who are to be treated as falling within the provisions of this paragraph.
- (3) Subject to the provisions of this order a person shall be qualified to be included in the electoral roll for the trade union constituency if he is employed within the Province and (a) is and has for at least twelve months been a member, honorary member or official of the North-Western Railway Union and (b) is not in the case of an ordinary member of the union, in arrear with his subscription thereto.

This shows that the clerical staff, the supervisors, and others who stand higher educationally and socially cannot be included in the electoral roll. The vote is intended to be given only to the labouring classes. Is it not surprising that the Government should try to bring into the legislature gang-men, pointsmen, coolies and other such railway employees as have to work all the day long to earn bare bread for themselves and for their half-starved families ? How can they find time to attend to the work of the Assembly ? Has the Government educated them enough to come here and take part in the proceedings ? Again, every railway employee may have some grievance or other against his officers in respect of his grade, promotion or some other matter connected with his service. Will he have the courage to speak against them on the floor of this House, without the dread of losing their favour ? There was a time before these unions came into existence, when such individual grievances were laid before the officers and they used to consider them sympathetically. But now that the era of Trade Unionism has dawned, people get their grievances redressed as a class through their union instead of

[Lala Sita Ram.]

every individual fighting his own case. It is a sad fact that railway employees are afraid even to join a union lest they should lose favour with their officers. Then how can you expect such people to represent their constituency properly? Suppose there is some vital point to be discussed which requires all the skill and intelligence of a politician. Do you think that a gangman, who is ill-paid by the railway, will have enough education to understand the whole situation or will have the courage to say a word against the wishes of his officers? The object underlying the disqualification on account of holding an office of profit was that the representative of a constituency should be a representative in the real sense of the word and he should in no way be carried off his feet by strong currents.

Similarly, Government treasurers may be very able and intelligent persons, but do you think that they can be as independent as any other member of the Legislature should be, if he has to do his duty properly? The condition about the office of profit was laid down so that only independent persons may become members of the legislature and also that nobody may get the impression that any member was voting with the Government under undue influence. The real thing is that the Government has no one face. In order to show that they have granted autonomy to a province, they create elective seats, but in order to have their own men returned to those seats, they mould and twist the rules to suit their own ends. Was not, by a similar Bill in 1937, the disqualification removed in respect of lambardars and some other holders of similar offices? Same is the story here. When the Government found that the Railway seat was captured by an independent person who, if he has not joined the Congress party, has the courage of his conviction and can vote against the Government they have brought forward a new Bill. After all what wrong does the Government see in the present state of affairs? It is those very railway employees by whose votes a person is elected. He must be enjoying their confidence, or else he could not be elected.

**Nawab Sir Shah Nawaz Khan :** Even if he is a capitalist?

**Lala Sita Ram :** Yes, even if he is a capitalist. After all when big landlords can represent their tenants and other poor people, where is the harm in an honest capitalist representing labour?

If you have, Sir, to remove disqualifications, put your energies in better channels. Allow the educated and highly-placed railway clerks, head clerks, superintendents, officers and others to become voters of this constituency and rely upon the person who is their spokesman and is from among them. But this I am sure, you will never do; because it will ill suit you again.

Therefore, Sir, if you insist on passing this Bill, you will be depriving the railway employees of proper and adequate representation. You will kill the very object in view. At the same time you cannot say that this constituency has a low scope for good members to seek election from it. It is not only the officials or members of the North-Western Railway Union who can seek election from this constituency. In fact any member of any recognised union can stand as a candidate from this constituency. Diwan Chaman Lal and Mr. M. A. Khan were not members of this Union and yet they sought election from it.



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

**Lala Sita Ram :** Sir, I was only enlightening the House as to who can seek election from this constituency and under these conditions there is hardly any need of bringing this Bill. Any way, let me now turn to the statement of objects and reasons appended to the Bill.

**Mr. Deputy Speaker :** Order, order. The Assembly will now take up the Adjournment motion.

**Lala Sita Ram :** Very well, Sir. I shall resume my speech when I am again called upon to do so.

### ADJOURNMENT MOTION.

EXTERMENT OF DR. MUHAMMAD ASHRAF.

**Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) :** I beg to move —

That the Assembly do now adjourn.

**Mr. Deputy Speaker,** at the very outset I may point out that Dr. Muhammad Ashraf came to Lahore on the 23rd instant in order to preside over the Students Federation which is a constitutional organised body of the students of the Punjab. And between 12 and 1 o'clock an externment order issued by Mr. Penny the Chief Secretary to the Punjab Government was served on him at the residence of Mian Itikhar-ud-Din.

The letter which was sent to him by the Chief Secretary runs as follows :—

Whereas the Governor of the Punjab is satisfied with respect to the under-mentioned person that with a view to preventing him from acting in any manner prejudicial to the public order it is necessary that he should be directed not to be in any place within the province of the Punjab :

Now therefore, in exercise of the powers conferred by sub-rule (1) of Rule 26 of the Defence of India Rules, the Governor of the Punjab is hereby pleased to direct excepting in so far as may be permitted by the Government of the Punjab the said under-mentioned person shall not at any time after the expiry of 12 hours from the service of this order be in any place within the province of the Punjab.

This Nadir Shahi order was issued under sub-rule (1) of Rule 26 of the Defence of India Rules. Now let me acquaint the House with that amended sub-rule :

The Central Government or the provincial Government if it is satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of the war itself necessary so to do, make an order.

Sir, under this sub-rule of the Defence of India Rules, Dr. Ashraf was ordered to leave Punjab within twelve hours. First of all, Sir, it was physically impossible for Dr. Ashraf to remove himself from the Punjab within a short period of twelve hours. I may also point out to you that the order was served on him at 1 p. m. and at that moment no train was available to enable him to leave the Punjab. Is it not foolish of those who before issuing such orders did not care to think whether it would be physically possible for a person to remove himself within twelve hours or not?

Now I would like to tell you as to how far the Government under the present circumstances, was justified in issuing this order under the Defence of India Rules. As you are aware it was after the outbreak of the present

[Mr. Dev Raj Sethi.]

war that the Defence of India Act was introduced in the central Assembly in September, and the Opposition opposed it. The Law Member in the course of his speech gave assurances that the measure would be used particularly at times of emergency and with caution in cases where it was found absolutely necessary and he also further stated that he would issue instructions to the provincial Governments not to exercise this measure behind the cover of political purpose. What Sir Muhammad Zafrullah said on that occasion is as follows :—

It is admitted on all hands that the powers are wide, they are drastic, they are wide and drastic in order to meet an emergency.

Further he remarked :—

The only reply that I can make to the criticism as expressed hitherto is that those who are actually to be entrusted with the carrying of powers into effect will use them with discretion and use them humanely and in such a manner as to cause minimum inconvenience.

This assurance was given by him at the beginning and at the stage of the passage of the Bill when he thought that the Bill was about to appear on the statute book he giving expressions to his fears and apprehensions assured the House in the following words :—

I may again assure the House that it is not intended to use every one of these powers with which the Central Government and the provincial Governments are proposed to be vested by this Bill, unless a contingency justified the cause for the use of these powers and I am sure the provincial Governments will also take the same view.

I wonder that on one side there is this assurance and on the other an externment order is served on a responsible person who was to preside over the Punjab Students Federation. May I ask the Punjab Government where was the emergency to serve a notice in this case? Dr. Ashraf was not a terrorist and he was not coming to make an anti-war speech. He had to preside over a Students Conference. Are my honourable friends opposite not aware of the fact that Dr. Ashraf is not an ordinary man, as he is highly placed in public life? He is a member of the All-India Congress Committee and is a strict adherer to the creed of non-violence. Besides, he has neither been arrested nor put on trial before, nor has his house been searched since the Congress Ministries resigned and the Governors along with their advisors started governing the Congress provinces. It is therefore quite obvious that his file is clean. A great proof of his peaceful attitude is this. He has not come here for the first time but he has already visited this province twelve times. He has been visiting other provinces as well, and touring in the United Provinces for the last fifteen months and on no occasion have the Governments of those provinces taken action against him in the name of peace of those provinces. May I know from the Punjab Government as to where is the emergency and justification of the externment order? After all what are those grounds and data for which the Honourable Premier and the Chief Secretary have taken this most objectionable step? As the notice was issued on the 21st and served on the 23rd it may be said that the Government in view of the previous record of Dr. Ashraf have taken this step in anticipation. But I would submit that the previous record of Dr. Ashraf as judged by the events, is as clean as a clean slate. First he addressed the Punjab Students Federation and then he delivered a speech outside Mori Gate.

Then he left Lahore. But his speeches did not cause any political or social upheaval in the province; nor was the peace and tranquillity of Lahore disturbed. His spotless past record is before us and we can easily draw our inferences about him. But from the state of affairs prevailing in this province I have come to the inevitable conclusion that the externment order passed against him by the Punjab Government was most unjustified and uncalled for. I think to drive a person of the status and eminence of Dr. Ashraf out of the province tantamounts to striking at the very root of personal liberties of the people. I am of the opinion that the Joint Chief Secretary who is accountable to the Ministry, made use of the Defence of India Rules in a very objectionable and injudicious manner. As a matter of fact he overlooked the purpose for which the Defence of India Rules were framed. But this is not the first time that our Government have erred. If we examine the statistics for the last three years, i.e., from 1937 to 1940, we find that a plethora of internment and externment orders were passed by the Government against a large number of persons with a view to embarrass them. I can say with the fullest confidence that such ruthless action, on the part of the Government has blackened their record. I would further say that our Government have surpassed even the Bengal Government in their wrong doings. The latter is also a reactionary Government, but it is not as guilty of passing externment orders as the Unionist Government is.

Again, one can freely move about in Delhi province which is directly under the charge of a bureaucratic Government. Acharya Narendra Dev delivers speeches there with perfect freedom and nothing untoward happens there. But no sooner he crosses the frontiers of the Punjab, he becomes dangerous for the peace of the province. Our sister Satyawati is quite innocuous at Delhi. It is not considered fit to take action against her on the basis of her speeches. But as soon as she places her foot on the soil of the land of five rivers, the Government begin to tremble in their shoes and no time is lost in passing an externment order against her. There are so many other prominent persons who have been made victims of these externment orders passed by this Government. These persons include Sardar Karam Singh, Bhagwan Singh, Mr. Ghosh, Mr. Ghate and last but not the least Professor Ranga, who is a member of the Central Assembly and a man of all-India reputation. Besides, why go far? In our own province honourable members of this august House have been removed by our Government to a far flung place like Deoli Camp, and detained there without trial. We cannot forget the inhuman treatment meted out to them. They were first thrown into the jails situated in the hottest places like Muzaffargarh and Rajanpur. It is only at the agitation of the people for better treatment of the detainees and their removal to some healthy place that the Honourable Premier made a statement assuring that the detainees would be transferred to a better place. In this connection I may point out that previously the Honourable Minister for Finance used to deal with the cases of detainees and the Jails Department was also under him. Now God knows on what grounds of expediency the Honourable Premier thought fit to take away the cases of detainees from him.

**Premier :** My honourable friend is making unnecessary insinuations. My honourable friend the Finance Minister never dealt with these politics.

[Premier:]

cases. Throughout, as a matter of fact from the very beginning of the present constitution, this subject has been in my charge.

**Mr. Dev Raj Sethi :** I stand corrected and believe in what the Honourable Premier has said. But I still maintain that so far as our information goes the Honourable Mr. Manohar Lal used to deal with the political cases apart from the Jails Department placed under his charge. But for reasons best known to the Honourable Premier, he took this matter into his own hands without taking the House into confidence.

**Premier :** I assure my honourable friend that since the introduction of the new constitution I have been dealing with the cases of detainees and political and security prisoners. This subject has never been in the charge of the Finance Minister. Jails department, no doubt, was under his charge throughout. So my honourable friend should refrain from entertaining erroneous ideas. He has been obviously misinformed.

**Mr. Dev Raj Sethi :** I concede the point of the Honourable Premier. But what about the interviews which were not allowed with the detainees before their detention in the security camps? It is a thousand pities that no heed was paid to the miserable plight of those detainees who were seriously ailing or whose near relations were on death bed. And no interviews were granted without the permission of the Honourable Premier and the Deputy Inspector-General.

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

**Mr. Dev Raj Sethi :** Well, Sir, what I want to emphasise is this. The externment orders passed by this Government form part and parcel of the repressive policy adopted by them.

**Mr. Deputy Speaker :** The scope of the motion is limited.

**Mr. Dev Raj Sethi :** I was going to submit that the question now before the House was of vital importance. To-day it was remarked by the Honourable Premier that this matter related to an individual, and therefore no importance should be attached to it. I beg to differ with him. It is no longer a question of an individual. It is a question of the prestige and personal liberty of the people of the Punjab. I am of the opinion that any amount of sacrifice for the attainment of this freedom would be considered too small. It is the achievement of this object which makes the life of individuals worth living. I am constrained to remark that if Government were so keen as to pass this improper and unjustifiable order, they should have at least taken steps to make out a case for this action. They ought to have taken the House into their confidence, so that we could be aware of the reasons leading to the service of this harsh order on Dr. Ashraf. I know Mir Magbool Mahmood would rise up in his seat and say that the Police had sent 20 cases like this and he was obliged to take action at least in one case. But I say that Dr. Ashraf's record is spotless. Government are fully aware of the speeches he made when he visited the Punjab several times before. What led them serve this externment order? May I know if he indulged in anti-war activities and incited people against war? In what way did he merit this order under the Defence of India Rules?

Then to-day in answer to one of my questions it was stated that during the last three months no less than 46 persons had been detained without trial and only 15 of them had been let off. It pains me to find that innocent persons are placed behind the bars on the false reports of the police. When these cases go before an independent tribunal or the High Court, they do not stand a moment's scrutiny with the result that the accused are honourably acquitted. The police reports, however unreliable, are given credence to by the Government.

**Mr. Deputy Speaker:** The honourable member is irrelevant and I would request him to speak to the motion.

**Mr. Dev Raj Sethi:** Well, Sir, I was submitting that the Honourable Premier put 46 people under detention without trial during the course of past three months on the basis of false reports made by the police. The detainees pray for the long life of the Honourable Premier whom they consider to be the very incarnation of justice. I cannot help referring to the conditions prevailing in the province. The Honourable Premier may go on with his war efforts and threatening his officers with dismissal in case they were slack in the matter of raising money for war fund.

**Mr. Deputy Speaker:** The honourable member is again irrelevant.

**Mr. Dev Raj Sethi:** I do not wish to dilate on extraneous matters, but would confine myself to the subject of the adjournment motion. The Government has been curtailing the civil liberties of the people under the pretext of war for the last 15 months. In every nook and corner of the Punjab, repression is going on and even if a sparrow flies the Government is frightened and makes use of the Defence of India Act. The atmosphere of the province has been made bitter by such actions of the Government. There was a time when our Premier used the dust of Mahatma Gandhi's feet as antimony for his eyes. But now he is throwing mud on him.

**Mr. Deputy Speaker:** Please speak to the motion.

**Mr. Dev Raj Sethi:** True it is that our Ministry is responsible for the bitter atmosphere of the province. The other provinces do not stand in need of such repressive measures. If our Ministry changes its attitude, everything will become all right. However, if section 26 is to be used, it should be used against the ministry rather than against patriots.

With these words, Sir, I beg to move that the Assembly do now adjourn.

**Mr. Deputy Speaker:** The motion moved is—

That the assembly do now adjourn.

**Munshi Hari Lal (South-Western Towns, General, Urban):** Sir, I rise to second the motion that has been moved for adjournment. To the long list of our illustrious countrymen—countrymen whose character is faultless, whose patriotism is beyond suspicion, who are as zealous for the peace and tranquillity in India as well as in the Punjab as the Unionist Government is—excluded from the Punjab, is added the name of Dr. Muhammad Ashraf. Dr. Ashraf is a responsible man. He is an M.A., LL.B., Ph.D.

[M. Hari Lal.]

He possesses so many degrees and is a member of the responsible organisation, an organisation that commands the respect of the world. He has been Secretary in the Minority Department of the Indian National Congress. He is Secretary to the present worthy President of the Indian National Congress, Maulana Abul Kalam Azad. He has been visiting this province again and again, but on no occasion was the Unionist Government forced to take any action against him. He has been acting in quite a responsible manner and the Unionist Government had not the courage either to serve him with a notice on any previous occasion or to start any case for any speech that may have even in their eyes offended against their creed. I do not know what are the reasons, what was the material before the Government, what are the data upon which this order, this absurd order, an order which is quite discreditable to the present Ministry, was served upon him. Could there be any greater absurdity than the one which has been pointed out by the honourable mover of the motion that the order is served at 12 noon and the gentleman is asked to leave the province and not to be found within the province after twelve hours from the time of service. The terms of the order are that within twelve hours he is not to be found in any part of the province. He was asked to leave as if heavens were going to fall, the Government was going to founder, and the earth was going to quake! Where was the emergency? Where was the justification for such an order? There was no sure conveyance for him to carry him out of the province and there was no train available at that time and no train could be available up till evening. It was physically impossible for him to leave the province within twelve hours. Those that sit in the office, and administer the law lose their commonsense even. They only know how to sign the order. They are only signing machines without any brain and without any sense to consider whether the order which they are going to serve on such a prominent person is sensible and sane.

The Honourable Premier was opposing this morning the admissibility of the adjournment motion and advanced the argument which an autocrat would have advanced, namely that Dr. Ashraf's presence in the province would have disturbed the peace and tranquillity in the Punjab. Dr. Ashraf had come here to address the Students' Federation and the Punjab is not the only province where he had to speak to the students. It is not a segregated province. It is not a province that is separate from the rest of the country. Dr. Ashraf has addressed the students all over the country. He has addressed them in the United Provinces, he has addressed them in Madras, in Bombay and in Bengal and no Government found fault with him. He comes here to address the Students' Federation and as soon as he enters the province he is considered an offensive person and is served with a notice.

In the name of peace and tranquillity many acts of oppression and tyranny are now-a-days going to be justified and under the Defence of India Act so many tyrannical acts are being committed in the province by the officers, the officials and by the subordinates of the present Government that if they are disclosed on the floor of this House and if I am permitted to repeat some of them the House will be shocked to hear them. Only this morning I received a letter in which I am told that the Electric Supply Company of Rupar which is running at a loss of one lakh of rupees....

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

**Munshi Hari Lal :** I am developing the point and I am exposing the fallacy of the argument that the notice was served in the interest of peace and tranquillity. Behind peace and tranquillity many acts are being done which if they see the light of the day would be condemned as unjustified.

**Mr. Deputy Speaker :** That would not make it relevant.

**Munshi Hari Lal :** I am making it relevant. I will not be irrelevant.

Kindly hear me for a minute and you will be convinced that the arguments that I am giving quite fit in. I submit that this Rupar Electric Supply Company which is running at a loss of one lakh of rupees was compelled to contribute one thousand rupees towards war. I received this information this morning. *Premier: Question).*

**Mr. Deputy Speaker :** Order, please, this does not make it relevant.

**Munshi Hari Lal :** I have not as yet finished. What I am submitting is this. The object underlying this motion, the very point on which the honourable Speaker had held this adjournment motion to be in order, is to show to the world, and to expose on the floor of this House that the Government is not exercising the powers that are vested in it under the Defence of India Act, rightly and properly.

**Mr. Deputy Speaker :** The scope of the motion is not so wide ; it is limited.

**Munshi Hari Lal :** The scope of the motion is of course limited, but this morning I was called upon to explain the object, to show the reason why this motion should be admitted and if I am now discussing the point on the basis of which this motion was admitted, I am quite in order. The object of the motion submitted this morning was that the Government has abused the powers vested in it under the Defence of India Act. The Government says that they are not abused and that they are properly exercised.

**Mr. Deputy Speaker :** But only in a limited sense.

**Munshi Hari Lal :** When the adjournment motion was admitted—

**Mr. Deputy Speaker :** I would request the honourable member to proceed with his speech.

**Munshi Hari Lal :** When the adjournment motion was admitted, the object was explained to the House, that it is to see whether the Government exercises its powers rightly under the Defence of India Act. One instance against it is the service of the notice on Dr. Muhammad Ashraf and I am giving another instance to show that the Government is not acting properly and is not using the powers that are entrusted to it under the Defence of India Act, properly.

**Mr. Deputy Speaker :** The abuse of power in particular sense can be argued but not in the general sense.

**Munshi Hari Lal :** I am dealing with the abuse of the powers by the Government and I am illustrating it by giving instances. One instance is the subject of the adjournment motion. Others can be given in support.

[M. Hari Lal.]

of the adjournment motion. It is the conduct, and the character, of the Government committing the acts of repression under cover of the Defence of India Act or in the name of peace and tranquillity of the province, which are being discussed. This is no doubt a war time. But war time does not mean that the Government should go on acting without any sense for the safety of the people, and without any regard for the civil liberties of the subject. Even under the Defence of India Act this notice is not justified according to the rule which is given in the notice and read out by the honourable mover. How was he acting prejudicially? How was he going to act against the prosecution of the war? How was he going to impair the defence? How was he going to affect peace and order adversely? These are the points which the Government must make out and must show in order to justify the action. We have got absolutely no material. Merely to say that he is acting against the defence and the peace of the country, is to act like a Czar and that Czardom must come to an end. With these words I support the motion.

**Chaudhri Kartar Singh** (Hoshiarpur West, General, Rural), (*Urdu*) : Mr. Deputy Speaker, such motions have been put before the House before. During the months following the commencement of the war many national leaders have been asked to leave the province. One such order was served on Mr. M. N. Roy also and consequently he was turned out of the Punjab. The Government brought forward many reasons in support of their action, for instance, that he had proved himself dangerous in many other countries and that in view of those dangers the Government thought it opportune to turn him out of the province. (*Interruptions.*)

**Mr. Deputy Speaker** : I would request the honourable member to proceed with his speech and not to mind these interruptions.

**Sardar Sampuran Singh** : Nobody can proceed with his speech even for a few minutes if he has only to say that this man should not have been externed, and only that much.

**Mr. Deputy Speaker** : The honourable member did not understand me. I simply said that the honourable member should not mind the interruptions, but should speak to the motion.

**Chaudhri Kartar Singh** : Now the Honourable Premier would be sorry for his orders disallowing Mr. Roy to enter the province. The same Mr. Roy is delivering speeches which are highly appreciated by the Honourable Premier as they accord with his policy.

**Mr. Deputy Speaker** : You are not speaking to the motion.

**Chaudhri Kartar Singh** : Sir, I was saying that the same Mr. Roy who is now making speeches in support of the policy of the Government, was turned out of the province on wrong information. The Premier happens to like his speeches now, though at that time he had imagined that his presence would disturb the peace and tranquillity of the province, and would prove a great danger. The difference of opinion is no crime and it is not proper to take action on the basis of such differences. Mr. M. N. Roy is a communist; so is Dr. Ashraf. But does the world regard the difference of opinion as a crime? Dr. Ashraf visited this province to preside over the



Punjab Students' Federation. He delivered his speech one day ahead of his programme. Has his speech disturbed the tranquillity of the province? Has the speech resulted in riots? You never pay heed to real dangers. In districts of our province whose boundaries run along the boundaries of the North-West Frontier Province unlicensed arms are smuggled and openly sold. It is very dangerous but you never pay heed to it.

My submission is that the Honourable Premier and his Government do not deem it proper to pay any attention to those things which are dangerous for the maintenance of law and order in the province. But against this they serve orders of exterment on eminent persons like Dr. Ashraf, merely because they differ in opinion with them. I ask, is Government justified in going to such extreme lengths on the ground of difference of opinion only? I am aware what reply my honourable friends opposite will give. What can they say except that I am in the wrong and enquire as to what is my source of information? Sir, with your permission I would like to give a reply to them just now. If the Honourable Premier does not agree with me, I would request him to let me recruit policemen of my own choice and then permit me to search the villages of the districts referred to above. If he permits me to do so, I would let him know as to how many revolvers and rifles can be seized from these villages. I would like to sound a note of warning that if on account of war any disturbance took place in the Punjab the said districts would be responsible for it. Under these circumstances, I would request the Honourable Premier that instead of banning the entry of political leaders in this province he should take adequate steps for combating this danger. If he is really desirous of establishing peace and tranquillity in the province I assure him that he can justly get our co-operation for coping with this danger. But let him remember that if he wants to make only as much effort as he made at the time of the Unity Conference he cannot expect any co-operation or help from the Opposition. Anyhow if he really wants to maintain law and order in the province he should change his policy. It is then and then only that he can expect the co-operation of the Opposition. If the Honourable Premier thinks that freedom of thought is a crime, in that case he should not spare even those who are sitting on his right and on his left. It is a matter of great surprise for me that he has interned some of the honourable members of this House on the ground that they are socialists or that they propagate Communism in the province. We know why they have been arrested, simply because they happened to be poor people, otherwise nobody dares to lay his hands on the rich people whether they are socialists or communists. But so far as the jats are concerned freedom of thought is a crime for them. I think it is great injustice to arrest people on account of possessing a different opinion only. You should allow others to express their views freely. If the honourable members of this House who are at present behind the bars preach communism, let them do so. I ask, can they confiscate the lands of the rich and distribute them among the poor? I am sure they would never be successful in attaining their object. The whole truth of the matter is that laws are resorted to in the Punjab not for the sake of bringing about any reform but for serving their ends. It is expected of those who are at the helm of affairs to use the law properly and honestly. But here the case is quite the reverse of it. Laws are being applied here by my honourable friends

(Ch. Kartar Singh.)

on the opposite for keeping themselves in power. Sir, through you I would request the Honourable Premier that although on account of the breaking out of war his position has become somewhat difficult, still he should not take the reports of the police to be gospel truths and make improper use of the law. While taking action he should not make any distinctions.

The second thing which I want to bring to your notice is that the Honourable Premier is accustomed to advance such claims that whatever he is doing he is doing for maintaining peace and tranquillity in the province and for the good of the people. But I can say without any fear of contradiction that while delivering speeches he indulges in such utterances which are prejudicial to the peace and tranquillity of the province. For instance, in one of the public meetings he stated that the rich people were not subscribing whole-heartedly to the war fund.

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

**Chaudhri Kartar Singh :** My submission is that the speeches which the Honourable Premier is accustomed to deliver throughout the length and breadth of the Punjab instead of inculcating a spirit of unity and goodwill in the province are in a way prejudicial to the peace and tranquillity of the country. In the course of his speech at Jullundur he stated that the rich people were not subscribing whole-heartedly to the war fund.

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

**Chaudhri Kartar Singh :** My submission is that whereas it is expected of every individual not to do anything which may be prejudicial to the peace and tranquillity of the province, is it not honestly the duty of the Ministers to refrain from indulging in utterances that may be dangerous for the maintenance of law and order in the country? This is what I am saying but you do not let me proceed. You know, Sir, that this is the only place where we can deliver speeches, otherwise if I deliver similar speeches elsewhere, I would be sure to be arrested! (*Loud laughter*). I would therefore request you to let me speak. I may also make it clear that I am honestly saying these things and I believe them to be true. After all I ask in what way the entry of Dr. Ashraf is prejudicial to the peace and tranquillity of the province when the speeches of the Honourable Premier even before a gathering of thousands of persons....

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

**Sardar Sampuran Singh :** I would request the honourable Deputy Speaker to let us know as to what words he objects to as being irrelevant. The honourable member has not as yet quoted what the Premier had said in that gathering.

**Mr. Deputy Speaker :** How is the speech relevant?

**Sardar Sampuran Singh :** As yet he has not stated what the Premier had said in that particular gathering.

**Chaudhri Kartar Singh :** Mr. Deputy Speaker, if the Honourable Premier thinks that the propagation of the ideas of Dr. Ashraf is prejudicial to the peace and tranquillity of the province, does not his own speech before

a gathering of thousands of persons, wherein he stated that the rich people were not whole-heartedly subscribing to the war funds and that if they did not contribute their proper share to it, his Government would be compelled to bring in a measure to that effect and further that if any officer of the Government failed to persuade the people to contribute to the fund referred to above he would take drastic action against him, jeopardise the law and order of the province?

**Mr. Deputy Speaker :** The honourable member should not persist in irrelevancy.

**Chaudhri Kartar Singh :** My submission is that the Honourable Premier does not feel the necessity of paying any attention to a matter which is very dangerous for the peace and tranquillity of the province, because he thinks that if the country remains under the rule of the British, he will remain the Premier of this province, and that if somebody else comes even then he will be the Premier. So far as he is concerned, it will not make any difference at all.

**Mr. Deputy Speaker :** I would not allow the honourable member to be irrelevant. He should confine his speech to the motion now before the House.

**Chaudhri Kartar Singh :** Sir, I am in order. My submission is that the Honourable Premier does not pay any attention to the real danger. The whole truth of the matter is that it is his policy because he thinks if the Britishers continue to be the rulers of the country he will continue to be the Premier of this province, and if Russia succeeds in occupying this country in that case also he will be the gainer. So in both ways he has nothing to lose. Consequently he is using these laws not for the sake of maintaining law and order in the province but for his own benefit. I would request him that just as he has made Pakistan his goal, in this respect also he should select one way for him. Let him side with the British or take the side of Russia.

**Mr. Deputy Speaker :** Order, please. Please speak to the motion.

**Chaudhri Kartar Singh :** Sir, the adjournment motion now before the House is whether or not the externment of Dr. Ashraf is in the interest of peace and tranquillity of this province. In this connection I am pointing out that the policy which the Honourable Premier is pursuing instead of maintaining law and order is prejudicial to the peace and tranquillity of the province.

**Mr. Deputy Speaker :** The honourable member's time is over.

**Pandit Muni Lal Kalia** (Ludhiana and Ferozepore, General, Rural), (Urdu) : Sir, the honourable members who have preceded me have made an attempt at plain-speaking and were allowed to do so to a certain extent. But I propose to stick to the actual question under discussion. We have to see whether or not the order of externment served on Dr. K. M. Ashraf was justified under the circumstances. The purpose of his visit to Lahore was known to the Government long before he actually came here. It had been broadcast in the newspapers as well as by posters. If his visit was considered prejudicial to peace and order in the province, the Government could very well ban his entry in the Punjab. They let him come to Lahore

(Pt. Muni Lal Kalia.)

and after he had made speeches and completed the programme of his visit this order was served on him. This reveals a complete ignorance of the circumstances on the part of the Government. It appears that this muddle was the result of red-tapism. Perhaps the papers reached the officials concerned too late and they did not take the trouble of judging whether the order could prove of any use at that stage. Since they had received an order they must carry it out irrespective of the consideration whether it was or was not in time. Thus I maintain that the service of the order was absolutely unnecessary and useless at that stage.

Moreover, if they considered Dr. Ashraf a dangerous man the best course for them was to examine the speeches made by him and see if any portion thereof offended against the Defence of India Act. This Act is an all-embracing measure. Anybody can be arrested under it even for walking on the Mall. Again, the plea of danger to public peace is always there. Public peace is a very wide term and can cover anything in the world. It is as difficult to comprehend its meaning as the system of the universe or in fact, God Almighty Himself. Thus the Government could very well afford to wait and examine at their leisure the speeches of Dr. Ashraf. If Dr. Ashraf had gone out of the Punjab by that time, it would have made no difference. He could be arrested wherever he was if it appeared necessary to do so in the light of those speeches.

This shows, Sir, that this order was the result of the anxiety on the part of the Government to make it clear that the Premier and his colleagues do not let slip any opportunity of strengthening the hold of the British on this country. Whether they are sitting in their offices or touring in the countryside, whether they are attending a marriage party or a farewell or a funeral, whether they do something in connection with the judicial courts or award contracts, in every case and at every time there is only one thought uppermost in their minds and that is the perpetuation of the British rule in India. Perhaps they were afraid of being accused of having allowed a gentleman from the United Provinces to visit Punjab and make speeches at different places of the province, and therefore when he was about to depart they served him with an order to go out of the province within 12 hours. May I know whether heavens would have fallen if he were allowed to remain here for another couple of hours?

Again, the Government knew that Dr. Ashraf was the guest of such people as were offering Satyagrah under a well-defined system. They utter the prescribed slogans and offer themselves for arrest. Under these circumstances what danger or trouble did the Government see in the visit of Dr. Ashraf? Did they think that he had come here to upset the programme chalked out by Mahatma Gandhi and to ask the people to start mass civil disobedience? The Honourable Premier was pleased to remark to-day that Dr. Ashraf had spoken even against Mahatma Gandhi's leadership. May I know whether it was to save Mahatmaji's leadership and his methods that Rule 26 came into play? You cannot deceive the people by such methods. Let me tell you that whether you remain in power for five thousand years or more, everybody knows that people cannot expect from you anything that is really useful to the country. You have been in office for about 4 years. What have you done for the people and what is

the difference between you and the old bureaucratic Government so far as nation-building activities are concerned? You do not raise your little finger in respect of such matters but you are very alert and active when Dr. Ashraf or some other patriot has to be arrested or externed.

The Honourable Premier is taking copious notes and he will surely make an elaborate reply to all the points raised. But you, Sir, being an eminent lawyer and the Deputy Speaker of this Assembly know it fully well that one can advance arguments even in support of wrong actions. Let him do so if he cares to, but I may tell him that he cannot convince us that by taking this action he has done any service to the people of the Punjab. So far as ayes and noes are concerned, he can very easily get this motion rejected, but he cannot conceal stern facts. Nobody is unaware of the kind of speeches made from the platform of the Muslim League in this very city. There have been other speeches made by certain persons which were equally objectionable. But no action was taken. This is a clear proof of the fact that the Government does not make use of this Act when something is said or done against the Congress and when the fire of communal hatred is fanned by certain rank communalists. Such things are not considered dangerous for the people or the country. The danger appears only when somebody says that India should be free. That, I submit, is not dangerous for India but for the British who do not want to lose their hold on this country. If in connection with their hold and the present war, we say that India should be able to defend herself that is the real defence of India. But our Government thinks that defence of India lies in her brave sons selling their lives for six or eight annas like so many fowls and fighting other peoples' battles.

May I ask, Sir, whether the Honourable Premier thinks that if this order were not served on Dr. Ashraf people would have thought that one of Hitler's men came to the Punjab and Sir Sikander failed to take any action against him? Another point to which I want to draw your attention is that in their zeal they did not pay any heed to the question whether their order was reasonable or silly in respect of the time allowed to Dr. Ashraf. If only they had taken the trouble to consult the Railway time-table, it would have been clear to them that it was not possible for Dr. Ashraf to cross the boundary of the Punjab within the time allowed by them. Then they did not show even the decency to provide him with a car for the purpose as is done in other provinces. I do not say that if Dr. Ashraf were allowed to make another speech in Lahore, India would have got swarajya. What I want to say is that it is a shame that people should think that this province has become a sort of a prison. In the end I would request the Government to act sensibly and reasonably in the future. They should not act in the interests of those who want to keep our country in the hollow of their hand. It does not become an autonomous Government to do harm to the cause of India in the name of her defence.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural): Sir, I would not be very long because I just want to place one or two points which my colleagues have not mentioned. One of these points is that this Dr. Ashraf has had almost life-long contact with students. He is a learned man and possesses foreign qualifications. He was coming here to address the students of this place. Some of the students of Lahore, the central town of this

(S. Lal Singh.)

province, are very learned themselves, and possess several degrees. Some of them possess even more degrees than some of the Honourable Ministers over there or even the Premier. There was no danger at all that a fire-brand was going to address the illiterate people or villagers and that there would be a danger of disturbance of law and order. There was a learned man addressing a learned assembly. I should say that in banning this man from addressing the students, an insult has been cast upon the student world of Lahore. I think the students have been insulted by the Honourable Premier by thus dictating as to who shall address them and who shall not address them. We want to see hands-off from such autocratic orders because this is nothing else but autocratic order as to who shall address and who shall not address this great federation of the students in the metropolis of the Punjab.

The second point is that I would like the Honourable Premier, if he has got any substance in his hands to-day, to let us know if any official or any of the university authorities addressed him on this point that there is a likelihood of the law and order being disturbed in Lahore by Dr. Ashraf addressing that federation as its president. I think the Government should know that this man had been invited from over the boundary to address them and conduct the proceedings of that federation. He was not going to address a public meeting at random. He was going to conduct the proceedings of a students federation. He has not tried to disturb law and order elsewhere. If he had done so elsewhere and if there was a danger that he would repeat the same thing here, then, I think, the Honourable Premier was justified. But we are altogether ignorant of any such precedent. The point has also been raised that he also spoke against Mahatma Gandhi. That was just like the devil quoting the Bible and that has been done on the platform of this House more than once. Whenever it suits the Honourable Premier, he treats the congressmen from any quarter or corner as he likes. This was repeated here this morning that he spoke against Mahatma Gandhi and therefore why should we support him.

**Mr. Deputy Speaker :** The honourable member is not speaking to the motion, and is not relevant.

**Sardar Lal Singh :** I am relevant in this way that....

**Mr. Deputy Speaker :** The honourable member need not take the trouble of justifying an irrelevancy.

**Sardar Lal Singh :** All right Sir, I will get along. This is my last word. I ask you, Mr. Deputy Speaker, to judge as to which of these is liable more to disturb the peace and order of the province, whether the said doctor presiding over a federation of the students of Lahore or whether the Premier saying to large masses of rural public that Mahatma Gandhi stabbed you in the back.

**Premier :** I never said that.

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

**Sardar Lal Singh :** Which of these two facts is more likely to disturb law and order? Because the portfolio of law and order is in the hands of the Premier, he can do whatever he likes. When a learned man comes

address the students, he is banned. Why should the Premier dictate as to who shall address them and who shall not address them? They are the people who have come here to get education, people who have come here to study politics and political economy. They do not know what socialism or communalism is. Still he says that he is the greatest protector of students and he sends those students for propaganda in the villages. We never said anything against it. He goes recruiting students in colleges. We never objected to it. If he is willing to send the students in the villages for war propaganda, why is he to dictate to the students as to who shall address them or who shall not address them? That is all.

**Premier** (Honourable Major Sir Sikander Hyat-Khan), (*Urdu*): Sir, the adjournment motion that has been moved by my honourable friend Mr. Dev Raj Sethi was limited in scope and related only to a single incident but the debate that has followed has covered a number of subjects totally irrelevant to the subject under discussion. Anyway I do not complain of that because this procedure has become a habit with my friends opposite, and is not contrary to our experience of the last two or three years. The honourable mover of the adjournment motion in the beginning of his speech reminded the House of the assurances given by the Law Member at the time of the introduction of the Defence of India Act. And in this connection he also read out certain extracts from the speech of Sir Muhammad Zafrulla Khan. But perhaps my honourable friend overlooked the fact that there is a lot of difference between the Act and the Rules. I may, therefore, tell him that the assurance was given by the Law Member in connection with one section only, which was with regard to trials only. I think either the honourable member forgot to refer to this point or he did not think it advisable to mention it. Then my honourable friend stated that instructions had been issued to the provincial governments to consult the Central Government at the time of exercising that Act, and I also listened to the extracts which he read out in order to justify his statement that the Defence of India Rules could only be used in state of emergency. But the pity is that my honourable friends try to find fault with the Government without understanding the situation in the country. Sir, if I let objectionable people loiter in the province at the expense of public peace and something happens to disturb the tranquillity of the province, then my friends opposite would ask the provincial Government why they did not use the Defence of India Rules against those objectionable persons at the proper time. And then it would be just crying over spilt milk. I may also point out to my honourable friends opposite that I had the right to extern people even without having recourse to the Defence of India Rules. Then an objection was raised that the Government had misused the Defence of India Rules. It is incorrect. Sir, if we had not had one apprehension that by Dr. Ashraf's coming to this province the war efforts would be adversely affected, we could have issued orders for his externment under Rule (8) of the Criminal Law Amendment Act. (*Interruptions.*)

Then, Sir, it was said that things in the Punjab would not have gone topsyturvy by the presence of Dr. Ashraf. In this connection I may submit that he alone might not have done anything dangerous for the country but drops gathering together make a formidable force which might

(Premier.)

disturb the peace of the province. And perhaps my honourable friend does not know that it is the foremost duty of a responsible Government to check that "dropping" at its initial stage. Do my honourable friends opposite think that I feel happy while issuing externment orders against such people as Dr. Ashraf, M. N. Roy, Acharya Kriplani and others? No. I have never been taking such responsibility on my shoulders unnecessarily. If my honourable friends take objection to my taking precautionary measures of this type, then let me ask them whether they permit me to let loose every irresponsible person in the province. And if something happens contrary to the good of the province, will they come forward to take the responsibility for those consequences on their shoulders?

**Lala Duni Chand :** We have been watching you for the last three years.

**Premier :** My honourable friend, I am afraid, will lose his sight by watching us as it is said in Persian—

گو نه بیند برو: شیوه چشم — چشمه آفتاب (چشمه کناه)

I request the honourable member to refrain from interrupting me because I am apt to slip away from the subject under discussion. Sir, I think it has been made quite clear to you why we have used the Defence of India Rules against Dr. Ashraf and I have also stated that if his coming to the province was not likely to prejudice the war efforts adversely we could use another weapon against him, and that is the Criminal Law Amendment Act.

Moreover, Sir, it is a question of one's credit. He has addressed the students twice. He delivered his first speech in July and I was then asked by the authorities that, if I agreed, they would order him not to make a speech. But I replied to the authorities in the negative and said that as he was addressing the student community only he would refrain from saying anything objectionable in his speech. But when the report of his speech came to me I saw that it was very dangerous and particularly poisonous as far as the students were concerned. And the reward he gave us for not having taken any action against him was that he slipped away from here and on his way back he made a similar speech at Amritsar too. The local authorities even then asked me to start a case against him, but I refused to do so, and told them that the mischief was done and we should see to it that if in future he intended to visit this province he should not be allowed to enter on a similar mission. The Government as a matter of fact did not want to allow him to repeat what he had already done in this province. That is why a notice was served on him for his externment from the Punjab. Then, Sir, it has been said from the opposite benches that it was impossible for him to leave the province within 12 hours. Perhaps my honourable friend opposite does not know that as soon as Dr. Ashraf pointed this out the time was extended to enable him to catch a train. To-day I have read in the newspapers that he left Lahore for Amritsar and from there he made his way to Delhi. And I think this is good for us all that he has left the Punjab.



I may also point out that the gentleman whom my honourable friends opposite are praising so much did not have the moral courage to defy the order and he delivered his speech which had been fixed for Sunday, on Saturday and it appears from press reports that he slipped away quietly after delivering the speech. Is this the honesty and moral courage my honourable friends are so proud of?

First we read his speech as published in the Press. The report was not published *in toto* as the journalists concerned might have considered it dangerous for their papers. Whatever they published was more of the nature of a news item than the full report of his speech. Now I have received the verbatim report. And, therefore, I am in a position to point out that Dr. Ashraf is a communist and if any honourable member denies the fact I may tell him, here is the report of his speech in which he has openly declared himself to be a communist.

**Mr. Dev Raj Sethi :** He is a member of the communist party.

**Lala Duni Chand :** Is it a crime to be a communist?

**Premier :** It is an offence.

**Mr. Deputy Speaker :** If the honourable member wants to put a question, he should put it properly.

**Lala Duni Chand :** To be a communist is no crime.

**Premier :** It is strange that an old Congressite like Lala Duni Chand does not know whether to be a communist is a good thing. If I am permitted to give a reply to my honourable friend Lala Duni Chand I would say that it was a Congress province which characterised the communistic activities as a tunnel full of gunpowder. And it was the Congress which published certain extracts from the words of certain communists which, according to their point of view, were poisonous for the safety of their provinces. Anyhow they had the courage to be members of the communist party. After all what is left-wing? It is quite obvious that wherever they find a loophole they take advantage of it. But if my friend Chaudhri Krishna Gopal Dutt rises in his seat and says that they have condemned them for doing so that is another thing.

**Lala Duni Chand :** Does the Honourable Premier know that communists occupy an honourable place in the Congress organisation?

**Premier :** It is correct that persons of different creeds and professions are holding honourable positions in the Congress which I think is a heterogeneous body. My honourable friends sitting over there may say on the floor of this House that communists occupy an honourable place in the Congress organisation but when they join their heads in privacy, I am sure, they do not say so. How can my honourable friends like Munshi Hari Lal and Lala Duni Chand approve of communism going hand in hand with the Congress?

Sir, I was going to point out that whatever action was taken by me, it was done by way of precaution. My honourable friends opposite want that we should not attend to the patient but only make arrangements for his funeral rites. In other words, they desire that at first we would allow undesirable persons to make objectionable and inflammatory speeches, causing disaffection among the people, and then that Government should

(Premier.)

move their machinery and take drastic action against them. If the honourable members want me to adopt this course, I will have no objection in resorting to it. But it is obviously ridiculous. First to allow a person to make speeches prejudicial to the peace of the province and then to make him stand his trial in a court of law and subsequently to throw him into jail for two or four years, is a course which does not find favour with me. I am sure no sensible person would approve of it. As a matter of fact I believe in preventive measures. I had not the slightest intention of coercing Dr. Ashraf. I simply wanted to tell him that he need not worry himself about the Punjab, and had better stay in the United Provinces where he could have ample opportunities for preaching his cult, and a far greater number of people to hear him. Besides, as I have already stated, this externment order was given as a precautionary measure. This step was taken absolutely in accordance with the express wishes and mandate of the House. The honourable members would remember that a resolution was passed by this House urging upon the Government to take every possible measure for the purpose of maintaining law and order in the province. If my honourable friends want to nullify this decision, I have no objection to their doing so. But I do not think the House will agree to this proposition. Again, if we allow such people to create bad blood among our citizens and disturb the peace and tranquillity of the province, my honourable friends opposite would blame us for not taking timely action to nip the evil in the bud. They would then characterise our officers as inefficient and incapable of protecting the people from the inroads of outsiders. So the position is this. If I had not taken this action and had allowed the seeds of disruption to be sown in the province, my honourable friends over there would have charged me with sleeping over the matter. Now that I have applied the proverbial stitch in time to save nine, they accuse me of striking at the root of the civil liberty of the people. The adage *اگر کھجور کا پتلا نہ کاٹو گے تو پتلا بڑھ جائے گا* aptly applies to them. But I am determined to do my duty to the people undaunted and unruffled by the chameleon-like attitude of my friend opposite. (Hear, hear.)

Then, Sir, my learned friend Munshi Hari Lal mentioned a matter which had absolutely no connection with the subject under discussion. He had the audacity to remark that a sum of Rs. 1,000 had been extorted from the Rupar Electric Supply Company for the war fund. Is it because my honourable friend is a director or a shareholder of the said company that he is holding a brief for it?

**Lala Duni Chand :** Why do you not say that every thing is fair in love and war?

**Premier :** That is perhaps the standard of my friend's ability. Well Sir, I am sorry to see that an able and experienced lawyer of long-standing and of ripe age, as Munshi Hari Lal is, should behave in an irresponsible manner and say things based on mere hearsay. I am of the opinion that when he is in no way connected with the directorate or the management of that electric concern, he should have at least satisfied himself about the veracity of this information.

**Munshi Hari Lal :** I vouch for the accuracy of the information that Rs. 1,000 has been extorted from the Rupa Electric Supply Company. I am prepared to make that statement outside this chamber also.

**Premier :** Then lodge a criminal complaint. If there has been extortion, the honourable member has every right to do so.

**Munshi Hari Lal :** Should I lodge a complaint against the Government? The courts are your courts.

**Premier :** No. That is not the case. Then, Sir, mention has been made of Mr. M. N. Roy. It has been remarked that I had acted wrongly in externing him from the Punjab, when the latter paid a visit to the province. They said that a change in his angle of vision had been brought about. But may I also ask my honourable friends why they have changed their attitude towards him? Now when he has displayed his moral courage in calling upon the people of India to offer united resistance to the forces of aggression and combat the evils of Nazism and Fascism, why have they thrown him out of their pocket? If my honourable friends were to refer to their previous speeches, they would find that they extolled Mr. M. N. Roy to the skies, and now they decry him for his candid expression of views. They call him a political renegade. They want to gag him. Now when he has begun to take a sensible and realistic view of things, they want to take away from him the freedom of speech, for doing which they attacked me only a few months ago. The kettle should not call the pot black. But I am not concerned with Mr. M. N. Roy. What I am concerned with is the maintenance of law and order in the province. Besides, I will vigorously carry out the policy laid down by the representatives of the people in connection with the war. I assure my honourable friends that so long as I wield power and am at the helm of affairs of the land of five rivers, no power on earth can make me deviate even an inch from the right course set before me.

I am glad that my honourable friend Chaudhri Kartar Singh has had the moral courage to admit frankly that the reason for his saying whatever he liked on the floor of the House was that he could not be arrested here while if he made the same speech outside he would be arrested forthwith. That is why my honourable friends opposite remain careful outside and indulge in unwarranted accusations inside the House.

As to the allegation made against me regarding Mahatma Gandhi, I want to make it clear that, so far as I personally am concerned, I do not indulge in mud-throwing even in the case of the smallest person, let alone the Mahatma. I have never said that Mahatma Gandhi had betrayed Muslims. Wrong reports of my speech had been published in some newspapers, and I had tried to correct them in my speech at Montgomery. In fact, what I said was that every Indian should have sympathy for the Islamic countries which were acting as buffer-states between India and the forces of aggression. I do not desire Mahatma Gandhi to support the Muslim countries because of his love of Islam and Muslims, but because it is the duty of every true Indian to support India's buffer-states. Mud-throwing is against my nature. That is not my line. Even if somebody insults me personally, I do not retaliate. I can well bear that. But I cannot tolerate it if somebody insults the whole of the Punjab of which I am a humble servant. With

(Premier.)

regard to the remarks made by Mahatma Gandhi about Punjabi soldiers, I would re-iterate that his statement was an unwarranted accusation against the entire province and was absolutely uncalled for. I could have put up with any personal insult but it is too much for me to tolerate an absolutely unwarranted and uncalled for accusation against Punjabi soldiers and the majority party of the Punjab.

**Lala Duni Chand :** Mahatma Gandhi is an apostle of truth and non-violence.

**Premier :** That is what aggravates the whole position. My regret is that the statement was made by a person who is considered to be an apostle of truth and non-violence. An unwarranted and uncalled for accusation from such a person is doubly painful and it has greatly hurt me. I am deeply grieved at the remarks of the Mahatma and my grief will continue as long as those remarks are not withdrawn.

Pandit Muni Lal Kalia said in his speech that the main purpose of this Government is to see that British supremacy is maintained. The fact, however, is that this applies more to the honourable gentlemen over there than to us. I never said in any of my speeches delivered after the outbreak of war, that we should fight this war for Britain. On the contrary, I have always maintained that we must fight this war to secure our independence and to save our homes and hearths, our wives and children. In this lies not Britain's advantage but our own. My friend said that all our efforts are directed towards the preservation of British supremacy. I say British supremacy must be maintained at any cost. The defeat of Britain would mean the victory of Hitler. Hitler's dominance will be of little consequence to my friends opposite as they would be willing to submit to him meekly. But my friends on this side of the House, who are in a majority, will have to bear the whole brunt. They will suffer heavily by such a change and not my friends opposite. Britain must remain supreme so that she may fulfil the promises which she has made in connection with our independence. (*Interruptions.*) If the Britishers do not carry out their obligations towards India after the present war, I will be prepared to follow Pandit Muni Lal Kalia to fight them.

**Sardar Sampuran Singh :** I rise on a point of order. You have been interfering and objecting to members on this side of the House saying things of that kind and always declaring them to be irrelevant. I did not agree with your rulings then, nor do I agree with them now, but what I really want to say is this. Would it not be proper that you hold these things as irrelevant when they are said on the other side?

**Mr. Deputy Speaker :** I tried to stop the honourable members when they were going to be irrelevant, because it is on irrelevant matters that heat is engendered, but in spite of my efforts some of the honourable members did say certain things which were quite irrelevant, and the Honourable Premier is giving a reply to those things which were said in spite of my efforts to stop them.

**Sardar Sampuran Singh :** I do not want that he should not say these things, but I do want that you should at least interfere as many times as you interfered when these were said from this side.

**Mr. Deputy Speaker :** I would not allow the Honourable Premier to go beyond that.

**Premier :** Malicious ideas prompted the honourable member to say this. At that time when we requested that they should stick to the motion, they said that they were relevant and so on. What is sauce for the goose is sauce for the gander.

I will conclude my speech with two other remarks. Several other things have been said which were very irrelevant, but my honourable friend from Ludhiana said that his main objection was that the present Government should not have the right to pick and choose with regard to the people who come to the province.

Then he objected to our allowing some persons to deliver their speeches and disallowing others. I have never tried to prevent people making speeches indiscriminately. Gentlemen visit our provinces on various occasions and they deliver their speeches. For example, big people are some times invited to come to the Punjab to attend the University convocation. No one forbids them. They come and address the students. But such men who are expert in dangerous arts, e.g., manufacturing bombs, obviously cannot be permitted to enter the Punjab province. Only those persons are forbidden to enter the Punjab who want to come here to lead the masses astray. It is our duty to lead the student community on the right path and not to mislead them. I submit that I object to the entry only of such men whose main object in visiting the province is to disturb the peace and tranquillity of the province. It is a special technique of revolutionary organizations to introduce their own element into all other organizations, e.g. students associations, labour unions and other political institutions, and to form their "cells" within them. It is most unfortunate that these "cells" exist in our educational institutions and I am fully aware of them. Now I ask my honourable friends over there that if through any one of these "cells" anybody tries to mislead boys or girls, will it not be my duty as the Premier of the province to prevent them from going astray? However I do not mean to say that the students should not understand politics. They can gladly study this science and ponder over it. But what I really do not like is that they should participate in practical politics. If they do so, there is every likelihood of two evils cropping up. In the first place, if they take part in practical politics they will not be able to devote their attention completely to their studies for which their parents have sent them and for which they are spending huge sums of money so that, after completing them, they should be able to stand on their own legs. The second evil which I do not like to see crop up amongst the student fraternity is that, instead of pursuing their studies, they should devote their attention to the forming of parties in their respective institutions. If some students align themselves with the programme of any particular political party naturally others will gather themselves under the flag of another party. If we allow students to take part in practical politics it is but certain that this trouble will arise. If once this thing gets into our educational institutions then instead of imparting any education to our children, they will in fact become warring grounds for different political parties. Consequently college life, instead of benefiting our children, will harm their better interests.

(Premier.)

So far as the students are concerned, I do not like them to take part in practical politics. Besides, now-a-days subjects like political science and politics are also being taught in colleges and other institutions. The students can very well study these subjects if they so desire. It is in their own interest that I want to keep them away from practical politics.

**Munshi Hari Lal :** Why are students carrying on war propaganda ? There is a large number of students who do not like war propaganda and who do not like to be disturbed.

**Premier :** I would like to make it clear for the information of my honourable friend that no student has been compelled to do war propaganda against his will. Besides war propaganda has nothing to do with politics. It is very surprising that, when my honourable friends stand up here, they make different speeches but as soon as they are safe within the four walls of their houses they reiterate what I say here and everywhere that if, God forbid, any revolution takes place, it will be a great misfortune for this country and for us. So far as the question of compelling the students to do war propaganda is concerned I want to inform my friends that all of them are doing it willingly and without any pressure from my side. However, I want to sound a note of warning ; if any student or any one of my honourable friends tries to prevent the students from taking part in war propaganda he will be a traitor to his motherland. I may also tell my honourable friends that in independent countries where the nations are alive to the needs of the times, students are taking part in war and in war propaganda. They have actually left their universities and are fighting for their countries. My honourable friends will be surprised to know that the Indian students who are at present studying in England have also volunteered themselves for war. Many of them have volunteered themselves for air service, as combatants and in other capacities as well. I ask, is this not sufficient to prevent my honourable friends from making anti-war propaganda that in England, where the students of this country were not duty bound to volunteer their services for war, they have done so willingly ? If it is a fact that Indian students in the United Kingdom have volunteered their services for war, why are they preventing the students of this country from making war propaganda ? I declare to-day that in all questions where the defence of our country is involved, where the question of saving our hearths and homes is involved, where the question of protecting our sisters and mothers is involved, where the question of future independence and honour of our country and the Punjab is involved, I will do all that lies in my power to exhort the students to come forward and shoulder the burden. If at such a critical juncture any one of them shrinks from his duty or prevents others from doing their duty, he will be acting as a traitor to his motherland. On the other hand, if he helps to protect our hearths and homes he will be an incarnation of patriotism.

Sir, I have already taken up much time of the House and I do not want to take any more. My honourable friends have said so many irrelevant things that if I give a reply to them I could continue speaking for the whole day. However, I would appeal to them that while making these speeches they should realize their responsibility, and they should also bear in mind that I also owe some responsibility to my country. If, God forbid

any revolution or lawlessness takes place, will my friends say then that I am not doing the right thing? No, then they will not say so. To-day they may hurl abuses at me, but a day will come when they will forget all these things and *داد الحق لله والحق لله* Now all that I am doing is to keep law and order in the country; otherwise I would be answerable not only to the coming generations but to God also.

(Honourable Members : Question be now put.)

**Mr. Deputy Speaker :** The question is—

That the question be now put.

*The motion was carried.*

**Mr. Dev Raj Sethi (Urdu) :** Mr. Deputy Speaker, we had been very keenly looking forward to the Honourable Premier's speech because we had thought that probably the Honourable Premier would produce some files or make out some case in defence of the Government's order of externment against Dr. K. M. Ashraf. We had been waiting patiently for three-quarters of an hour but all that the Honourable Premier did was to while away the time in saying things wholly unconnected with the subject-matter of the debate. All that my honourable friend seems to have against Dr. Ashraf is the speech that he made in July last and the second thing that militates against his being a *persona grata* is his communistic views which he might preach in the province. I have heard the speech that he delivered in July last as well as the two that he made this time, but I do not find anything in them which could endanger the peace of the province. I am at a loss to understand the reasons why in the present-day-world communistic ideas are held to be so objectionable by the Government when the British Government is exerting every nerve to win the favour of the Soviet Republic. Even the most unimportant meetings of Sir Stafford Cripps with M. Molotov are given wide publicity in the British press. Our friends in this country sing a different tune to their masters' voice. This is a habit with our friends to raise the communist bogey when they have no other argument to advance. I beg to submit, Sir, that my honourable friend should have allowed Dr. Ashraf to make his speech and then if any passage were found to contravene the Defence of India Act or any of the other numerous laws he should have been hauled up before a court of law.

So far as Dr. K. M. Ashraf is concerned he is not new to this game. He has been working for 4 years among the labouring classes in the United Provinces and His Excellency the Governor's Government there has not deemed his activities objectionable to the extent that an action against him should be necessary. He would not have found more occasion in this province for preaching communistic ideas. Dr. Ashraf is not in the habit of saying one thing in the United Provinces and quite another thing in the Punjab. He has the same message to give in whatever province he addresses a meeting. If there was no danger to the peace in the United Provinces how could his utterances in the Punjab endanger the peace of this province?

In his usual way the Honourable Premier brought in Mr. M. N. Roy and Mahatma Gandhi in his speech and tried to convince us that he had

(Mr. Dev Raj Sethi.)

not used abusive language in respect of the latter. Instead of expressing his regret he said that the Mahatma had told a lie.

**Premier :** I never said that. All that I said was that Mahatmaji's unwarranted remark about the Punjab has deeply grieved us.

**Sardar Sampuran Singh :** The Honourable Premier did use some word, "falsehood" or something like that.

**Premier :** I used the word, "جھوٹ."

**Mr. Deputy Speaker :** The honourable member has to speak for 7 minutes in all.

**Mr. Dev Raj Sethi :** Mr. Deputy Speaker, I consider it to be a very mean attack which has been made upon the Mahatma when it was said that his remarks were a stab in the back. Mahatma Gandhi is the greatest personality in the world to-day and to say this about him does not reflect creditably on our Premier. The fact is that Punjabi soldiers do not care a hang for the British Government, nor do they want to fight for Britain. Even if the Premier were to say that they should not offer themselves for enlistment, they would do it because it is out of necessity that they have to do so. It is merely because the Honourable Premier is a show-boy of the British Government that he is pursuing this policy.

**Mr. Deputy Speaker :** The honourable member's time is over.

**Premier :** It is only a few minutes more till we adjourn.

**Sardar Sampuran Singh :** There is still time, we have to adjourn at 6-30 p. m.

**Mr. Deputy Speaker :** But the Honourable Premier has a right of reply.

**Sardar Sampuran Singh :** If it is going to be talked out, there can be no right of reply.

(Mr. Dev Raj Sethi stood up to speak.)

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

**Mr. Dev Raj Sethi :** But the Honourable Premier has already exercised his right of reply.

**Mr. Deputy Speaker :** The right of reply is discretionary with the Chair.

**Premier (Urdu) :** Sir, the honourable member has used harsh language and made sarcastic remarks in the course of his speech, so that his name may appear in the newspapers. If I am permitted to say so, I would submit that the words used by Mahatma Gandhi with regard to Punjabis without exception have created resentment among them. And they think that he has made an insinuation against them.

**Sardar Sampuran Singh :** How do you say that you have given him 7 minutes? You said that he would finish at 6.25 and it is not yet 6.25 and moreover you started interrupting him earlier.

**Mr. Deputy Speaker :** Over ten minutes have been taken by him.



**Premier :** Let me have my say and after that you can settle with him.

**Mr. Deputy Speaker :** The honourable member took over ten minutes in giving his reply.

**Sardar Sampuran Singh :** I submit this unfairness is not right. You allowed us seven minutes and that even we could not finish and now you say that you gave us ten minutes.

**Mr. Deputy Speaker :** The honourable member wanted at the beginning ten minutes. I told him that he should have only seven minutes instead of ten, but now he has had ten minutes from the time he started.

**Sardar Sampuran Singh :** Give me the time when he started. May I see the notes where you have noted it down ?

**Mr. Deputy Speaker :** He did have ten minutes. I know everything. It is not necessary for me to put it down on paper.

**Sardar Sampuran Singh :** You gave him time up to 6.25 and it was not 6.25 when you started interrupting him.

**Mr. Deputy Speaker :** The honourable member is not at all right I gave him ten minutes.

**Mr. Dev Raj Sethi :** You gave me only 6 minutes and not 10 and after four minutes you stopped me.

**Mr. Deputy Speaker :** The honourable member is absolutely wrong. I did give him ten minutes.

**Premier :** I am not going to exercise my right of reply, but I am really sorry that my honourable friend the Leader of the Opposition should have stooped to such tactics.

**Sardar Sampuran Singh :** These are no tactics. We were told that he would be given ten minutes ; but he has not been given that much time. We will give you as much time as you like after he has finished.

**Premier :** You cannot.

**Sardar Sampuran Singh :** Even if the House adjourns we would like to hear you. But we want to expose the unfairness which is being practised in this House. The object is not to interfere but is to expose.

**Mr. Deputy Speaker :** The question is—

That the assembly do now adjourn.

*The motion was lost.*

*The Assembly then adjourned till 12 noon on Tuesday, 26th November, 1940.*

1911

1911年1月1日  
1911年1月1日  
1911年1月1日

1911年1月1日

1911年1月1日

1911年1月1日



1911年1月1日

1911年1月1日

1911

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

*Tuesday, 26th November, 1940.*

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

### UNSTARRED QUESTIONS AND ANSWERS.

#### PUNJAB ENGINEERING COLLEGE ALUMNI.

##### TAKEN INTO SERVICE.

**1233. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of qualified candidates from the Punjab College of Engineering who have been taken into service since April, 1937 ;
- (b) the number of candidates from the above college taken into the Punjab Public Works Department, Electricity Branch, North-Western Railway, Punjab Irrigation and Buildings and Roads Departments, respectively, during this period ;
- (c) whether it is a fact that according to the advertisement issued from time to time, candidates belonging to a particular community or communities only were asked to apply ; if so, in how many cases ?

**The Honourable Malik Khizar Hayat Tiwana :** The information is being collected.

#### LEAVE RESERVE CLERKS IN DEPUTY COMMISSIONERS' OFFICES.

**1234. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of leave reserve clerks approximately in each office of a Deputy Commissioner in the province ;
- (b) the monthly salary paid to them ;
- (c) whether it is a fact that a majority of them are not confirmed even after eight to ten years of continued service ; if so, the number of such of these who have not been confirmed ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) There are altogether 273 leave reserve clerks in the offices of the Deputy Commissioners.

(b) Fixed pay of Rs. 25 per mensem each.

(c) *First part*.—No.

*Second part*.—Does not arise.

APPOINTMENT OF MUSLIM OFFICERS IN PLACE OF RAI SAHIB NATHU  
RAM, DIWAN HARVANS LAL AND DIWAN SUKH ANAND.

**1235. Rai Bahadur Lala Sohan Lal :** Will the Honourable Premier be pleased to state the reasons why Rai Sahib Nathu Ram, Diwan Harvansh Lal and Diwan Sukh Anand of the P. C. S., who were on deputation in connection with the working of the local bodies, were all of them reverted at once to their posts and why the places vacated by them were all filled by Muslim officers?

**The Honourable Major Sir Sikander Hyat-Khan :** These officers had completed three years in their posts and were reverted in accordance with the policy laid down by Government that no Punjab Civil Service officer should normally remain in a post carrying allowances for more than about three years. Each case came up separately with wide intervals between each decision, and each case was considered separately. The officers mentioned in the question were succeeded by officers, who were considered suitable for the posts.

REPRESENTATION OF SIKHS IN PUNJAB CIVIL SERVICE  
(EXECUTIVE BRANCH).

**1236. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state—

- (a) the total number of posts in the Punjab Civil Service (Executive Branch) other than listed posts;
- (b) the number of such posts held by the Sikhs;
- (c) the total number of posts of Private Secretaries, Secretaries and Assistant Secretaries, carrying emoluments or privileges superior to those allowed to an ordinary Extra Assistant Commissioner held by the members of the Punjab Civil Service; and the number of such posts held by the Sikhs;
- (d) whether it is a fact that compared to some Muhammadan officers holding such posts, there are some Sikh members of the Service, senior to them in the order of seniority and superior to them in the nature of the record of service or both; if so, the reasons for giving preference to their juniors?

**The Honourable Major Sir Sikander Hyat-Khan :** (a) 319, including posts temporarily held by Extra Assistant Commissioners outside the regular cadre.

(b) 49.

(c) Presumably the honourable member is referring to the Punjab Secretariat. On this assumption the answer is, one Deputy Secretary to Government. This post is not held by a Sikh.

(d) No.

## SIKHS IN PUNJAB CIVIL SERVICE (EXECUTIVE BRANCH).

**1237. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state—

- (a) the names of the members of the Punjab Civil Service (Executive Branch) holding posts as heads of Department;
- (b) whether it is a fact that all such posts are at present being held by Muhammadan officers; if so, the reasons therefor?

**The Honourable Major Sir Sikander Hyat-Khan :**

(a).

<i>Name.</i>	<i>Post held.</i>
1. Lala Balwant Rai	.. Deputy Commissioner for Criminal Tribes, Punjab and Reclamation Officer.
2. Khan Bahadur Sheikh Fazal Ilahi.	Superintendent, Census Operations, Punjab.
3. Khan Sahib Ihsan Ullah Khan.	Director of Land Records, Punjab, Inspector-General of Registration and Registrar General of Births, Deaths and Marriages.
4. Mr. M. H. Mahmood	.. Director of Industries, Punjab, and Registrar, Joint Stock Companies, Punjab.

(b) No.

REPRESENTATION OF SIKHS IN STATIONERY OFFICE UNDER CONTROL OF  
SUPERINTENDENT, GOVERNMENT PRINTING, PUNJAB.

**1238. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of Sikhs among the junior and senior clerks in the clerical establishment and the total number of such posts in the recently established stationery office, under the control of the Superintendent, Government Printing, Punjab;
- (b) whether it is a fact that a vacancy recently caused by the promotion of a Sikh junior clerk to the post of a senior clerk in the stationery office, has gone to a non-Sikh in spite of the fact that the proportion of the Sikhs there is already much below their due share in the office of the Superintendent, Government Printing, Punjab, if so, the reasons therefor?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) There are altogether two junior and four senior clerks in the Provincial Stationery Office. Of this number only one, a senior clerk, is a Sikh. The total number of clerical posts in this office is eight.

(b) This is not correct. So far, no junior clerk has been promoted to the post of senior clerk in the Provincial Stationery Office.

**CASES DISPOSED OF BY THE SPECIAL MAGISTRATE, LAHORE  
RELATING TO KIDNAPPING OF MINORS.**

**1239. Chaudhri Muhammad Hassan :** Will the Honourable Finance Minister be pleased to state the number of cases decided by the special magistrate at Lahore who was deputed to take up cases in the Punjab and Delhi provinces relating to the abduction or kidnapping of minors during the last two years 1939-40 ?

**The Honourable Mr. Manohar Lal :** The required information is given below :

				<i>Cases relating to kidnap- ping of minors.</i>
1939	..	..	..	26
1940	..	..	..	Nil
Total			..	26

**CASES DISPOSED OF BY THE MAGISTRATES AT LUDHIANA UNDER  
MOTOR VEHICLES ACT.**

**1240. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Public Works be pleased to state the number of cases decided under the Motor Vehicles Act by the magistrates at Ludhiana during the last four years with a detailed statement showing acquittals and convictions in these cases ?

**The Honourable Malik Khizar Hayat Tiwana :** A statement is laid on the table.

*Statement showing the number of cases decided under the Motor Vehicles Act  
by the Magistrates at Ludhiana during the year 1936—39.*

Years.			Cases decided.	Cases in which the accused was acquitted.	Cases in which the accused was convicted.
1936	..	..	771	104	667
1937	..	..	908	69	839
1938	..	..	1,423	459	964
1939	..	..	937	89	848
Total			4,039	721	3,318

**METALLING OF CHICHAWATNI-KAMALIA ROAD.**

**1241. Khan Bahadur Khan Muhammad Saadat Ali Khan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the route of the provincial P. W. D. road from Chichawatni to Kamalia which is going to be metalled in the near future has been altered, that is, it will go *via* Jhakhar ;
- (b) that such a change was not contemplated when the estimate for metalling the road was prepared and sanctioned ;
- (c) whether it is also a fact that the change has been effected by the authorities without consulting the opinion of the *ilaga* and the local authorities ;
- (d) whether it is a fact that the changed route is longer by about two miles than the direct P. W. D. road and will involve heavy expenditure on acquiring land and on earth work ;
- (e) whether the Government is aware of the fact that the direct P. W. D. road which has been in existence for the last 80 years or more was originally made through the land of quite a large number of zamindars to whom no compensation was paid ;
- (f) whether the Government is aware of the strong agitation among the people of the *ilaga* affected by this change ?

**The Honourable Malik Khizar Hayat Tiwana :** I regret that the answer to this question is not yet ready.

**SEHAJ DHARI SIKHS IN GOVERNMENT SERVICE.**

**1242. Sardar Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of Sehaj Dhari Sikhs drawing more than Rs. 100 per mensem in all the services under the Punjab Government ;
- (b) the names of Sehaj Dhari Sikhs drawing more than Rs. 500 per mensem in all the services under the Punjab Government ?

**The Honourable Major Sir Sikander Hyat-Khan :** The benefit to be derived from the supply of the desired information will not be commensurate with the labour and expense involved in the collection thereof.

**QUESTION HOUR.**

**Chaudhri Krishna Gopal Dutt :** Sir, I beg to move—

That the question hour be suspended to-day.

We have to discuss the supplementary estimates to-day, and already one day was not enough for this discussion.

*The motion was carried.*

## HOURS OF SITTING.

**Premier :** Since the question hour has been suspended, I have a motion to make with regard to the sittings of the Assembly for the remaining days. I do not know whether my honourable friend the Leader of the Opposition got time for further discussions with his colleagues, but I had an opportunity of discussing this matter with my colleagues, and the consensus of opinion amongst the members on this side of the House is that we should request our friends opposite to accept the 12 o'clock sittings (*Hear, hear*), except, of course, on Fridays when we shall meet at 2-30. We do not meet on Wednesdays and Saturdays. Therefore, it is merely a question of three days. And since the High Court rises for lunch at 1 o'clock, my honourable friends the lawyer members will not be put to any inconvenience. They will not be present here during the question hour only for 3 days in a week. I, therefore, hope my honourable friends opposite will agree to this; otherwise it means a great strain on the members. They will not be able to take evening exercise, and their afternoon engagements will be upset; and if there is an adjournment motion, in that case also we will not sit beyond 6-30 p. m. I hope the House will accept the change of time unanimously. It is only for the present session. Therefore, I move—

That on and from Thursday, the 28th November, 1940, on days on which the Assembly meets other than Fridays, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4-30 p.m. without question put on those days.

**Mr. Speaker :** The motion moved is—

That on and from Thursday, the 28th November, 1940, on days on which the Assembly meets other than Fridays, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4-30 p.m. without question put on those days.

*The motion was carried.*

## SUPPLEMENTARY DEMANDS.

## LAND REVENUE.

**Finance Minister :** Sir, I beg to move—

That a supplementary sum not exceeding Rs. 58,300 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Land Revenue.

*The motion was carried.*

## MOTOR VEHICLES.

**Finance Minister :** Sir, I beg to move—

That a supplementary sum not exceeding Rs. 810 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of charges on account of Motor Vehicles.

**Mr. Speaker :** The motion moved is—

That a supplementary sum not exceeding Rs. 810 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of charges on account of Motor Vehicles.

*Working of Motor Vehicles Act.*

**Mr. Dev Raj Sethi :** Sir, I beg to move—

That the demand be reduced by Rs. 100.



**Mr. Speaker :** The honourable member's motion does not appear to be in order.

**Mr. Dev Raj Sethi :** Why, Sir ?

**Mr. Speaker :** As supplementary demands are being discussed, if any question of principle or policy is raised it should be confined to the demand before the House. The honourable member is referred to May's Parliamentary Practice, page 536 and Note on pages 536 and 537.

**Mr. Dev Raj Sethi :** Sir, I want to discuss the working of the Motor Vehicles Act, 1939. I want to discuss the working of that department.

**Mr. Speaker :** Does the honourable member mean that if 100 police constables are sanctioned for a particular purpose when the annual Budget is passed and before the end of the year it becomes necessary to engage 10 more constables, then the whole demand must be discussed ?

**Diwan Chaman Lall :** What is the difficulty in regard to this particular matter ?

**Mr. Speaker :** So far as the amount demanded to-day goes, any criticism of it is permissible.

**Diwan Chaman Lall :** That is what my honourable friend is wanting to discuss.

**Mr. Speaker :** But what he wants to discuss is the working of the Motor Vehicles Act, 1939.

**Mr. Dev Raj Sethi :** The working of the Special officer (Home Department) (Motor Transport)—

**Mr. Speaker :** In what respect ?

**Mr. Dev Raj Sethi :** Sir, in respect of the difficulties experienced by motor traffic, bus-wallas and the public as a result of the working of that special officer.

**Mr. Speaker :** The honourable member's motion goes beyond the supplementary demand.

**Diwan Chaman Lall :** I quite agree that the matter of policy cannot be discussed on this supplementary budget and if my honourable friend's intention is to discuss the policy, he would be naturally out of order. But if he mentions this point in reference to this particular appointment, you would be pleased to consider that he is in order.

**Mr. Speaker :** I have already said that so far as the demand under discussion is concerned, he may say anything about it. He may, in fact, move that the demand be reduced by Rs. 100 without giving any reason.

**Mr. Dev Raj Sethi (Urdu) :** Sir, under the demand under consideration it is contemplated to continue the employment of an I. C. S. officer, drawing the salary of a Deputy Commissioner amounting to Rs. 1,200 with an extra special pay of Rs. 200, for the purpose of controlling the work of Regional Transport Authorities established in the five divisions of the province. This officer was appointed to carry out the work connected with the initial settlement of motor vehicles on particular routes also. Now, Sir, I would like to discuss the new regulations enforced and arrangements made in different cities of the province under the Motor Vehicles Act.

**Mr. Speaker :** But that matter is not under discussion.

**Mr. Dev Raj Sethi :** Working of that transport officer is under discussion.

**Mr. Speaker :** Yes, only that particular officer.

**Mr. Dev Raj Sethi :** The instructions issued by this officer in connection with the motor vehicles and settlement of lorry stands have caused considerable hardship to the public. The people engaged in the lorry industry and the Punjab Motor Union have time and again lodged vigorous complaints with the authority concerned to this effect that much favouritism has been shown by that officer in the matter of giving approval to the establishment of lorry stands and granting of licences to the lorrywalas. Influential persons who are not the least connected with the lorry business, unduly get their own *addas* (lorry stands) approved by that officer. Again, no heed is paid to the fact whether the person applying for the grant of licences are genuine and deserving lorrywalas. It so happens that a person unconnected with this trade manages to obtain licences for two or three lorries, while a deserving lorrywala, whose very livelihood depends upon plying his lorries, fails to get a licence for one lorry even. This state of affairs has caused much resentment among the lorrywalas and the Punjab Motor Union. When they make complaints or representations of their case, the authorities treat them with scant respect and callously put them off. This is really regrettable. In this connection, I would like to bring to your notice a glaring instance of indifference shown by the officer to the public opinion about the Lahore-Lyallpur-Jhang Road. Previously Government had granted a monopoly of this road for plying lorries to some persons. Now although under the Motor Vehicles Rules that monopoly has been abolished, yet much hardship is being experienced by the public in the matter of fare charges which have been unduly enhanced. You would, observe, Sir, that the fare from Lahore to Lyallpur, a distance of 87 miles, is 12 annas. But the fare from Jhang to Lyallpur, a distance of 47 miles, is 14 annas. The disparity in the fares is really anomalous. The officer should see that there is some uniformity in the fixing of rates of fares. It is a thousand pities that when grievances of this nature are brought to the notice of the authorities concerned, they take no pains to redress them, and the public cry for removing these hardships remains a cry in the wilderness. With these remarks I move that this demand be reduced by Rs. 100.

**Mr. Speaker :** Demand under consideration, motion moved is—

That the demand be reduced by Rs. 100.

**Sardar Bahadur Sardar Gurbachan Singh** (Jullundur West, Sikh Rural) : Sir, I have heard the speech of the honourable mover of this cut motion. He has dealt with three main questions. First one is with regard to *addas* with which this special officer has nothing to do. It is the Deputy Commissioner who gives permission of opening these *addas* and not the officer. Secondly, he said that this officer opened up a certain monopolis road, which resulted in the rise in fares. I really fail to understand how thy fares would rise by breaking up the monopoly. The effect would be just the opposite, and my friend by advancing such arrangements only falsified his position. As it is rightly said "lie has no legs". Thirdly, with regard to this officer, he said, that he was not a just officer. I had the honour of

working with him in my region and I firmly assert without any fear of contradiction that he administered justice of a very high standard; while at the same time he was so courteous and accommodating that everyone felt that he was heard and went satisfied. It is absolutely wrong to say that the representatives of Unions were not given a fair chance to represent their case, rather they had the best out of him.

**Mr. Speaker :** Question is—

That the demand be reduced by Rs. 100.

*The motion was lost.*

*I. C. S. officer to administer Motor Vehicles Act.*

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

That the demand be reduced by Re. 1.

As you will be pleased to see my object in doing so is to raise the question of the appointment of an Indian Civil Service officer to administer the Motor Vehicles Act, 1939. Sir, I strongly object to the appointment of an Indian Civil Service man carrying a salary of Rs. 1,400 a month.

**Mr. Speaker :** Does the honourable member wish to discuss the continuance or appointment?

**Lala Duni Chand :** There is only the question of the appointment of an Indian Civil Service man.

**Mr. Speaker :** The question is whether he wants to discuss his continuance or his appointment?

**Lala Duni Chand :** I want to discuss the question of his continuance as well as his appointment. The question to be discussed is the payment of so much money to the Indian Civil Service man for a period of nine months.

**Mr. Speaker :** It is a question of three months only.

**Lala Duni Chand :** Three months or nine months, whatever it may be.

**Mr. Speaker :** If the honourable member wishes to discuss the continuance, I have no objection but he cannot go beyond.

**Lala Duni Chand :** I want only to discuss that much and nothing more. I beg to submit that the appointment of this officer with a salary of Rs. 1,400 a month is an unnecessary burden on the taxpayer.

Before this appointment was made this work was being done by commissioners of divisions. I fail to understand why it is proposed to relieve the commissioners of this work and give it to an I. C. S. officer carrying such a high salary. I do not think the commissioners are very heavily worked, they can easily spare time to do this kind of work. It has been the practice of the Government to appoint officers with very high salaries to posts having very small work. After all the administration under the Motor Vehicles Act is not such an important work as to justify the appointment of an I. C. S. officer. The commissioners do not do any judicial work for more than three months in a year, so this kind of miscellaneous work can be very easily done by them particularly when they have got the assistance of advisory bodies. I submit, therefore, that the burden proposed to be imposed by the Government is quite unnecessary.

**Mr. Speaker :** Demand under consideration, amendment moved—

That the demand be reduced by Rs. 1.

**Minister for Public Works** (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana) : I am afraid, the honourable member has not understood the position. The appointment of this I. C. S. officer was approved when we passed the Budget this year. If the honourable member will kindly refer to page 135 of the Budget, he will find that this special officer with this pay is shown there. As his work has not been concluded, we have extended the period of his appointment. This officer has nothing to do with the complaints that were mentioned by the last speaker. He has been carrying on the work of the Secretary to Transport Authority. He has done the work very efficiently and as was pointed out by my friend Sardar Bahadur Gurbachan Singh, he has won the approval of a large number of people interested in the trade itself. Some people might have been upset, but that cannot be helped in new arrangements. I oppose the cut motion.

**Mr. Speaker :** Question is—

That the demand be reduced by Rs. 1.

*The motion was lost.*

**Mr. Speaker :** The question is—

That a supplementary sum not exceeding Rs. 810 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of charges on account of Motor Vehicles.

*The motion was carried.*

#### GENERAL ADMINISTRATION.

**Minister for Finance :** I beg to move—

That a supplementary sum not exceeding Rs. 21,540 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of General Administration.

**Mr. Speaker :** Demand moved—

That a supplementary sum not exceeding Rs. 21,540 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March 1941, in respect of General Administration.

**Chaudhri Krishna Gopal Dutt** (North-Eastern Towns, General, Urban) : I move—

That the item of Rs. 15,810 on account of Additional Financial Commissioner be reduced by Rs. 100.

**Mr. Speaker :** As the item of the demand which the honourable member proposes to reduce is a non-voted item, I rule his motion to be out of order.

#### *Additional Financial Commissioner and special enquiry agency.*

**Mr. Dev Raj Sethi** (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I beg to move—

That the demand be reduced by Rs. 100.

The total demand is for Rs. 48,370. Out of this sum, Rs. 15,810 are wanted for the Additional Financial Commissioner, Rs. 30,200 for the Additional Revenue Secretary and Rs. 360 for the Development Secretary to the Financial Commissioners.

**Mr. Speaker :** Have the offices of the Revenue Secretary and the Development Secretary been newly created or did they exist before ?

**Premier :** They are not new offices.

**Mr. Speaker :** The honourable member may discuss only the Additional Financial Commissioner and the Special Enquiry Agency.

**Chaudhri Krishna Gopal Dutt :** What about others ?

**Mr. Speaker :** They cannot be discussed under the supplementary demand.

**Mr. Dev Raj Sethi :** Sir, according as instructed by you I will confine my speech only to the Additional Financial Commissioner and the Special Enquiry Agency. At the present time a great stress is being laid on the necessity of saving expenditure and affecting all possible economy. But I fail to understand why this new post of the Additional Financial Commissioner is being created at a time when every penny is required to be saved for fighting the war. On the one hand, it is alleged that on account of Debt Conciliation Boards, Rural Reconstruction Scheme and War Publicity the work has tremendously increased and to cope with it an additional financial commissioner is required. On the other hand, when we study the Report of the Resources and Retrenchment Committee we find that a recommendation has been made therein that the posts of the financial commissioners may be retrenched. Four years have elapsed since the appointment of the said committee and one year has passed since it presented its report to the Government. But up to this time the report of that committee has not been placed before this House for discussion. Nothing has been done to carry out the recommendations made in that report. Instead of reducing expenditure the Government has increased it. The work to which the financial commissioners attended has considerably decreased on account of establishment of the Debt Conciliation Boards. Similarly other work which they do is not so much as it used to be at one time. I, therefore, submit that there is no necessity of creating a third post of a financial commissioner.

As regards the war publicity in rural areas, I may submit that in this matter we do not agree with the Government. They have not made clear the reasons which led them to adopt their present policy regarding the war. They have not explained whether it is their own policy. If so, they should explain it and inform the House why they want to stick to it. It is not even the policy of the League. The Honourable Premier is himself responsible for this hodge-podge. If some political leader comes to address the students he says that the students should devote themselves to their studies and not take part in practical politics. May I enquire from him whether making the students to carry on war publicity work is not political work ? The students who have been employed in the war publicity work have been granted some concessions. For example, the time they will spend in doing this work would be considered as devoted to the prosecution of studies. But if Dr. Ashraf comes to address them it is urged that they should not participate in politics.

**Mr. Speaker :** The honourable member will please confine his speech to the motion before the House.

**Mr. Dev Raj Sethi :** Sir, I am making certain submissions regarding the war publicity work which has been entrusted to the Additional Financial Commissioner. When I refer to this work you call me to order and tell me that I am not speaking to the motion under consideration.

**Mr. Speaker :** I do not say that the honourable member is not in order. What I say is that that is not the main subject under consideration. He may bring it in by all means as a relevant matter. But he cannot discuss the war emergency alone on this motion.

**Mr. Dev Raj Sethi :** It will not be the only thing that will be discussed. It will be only one of many things that I propose to discuss. Mr. Speaker, through you I enquire from the Government whether the war publicity work which the financial commissioners do is according to the policy of the Unionist Government or.....

**Mr. Speaker :** The honourable member can discuss only the Additional Financial Commissioner and not all the financial commissioners.

**Mr. Dev Raj Sethi :** Yes, sir, This is a very important matter and I hope you will allow me to discuss it. This work which the new Financial Commissioner is doing is against discipline.

**Mr. Speaker :** May I ask the honourable member again to speak to the motion? He can only discuss the appointment of the Additional Financial Commissioner.

**Mr. Dev Raj Sethi :** The Government in reality have no policy. They are not with the League and also not with the Congress.

**Mr. Speaker :** Please speak to the motion.

**Mr. Dev Raj Sethi :** Very well, Sir, It was alleged that Mahatma Gandhi by his conduct has stabbed the Government in the back. What can be more abusive and offensive than these words? The Premier in saying this has brought disrepute to the Punjab. Mahatma Gandhi stated that the people of the Punjab enlist themselves in the army for the sake of Rs. 17 which is paid to a soldier monthly. If the Honourable Premier thinks that the Mahatma is wrong then let him tell the people of the Punjab not to enlist and I am sure no one will listen to him and the people will continue to enlist themselves. The Britishers have found a good show boy in him and he does what they dictate to him. He follows the policy laid down by Mr. Churchill. As regards his remarks that he would fight against the Britishers in case of their not carrying out their promises regarding independence, I do not attach any importance to them. His future conduct can be judged from his past conduct.

Then I come to the Special Enquiry Agency. The purpose of setting up this agency was to put down corruption. A special staff was recruited for this purpose. This Agency has been in existence for the last one year. Many questions have been put regarding it. Some of them were answered and others not.

To-day the facts which have come to light about this department are full of concern to all the well-wishers of this country. It is said that this department has been set up to eradicate corruption from this province but in fact there are other motives which lie behind it. The under-currents of the

department are very subtle indeed. If this department wants to proceed against any official, then many kinds of allegations are fabricated against him. And what is more, false witnesses are secured in order to condemn him. In many cases officers are even forced to go on compulsory leave. I am prepared to disclose their names if my honourable friends so desire. Besides many people are threatened to be shot down by revolvers if they did not give a particular version of acts. There are many civil surgeons and superintendents of police against whom such procedure has been adopted. I may also add that although such matters are given a communal tinge, in fact they are not so. I am aware of the fact that even at present this department is taking similar action against two officers. They may be guilty or not, but anyhow they are being terrified into submission. Mr. Speaker, we have seen the first four years of this Government whose guiding principles are : loyalty to Britain and the consolidation of the Unionist party. Whenever my honourable friends find that any officer can help them in their future elections they in order to please him do whatever he asks them to do. This is the policy which is being pursued by this Government. With these words I beg to move that the demand be reduced by Rs. 100.

**Mr. Speaker :** Demand under consideration, motion moved—

That the demand be reduced by Rs. 100.

**Chaudhri Krishna Gopal Dutt** (North Eastern Towns, General, Urban (Urdu) : Sir, I rise to support the cut motion that has been moved by my honourable friend Mr. Dev Raj Sethi. There are many important matters involved in this item on which I deem it essential to throw some light. I must confess that there are many things regarding which there can be an honest difference of opinion. For example, there is the question of war. The Congress and the Unionist party do not see eye to eye on this issue. But today I would ignore this point and would not try to exploit it for the purpose of discussing the subject matter in question. After all opinions differ in this world. My honourable friends of the Unionist party regard it their duty to follow their opinion. Similarly in the light of the attitude of the Congress towards this war we are doing what we consider to be right and proper. But what we have to examine is whether or not the money which is being spent on war and which comes from the pockets of the poor people is legitimately spent. Mr. Speaker, you are aware of the fact that the question of war has been debated more than once on the floor of this House. Consequently, I do not want to traverse the whole ground again. I admit that the Unionist party or for the matter of that the Government are committed to the policy of successfully prosecuting the war. I do not quarrel with it. My object in supporting the cut motion is to examine whether or not the money which the Punjab Government is spending in pursuance of that policy is being legitimately spent. You will see, sir, that under item number 1 a large sum of money has been demanded for the post of temporary Additional Financial Commissioner. I want to know from the Honourable Premier whether His Excellency the Governor has consulted him in this matter, as we do expect that he consults him in such important matters. If so, what advice did he tender him? Let me point out that if we are not entitled to put this item to the vote of the House, at least we have the right

[Ch. Krishna Gopal Dutt.]

to draw His Excellency's attention to our feelings on the point. It is possible that after hearing the point of view of the Opposition, he may in the light of the opinion thus expressed be in a position to reverse his decision. Keeping this point in view I want to urge that the reasons which have been given in the Supplementary Estimates for the creation of the post of an Additional Financial Commissioner are not the real reasons. Even if those had been the real reasons in that case also we would have objected to the creation of a post of this nature, because at present it is against our programme to give any money for war purposes. At this juncture if any money is spent on war purposes we are bound to oppose it. Now my honourable friends have admitted that one of the functions of this Additional Financial Commissioner would be to carry on war publicity in the province. If that is so, I would submit that so far as that function of the Additional Financial Commissioner is concerned this House should not grant even a single pie for this post. But I am now supporting this cut motion from the point of view of economy and retrenchment in expenditure. In this connection, I may point out that there are many well known and honourable members of this House who have more than once urged in unequivocal and clear terms that the number of financial commissioners in this province is very large and that it should be reduced.

**Mr. Speaker:** All financial commissioners are not under consideration.

**Chaudhri Krishna Gopal Dutt:** Mr. Speaker, you must be aware of the fact that some years back the Honourable Chaudhri Sir Chhotu Ram contributed a series of articles to the *Tribune* on the subject of "Retrenchment". In that series of articles he advocated, and I congratulate him for those brilliant articles, that there was no need for so many financial commissioners. In fact, by putting forward unimpeachable facts and figures he made his case an unanswerable one. At that time we were under the impression that when Chaudhri Sir Chhotu Ram, who courageously advocated this retrenchment when he was in the opposition group in the old Legislative Council, would assume power he would at least try to give effect to it, and would use his influence to reduce the number of the financial commissioners. But now that hope has fallen to the ground. At present he is occupying a very prominent place in the cabinet and he has power in his hands but he does not like to use that power for the good of the province. If he had given practical shape to what he himself had been urging on the floor of the old Legislative Council, the people of this province at least would have admitted that Chaudhri Chhotu Ram put into practice what he professed. But it is a thousand pities that events have proved that whatever Chaudhri Chhotu Ram advocated in the capacity of an irresponsible member of the Legislature is not binding on him now when he has power in his hands.

**Mr. Speaker:** Please discuss the appointment of an Additional Financial Commissioner.

**Chaudhri Krishna Gopal Dutt:** What else am I doing? Sir, I would request you to give some latitude in developing an argument. I have many times pointed out to you that Speakers in other Legislatures give plenty of latitude when such matters are under discussion.

I was submitting that at that time Chaudhri Sir Chhotu Ram advocated this golden principle. I will try to point out as to how this thing is relevant.



You know, Sir, that this supplementary estimate has been presented by Government and as there is joint responsibility of the Cabinet, therefore I am drawing the attention of the House to the fact that while granting this demand they should bear in mind the opinion of one of the prominent members of the Cabinet. The golden principle laid down by him was that as the money in the Provincial exchequer was, to its last pie, taken from the people and constituted their life-blood, very little more could be extracted from them by way of revenue, etc. The improvement in the financial condition of the Province and the welfare of the people he believed, lay in one thing only and that was retrenchment. It was suggested that reduction should be made in all the big departments of the Government and the post of at least one Financial Commissioner should be abolished. But to-day the Government in which my honourable friend occupies a very important position has moved for the appointment of an additional Financial Commissioner. It was up to him to represent to His Excellency the Governor that he had very strong conviction on the point and he should have opposed the suggestion.

**Pandit Shri Ram Sharma :** Probably he did.

**Chaudhri Krishna Gopal Dutt :** I refuse to believe that he did so. (*An honourable Member :* He might have been overawed by His Excellency.) Because let it be said to my honourable friend's credit that he is known to be a truthful man. He says whatever he believes to be true and however offensive it may be, nothing can stop him from saying it out. I cannot believe that he was overawed by His Excellency the Governor.

**Pandit Shri Ram Sharma :** He is afraid of the English *bania*.

**Chaudhri Krishna Gopal Dutt :** That is a different thing. May be he is afraid of the English *bania*.

The Honourable Premier had declared with great gusto that there is complete freedom in the Punjab. If that is true, why is an Additional Financial Commissioner being thrust on him? I doubt very much if he had a say in this matter. There is every probability that he is an unwilling partner. It will be the height of absurdity to say anything irresponsible or to base one's reasons on rumours. But I would place before the House only that which is known to me. The reason given for this additional appropriation is that the work of Financial Commissioners has increased owing to the fact that they have to supervise the working of the agrarian legislation, Haveli Project, Anti-Erosion Circle, debt conciliation boards, rural reconstruction development schemes, road transport control, reclamation of land, rural publicity in connection with war and other schemes. The Government have drawn up an imposing list of duties which a Financial Commissioner has to perform but I can very easily draw up an even more imposing list of duties that an ordinary official of the Government is called upon to perform. But it has never been said that because he had so much work to do, his work should be distributed among other officials or that a new post should be created.

The real reason underlying the creation of this new post is that two commissioners were about to retire. One of them is the present additional Financial Commissioner and the other is Mr. Garbett. They must have represented to the Governor that on account of war they could not proceed

[Ch. Krishna Gopal Dutt.]

to England and if they remained here in retirement they would not be able to maintain their standard of living and therefore, some provision should be made for them. It may be the result of that representation that an additional post has been created, otherwise the work had not increased to such an extent that the other commissioners could not cope with it. The reason given by the Government can stand no scrutiny if we look at the duties assigned to him. In spite of a general cry for retrenchment and the efforts at affecting economy, how is it that the Honourable Minister for Finance, who is reputed to be a jealous guardian of Punjab's finances and of whom it is said that being a *bania*, he watches over every single pie that is spent, took leave of his shrewdness and his zeal for safeguarding the provincial finances? When the Honourable Ministers are said to be over-worked and when the Honourable Premier himself gets little time for sleep on account of heavy work, why is the Government so enamoured of the Financial Commissioners that they are trying to lighten their work by creating a new post of Additional Financial Commissioner? By acquiescing into this demand the Honourable Mr. Manohar Lal has not proved that he safeguards the provincial finances. His Excellency the Governor has created a new post because it is stated he wanted to provide for a Commissioner who was in the Rural Reconstruction department which has now been abolished. That gentleman is about to retire and without giving a single thought to the poor people of this province an opportunity has been afforded to his children to grow fat at the cost of our anaemic children. It is really surprising that such a fat salaried post of an additional Financial Commissioner has been created.

There is one thing more, Mr. Speaker. It is said,—it has rather been reduced to black and white,—that he will be given war-publicity work. In this connection I would like to make a submission to the Honourable Premier that when Mr. Anderson has been specially recalled from England for the express purpose of doing war publicity work and when the Director of Information Bureau and the Financial Commissioners are already doing the same work where was the necessity for creating an additional post? Why is the public money being wasted? They are squandering away the money which has been extracted and extorted from the poor people of this province. That is how the Unionists pass sleepless nights in their anxiety for the welfare of the poor.

If I were a Government servant connected with this department, I would have been in a very embarrassing position. I would not have known whether to look up to the Chief Secretary or the Director of Information Bureau or else the Financial Commissioner as my superior officer. This is not a dual control but a triple control. Those who run the administration know how difficult it is to work under a triple control. This hinders the work and creates inefficiency. The Government would do well to explain the position whether this demand is being made in order to create inefficiency. The Punjab is badly in need of money. There are so many beneficent departments which are starving, as the Honourable Mian Abdul Haye, the Honourable Malik Khizar Hayat Khan and the Honourable Chaudhri Sir Chhotu Ram would bear me out, for lack of funds. They are unable to proceed with their beneficent activities because the Honourable Mr. Manohar Lal and the Honourable Premier cannot find money for them. On the one

hand, the Honourable Minister for Finance is anxious to put his ideals to practice if he becomes a dictator but feels his hands tied on account of lack of funds, and, on the other he has enough money to pay fat salaries to the two or three Englishmen without any rhyme or reason. Still the Government have the cheek to come forward and ask this House to agree to this useless expenditure. I know that you have a majority to carry out your wishes and I also know that the constitution is such that even if this Assembly or the Honourable Sir Sikander Hyat-Khan himself were to refuse such an expenditure it being a charged item, you would not be able to do anything in the matter. Does that show that the Punjab is free? If, however, the Government feels helpless in the matter, why do they not release the other members of their party from the obligation of voting with the party? When you feel that you have to act against your conscience, why do you not release the other members who are not bound by the wishes of the Governor to do what they like in accordance with the dictates of their own reason? They should at least have the freedom of expression so that they might ask the authorities to have pity on the children of the poor.

Again, I beg to submit that if this money is to be spent on war purposes, see that it is properly spent, but do not squander it by paying fat salaries to these high placed officials. It is an open secret that the poor in villages are forced to part with their money as a contribution towards the war purposes fund. It is being collected by the officials of this Government, against the wishes of the unwilling donors. It is the first time in the history of England that the war is proving such a costly affair. So much so that Lord Lothian is trumpeting the fact to the whole world that England needs money badly. It is a question of life and death for democracy and freedom. But our friends here are not making a proper use of whatever little money they have. The war fund is a big joke. Where countries like Russia and Japan have thousands of aeroplanes, Lahore is going to buy a single plane for the defence of the province. How ridiculous! The money is being collected by levying all sorts of taxes like the Excess Profit Tax, the Property Tax, the Sale of Goods Tax, etc., etc., in order that the Government might spend it by paying fat salaries. And the people are being asked to contribute what they are left with after paying Property Tax, Municipal House Tax, District Board Haisiyat Tax, towards the war fund in the name of loyalty. This is how money is being literally snatched from the people for the prosecution of the war.

Why is my honourable friend the Minister for Development shaking his head? Go and ask the zamindars, whether they are in favour of such fat salaries being disbursed at their expense. I do not know why the Government do not say it quite frankly that the Punjab has not so much money that new posts may be created. There are a hundred and one ways in which the war publicity work can be carried on without any need for additional Financial Commissioners.

In the end sir, I beg to submit that I do not intend to make any reply to the provocative speeches that have been made. But I merely state my doubts and misgivings, and hope that the Government will convey them to His Excellency the Governor on behalf of the Opposition.

**Sardar Kapoor Singh** (Ludhiana East, Sikh, Rural), *Punjabi*: Mr. Speaker, my honourable friend Chaudhri Krishna Gopal 1 P. M. Dutt has already told the House that there was no need of an additional Financial Commissioner. It was because he was about to retire and he had to be provided for that a new post was created.

I am inclined to think that the Government do not consider the public money as a trust. They are running a sort of a 'gow-shala' where sick and old cows are tended and fed as a philanthropic pursuit. The analogy will be complete when the objects underlying the creation of this new post are taken into consideration. Just as in the case of a gow-shala the cows are not made to do any work, the incumbent of this new post will have nothing to do. In connection with the supplementary demands, we are told that because the duties of the Financial Commissioners have been increased manifold by the passage of agrarian legislation it has become necessary to create the post of an additional Financial Commissioner.

Now, Sir, I would tell the House that under the present circumstances the additional Financial Commissioner has no work to do and Government is creating this extra post for doing favour to him. First, let us take the Motor Vehicles Act. May I ask the Honourable Premier as to how much work has been increased under this Act. Sir, appeals are generally preferred to Commissioner, and in this connection may I ask how many permits have been given by the Transport authority. So far as I know certain permits have been given and no appeal has been preferred. The Government may reply that as justice is done in giving permits, no appeal is likely to be preferred. But let me point out the real fact to the House that Transport Authority is inefficient and the people concerned would not be able to prefer an appeal before the Financial Commissioner because the method prevalent today is that a copy of the order is not given to the men concerned and without the copy of the order an appeal cannot be preferred. This is, sir, how things are done by our Government. With regard to the Restitution of Mortgage Act I may submit that the Honourable Ministers toured almost in every corner of the province and boasted much of their activities.

**Raja Ghazanfar Ali Khan**: On a point of order. Is the word 'tar' or 'taran', whatever it is—I could not follow correctly—used by my honourable friend, parliamentary?

**Mr. Speaker**: 'Tar' is a Punjabi word, meaning 'boast' or exaggeration'.

**Sardar Kapoor Singh**: The Honourable Premier and the Honourable Minister for Development came to our *ilagas* twice or thrice in every month of the last summer, but despite this and their efforts not a single case has been received by the Financial Commissioner under the Restitution of Mortgages Act. Why was it so? The reason is obvious. First, the Government had this act passed and then remained inactive out of fear of *lakas*. As you are quite aware, the Act was passed in September and enforced in May. The applications received under this Act are still unread, and they are lying with the revenue officers. What we have come to know is that the Government has postponed dealing with those applications for the time being for some reasons best known to them. And when the decisions with

regard to those applications have not been given, where lies the necessity of creating an extra post for an additional Financial Commissioner? If a few applications have been dealt with even that does not justify the appointment of an extra Financial Commissioner. Sir, this was what I wanted to submit in regard to the Restitution of Mortgages Act and applications received in this connection. It has been said by the Government benches that debt conciliation boards are supervision boards. My submission is that these boards are not new ones as they have been working for the last so many years. Now, sir, let me tell you what supervision they do and in this connection I would also draw your attention to the irregularities committed by these boards. I remember in Jullundur two thousand rupees were due to a person. The board got the second party advertised and after receiving the amount of money sent it to a newspaper here at Lahore, and the money has not been refunded by the newspaper up to this moment. Sir, this is the supervision that is being done by the Financial Commissioner for whose salary an extension is being sought by the Government. Sir, it is a mere paper show as I have already remarked and in fact no work has been increased under any Act, for the Financial Commissioner. The real cause for the appointment of an additional Financial Commissioner is to continue the important work of war publicity in the country. But I should like to make it clear to the House that a man who has already proved inefficient, will certainly prove so in any other place given by the Government. The main work for him as I have stated is to do war propaganda. In this connection, I may invite the attention of the Government to the fact that their war publicity has not affected even the Punjab members, as out of the nine members not a single one has voted for the Finance Bill in the Central Assembly. I would, therefore, submit that the Punjab Government are straining their every nerve for war publicity in order to show the Central Government that they are making their best efforts in this respect.

I, therefore, submit that they have not much work to do. As a matter of fact they are well versed in the art of putting up a show of it. Besides, the war publicity work done by the Special Officer has not produced any appreciable results and consequently I see no reason for the continuance of the appointment of this special officer. But if the Government have some genuine and cogent reasons for the retention of his services, I will have no objection to their doing so. But as things are, no case has been made out for the extension of his services. My honourable friend Chaudhri Krishna Gopal Dutt rightly pointed out that as at present the English Indian Civil Service officers could not muster courage to proceed home after retirement, the Punjab Government create new posts to feed them. But what pains me most is this. The Government under the cloak of excessive work, are squandering the public money on the appointment of an additional Financial Commissioner.

Then, Sir, I am reminded of an interesting matter in connection with the war publicity work done by the Additional Financial Commissioner. What he does is this. Whenever the Honourable Ministers have to address public meetings in connection with war, he makes arrangements for the transport of people to the place where meeting is to be held. In this connection I might make a mention of the Divisional War Conference held at Ludhiana on the 3rd of October, 1940. The War Publicity Officer or for the matter

[S. Kapoor Singh.]

of that the Additional Financial Commissioner adopted a novel method for bringing people from the suburbs and adjoining villages. He threw the Motor Vehicles Rules to the wind and compelled the lorrydrivers to fetch 50 persons crowded in each lorry.

Sir, Mr. Deputy Speaker is looking askance at me, lest I should mention his name in this connection (*laughter*). But I would refrain from making a mention of his name. It is an open secret that he, too, had to make a fairly good contribution towards the transportation of men from the villages. He was also asked to fetch a certain quota of persons, from the villages for the purpose of attending the conference.

**Mr. Deputy Speaker :** The honourable member is entirely wrong.

**Sardar Kapoor Singh :** Mr. Speaker, I may be wrong here, but outside this Chamber no body would question the accuracy of my statement. Well, Sir, as I have already stated, the additional Financial Commissioner, the highest authority in matters relating to motor vehicles, issued orders to lorrywalas to fetch people from the villages gratis for the purpose of attending the War Conference. He permitted them to violate the Motor Vehicles Rules by bringing 50 persons at a time in each lorry. Now this fact will have a demoralising effect on the lorry-drivers in general. They would be tempted, rather encouraged, to infringe traffic rules and carry a higher number of passengers at a time. They would naturally think that as their appeals were to lie before the Additional Financial Commissioner, they need not be afraid of the consequences, because he would condone their offences in view of the services rendered by them.

**Mr. Deputy Speaker :** The honourable member is entirely wrong. Just a day before the War Conference...

**Lala Bhim Sen Sachar :** On a point of order, Sir, The Deputy Speaker has no greater privileges than the other members of this House. He cannot get up and begin to make a speech whenever he wishes.

**Mr. Deputy Speaker :** I am not making a speech. The honourable member gave way and I simply wanted to give him some information. The Deputy Commissioner just one day before the War Conference inflicted a fine of Rs. 100 on a lorry wala who was carrying only a few additional passengers in his lorry, yet the honourable member says that the working of the Traffic Rules was suspended on account of the Conference.

**Mr. Speaker :** I may inform the honourable member raising the point of order that the Deputy Speaker got up because he was directly or indirectly attacked, at least he thought so, to tender a personal explanation. He got up again to correct or contradict some facts stated by Sardar Kapoor Singh.

**Lala Bhim Sen Sachar :** At any rate, he has not contradicted him.

**Sardar Kapoor Singh :** I am not saying any irrelevant thing. I was only emphasising the fact that the Additional Financial Commissioner or for the matter of that the War Publicity Officer had been guilty of dereliction of his duty and was thoroughly inefficient. I am rather thankful to the Deputy Speaker for corroborating my remarks. The fine mentioned

by him was imposed by the authorities only on the day of War Conference with a view to save their faces. But as I have already stated, the violation of motor vehicles rules had a very unwholesome effect on the loyal subjects as well. For instance, the zaildars, lambardars, etc., felt averse to owing allegiance to a Government which with a view to grind their own axe gave a charter to the lorrydrivers for breaking law. (*Hear, hear*). I am sure the House would agree with me that the method adopted by the Additional Financial Commissioner for transporting men to attend the War Conference was really very objectionable. I, would, therefore, suggest that this post should be abolished and the saving to the extent of Rs. 50,000 effected thereby be contributed to the war fund. In this way the poor people would be spared the coercion which is being exercised by the Additional Financial Commissioner. In this way the war fund would be enhanced considerably and the money expended on war publicity work would certainly bear fruit. I am, therefore, of the opinion that we should no longer give any extension to the post of the Additional Financial Commissioner. The sooner we do away with it the better. With these words, I strongly support the cut motion now before the House.

**Lala Duni Chand** (Ambala and Simla, General, Rural) : I should like to join in the chorus of condemnation of extravagance on the part of the Punjab Government. It pains me to see that one white elephant after another is being added to the already long list of white elephants in the province. Probably there is one justification for it. Because the Honourable Ministers themselves are white elephants they want to increase the number of members of their class. I fail to see how otherwise the Government could indulge in the luxury of being so extravagant. It was expected that the present Government would effect retrenchment even within the very first year of its coming into existence. Nearly four years have elapsed and the term of life of the present Ministry is about to expire ; and notwithstanding the fact that the Retrenchment Committee's report discloses that there is a good deal of scope for retrenchment, yet no retrenchment has been effected up to this time and no retrenchment is likely to be effected during the life time of the present Government. On the other hand, there is increase. I should say unwarranted increase, in expenditure.

Various reasons have been given for the extension of the services of the Additional Financial Commissioner. I congratulate my friend Sardar Kapoor Singh for having exposed those various pretences. These are merest pretences and any pretence is good enough for the Government to justify extravagance. If we go into the history of Financial Commissioners in this province, it will be noticed that at one time there was only one Financial Commissioner. I remember that in those good old days more efficient work was done by one Financial Commissioner than is being done now by three or four Financial Commissioners. Subsequent to that another Financial Commissioner was added and now we have three. Perhaps honourable members do not know what fabulous salary is being paid to these officers. Each of them gets Rs. 8,500 a month, even more than what the Finance Minister gets. Besides he has got a big paraphernalia. I submit that this is absolutely unwarranted expenditure that is being incurred by the Government. It has been said by more than one speaker that the

[L. Duni Chand.]

reason for extending the services of the Financial Commissioner is something else. The Government has not yet denied the correctness of that allegation. The Government is guilty of inventing false excuses in order to give extension to this gentleman. It is said that this gentleman will be very helpful in connection with the war efforts and that he is already doing a lot to promote the cause of war. I do not want to enter into the question whether he is really advancing the cause of war. But I will say one thing. The one thing that goes against the British Government is the war extravagance. The Punjab Government also is guilty of the tendency towards war extravagance. I am sure the Honourable Finance Minister must have read that the gold and silver reserves of England are coming to an end because of the war extravagance on the part of the British Government. I have a certain amount of sympathy and it is for that reason that I want the Finance Minister not to be a party to the war extravagance in this province, because it is nothing but sheer extravagance. Why? My honourable friend just now pointed out that some people are already converts to the cause of war. But in spite of all attempts on the part of the Government, in spite of the army of students engaged to carry on war propaganda, the Government has not been able to secure the support of those people who could not see eye to eye with the Government on the question of war. I submit that the Government is unnecessarily adding to the heavy burden of the taxpayer in this province. I heard a remark from the Education Minister indicating that he is a very great advocate of the cause of purity of administration. I was really astonished at the remarks coming from the lips of the Education Minister in spite of all the happenings in his own district of Ludhiana, during the past four years.

It is said that the very important work of carrying on an enquiry into the conduct of two senior officers has necessitated the employment of extra Police officers. My contention is that if the Government cannot come to any conclusion after the enquiry that has already been held in regard to these two officers, then the Government will never be able to conclude this enquiry. If to complete that enquiry it is necessary to continue the services of the extra officers for months and months, then I am unable to understand how the Government will be able to carry out any kind of enquiry into the huge amount of corruption that we find in this province. It is the easiest thing for the Government to detect any number of corrupt men both among the junior and senior officers, but really nothing is being done in that direction. The Government requires real strength of will to eradicate corruption. It requires character of a very high order. Unless it is imbued with a passion to eradicate corruption it cannot do so. I do not want to say anything against the members of this Government but I do say that they have no desire, no inclination, no passion to root out the evil. I do not say that they favour corruption. But I do say that their conduct from day to day, from week to week, from month to month, is responsible for the appalling increase of corruption in this province. If you want to do something great, you must yourself prove your own greatness. But here the Government exists only on the support of all sorts of people who want to achieve their own ends.



I submit that this is also a mere excuse—the necessity of continuing this officer for this purpose. I have a certain faith in the honourable Finance Minister. At times his conscience is roused to a high level of duty. I do ask him whether he is personally satisfied that this extravagance that is practised in this province can be justified. Side by side with the appointment of the Financial Commissioner on a salary of Rs. 3,500 we also find the mention of some petty clerks getting Rs. 30, 25 and 20 and peons on a salary of Rs. 14 a month. I want to say one thing in this connection. It is a great condemnation of your regime during the last 4 years that you have not been able to improve in any appreciable degree this blemish on your part. These peons get Rs. 14 a month and the rule in their case is that even if they should continue to serve for 30 years they would not get more than Rs. 4 as pension. Such is the sorry state of things. I made a request three years ago with regard to the salary of these peons and the Honourable Minister was good enough to make a promise, but that promise has not been redeemed up to this time. So I have utilized this occasion to draw his attention to the alleviation of the condition of these low paid servants of the state. On the one hand, you want the appointment of an officer on Rs. 3,500 a month and, on the other hand, you give no relief to these peons who get Rs. 14 a month and in whose case even their pension is fixed at Rs. 4. I think it is a solemn occasion when the Honourable Finance Minister should realise his duty more than he has done up to this time. With these words, I strongly support the cut motion moved by my honourable friend, Mr. Dev Raj Sethi and after this it is not necessary for me to move my own cut motion that comes next.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural): Sir, I would also like to raise my voice of protest against the squandering of money like this. We, poor zamindars, cannot make both ends meet and find it very difficult to pay our land revenue and this extension or creation of the post of Financial Commissioner is very detrimental from every point of view. I think I need not stress this point further than refer you to page 80 of the Report of the Resources and Retrenchment Committee appointed by the Punjab Government. It is a very recent report, in fact it is the latest report and I think it was drafted and published by the Honourable Finance Minister. I will just refer you to a few sentences in it. They contain the best argument that could be advanced and I need not take the time of the House further than that.

The Chief Secretary was of opinion that it could not be said that we had now an unnecessary multiplicity of Financial Commissioners.

That was the Chief Secretary's opinion. They say further:

We feel that the arguments advanced by the previous Retrenchment Committee still hold good. Indeed, these have since become stronger. Our attention was drawn particularly to the work of colonies which is at present being done by the Financial Commissioner, Development. The work in colony areas has now reached a stage of stability which it certainly had not at the time that the previous Retrenchment Committee reported.

Therefore their arguments are stronger for a retrenchment of one of the posts of financial commissioners, especially the Development Financial Commissioner.

This work is now done by an officer of the standing of a Colonization Officer and proper orders of the Honourable Minister concerned in all colony matters could

[Mian Muhammad Nurullah.]

be secured on the matter being examined by a Secretary who should have experience of both revenue and colony work. We would also observe that since the last Retrenchment Committee reported another post of Secretary has been created in the Secretariat.

That is an additional argument. Further the report says :—

In effect the post of Revenue Secretary has been revived. This officer is also working as Joint Secretary, Development, and deals independently with many of the subjects dealt with by the Financial Commissioner, Development, namely Agriculture, Co-operative Societies and Veterinary. We are of opinion that, so far as the work of these departments is concerned, the Joint Secretary, Development, is perfectly able to, and in fact already does, secure the orders of the Honourable Minister concerned direct, instead of through the Financial Commissioner, Development. Furthermore, a post of Under-Secretary has recently been created for dealing mainly with the subjects of Co-operative Societies and Court of Wards. This official could function as an Under-Secretary to the Joint Secretary, Development, on the Secretariat side. That being so, we are definitely of opinion that the post of Financial Commissioner, Development, is no longer required and we unanimously recommend that steps be taken for its abolition.

All these things are stated in this report and yet it is now claimed that an additional post of Financial Commissioner is required. That is the only answer that I can give to this claim.

They have unanimously recommended that the post referred to above be abolished. It is further stated in the report :—

With the abolition of the post of Financial Commissioner, Development, we suggest that there should also be some consequent reduction in the strength of the office of the Financial Commissioners. This would lead to an economy of some Rs. 40,000 a year.

Now it has been recommended by the framers of the report that if this recommendation is accepted it would result in a saving of Rs. 40,000. But my honourable friends instead of saving these Rs. 40,000 want to spend Rs. 40,000 more. In other words, they are going to burden the poor zamindars to the extent of round about Rs. 1,00,000. In view of these facts I oppose the demand for an Additional Financial Commissioner.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*) : Sir, although the honourable members who have so far participated in the debate have not left anything for anyone to raise some new points in debate on the point before the House, still I want to say a few words in support of the cut motion now under discussion. One of the reasons which the Honourable Minister for Finance urged for the creation of this temporary post of an Additional Financial Commissioner was that the appellate work of the Financial Commissioners had increased and it was with a view to meet that emergency that this post had been created. If in support of his argument he had placed facts and figures of appeals pending in Financial Commissioners' Courts that would have saved much time of the House and the honourable members would not have delivered so many speeches for refusing to grant this sum of Rs. 15,810. But he has failed to have so. In my opinion the reason for this is that the appellate work of the Financial Commissioners has not increased so much as it is alleged to have. In fact it is very nominal. That is the reason why they do not dare to ask the office to collect relevant facts and figures. In fact this is not a reason.

for which any new post should be created. I want to know that at such a critical juncture, at a time when the province has to bear good deal of expenditure in respect of war, how is the creation of such posts justified merely for the sake of showing favouritism to some particular gentleman? I think it is not justified at all. I tell them that this is not the way to affect reductions and economies in the expenditure of Government that they are creating new posts.

Besides, another reason for the creation of an Additional Financial Commissioner as stated in the supplementary estimates is that "at present several settlements are in progress" and this post has been created in order to cope with that work. I enumerate these one by one. I want to know whether settlements were not previously done. I want to know whether settlements were not done when the number of Financial Commissioners was only one, two or three. Now the Government has become so hard-hearted that instead of lightening the burden of the poor tax-payers they want to further burden them. Then it has been stated in the supplementary estimates that on account of agrarian legislation the work of the Financial Commissioners has increased and that is why they want an additional post. So far as the agrarian legislation is concerned, I may point out that on account of the judgment of a Sub-judge of Sialkot the cases under the Restitution of Mortgages Act and the Benami Act have fallen in abeyance. As far as the other Acts are concerned, I do not think under their provisions any appeal has so far been made to the Financial Commissioners. All the work is completed by the Commissioners and practically nothing is left for the Financial Commissioners to do in this behalf. That is why I supported the continuance of the post of Commissioners. Their work must be on the increase on account of agrarian legislation. Then it has been stated that the work of Financial Commissioners has increased on account of the Haveli project, and, therefore, they want an additional post. I personally do not know what work the Financial Commissioners have to do in this respect. This is an irrigation project and it is primarily the concern of the Irrigation department. If at all the Financial Commissioners have to do any work with respect to revenue that must be very negligible and that is no justification for the creation of a new post. Then it has been pointed out that on account of debt conciliation boards the work of Financial Commissioners has increased and it is with a view to cope with that work that they want an extra hand. My submission is that the debt conciliation boards already exist in the province and they are working even now. No doubt their number has increased to some extent, but I want to know whether the Financial Commissioners have supervised their work in the way which was required of them. The answer is in the negative. Now reports are pouring in that the debt conciliation boards have become corrupt. I have also heard that they entertain even those cases which they are not authorised to do. In order to elucidate my point, I would like to cite a particular example. The definition of "debt" is given in section 7 of the Relief of Indebtedness Act. It is clearly stated in it that the debt conciliation board will not hear cases regarding debts which are incurred for the purposes of trade. But it is a matter of great regret that in the Ambala division, and especially in Rohtak district, the debt conciliation board has issued decrees in hundreds of cases in respect of debts that have been

[K. S. Khawaja Ghulam Samad.]

incurred for the purposes of trade, viz., the cases between cattle dealers and zamindars. The former supplied them bullocks on loans at the time of acute need, the price of which had to be paid by six monthly instalments without charging any interest at all. The said Board has heard even those cases which it is not authorised to do so. Is this the supervision work which the Financial Commissioners have been carrying on? So far as rural reclamation is concerned this work was also being carried on previously. It is not necessary to create this new post for that work.

Now I come to war publicity. In this connection I want to point out that in every district there are deputy commissioners, additional district magistrates, tahsildars and naib-tahsildars who can carry on this work and are carrying on zealously. Besides, in every district there are war committees and they are doing their duties properly. I do not think that this work can be performed in a better manner than this. Besides, the Financial Commissioners who have been so far doing this work have done it properly. I do not know why this new post of an Additional Financial Commissioner is being created. After all what will he do? I think at present it is the duty of all Punjabis to help in war publicity and they know their business perfectly well. In view of this I think it is not justified that an Additional Financial Commissioner should be appointed on this ground causing an extra burden on the exchequer of the province. I think the money that is being demanded for this post can be very well spent on war work and war publicity. With these words, I support the cut motion now before the House.

**Chaudhri Muhammad Abdul Rahman Khan** (Jullundur North, Muslim, Rural) (*Punjabi*): Sir, it is not in the best

2 P. M. interest of the province to go on over-burdening its exchequer while its financial condition is far from satisfactory. The condition of our province is such that it worsens with every attempt that this Government makes to improve it. The effect of their efforts is very aptly borne out by the hemistitch:

مرض ہوتا گیا چون درجہ دوا لی

As the Government creates new posts and brings into existence new departments, the condition of the province goes from bad to worse. I shall illustrate my contention with two anecdotes which will make it more clear.

A certain wealthy person who was very fond of drinking milk as a night cap, engaged a servant for buying milk for him. That man was dishonest and kept half the price of the milk for himself and made up the loss in the quantity of milk by adding water to it. The rich man not being satisfied with the quality of milk that was procured for him decided like our Government to employ an experienced person having the qualifications of our Finance Minister or Chaudhri Sir Chhotu Ram for that purpose. That expert enquired from the former servant as to what the matter was. He replied that he kept half the money given to him for buying milk for himself and with the other half he bought the milk. Upon this the newly engaged expert asked him to keep half the money himself and to give half of it to him. The former servant was surprised and asked him as to how would the milk be bought.

The expert said that he should keep quiet and everything would be all right. So, sir, this experienced servant went to the milk vendor's and got a little bit of cream from him without any charge. With this he smeared the moustaches of his master when he was asleep. In the morning the rich man called his new servant and asked him as to why no milk was given to him the previous night. The servant replied very humbly that his master should better see himself in a looking glass. On finding cream sticking to his moustaches, the rich man was very pleased and remarked that that was the first time that a satisfactory arrangement regarding his milk was made. Formerly his servants only cheated him in that respect. Similarly, Mr. Speaker, if our Government does not give us full cream milk it does at least smear our moustaches with cream. As they will go on appointing new officers, cream will be applied to the moustaches of the public. (Laughter).

Sir, the second instance in this connection is this. A certain king was told by one of his courtiers that much greater tyranny was perpetrated on the people in his reign than was the case in the times of his predecessors. He was enraged and ordered that an old man who might have seen the days of his predecessors should be called and if he did not corroborate these allegations, the courtier will have to pay with his life. A hoary old man was brought before the king and was asked to give a comparison of the present and the past reigns. The poor man apprehending that he would be hanged if he told the naked truth, begged the king's permission for relating an anecdote by following which the question asked from him would be easily understood. On permission having been granted he began, "Sire, I am a poor boat-man and earn my living by ferrying people across the river. Many years ago, while I was tying up my boat one evening to go home, a rich person along with his family and a retinue of servants with seven fully laden mules came to the river. He asked me to transport his family and his wealth—which I learnt was laden on those mules—to the other bank. I told him that the river being full of rapids, it was not without danger to cross it in darkness. He coaxed me and roused my greed by offering a very handsome reward if I ferried him across. To cut the story short, the rich man got me to row him across but as ill luck would have it, the boat capsized in midstream and his whole family was drowned. It was with great difficulty that I could save his life. He went away. When the river dried up in winter I searched for his bags of wealth. After finding them I brought them out and buried them on the river bank and planted some bushes on the spot. Twelve years after this thing happened I chanced upon that rich man again and told him to get his wealth from where I had buried it. But he said that he had lost it and now it belonged to me. After great persuasion I made him take back his wealth. This, Sire, was the story of the days gone by. Now I will relate an incident which will give an idea as to what is happening now-a-days. An octogenarian wayfarer stopped at a way-side place where some people were sitting round a 'hugqa'. The old man had a 'chautehi' with him which was left behind when he resumed his journey after resting a while. He had not gone far when he remembered his 'chutehi'. He trudged back to get it but the men sitting there hid it away and told him that he did not leave his 'chautehi' there and must have left it somewhere else. Now Sire, you can judge for yourself which reign was the better of the two".

[Ch. Muhammad Abdul Rahman Khan.]

Sir, we have likewise to see whether the number of dacoities and murders was greater in the days of the bureaucratic Government or it has increased in the present regime. If the number of such cases was less in the pre-autonomy days then of course, that was a better period, but if, on the other hand, the number is on the decrease now, then the rule of the present Government is better. In reality the fact is that while in the days of bureaucracy its officers received illegal gratification on a very small scale now-a-days they go so far as to deprive people even of their bare necessities of life. Whatever the extent of corruption of a tahsildar or a sub-inspector may be, not even a little finger will be raised against him if he has even once helped to make a public meeting held in honour of an Honourable Minister successful. As I submitted before, so long as the Government go on appointing new officers cream will be smeared to the moustaches of the public. (laughter).

Whenever a person makes any complaint against an officer either of these two things must be correct. Either the complainant is wrong or else the officer is at fault. But the difficulty is that the complaint is not gone into at all.

Again, Sir, it is a usual practice with our Government that whenever any one has to appear before a board in connection with some debt under the Relief of Indebtedness Act, he is asked to give a contribution towards the war fund. Even the sweeper of a District Board who gets only Rs. 8 per month is forced to buy a ticket of a wrestling match held in aid of war fund. I wish the Government well and request them that if they want to escape the wrath of God, which has appeared in the shape of this war, they should try to let the poor underdog live and should not force him to contribute towards war fund. It is meet and proper that those who are getting fat salaries to the tune of Rs. 3,000 per mensem should pay for the war expenses. If Ministers in other Provinces could carry on with a salary of Rs. 500, there is no reason why you should not be able to do the same here. A saving of Rs. 2,500 per minister can be made every month with which one aeroplane can be bought. Instead of tapping the real source of income the officials of our Government get hold of a cart-driver on the roadside and the poor fellow has either to sell his pair of shoes or 'chaddar' or to get himself challaned under section 34. With all sincerity I beg to submit that if you really wish to make a success of your Government, save the poor from starvation, tax the wealthier classes and eradicate corruption. It is due to the actions of this Government that it has been visited by the wrath of God. The very instant you will take pity on the poor, the war will end. Your agrarian Acts have hindered rather than helped the poor zamindars. If their bullocks die, they are unable to borrow money required for buying new ones. The economic condition of the province is so bad that it cannot bear a further increase in expenditure. It is the duty of Government to reduce this expenditure instead of increasing it any further. My honourable friends from the Government benches have contended that these new posts have been created to cope with an increase in work on account of these Acts and schemes. Sir, I would like to say a few words in respect of the debt conciliation boards in our districts....

**Mr. Speaker :** Please speak to the motion.

**Chaudhri Muhammad Abdul Rahman Khan :** But, Sir, I am not irrelevant because these boards will fall under the supervision of the Financial Commissioners. (*Laughter*).

A demented person has been made a member of the Debt Conciliation Board in our district. The whole population of that *ilaga* including the son of that person can vouch for the truth of my statement. Again, the Honourable Chaudhri Sir Chhotu Ram is well aware of the fact that a person who said that he had suffered a loss of 2 lakhs of rupees was made a member of the Debt Conciliation Board. How can a millionaire be expected to do any good to those whom he only knows how to fleece? With these words I support the cut motion.

**Minister of Development** (The Honourable Chaudhri Sir Chhotu Ram)

2 P. M.

(*Urdu*): Sir, six or seven gentlemen have spoken on the motion and many of them have, no doubt, referred to unexceptionable principles. So far as the principle of a reduction in expenses and economy in running the administration is concerned we are at one with our honourable friends opposite. Now what we have to see is whether the Government are or are not making proper use of this principle in practice. In this connection many irrelevant things have been said but I do not propose to waste the time of the House in giving a reply to all those things. But one or two things have been addressed to me personally. I will try to meet that portion of the criticism.

It has been said that in 1932 I wrote a series of articles in the papers in regard to the need for retrenchment and had proved by giving statistics that the posts of Commissioners were unnecessary. Now it seems surprising to my honourable friends that after having joined the Cabinet I should refrain from pressing the abolition of the post of Commissioner, and support instead the creation of an additional post of a Financial Commissioner. Let me assure my honourable friends that not only in 1932 but even in 1934 and 1935 I held the same opinion. This change in my attitude has not come with the passage of time, nor has it been brought about by my inclusion in the Cabinet. It has been due to a definite change in circumstances, a change in which my critics have had a hand. When the agrarian Bills were being enacted my honourable friends knew at that time that they were paving the way for the more or less permanent retention of these Commissioners. Since August 1938, the Opposition had continuously been insisting upon appeals being allowed to the Commissioner. If they had accepted my proposal the matter would have ended with the Collector and the case for retaining the post of Commissioner would not have received accession of strength. But they went on demanding the provision of an appeal and we had no alternative but to give way. Let me invite their attention to the various laws in which although the Collector could have been invested with final powers, an appeal to the Commissioner has been provided for. In connection with the Registration of Money-lenders Act the appeal against the cancellation of licence lies to the Commissioner. Again, the collector is, if I remember correctly, not to be the final authority in the matter of licences under the Marketing Act and

[Minister for Development.]

the provision for appeal to the Commissioner had to be made. Still further, not only the Commissioner but the Financial Commissioner was also brought in for the purpose of appeals and revision under the Restitution of Mortgaged Lands Act and under the Benami Act.

**Chaudhri Krishna Gopal Dutt :** Who made this provision ?

**Minister :** You were responsible for it.

**Chaudhri Krishna Gopal Dutt :** Mr. Speaker, it is a wrong statement which he is making. We wanted that the appeals should lie to a civil court.

**Minister :** Yes, you wanted that the appeal should lie to a civil court but when you found that we were not agreeable to this proposition you asked for a right to appeal to the Commissioner. Mr. Speaker, may I, through you, request my honourable friends to bring forward an amending Bill to the effect that appellate powers should be taken away from the Commissioners. I am sure such a Bill would be welcome to us.

**Munshi Hari Lal :** May I put a question ? It is this : whether or not there were any provisions for appeal in the original drafts of the Bills ?

**Mr. Speaker :** Please let him proceed uninterrupted.

**Minister :** Again, Sir there is the same provision in the Restitution of Mortgaged Lands Act and the Benami Act. Lastly, although I am not quite sure, probably the same is the case with the Panchayat Act. Now there are provisions for appeals to the Commissioners in the proposed Taxation of Immovable Property Bill and the General Sales Tax Bill.

**Chaudhri Krishna Gopal Dutt :** ان میں سے کسی ایک پر

**Minister :** In view of the instances that I have cited I do not see how my honourable friends can afford to abolish the posts of the Commissioners. If those posts are abolished what will happen to the right of appeal to the Commissioner provided under these various Acts ? My honourable friends probably do not know that according to my information no less than 96,000 applications under the Benami and the Restitution of Mortgaged Lands Acts are pending decision and appeals in a good many of them must have reached the Commissioners. It is just possible that owing to some of the Sub-judges' findings to the effect that the Acts were *ultra vires* of the Punjab Legislative Assembly, the Commissioners might have deferred action or revenue officers might have stayed proceedings, but the fact that 96,000 of such applications were made cannot be denied.

Then my honourable friend has suggested that undue stress was being laid on war publicity. He has also expressed his doubts as to the motives and propriety of creating this extra post, particularly for this work. I can only say that his judgment is warped. Another member opposite has told us that coercive methods were adopted in the district of Ludhiana for bringing people to meetings addressed by Ministers. I am not prepared to believe this. That would be extremely uncomplimentary to the zamindars as well as to the accuser. (Interruptions). If at all it is true then I would say that



if in the districts where the Congress claims to be all powerful large hoardes of people could be brought under coercion to these meetings, it is a matter for shame for all parties and more particularly for the Congress. I hold it to be a calumny to suggest that people are forced by officers to come to attend meetings arranged for Ministers. It may be true that in a stray case a strong officer may in his excess of zeal go out of his way to induce zamindars to attend these meetings. It is just possible that occasionally such things may happen. Government officers may have learnt these things from the Congress whose workers are not averse to such tactics. I am aware that at least on one occasion in Hissar propaganda was made by them that a meeting was going to be held in connection with Bhakra Dam Scheme and that the Premier and Chhotu Ram would come and tell the people at what stage the scheme exactly stood. If Congressmen who claim to be the torch bearers of truth can seek to increase their gatherings by false pretences, stray officers may on occasions have copied the Congress in their methods of swelling the audience. But I refuse to believe that audiences ranging between fifty thousand and a lac of people could be attracted by force.

**Pandit Shri Ram Sharma :** Sir, I protest against what the Honourable Minister has said.

**Mr. Speaker :** Order, order.

**Pandit Shri Ram Sharma :** Sir, let me have my say.

**Minister :** I am not giving way.

**Mr. Speaker :** I cannot allow the honourable member to ask any question at this stage.

**Pandit Shri Ram Sharma :** You can call me to order but do not treat me like that.

**Mr. Speaker :** You have no right to stand up and begin to make a speech without my permission.

**Pandit Shri Ram Sharma :** But I was simply asking for your permission.

**Mr. Speaker :** But I refuse to permit. More than once I told the honourable member not to interrupt the member speaking but he did not listen.

**Minister :** I was submitting that there was a possibility of certain officers having asked people to attend our meetings. But if people come to attend these meetings not in thousands but by lacs, an insinuation of force is ridiculous. But if my friends of the Opposition still persist in the truth of their allegation, the accusation reflects no credit on anybody. Let me again point out to my honourable friends over there that it is wrong and unfair on their part to make such an accusation. As a matter of fact people come to attend such meetings out of love and respect for those who address them or out of curiosity. In order to prove my argument I can conveniently quote an instance of a meeting in the Kangra district where ten to fifteen thousand people came to hear me despite the opposition of the Congress.

Now, coming once again to the subject under discussion, I submit that it is absolutely wrong to say that war propaganda is included in the duties of the Additional Financial Commissioner as some of the honourable members

[Minister for Development.]

opposite have suggested. This officer has nothing to do with war propaganda, but is concerned with the ordinary duties of a Financial Commissioner which he is discharging with ability and efficiency.

**Munshi Hari Lal :** " Rural publicity in connexion with the war " That is what is written.

**Lala Bhim Sen Sachar :** Mr. Manohar Lal might have written it by mistake.

**Premier :** It has not been written wrongly but it is only a question of want of understanding.

**Minister :** Now kindly permit me to congratulate my honourable friend Lala Duni Chand for his long and coherent speech—the only coherent speech he has made during the last three years. You are aware that it is very difficult to find any coherence in his speech or sequence in his ideas. But the speech he has delivered to day has those traits. It shows that he has applied his mind to the subject of his speech and feels genuinely that a mistake has been committed by the Government. If he continues this practice we shall certainly be able to make head and tail of his speeches and thereby derive benefit from them. (*Cheers and laughter from the Government side*).

**Lala Duni Chand :** Why do you not congratulate me for what I have been doing for the zamindars whom I have protected from your oppression?

**Minister :** Much has been said from the other side of the House with regard to debt conciliation boards of Ambala division and particularly Jats have been their target in this connexion. Let me tell them that debt conciliation boards are, if not judicial, at least semi-judicial bodies. Recently they have been invested with the same powers in certain matters as ordinary courts. Consequently neither the Financial Commissioner nor the Minister is entitled to interfere in the exercise of their powers by executive orders. The next complaint made by the Opposition was that the debt conciliation boards hear even cases which are beside their jurisdiction. My point is that if debt conciliation boards hear a case which they are not empowered to try, remedy can always be sought in a civil court. So, it is meaningless to criticise debt conciliation boards on this ground.

One honourable member has suggested that debts conciliation boards take cognizance even of loans taken for purposes of trade. The suggestion is entirely unjustified. He seems to be under a misapprehension. If he had approached me privately, I would have removed his misapprehension. I know that he is referring to cases in which some lenders who are themselves traders have advanced loans to zamindars who are not. He thinks that lenders being traders the loans are loans for the purpose of trade. The fallacy is obvious. I need hardly point out that it is very undesirable and very unfair to cast such aspersions on the working of debt conciliation boards. The same gentleman has suggested that money spent on these boards is money wasted and this is being done for the benefit of Jats, particularly of the Ambala division. He forgets that of all agricultural tribes Jats are most prosperous or least poverty-stricken. Moreover there are more men doing the business of money-lending among Jats than in any other agricultural tribe. From this it is apparent that if debt conciliation boards have done

any harm Jats have come in for more harm and if these boards have done good Jats have come in for less of this good than any other agricultural tribe. But even assuming that Jats have benefited most, is it not a fact that Jats are the most numerous agricultural tribe—rather more than sixty lacs—and make the largest contribution to the provincial exchequer? My honourable friend need not have exhibited such narrow mindedness.

**Lala Duni Chand :** Do you want to frighten the Premier by telling him the number of Jats? (*Laughter*).

**Minister :** What has the *Nokili Topce* to say?

**Lala Bhim Sen Sachar :** The *Nokili Topce* which pinches you so much wants to warn you that you are snoring while rift is taking place in your lute and Nawab Sahib of Mamdot is driving you to the United Provinces. Do you understand?

**Minister :** A notion saturated with such poisonous communalism could find nurture only under a *nokili topi*.

Sir, I have to make only a few more observations. One of our *nokili topiwala* friends has gone out of his way to say that the recruits who enter the army on a nominal remuneration of Rs. 10 per mensem, do so out of mercenary motives. They have characterized these stalwarts as hirelings. He further adds that even if Honourable Ministers shouted from house-tops against enlistment these recruits would continue to pour in, for the simple reason that they are driven to the army by hunger and poverty. Sir, I repudiate this malicious suggestion. I maintain that the Punjab soldiers are participating in the war with the knowledge that if Great Britain came to grief, the fate of this country would also be sealed. If the stakes had been less grave we could have proved that if even two leading honourable members on this side of the House had asked these soldiers to refrain from getting enlisted, not one single recruit would have offered himself for service. Their participation in this war is due to a pure and unalloyed patriotic motive and the intention underlying it is the protection of their motherland from the depredations of the forces of aggression. The question of livelihood plays little or no part. Is it not much more true that the judges, the doctors, the engineers, etc., who draw fat salaries, are serving the Government with the primary object of earning their livelihood? If despite this fact they are not considered mercenaries, I can see no reason how these persons who have undertaken the gravest risk to their lives at the altar of the freedom of this country, should be dubbed as mercenaries. To speak in the mildest terms it is extremely uncharitable on the part of the honourable members opposite to talk in a light vein about these brave people.

**Khan Sahib Khawaja Ghulam Samad :** Sir, I would like to make a personal explanation. My submission is that the Honourable Minister for Development has misunderstood my speech. I assure him as well as the House that I never meant or intended to convey what has been interpreted by the Honourable Minister.

**Lala Duni Chand :** I rise on a point of personal explanation. The Honourable Minister for Development paid compliments to me on my speech. In reply to that I wish to say that the Minister himself who has been making very good speeches in the past has made to-day the most wretched speech.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I may point out at the very outset that it will not be possible for me to reply to all the irrelevancies in which the honourable members opposite have been pleased to indulge. However I will endeavour to make a few observations about some of the irrelevant things mentioned by them. But before I proceed with my speech on the real subject, I would like to dispel certain doubts and apprehensions exercising the minds of my friends regarding the appointment of an Additional Financial Commissioner. They think that Government have to incur enormous expenditure to the tune of fifteen thousand rupees, in connection with this appointment. I may assure them that that is not the case. The extra expenditure incurred by Government ranges from Rs. 250 to Rs. 500 per mensem. Let me explain how this figure is arrived at. My honourable friends must be aware of the fact that if we had eliminated the post of the Additional Financial Commissioner, then naturally a Commissioner of a Division would have to carry out the work done by the present incumbent. Now the difference between the salary of a Commissioner and that of a Financial Commissioner is only Rs. 250. The former draws Rs. 3,000 plus a fixed allowances of Rs. 250; while the latter is paid Rs. 3,500 per mensem. Besides, this appointment has not resulted in an increase of officers in the I.C.S. cadre. Again, in order of seniority, Deputy Commissioners and Assistant Commissioners come after a Commissioner. It is quite obvious that if we had dispensed with the services of the present incumbent, we would have been obliged to take in a new hand in the I.C.S. cadre and consequently the expenditure involved would have increased to a greater degree. I quite realize that my honourable friends would at once say that if economy is to be effected, why not abolish the post of the Additional Financial Commissioner altogether? True. But there were certain cogent reasons which led us to retain the services of this officer. My colleague, the Honourable Minister for Development, has already informed the House briefly how the work of the Financial Commissioner has of late increased enormously. But I would also like to tell the House the reasons for making this appointment. Now this post has been sanctioned temporarily till the end of February, 1940. We have done so by way of an experimental measure. By that time we will be in a position to see whether the retention of an Additional Financial Commissioner is necessary, or whether we can conveniently dispense with his services and smoothly carry on the work without his help and at a less cost. Again, if by the stipulated period things so shape themselves that an increase takes place in the provincial receipts, we shall consider whether or not continuance of the said appointment would be advisable.

But the proper time to discuss this point will come when the next budget is presented. For the time being let us consider to what extent the work of the Financial Commissioner has increased. I may point out, in passing, that we ourselves are responsible for this heavy increase of work. Ever since the introduction of provincial autonomy, the work in the Financial Commissioner's office has been steadily increasing. The number of questions, Bills, resolutions and adjournment motions has multiplied considerably. In the last Legislative Council rarely one or two notices of adjournment motions used to be given in a whole session but now we have as many as 60 notices of adjournment motions in a single session. I do not

say that the honourable members of the Opposition abuse their powers and privileges. Far from it. It is their duty to move adjournment motions on proper occasions. But if they take a little more care, the number of these adjournment motions can be decreased considerably. Moreover, the number of honourable members in the last Council was only 75. But now the number is 175. So here are a few facts and figures about the correspondence which the Financial Commissioner's office has to deal with. After going through these facts and figures my honourable friends will be convinced that an Additional Financial Commissioner is really wanted. The number of Receipts and Issues in that office is as follows for the last few years :—

Year.			Receipts.	Issues.
1935	..	..	.. 47,375	34,163
1938	..	..	.. 68,691	47,165
1939	..	..	.. 69,681	49,757
1940 (up to July only)	..	..	.. 86,676	32,788

Now, most of the orders have to be passed by the Financial Commissioner himself so that no injustice should be done to the aggrieved parties. I have not included, in these receipts, orders passed in Revenue work. They are in addition to it. Similarly, the work of the staff has also increased, and whereas 100 clerks were required previously to deal with a certain amount of work, at least 200 clerks are required to deal with the work which has more than trebled these days. My honourable friends should not forget that the Finance Department is very vigilant and it only sanctions one clerk where two clerks are wanted. This department asks the Heads of the Departments to make their staff work harder as the officers are themselves doing. I would not have minded even this increase of work and would have carried on with less experienced officers than the Additional Financial Commissioner and their Secretaries but for the fact that the working of the Agrarian Acts requires the supervision of a very high and experienced officer. Here again this House has been responsible for increasing the work of the office in question. During the last session at Simla we had passed these Agrarian Acts and in a subsequent session here at Lahore this very House asked the Government in the form of a resolution to supervise and organize the working of these Acts. That is why I had to appoint an Additional Financial Commissioner, and instructed him to go from district to district in order to inspect for himself the working of the Agrarian Acts, so that no hardship should be done to any person, and also in order to select the most suitable officers to work in the districts.

Again, the Relief of Indebtedness Act has received the assent of the Governor-General, and judicial powers have also been conferred upon debt conciliation boards with the result that they are now also judicial boards. The awards they now give are final. No appeal lies against the orders passed by them. I am sure my honourable friend will agree with me when I say that in view of their enhanced powers it has become very necessary to exercise some sort of control over them to check them from abusing their powers. With this end in view the Additional Financial Commissioner will have to examine the files of the cases decided by the boards. In short

[Premier.]

this officer will have to attend to all the extra work on account of the new sections that have been added to the Relief of Indebtedness Act lately. It is short-sightedness on the part of my honourable friend to oppose this grant. It is not wise on his part to oppose it. It amounts to being penny-wise and pound foolish.

The work of the Financial Commissioners has tremendously increased on account of the Consolidation of Holdings Act, Debtor's Protection Act, Punjab Restitution of Mortgaged Lands Act, benami provisions of the Punjab Alienation of Land Act, transfer to the revenue courts of executions under section 70 of the C. P. C. and the organization of the administration of the Agrarian Acts. I may inform the House that one of the Financial Commissioners has been ordered to visit every district of the Punjab in order to organize effectively the administration of the Agrarian Acts there, and to arrange for more officers in all such districts where in his opinion the number of officers may be less than is required to cope with the work. Here I may also mention that under the Benami and Restitution of Mortgaged Lands Acts alone, as stated by Honourable Minister for Development, 96,000 appeals are pending. This is not a small amount of work. The Financial Commissioner will have to discharge it. Then there is the work that has increased on account of the Chairmanship of the Provincial Transport Authority. Perhaps you think that the Financial Commissioner has to do very little work as the Chairman of the Provincial Transport Authority. I assure you that he has to discharge a large volume of work as Chairman of the said Transport Authority. Old licences have to be renewed and new numbers have to be issued. This constitutes a sufficient amount of work. Moreover, the Financial Commissioner has been directed to attend personally to all the complaints which the lorry-drivers or lorry owners make so that they may not be put to unnecessary inconvenience. Then he has to discharge the duties of the Chairmanship of the Land Redemption Department. (Interruption). Please do not be impatient. I will come to it in due course. In addition to all this the Financial Commissioner has to discharge the duties of the Touring Officer in charge of Rural Publicity in connection with war. (Interruption). Whenever the honourable member hears the words "War publicity", he becomes excited. He is bold enough to make such remarks inside the House, but he never makes such remarks outside.

The Financial Commissioner is mostly a touring officer. He has to tour throughout the province; sometimes he has to visit one district and at another some other district. Sometimes he receives a wire from Rohtak district informing him that the crops have been totally destroyed by hail-storm and that total remissions are necessary but the local officers are not willing to take any steps in the matter. On receipt of such a telegram the Financial Commissioner goes to the Rohtak district. And when he reaches there he receives a wire from some other district lying in some western corner of the province informing him that the crops have been damaged there by *Tirk*, and that the local authorities have been approached to do something to afford some relief to the zamindars and that they are not willing to take any action in the matter. On receipt of this telegram the Financial Commissioner after finishing his work in Rohtak goes to this second district, whence he had received a complaint. This sort of work he does

in addition to his office work. Some people may be under the impression that this type of touring work is not necessary. I may inform them it is very necessary. Up to this time we have granted remissions amounting to about three crores. It is not a small amount. And it is necessary that there should be an officer to see that the remissions are granted to really deserving people and that they are not wasted upon people who do not deserve them. In this connexion, the Financial Commissioner has often to visit the fields in the areas affected by hailstorm or some pest. The additional expenditure of Rs. 500 is not much in view of the necessity of supervising the work of grant of remissions amounting to three crores. Even if the remissions had been of only three lacs instead of three crores as at present, the services of such an officer would have been necessary. Moreover, the nature of this work is such that it could not be entrusted to any other officer of lower status than the Financial Commissioner. For this work we require an officer of a higher rank than the Deputy Commissioner or the Executive Engineer so that he may not be influenced by them to the detriment of a poor applicant for remission. This is the work which the Financial Commissioner has to do in addition to his office routine described above. Notwithstanding all this volume of work we decided that the appointment would be only up to the month of February, 1940, after which the position will be reviewed. If we find that a further extension in the period for which this new appointment has been made is necessary or it is necessary to make it permanent, it will be open to the House to give or withhold its consent to it in the coming Budget Session.

Then, Sir, Chaudhri Krishna Gopal Dutt said that I was holding the honourable members on this side of the House in captivity and that I had better allow them their freedom. I may tell him that it is not they who are my captives but it is I myself whom they are holding as their slave. If they tell me that they want me to do a certain thing, even if I am in my heart of hearts against it, I will have to do it. And in case I find that it is not possible for me to comply with their request I would tell them to free me and to have some one else in my place. Perhaps when he made those remarks about myself he had in his mind the Congress High Command. I may tell him, through you, Sir, that these gentlemen are not tied down like the honourable members opposite. There can be many among the followers of the Congress who think that the Congress is pursuing a wrong policy and by their present conduct are making the chances of our getting independence remoter still. But such people cannot openly say it. If my honourable friends were to disobey the Congress High Command they would be kicked out. (*Honourable members of the Opposition protested against the use of words "kicked out"*). Very well, Sir, I withdraw these words and in their place say that the Congress High Command would expel you if you disobeyed their orders. Then you would also be deprived of the privilege of sitting comfortably on those seats in this House. But so far as the honourable members sitting on this side of the House are concerned, they are perfectly free and independent

3 p.m.

and they have always been so. If at present they are slaves of a foreign nation you are responsible for it. You are the cause of their slavery because it was you who taught them lessons in slavery and servitude. (*Interruptions*). Now red blood, which is the sign of life and

[Premier.]

which really matters, has begun to run once more in their veins, and when they gain sufficient strength, and that day is not far off, they will first of all get independence for themselves and along with it they will make you independent, even though you are putting obstructions and hurdles in their path.

Adverting to the subject proper, I may point out that the work of the Financial Commissioners has increased enormously and what we have done is that we have created a temporary additional post of a Financial Commissioner in order to afford them some relief. If we had not sanctioned this temporary post of an Additional Financial Commissioner we would have to create the post of a Revenue Secretary which existed before and which was abolished in 1936, when the Financial Commissioners were made Secretaries to Government, Punjab. At present the Financial Commissioners are performing the duties of Secretaries to Government. Now they have to be present here as well. If they attend this office, the work of their departments suffer. Under these circumstances there were only two alternatives open to me. Either I had to create the post of a Revenue Secretary or that of an Additional Financial Commissioner. If I had created the post of a Revenue Secretary it would have been an entirely new post and would have cost the Government more. Besides it would have been a permanent one. Now what we have done is that we have allowed the permanent Financial Commissioners to remain as Secretaries to Government, Punjab and have appointed a temporary Additional Financial Commissioner to whom war publicity department has been entrusted. I may here make it clear to the honourable members that this war publicity work has nothing to do with the press publicity which is under the charge of Mr. Anderson. He is acting as the Joint Chief Secretary to Government and the work regarding press is entrusted to him. Now my submission is that besides other work which the Financial Commissioners do during their tours they also supervise the work of the District War Committees. They see whether the District War Committees are finding any difficulties and whether or not their work is suffering from any drawback. If they find that any particular District War Committee is experiencing any difficulty, they either suggest remedies themselves or refer them to another War Committee which experienced the same kind of difficulty and found a way out of it. Besides, their main function is to co-ordinate the work of the War Committees and the War Board. After all, this thing requires a good deal of time and now the Financial Commissioners will be relieved of this duty and this work of war publicity, about which my honourable friend Chaudhri Krishna Gopal Dutt has waxed eloquent, will be entrusted to the Additional Financial Commissioner. Anyhow these were the two alternatives before us which I have placed before the honourable members. If we had appointed a Revenue Secretary, that post would have been a permanent one and it would have been very difficult for us to abolish it afterwards. Naturally we agreed to the other alternative, i.e., the temporary appointment of an Additional Financial Commissioner up till February. Besides my honourable friends will be free to reduce this post whenever they so desire. If after this date they think that the amount of work is not



enough, this post will be reduced. However, it is for the present only on a temporary basis.

Now, Sir, with your permission I would like to deal very briefly with those arguments which my honourable friends have advanced in the course of their speeches. But before I say something with regard to other arguments, I would like to refute all those allegations which my honourable friend Mr. Dev Raj Sethi has deemed fit to make against the Special Inquiry Agency. All the honourable members are aware of the fact that my honourable friends over there in season and out of season, year in and year out, were harping on the one theme that corruption is rampant in the province and that this Government has not even moved its little finger to eradicate it, and that if the previous Government was an alien one which did not move in the matter, what has this representative Government done to stamp out corruption from this province? In short, wherever we went this complaint was on the lips of everybody and from every quarter this demand was put forward that something should be done to put a stop to this state of affairs. Then, Sir, in response to this general demand we took the earliest opportunity of creating this department whose function it was to go into these matters, and if sufficient proof was forthcoming against any particular officer, it was its duty to institute inquiries against that officer. Now this is how this department, which is commonly known as the Anti-Corruption Department, came into being and I put it in the charge of an officer of undoubted honesty. I assure my honourable friends that I did not put him in charge of that department on the recommendation of any officer or any other personality, but on my own personal experience, because I have known him for a long time. In fact, I have known him from the date when he joined service in this province. I am also aware that he is a man of strong character. He is extremely impartial and is free from communal bias of any kind. Nobody can question his honesty. After selecting this officer, I put him in charge of this department so that nobody should have any objection against it. Now my honourable friends over there are bringing all sorts of allegations against him. Before we created this department, my honourable friends were loud in condemning the Government for failing to do their duty. But when the Government have given practical shape to their suggestions, they tell us that we are unduly harsh on those officers whom they declare to be innocent and not at fault. They go on flinging all sorts of charges against the Special Inquiry Agency. The whole truth of the matter is that when this department starts preliminary inquiries against any corrupt officer that officer knowing that he will have to answer for his misdeeds, runs to my honourable friends and tells them all sorts of concocted facts which they take as gospel truth. I can say it definitely, and without any fear of contradiction, that only those officers come to them against whom some sort of inquiries are started. Otherwise an officer against whom no inquiry is proceeding has no reason to go to them. Only those officers can supply information to my honourable friends against whom there is any allegation of corruption or against whom inquiries are instituted by the Anti-Corruption Department. Such corrupt officers adopt these tactics in order to hide their nefarious activities. Generally clever people adopt such tactics. In this connexion I may point out that people even come to me and ask whether any kind of inquiries are being instituted against them, just to make sure

[Premier.]

of their position. A gentleman came to me and inquired whether any inquiry was proceeding against him. I told him that the reports of inquiries were not made to me. The case comes to me only when the inquiry is complete. I asked what was the source of their information. The reply was that they had heard that the officer appointed by me was a very strict gentleman and, therefore, they were afraid lest he should do something likely to entangle them. I told them that I had heard nothing about them and that if they had done no wrong they need not be afraid. Perhaps, Sir, it was a case of their own sins weighing on their conscience. Anyway, I told them that such papers reached me only when the file was complete and my orders were sought as to what sort of inquiry should be instituted. I said that it was only at that stage that I could say whether there was anything against them. However, I may assure the honourable members that no honest officer in the Punjab can doubt the probity of this officer and if any one goes to my honourable friends to complain that the officer in question was not cent per cent honest and straightforward they may safely take the fellow for a contemptible liar.

Then, Sir, there was a complaint to the effect that since the name of this officer was Qurban Ali, he took action only against Hindus and Sikhs. Although I knew that this officer was above communalism yet I made efforts to satisfy myself in this respect. I will now submit a statement which will enable the House to judge the worth of these allegations. Then there was another complaint that this Government was no better than the old bureaucratic Government inasmuch as it did not take any action against corrupt officers belonging to the favoured nation. It was said that in the old regime action was taken only against Indian officers and British officers were left untouched. The statement which I am going to read before you will allay all the suspicions and misgivings in this respect also. I may point out that this Agency is hopelessly undermanned. If you want better results you will have to increase its strength. (Hear, hear). So far its attention has been focussed on high officials, but it is high time that something was done in respect of the lower ranks with whom the poor villagers and zamindars have to deal.

**Chaudhri Muhammad Abdul Rahman Khan :** On a point of order. Mr. Qurban Ali is, no doubt, an honest officer but his honesty has not made any difference in the situation. My submission is that corruption has become the order of the day. It is a very deep-rooted evil.

**Mr. Speaker :** Order, order. That is not a point of order.

**Lala Duni Chand :** May I know one thing from the Honourable Premier? Against how many members of the Provincial Executive Service and Provincial Judicial Service has action been taken?

**Premier :** Sir, my honourable friend Chaudhri Muhammad Abdul Rahman Khan is correct. He has supported my views about Mr. Qurban Ali's honesty as well as about corruption. As regards the questions put by Lala Duni Chand, I wish he had exercised a little patience, because I was coming to that important point.

**Lala Duni Chand :** I can give you the correct list because I have studied this thing thoroughly.

**Premier :** I am prepared to give you all details myself. Not only that. If any honourable member wants any figures, the officer in charge of the inquiry will be only too glad to supply the same, provided you do not go to him to influence him in favour of any corrupt officer. He will always welcome you. But you cannot frighten him by putting questions or bringing forward any resolutions or cut-motions in the Assembly.

**Lala Duni Chand :** We only want to save your zamindar brethren.

**Premier :** If a zamindar officer is corrupt, he is no longer my brother. (Hear, hear).

**Minister of Education :** Then he is your brother. (Laughter).

**Premier :** Now, Sir, although the Agency, as I have already stated, is undermanned, it has dealt with 33 cases. The statement says :—

All cases related to allegations of corruption. Sufficient evidence was not forthcoming in eight of the thirty-three cases investigated by the Agency and no action was, therefore, taken in these cases. Allegations of corruption were proved in twenty cases while five cases are yet pending investigation.

**Munshi Hari Lal :** Are these inquiries for the purpose of departmental action or judicial action ?

**Premier :** It depends on the nature of the case. In some cases the officers concerned are prosecuted while in others only departmental action is taken. We adopt the method which is, in view of the circumstances of the case, less expensive and more conducive to the requirements of justice.

**Munshi Hari Lal :** You have been pleased to say that there was not sufficient evidence. My question is : was it not sufficient for departmental action or for judicial action ?

**Premier :** For neither. There were eight such cases. The Agency made investigations and sent the papers back to the departments concerned with the remark that sufficient proof was not forthcoming. As regards other cases, I have already stated that this Agency is concerned with investigation. It has completed its work when it has sent the papers to the departments concerned. The reason why final decision has not been taken in certain cases may be that the departments have not been able to spare some one to carry the case farther.

Now let me give you the cases in which final decisions have been taken in the various departments. In the Judicial Department there was one case and the officer was administered a warning. In the Development Department there were two cases and both resulted in dismissal of the officers concerned. The Revenue and Police Departments were responsible for one case each. In the case of the former the official concerned was dismissed while in the latter case he was reverted. Then there were three cases in the Medical Department and all the three officers were dismissed. I have already stated that five cases are still pending. The number community-wise of the officers who were punished is :—

Muslims	3
Hindu	1
Sikhs	2
and Anglo-Indians and Europeans	2

[Premier.]

Again leaving aside the eight cases in which sufficient evidence was not forthcoming there remained twenty-five cases out of which five are still pending. This leaves us with twenty cases and here is the communal proportion with regard to these cases :—

Muslims	..	..	..	7
Hindus	..	..	..	5
Sikhs	..	..	..	4
and Anglo-Indians and Europeans	..	..	..	4

I hope, Sir, that these figures will suffice to dispel any doubts in the minds of my honourable friends with regard to the honesty of the officer in charge of the Agency so far as communal bias is concerned. If my friends want any further information he will be glad to supply it, provided, of course, that they do not go to ask him to show undue favour to anybody.

**Chaudhri Muhammad Abdul Rahman Khan :** On a point of order, These cases are not enough to root out corruption. In fact their number is negligible. If sufficient efforts were made at least fifty per cent of the officers would have been sent to prison or dismissed. Give us an opportunity and men and we shall do away with all corruption in the province.

**Mr. Speaker :** That is not a point of order.

**Premier :** Now in all the cases in which punishment has been given, or which are still awaiting final orders, the officers concerned were highly placed. I hope this action will make the high officials very careful so far as corruption is concerned. But I agree with my honourable friend Chaudhri Muhammad Abdul Rahman Khan that the evil is not confined to these officers only. It is a widespread disease and steps must be taken to eradicate it. But for that purpose you will require more staff. If my friends agree I will ask for more funds to increase the staff in the Budget for the next year. Let them grant the sum required. (*Hear, hear*).

**Chaudhri Muhammad Abdul Rahman Khan :** We are prepared to work honorary.

**Premier :** Then, Sir, my honourable friend Mr. Dev Raj Sethi made certain remarks which were thoroughly unjustified. I feel constrained to say that none but my friend could make such remarks. I wish he had not come forward to ventilate some personal grievance in a manner which does no credit to his party. Some interested individual might have told him that the Government has placed a Musalman in charge of the Agency and he hastened to declare that the officer in question used to extort evidence at the point of the pistol. It is a pity that a responsible member should indulge in such irresponsible and wild talk.

**Mr. Dev Raj Sethi :** I can prove what I said.

**Premier :** Then come forward with your proof. If you can substantiate your allegations I will award an exemplary punishment to the officer. But if you cannot prove then you should be ready for a similar treatment. It is regretted that a responsible officer should be maligned for no better reason than that he is a Muslim.....

**Mr. Dev Raj Sethi :** Not at all.

**Premier :** Then what else have you got against him ?

**Mr. Dev Raj Sethi :** On a point of personal explanation.

**Mr. Speaker :** The honourable member is welcome to make any personal explanation if necessary.

**Premier :** If it was not because he is a Muslim then it must be because he is an Indian. And that is still worse.

**Sardar Sampuran Singh :** It is natural for us to feel more incensed when an Indian indulges in such actions.

**Premier :** No honest person can accuse this Indian officer of dishonesty. It was for that reason that I selected him for the post. But my honourable friend has thought it fit to indulge in such wild talk in respect of this very officer.

Then my friend stated that this Agency was not set up to eradicate corruption but to strengthen the Unionist Party and the bonds of our loyalty to Great Britain. Now, Sir, if the Unionist Party is strengthened by suitable punishment being awarded to corrupt and dishonest officers then let me tell my friends that we need not be ashamed of that and also that the party will continue to gain such strength. (*Hear, hear.*) But may I ask them where and how the question of loyalty to Great Britain arises ? They should know that it was our Government that punished four European officers, whom they have not the courage even to look in the face.

**Sardar Sampuran Singh :** On a point of order. It reflects very badly not only on every member of this House but on the whole nation. The Premier has said, "people like you will feel afraid to look those Europeans in the face". I know that there are people like that in our country, but we should not be proud of them. He should feel ashamed of such sweeping remarks.

**Premier :** Truth can be stated without any fear. My honourable friend should know that the Guru of the Party which he has joined for some reason or other enjoins them to stick to truth in all circumstances. It is a pity that some people who are awfully afraid of the Europeans think it fit to malign an honest Indian officer.

**Sardar Sampuran Singh :** That is a question of opinion.

**Premier :** That is perfectly true. Everybody sees his own face in a mirror. If this is the standard of honesty which my honourable friend keeps then I must say, let God help him and his followers.

Then my honourable friend Chaudhri Krishna Gopal Dutt has made some taunting remarks about the appointment of a new Financial Commissioner. He has said that it is true that Sikander and the Finance Minister must be against the creation of this new post but the Governor must have ordered them to fix some pension for this man and Sikander must have obeyed those orders with folded hands. Let me bring home this fact to my honourable friend that the Governor of a province has a constitutional right to give advice to his Ministers just as the Press and this House have a right to give us the benefit of their opinion. But I must assure the honourable members over there that this new appointment does not depend upon the sweet will of the Governor.

[Premier.]

It depends upon the decisions made by you or your Government. If this House does not sanction this post it will never come to existence. The old days of dyarchy might have left some phantom in my honourable friend's mind. But they must know that both dyarchy and bureaucracy have gone. We have a full fledged democratic Government in the Punjab and the administration is being run with a full sense of responsibility. My honourable friends might be thinking of other provinces of India where mutual differences of the Governors and their Ministers were a permanent basis of the provincial administration. I am glad that we have no such bickerings in the Punjab and, therefore, our province is safe from any constitutional deadlock.

**Lala Duni Chand :** Do you know the implications of this confession ? It is very extraordinary.

**Premier :** Sir, I do not deny this fact that the Governor has a special responsibility to discharge in the province but during the past four years there was never a single occasion when the Governor had differed with us or criticized our policy.

**Pandit Bhagat Ram Sharma :** That is why we say, you are "His Master's Voice" (*laughter from the Opposition*).

**Lala Duni Chand :** It means that he keeps you in leading strings like children.

**Premier :** If the honourable member thinks this he may do so. (*A Voice :* You will bow down to every order coming from above). Nothing comes from above, now it goes from below. (*Laughter.*)

Sir, I am surprised to hear my honourable friend's speech in which he has mixed irrelevant topics with the real issue. We were discussing the desirability of the new appointment of a Financial Commissioner. But the honourable members opposite went astray and began talking about coercion in the villages to collect war funds. My honourable friends like Chaudhri Krishna Gopal Dutt, Mr. Dev Raj Sethi and Munshi Hari Lal and others, have laid much stress on this grievance. I am not sure if they have been receiving complaints of this nature direct from the villagers. But as my honourable colleague Sir Chhotu Ram has just pointed out, certain officers are more zealous in collecting war funds. Probably such a zealous officer might have used some coercion. In this connexion I must point out that the House should remember that the members of the Opposition received direct instructions from the Congress High Command not to oppose the Agrarian Bills. But in spite of these clear instructions we received stiff opposition to those Bills from the Congress members. Similarly, I say that the Government have issued clear orders to all persons concerned that they should not use any force in collecting war funds. And if in spite of our orders to this effect, somebody does use any force in collecting war funds there is no occasion to raise a hue and cry. To make further clarification I may give an example of selling *hundis* of khaddar. If my Congressite friends can legitimately compel me to purchase two such *hundis* instead of one there is nothing wrong if an officer compels somebody else to subscribe

Rs. 2 instead of one to war fund. Anyhow leaving aside all such counter-replies, I assure my friends that the villagers are not suffering from any coercion in subscribing to the war fund. The poor villagers are confronted with much more hardship when they are dragged by persons of the type of my critics to the courts of law, and even then they are found unable to pay off their debts. May I know what harm is being done by voluntary subscriptions to the war funds? Sir, It is known to every body that the British Government are incurring a heavy war expenditure of thirteen and a half crores of rupees everyday. Our humble quota of a few thousand or a few lacs does not count much in view of this colossal expenditure. We are only giving a proof of our full sympathy to the cause and our whole-hearted co-operation in the successful prosecution of war. I do not ask my friends to prepare an Air Force or an artillery unit. My point is that being safe from the horrors of war, it behoves us to use every effort to prepare our country to remain immune from any foreign invasion. This is solely to our advantage. I exhort the Central Government of India to tap all its resources in this respect. These are certainly happy signs that tanks, anti-air crafts guns and armoured cars are being manufactured. Every district of our province is trying to go ahead in collecting war funds. Some people do not pay much regard to these war efforts and say that a Lahore plane will not serve any purpose. My reply to such pessimists is that if every district of India contributes an aeroplane we shall have hundreds of planes in a short time. And if the Bills, which will shortly be placed before this House, are passed then I am sure that the Punjab will, in due course, possess a strong squadron.

Then, Sir, much has been said about extortion of money for the purpose of the war fund in Rohtak. In this connexion I would like to tell the House that I received a telegram from Rohtak about coercion and extortion alleged to have been carried on by the officers. I at once replied to the gentleman concerned that I was shortly coming to that place and he could fully state his case there. On reaching Rohtak I asked the Deputy Commissioner to intimate to that gentleman the time when I would give him an interview. When that gentleman came to me, I asked him to state his complaint. He only said that the officers committed atrocities with a view to extorting money from the poor people. I inquired of him whether he had made any contribution towards the war fund. He answered in the negative. Then I asked him to tell me if any money had been collected from his *mohalla*. He said that so far nothing had been collected but pressure was being brought by the officers to bear upon the people for the purpose of getting contributions. I told him to cite specific instances, so that I might be able to institute an inquiry into the matter. I made this fact clear to him that the complainant must put in an affidavit, so that if on inquiry it was found to be false, action might be taken against him for making wrong allegations. I assured him that if after investigation the officer concerned was found guilty of extortion of money, he would be severely dealt with. But the gentleman failed to adduce any specific instances. When I received notice of an adjournment motion about this matter, I made inquiries from the Deputy Commissioner of Rohtak, if that gentleman had conveyed to him any specific instances of coercion. I received a reply that so far nothing had been reported to him. I am constrained to remark that my honourable

[Premier.]

friends opposite make allegations without caring to satisfy themselves about their accuracy. I have time and again made this fact clear to all and sundry that, so far as war is concerned, the accredited representatives of the Punjab have definitely decided to give unstinted support for the successful prosecution of war. I, as a humble servant of the people, am carrying out that mandate. As I am of the opinion that everybody should contribute his mite towards war fund, I have made suggestions to the public at large that they should form committees in every *mohalla* and then collect money. This would facilitate matters and every chance of coercion would be eliminated. But my honourable friends opposite and people of their ilk ignore this piece of sound advice and rush to make false charges of extortion, coercion, etc. They should realize whether if I had to resort to force, I could not get sufficient money from Munshi Hari Lal who enjoys a very lucrative practice at Multan. Again, have I compelled Sardar Sampuran Singh or Lala Duni Chand to make contributions towards the war fund? As a matter of fact it is not in my nature to stoop to such tactics.

**Sardar Sampuran Singh :** But an attempt was made to get something out of me (*laughter*).

**Premier :** It must be the ordinary efforts to obtain contributions by persuasion. But even if a little coercion was employed, the honourable members on this side of the House contributed liberally while my honourable friends opposite were *dheet* enough not to give a single pie towards this laudable object.

**Sardar Sampuran Singh :** I object to the word '*dheet*' used by the Honourable Premier. He must withdraw it.

**Premier :** If my honourable friend takes exception to this word I withdraw it and substitute an English word for it, as I find that he is incapable of understanding his own mother tongue. I think I should have used the word '*obstinate*' instead.

Besides, my honourable friend Mr. Dev Raj Sethi remarked that voting on the Finance Bill in the Central Assembly should be an eye-opener to me. He said that not a single representative from the Punjab voted in favour of it. I say we are not at all concerned with that Finance Bill. Even if the members from the Punjab did not cast their votes in favour of that Bill, they did not vote against it either. Then he was pleased to remark that this Government was a Muslim League Government. I fail to understand how he arrived at this conclusion. Are Mr. Manohar Lal and Chaudhri Chhotu Ram vice-presidents of the Muslim League or is my colleague Sir Sundar Singh Majithia a prominent member of that body? Probably my honourable friend is suffering from the nightmare of the Muslim League. I am sure while asleep he must be haunted by it. I state for his information that there is a world of difference between the creeds and professions of the Congress and the Muslim League. The former has said that they would not embarrass the British Government at this juncture but would stab her in the back by making anti-war propaganda. The Muslim League has made it clear that they are not opposed to participation in the war efforts. They are rather of the opinion that unstinted help should be given for winning the war. But they would refrain from officially joining the Government in their war efforts as



their claims for certain representation in the administration were not acceded to by them. But so far as the Punjab is concerned, the die has been cast. We should make it a point to sacrifice our all in order to render effective help in the prosecution of war. But what can my honourable friends opposite do in this connexion? Their anti-war activities cannot obstruct our honest war efforts. We are not afraid of them. They form only a microscopic minority. I am sure one swallow does not make a summer. It is by our united efforts that we will win through thick and thin.

**Mr. Speaker :** Question is—

That the demand be reduced by Rs. 100.

*The motion was lost.*

**Mr. Speaker :** The question is—

That a supplementary sum not exceeding Rs. 21,540 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of General Administration.

*The motion was carried.*

*The following motions were then put from the chair and adopted.*

#### CIVIL WORKS.

That a supplementary sum not exceeding Rs. 5,36,840 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Civil Works.

#### IRRIGATION WORKING EXPENSES.

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Irrigation Working Expenses.

#### IRRIGATION WORKS.

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Construction of Irrigation Works, etc.

#### JAILS AND CONVICT SETTLEMENTS.

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Jails and Convict Settlements.

#### MISCELLANEOUS DEPARTMENTS.

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Miscellaneous Departments.

#### AGRICULTURE.

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Agriculture.

#### VETERINARY.

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Veterinary.

**PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS ESTABLISHMENT.**

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of charges on Public Works Department, Buildings and Roads Establishment.

---

**ELECTRICITY SCHEMES.**

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Other Revenue Expenditure connected with Electricity Schemes.

---

**CAPITAL OUTLAY ON ELECTRICITY SCHEMES.**

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Capital Outlay on Electricity Schemes.

---

**STATIONERY AND PRINTING.**

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Stationery and Printing.

---

**MISCELLANEOUS.**

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1941, in respect of Miscellaneous.

*The Assembly then adjourned till 12 noon on Thursday, the 28th November, 1940.*

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 28th November, 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 COTTON CROP IN THE MONTGOMERY DISTRICT.

**\*7088. Tikka Jagjit Singh Bedi :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the cotton crop in the whole of the Montgomery district has been damaged by *tela* ;

(b) if the answer to the above be in the affirmative, what relief the Government propose to give to the zamidars thus affected ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) No. There has been no damage by *tela*.

(b) Does not arise.

**Tikka Jagjit Singh Bedi :** Has there been any damage by *thoi* ?

**Parliamentary Secretary :** I believe there was.

**Tikka Jagjit Singh Bedi :** Then what has the Government done ?

**Parliamentary Secretary :** If I remember aright, the honourable member already put in a question which I answered the other day wherein I stated that the Government have already distributed *taccavi* and they are going to distribute relief and make special remissions.

**Tikka Jagjit Singh Bedi :** My previous question was only with regard to the tahsil of Dipalpur, but this question covers the whole of the district of Montgomery.

**Parliamentary Secretary :** I think the question related only to Dipalpur tahsil.

**Tikka Jagjit Singh Bedi :** I am referring to the damage mentioned in this question.

**Parliamentary Secretary :** I have said that there was no damage by *tela*.

**Tikka Jagjit Singh Bedi :** But what about the damage by *thoi* ?

**Parliamentary Secretary :** I would like to have notice.

#### MUTATION CASES IN LUDHIANA DISTRICT.

**\*7089. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state the number of mutation cases decided by each of the tahsildars and naib-tahsildars of each tahsil in the Ludhiana district from 1st May, 1940, to 31st October, 1940, and also the number of criminal cases decided by each of them during the same period ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): Two statements are laid on the table.

*Statement showing the number of mutations decided by Revenue Officers in Ludhiana District.*

Serial No.	Month.	SAMRALA.		LUDHIANA.				JAGRAON.	
		Tahsildar.	Naib-Tahsildar.	Tahsildar.	Naib-Tahsildar I.	Naib-Tahsildar II.	Probationary Extra Assistant Commissioner working as Naib-Tahsildar.	Tahsildar.	Naib-Tahsildar.
	1940.								
1	May ..	194	471	333	368	478	233	411	322
2	June ..	233	370	313	402	474	571	448	665
3	July ..	76	175	241	74	287	..	285	420
4	August ..	348	104	176	410	494	104	373	308
5	September ..	97	238	1	142	239	47	406	514
6	October ..	..	..	20	301	281	2	251	269

*Statement showing the number of criminal cases decided by tahsildars and naib-tahsildars and by the probationary Extra Assistant Commissioner working as naib-tahsildar.*

Officer.	Powers.	May, 1940.	June, 1940.	July, 1940.	August, 1940.	September, 1940.	October, 1940.	Total.
Tahsildar, Ludhiana ..	Magistrate, 2nd Class.	3	7	10	8	1	..	29
Tahsildar, Jagraon ..	Ditto.	7	8	13	7	5	3	43
Tahsildar, Samrala ..	Ditto.	9	5	4	4	2	2	26
Naib-Tahsildar, Ludhiana	Ditto.	8	7	7	5	7	16	49
Probationary Extra Assistant Commissioner.	Ditto.	6	24	14	17	22	15	98
Naib-Tahsildar, Ludhiana	Magistrate, 3rd Class.	2	7	4	8	10	12	43
Naib-Tahsildar, Samrala ..	Ditto.	4	8	4	2	2	5	25
Naib-Tahsildar, Jagraon ..	Ditto.	5	2	3	13	18	3	44

**Chaudhri Muhammad Hasan :** Is it a fact that these criminal cases interfere with the decision of the revenue cases ?

**Mr. Speaker :** That question does not arise.

**Chaudhri Muhammad Hasan :** But the Parliamentary Secretary made a statement that he will consider next time the desirability of withdrawing these cases.

**Mr. Speaker :** That also does not arise.

#### DAMAGE TO CROPS BY HAILSTORM.

**\*7109. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the standing *khurif* crops in Rupar tahsil, district Ambala, and particularly in the Morinda police station area have been greatly damaged by the recent hail-storm ;

(b) if so, the steps he is prepared to take to relieve the agriculturists affected by the distress ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) No, the damage was very slight and only in a few villages.

(b) Does not arise.

#### DEBT CONCILIATION BOARDS.

**\*6847. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state about the Debt Conciliation Boards of Rohtak, Gurgaon, Hissar and Karnal districts respectively :—

(a) the date of starting work ;

(b) the total expenditure incurred so far and (i) the amount spent on inserting notices in the newspapers and (ii) the number of notices and the amount given to the *Jat Gazette*, Rohtak ;

(c) the qualifications of the Chairman and members of the Board ;

(d) the extent of the scaling down of the debts of the zamindars with the ratio per rupee up to 31st October, 1940 ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a), (c) and (d). A statement is laid on the table.

(b) Newspapers agree from time to time to charge concession rates for various classes of official advertisements. This is done on the understanding that the terms of their charges are not made public as their publication may prejudice the dealings of the newspapers concerned with other customers. Government, therefore, do not consider it in the public interest to give the information asked for about the notices given and the payments made.

*Statement furnishing information regarding Debt Conciliation Boards of the Hissar, Rohtak, Gurgaon and Karnal districts.*

	Hissar.	Rohtak.	Gurgaon.	Karnal.
(a) Date of starting work ..	24th August, 1938.	12th August, 1938.	22nd March, 1939.	2nd October, 1935.

## CHAIRMAN.

(c) Qualifications of the Chairman and members of the Board.	Knows English, Urdu and Persian.	B.A., LL.B.	B.A., LL.B.	B.A., LL.B.
--	----------------------------------	-------------	-------------	-------------

## MEMBER.

(1) *Representing Debtor Class.*

Knows Urdu and Hindi.	B. A. ..	Middle passed	B.A., LL.B.
-----------------------	----------	---------------	-------------

(2) *Representing Creditor Class.*

	B.A., LL.B.	Knows Urdu and Hindi.	B.A., LL.B.	Matric.
(d) Extent of scaling down of debts of the zamindars with the ratio per rupee up to 31st October, 1940.	Six annas ..	Eleven annas	Twelve annas	Nine annas.

**Pandit Shri Ram Sharma :** The Honourable Minister has stated in reply to part (b) of my question that the newspapers increase or decrease their rates. But I did not ask the rates. What I asked was the total expenditure that has been incurred by the Government on account of the Debt Conciliation Boards of these four districts, and the amount that has been given by these boards to the newspapers including the *Jat Gazette*. I do not want the rates.

**Minister :** I have explicitly stated that the Government do not intend to furnish the information asked for. Further discussion on this point is therefore unnecessary. I refuse to answer any further question.

**Pandit Shri Ram Sharma :** I am not discussing that.

**Mr. Speaker :** After the Minister concerned's statement that it is not in the public interest to answer the question the matter ends.

**Pandit Shri Ram Sharma :** But if you will be pleased to refer to part (b) you will see that I have asked for the total expenditure incurred by the Government on those Boards.

**Mr. Speaker :** The Honourable Minister has declined to answer the question.

**Pandit Shri Ram Sharma :** The answer given is that the rates are not to be divulged, and he has given the reason—

**Mr. Speaker :** The only reason on which he can decline to answer the question is that it is not in the public interest to answer it.

**Pandit Shri Ram Sharma :** In that case he could plainly have said that it was not in the public interest to answer that question. It was not proper on his part to give a wrong reason and then refuse to answer the question.

#### CONSOLIDATION OF HOLDINGS.

**\*6894. Mr. Dev Raj Sethi :** Will the Honourable Minister for Development be pleased to state—

(a) the number and the names of the villages in which the work of consolidation of holdings is at present going on in the districts of Jhang and Lyallpur and the Department under which the work is being carried on ;

(b) the results so far achieved in this connection ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) The consolidation of holdings work is not going on in any of the villages of the Jhang and Lyallpur districts at present.

(b) Does not arise.

**Mr. Dev Raj Sethi :** When does the Government intend to start consolidation work ?

**Minister :** I have never given any thought to that subject.

#### PUBLIC SPEECHES BY HONOURABLE MINISTER OF DEVELOPMENT.

**\*7106. Lala Duni Chand :** Will the Honourable Minister for Development be pleased to state—

(a) the number of public lectures or speeches that he delivered while touring during the period between 23rd April, 1940, to 31st October, 1940 ;

(b) the nature and object of his speeches referred to in (a) above ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) Approximately sixty.

(b) The speeches covered a wide range of subjects from the people's duty in the War to the need of anti-erosion activities in hill and sub-mountain areas.

#### PERMISSION FOR RETAIL SALE OF LIQUOR WITHIN MUNICIPAL LIMITS CHINIOT, DISTRICT JHANG.

**\*6821. Mr. Dev Raj Sethi :** Will the Honourable Minister for Finance be pleased to state—

(a) whether it is a fact that the Government has given permission for the retail sale of liquor in small units of a *chhatank* or so within the municipal limits of Chiniot, district Jhang, from 1st April, 1940 ;

[ Mr. Dev Raj Sethi.]

(b) whether it is a fact that it was announced in the city of Chiniot by beat of drum that liquor will be sold retail on the Baisakhi Fair at Chiniot ;

(c) whether Government is aware of the keen resentment felt by the public against this innovation as expressed in a representation made recently to it ; if so, who has been responsible for this innovation and the action Government intend to take in the matter ?

**The Honourable Mr. Manohar Lal :** (a) No.

(b) Yes ; on the liquor licensee's own authority, as it appears that some trade rivals had caused a contrary rumour to be circulated. The action was not authorised by Government.

(c) No such representation has been received and, as above indicated, Government can in no way be held responsible.

#### CASES UNDER THE CHILD MARRIAGES RESTRAINT ACT.

**\*7011. Sardar Sampuran Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) the number of cases reported and the number of persons tried, convicted or acquitted of offences under the Child Marriages Restraint Act, 1929, since 1937 in the province ;

(b) the number of such cases among these taken up on information from private individuals ;

(c) the number of such cases among these taken up on police initiative ;

(d) what measures the Government proposes to take to detect and check the evil in question in the province ?

**The Honourable Mr. Manohar Lal :** (a) The required information is given below :—

Number of cases reported	..	..	394
Number of persons tried	..	..	1,031
Number of persons convicted	..	..	386
Number of persons acquitted	..	..	625
(b)	..	..	393
(c)	..	..	1
(d)	No special measures appear necessary.		

#### METALLED ROADS IN AMBALA DISTRICT.

**\*6792. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether he is aware that no metalled road connects Naraingarh tahsil of Ambala district with the district headquarters and any of the market towns of the district ;



- (b) whether he is aware of the fact that the inhabitants of the above-named area are put to great inconvenience for want of metalled roads ;
- (c) whether it is a fact that the zamindars living in this area cannot transport agricultural commodities to the *mandis* for want of metalled roads ; if so, the action Government intends to take in the matter ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): (a) From Ambala to Shahzadpur the road is already metalled and from Shahzadpur to Naraingarh—a distance of 5 miles—is unmetalled. These unmetalled miles will be metalled by the district board which has already taken in hand the metalling of two miles. When these five miles are metalled, Naraingarh Tahsil will have a metalled connection with the district headquarters and several market towns.

(b) Yes, but in view of what is stated in reply to the first part of the question, the inconvenience, which is by no means peculiar to this area in the province, will soon disappear.

(c) In view of what is stated in reply to first part of this question it does not appear to be correct to say that the zamindars cannot transport agricultural commodities, because except for 5 miles (2 of which are now in hand), the road from Naraingarh to Ambala Cantonment and on to other mandis is unmetalled.

— — — — —  
THEFT OF A NEWLY BORN CHILD OF KARAMAT ALI OF LAHORE FROM  
LADY AITCHISON HOSPITAL, LAHORE.

**\*6844. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the wife of one Karamat Ali of Niwan Katra, Akbari Mandi, Lahore, gave birth to a child in the Lady Aitchison Hospital on 23rd March, 1940, and that this newly born child was stolen from the custody of the hospital nurse ;
- (b) whether it is also a fact that on investigation by the police it transpired that a certain person of Multan had been coming to that hospital a few days before the birth of that child in search of a child and that the nurse had promised to find out a child for her as soon as possible ;
- (c) whether he is also aware that in spite of this clue having been found the police has so far failed to trace the child and that there is a fear of the child being lost for ever unless certain special step is immediately taken to trace it ;
- (d) if the answers to the above be in the affirmative, the action that is intended to be taken in the matter ?

**The Honourable Mian Abdul Haye :** (a) *First part :* Yes.

*Second part :* The child disappeared from the verandah of the maternity ward on the 8th April.

[ Education Minister.]

(b) *First part* : Yes.

*Second part* : During police investigation the person from Multan stated that one of the nurses of the hospital had promised to find a child for her. But this has been denied by the nurse concerned.

(c) A case was registered under section 363, Indian Penal Code, on 8th April, 1940, and investigated by the police. Two women were suspected but there being no proof against them they were discharged. The child has not been found.

(d) I regret that it is not possible to take any further action.

**Chaudhri Muhammad Hasan** : Is that nurse still working in the hospital and if so, what departmental action has been taken against her ?

**Minister** : To which nurse is the honourable member referring ?

**Chaudhri Muhammad Hasan** : The nurse from whose possession the child was alleged to have been taken.

**Minister** : The child was not taken from the possession of any nurse. The child disappeared during the visiting hours. During the visiting hours children are entrusted to the care of their mothers. It was the mother of this child who placed her in a cot in the verandah.

**Chaudhri Muhammad Hasan** : Is it a fact that an allegation was made that a particular nurse had promised to remove the child two or three days before the disappearance ?

**Minister** : As I have already stated police investigation has been made to that effect.

**Chaudhri Muhammad Hasan** : Why was departmental enquiry not started against that nurse ?

**Minister** : There was no question of starting an enquiry against that nurse. The question of restricting the visiting hours and the number of visitors and the question of exercising more vigilance and supervision is now engaging the attention of the Government.

**Chaudhri Muhammad Hasan** : Is it not a fact that the mother and other relations of the minor child made serious allegations against the nurse ?

**Minister** : I am not aware of any allegation made by the mother of the child.

**Begum Rashida Latif Baji** : Does the Honourable Minister know that I am a non-official visitor of that hospital and I went there to make an enquiry with regard to this case, but a responsible nurse on duty did not allow me to enter ?

**Minister** : I am not aware of it. If the honourable lady member officially intimates to me about this incident proper action will be taken.

**Chaudhri Muhammad Hasan** : Has the Honourable Minister himself examined the allegations made against that nurse ?

**Minister** : I have now instructed that a statement of the mother of the child be obtained and submitted to me.

**Chaudhri Muhammad Hasan :** Is the Honourable Minister in a position to say that the allegation made against that nurse has not been substantiated ?

**Minister :** Allegation was made against the nurse by one particular individual, but it is denied by the nurse. This is a question of one statement against another.

**Chaudhri Muhammad Hasan :** Has the Honourable Minister examined the result of the police investigation ?

**Minister :** I know the result of the police investigation.

**Chaudhri Muhammad Hasan :** Why was not that nurse challaned ?

**Minister :** There was no sufficient evidence against the nurse. The two women who were suspected were discharged as there was no proof against them.

**Chaudhri Muhammad Hasan :** Has the Honourable Minister examined the record and the findings of the court in discharging these two persons ?

**Minister :** No, Sir.

**Chaudhri Muhammad Hasan :** Why was an enquiry not made against the conduct of the nurse ?

**Minister :** It was not necessary to make any departmental enquiry.

**Chaudhri Muhammad Hasan :** On what ground does the Honourable Minister say that a departmental enquiry was not necessary ?

**Minister :** As I have already stated I have asked the Lady Assistant to the Inspector-General to summon the mother of the child and obtain her statement and submit it to Government. As soon as the statement is before me, I would certainly further look into this matter.

**Begum Rashida Latif Baji :** May I bring the mother of the child concerned before the Honourable Minister, so that she may give her statement before him ?

**Chaudhri Muhammad Hasan :** Was there any difficulty in the way of the Honourable Minister in not so far taking any action against the nurse ? Such a long time has passed.

**Minister :** There was no evidence against the nurse, so far as the police investigation was concerned.

**Chaudhri Muhammad Hasan :** I am asking about the departmental enquiry. Why was a departmental enquiry not started against the nurse ?

**Minister :** Because the case was under police investigation.

**Chaudhri Muhammad Hasan :** What efforts have been made for the restoration of the child ?

**Minister :** The police investigated the matter and was unable to trace the child.

**Lala Duni Chand :** Does the Government consider the matter very serious and if so, is it prepared to take special steps to find out the culprit ?

**Mr. Speaker :** Disallowed.

**Pandit Shri Ram Sharma :** May I know if the police investigation is complete ?

**Mr. Speaker :** An answer to this question has been given already.

**Minister :** Part (c) is the reply to this question.

**Pandit Shri Ram Sharma :** The Honourable Minister has stated that action will be taken after the completion of the inquiry by the police. I want to know if the Government have received the final report of the inquiry made by the police.

PUBLIC WORKS DEPARTMENT ROAD BETWEEN DIPALPUR AND BUNGA HAYAT.

**\*7086. Tikka Jagjit Singh Bedi :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether there is at present a *kacha* road under the control of Public Works Department which is about fifteen miles in length and which joins Dipalpur and Bunga Hayat situated on the Grand Trunk Road in the Montgomery district ;
- (b) if the answer to the above be in the affirmative, whether it is intended to convert this road into a *pacca* one ; if so, when ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) No. The road is in charge of the District Board, Montgomery.

(b) Does not arise.

WAR FUND SUBSCRIBED BY LOCAL BODIES.

**\*7096. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of the local bodies of the province which have subscribed to the War Fund and the War Loan with the amounts so subscribed ;
- (b) whether the Government have issued any circular to the local bodies giving any instructions on the subject of subscriptions to the War Fund ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) and (b) Local bodies can invest their surplus balances and provident fund money in the Defence Bonds with the Commissioner's sanction. Government have no information in regard to the actual investment made by each local body, and I doubt if the labour involved in collecting it will be justified. Besides this information has been appearing in the press.

As regards contributions or donations to funds organised in connection with the War, Government have decided that the funds of local bodies shall not be applied for this purpose.

**Pandit Shri Ram Sharma :** May I know what is the difficulty the Government has to face in providing us with facts and figures regarding the subscription made by the local bodies ?

**Mr. Speaker :** Disallowed.

**Minister for Public Works :** It has already appeared in the press.

**Pandit Shri Ram Sharma :** What is the reply to part (b) ? Was any circular issued to the local bodies ?

**Parliamentary Secretary :** As regards contribution for War purposes, funds of local bodies shall not be applied for this purpose,

**Pandit Shri Ram Sharma :** When was the circular issued ?

**Parliamentary Secretary :** A circular to local bodies was issued in December, 1939, to this effect.

**Minister for Public Works :** Local bodies are perfectly right in investing their surplus funds in the Defence Bonds with the Commissioner's sanction. Only surplus funds they can invest and they are doing so. This is appearing in the press.

**Munshi Hari Lal :** What are the terms of that circular ?

**Parliamentary Secretary :** I do not remember the exact wording of the circular.

**Mr. Dev Raj Sethi :** Is it not a fact that a part of the funds belonging to the district boards has been invested in the War Loans ?

**Minister :** No.

**Lala Duni Chand :** Is it true that the Government gave discretion in that circular to the district boards with regard to the investment of their surplus fund ?

**Mr. Speaker :** The circular speaks for itself. It is public property and is available to the honourable members.

**Lala Duni Chand :** I want to know whether there is anything in that circular regarding the discretion ?

**Minister :** My honourable friend has not followed the reply clearly. The discretion is already with local bodies. In one case they are exercising their discretion subject to the approval of the Commissioner and Government and in the other we have said that we will not allow them to give away the money for War purposes fund from their own meagre funds. But as I have already said they can invest their surplus balances in War Loans which bear interest.

**Lala Duni Chand :** Does it not come to this that the Government has nullified the very object of this fund ?

**Minister :** Not at all.

**Mr. Speaker :** That is a question of interpretation.

**Pandit Shri Ram Sharma :** Is it a fact that the local bodies have invested the provident funds of their servants in War loans ?

**Mr. Speaker :** That question has been answered already.

**Shaikh Faiz Muhammad :** The provident funds of the servants of the local bodies are deposited in the Post Office Savings Banks and interest is paid on them. If these funds are invested in War Loans, they will fetch more interest.

**Pandit Shri Ram Sharma :** That is what I want to know; whether the provident funds deposited in the Post Office Savings Banks have been invested in War Loans ?

**Shaikh Faiz Muhammad :** Yes, but the honourable member should bear in mind that in spite of the investment of these funds in the War Loans, they remain the property of the servants. Their provident funds are not

[ Sh. Faiz Muhammad.]

contributed to the War Purposes Fund but invested in the War Loans, which brings handsome interest.

**Pandit Shri Ram Sharma :** The Parliamentary Secretary admits that these provident funds are being given over for war purposes.

**Shaikh Faiz Muhammad :** My answer is quite clear. These funds are being invested in the War Loans and not contributed to the War Purposes Fund. Probably my honourable friend did not follow me.

**Pandit Shri Ram Sharma :** If the Government is defeated in War, what will become of their money ?

(Voices : Order, order.)

**Mr. Dev Raj Sethi :** May I know if the provident fund of the servants of the Lahore District Board has been invested in War Loans ?

**Mr. Speaker :** Disallowed. It has been answered already.

#### WITHDRAWAL OF RECOGNITION OF THE PUBLIC HINDU HIGH SCHOOL, RUPAR.

**\*6760. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the recognition of Public Hindu High School, Rupar, has been withdrawn ;
- (b) whether it is a fact that the school committee has been asked to refund Rs. 27,000 granted to them as school building grant ;
- (c) whether it is a fact that the Inspector, Ambala Division, has recently made a report against some of the members of the school staff making therein very serious allegations against them and about mismanagement by the managing committee of the school ; if so, whether he will be pleased to lay a copy of that report on the table of the House ;
- (d) whether any action is contemplated by the Government against those members of the staff against whom serious allegations have been made in the said report and also any other action proposed to be taken in the matter ?

**The Honourable Mian Abdul Haye :** (a) Yes.

(b) Yes, but the sum is Rs. 27,500 and not Rs. 27,000.

(c) Yes. The report of the Inspector, Ambala Division, is confidential and it is not in the public interest to disclose it.

(d) The teachers concerned were called upon to explain why their departmental teaching certificates should not be cancelled under Article 180, Punjab Education Code. They have since submitted their explanations and the matter is under consideration.

### ASSISTANT SURGEONS AND SUB-ASSISTANT SURGEONS IN THE PUNJAB.

**\*6812. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) the total permanent strength of the Assistant Surgeons and Sub-Assistant Surgeons in the Punjab ;
- (b) how many posts of Assistant Surgeons are reserved for being filled up by the promotion of Sub-Assistant Surgeons and how many of these posts were so filled up during the last ten years ?

**The Honourable Mian Abdul Haye :** (a) The total permanent strength of Assistant Surgeons is 154 and that of Sub-Assistant Surgeons 582.

(b) Six posts of Assistant Surgeons were reserved to be filled by promotion from the rank of Sub-Assistant Surgeon. In July 1939 the number was increased to nine. During the last ten years ten Sub-Assistant Surgeons have been promoted to the rank of Assistant Surgeon.

### ADDITION OF KINDERGARTEN CLASSES IN SCHOOLS.

**\*6905. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution asking for permission to teachers to add K. G. (Kindergarten) classes in schools for students between the ages of 4 and 6 passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes, Government would welcome efforts on the part of private institutions to open Kindergarten classes in schools, but it has no money to aid them.

### ADULT EDUCATION.

**\*6906. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution with regard to adult education passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes ; but it is not possible to concede the principle of aiding or subsidising such an effort as it involves unlimited financial liability which the Government cannot afford to accept.

### ADOPTION OF FIRST VERNACULAR AS MEDIUM IN THE VERNACULAR FINAL AND MIDDLE EXAMINATION.

**\*6907. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government

[ M. Muhammad Nurullah.]

has been drawn to the resolution with regard to the adoption of first vernacular as medium in the vernacular final and middle examination passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University; if so, what action has been taken by the Government thereon?

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

#### RE-EMPLOYMENT OF KHAN SAHIB MIAN HAKIM-UD-DIN.

**\*6826. Lala Duni Chand :** Will the Honourable Premier be pleased to state whether it is a fact that Khan Sahib Mian Hakim-ud-Din, a member of the Provincial Civil Service, has been re-employed for six months after his retirement; if so, the reasons therefor?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** Yes, to assist in the disposal of a large number of traffic cases pending in Lahore a duty for which he was specially qualified.

**Lala Duni Chand :** May I know how much extension has been given to this gentleman?

**Parliamentary Secretary :** My honourable friend has apparently forgotten his own question in which he himself has said that he was re-employed for six months.

**Lala Duni Chand :** May I know if more extension has been given or is about to be given to this gentleman?

**Mr. Speaker :** This question does not arise.

**Lala Duni Chand :** May I know if in granting extension to this gentleman his past record was taken into consideration?

**Parliamentary Secretary :** Yes. His past record and special qualifications for dealing with the traffic cases which were pending to the tune of 30,000 were considered.

**Lala Duni Chand :** May I know what are the main grounds in view of which extensions are granted to officers?

**Mr. Speaker :** Disallowed.

**Lala Duni Chand :** What particular reasons existed in the case of this gentleman to grant extension?

**Mr. Speaker :** It has already been answered.

**Lala Duni Chand :** I want to know whether there existed any special reasons for granting extension to this gentleman.

**Mr. Speaker :** He has already given reasons.

**Parliamentary Secretary :** He is specially qualified to try traffic cases and he has for a considerable time been in charge of traffic cases in Lahore. As there are more than 30,000 traffic cases pending it was necessary to engage a special officer and he was the best qualified and was engaged.



## CONVICTIONS UNDER THE DEFENCE OF INDIA ACT.

**\*637. Mr. Dev Raj Sethi :** Will the Honourable the Premier be pleased to state—

- (a) the total number of convictions in the Province under the Defence of India Act and the rules framed thereunder from 4th September, 1940, to 1st October, 1940 ;
- (b) the total number of detentions without trial for the period under the Act as specified in (a) ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) 68.

(b) 26.

**Mr. Dev Raj Sethi :** My question relates to the period from 4th September, 1939. There is a misprint in the question. Does this answer relate to that period ?

**Parliamentary Secretary :** The answer is based on the question as put.

## EXTERNEES.

**\*7023. Sardar Sampuran Singh :** Will the Honourable the Premier be pleased to state—

- (a) the number and names of persons up-to-date, if any, externed from the Punjab since April, 1937 ;
- (b) the authority in each case under which such action was taken ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) 22, it is not in the public interest to give names.

(b) Section 3 of the Punjab Criminal Law (Amendment) Act, 1935.

## CASES DECIDED IN CAMP BY MAGISTRATES IN LUDHIANA DISTRICT.

**\*7091. Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state the number of cases decided by each magistrate in the Ludhiana district while in camp during the last six months ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :**

Additional District Magistrate	..	Nil.
General Assistant I	.. ..	6
General Assistant II	.. ..	19
Ditto	.. ..	9
Treasury Officer	.. ..	2
Additional Extra Assistant Commissioner I	..	7
Additional Extra Assistant Commissioner II	..	23

**Chaudhri Muhammad Hasan :** Is the disposal of cases by them compatible with the travelling allowance drawn by them ?

**Mr. Speaker :** That is an insinuation.

**Chaudhri Muhammad Hasan :** Has the Parliamentary Secretary compared the number of cases disposed of by them with the travelling allowance drawn by them while in camp ?

**Parliamentary Secretary :** If my honourable friend gives me notice I will consider whether it is worthwhile going through this matter. As regards travelling allowance another question was replied to some days ago, that the travelling allowance was found to be according to the rules and the Government was convinced that the rules had not been violated.

DECLARATION OF JUMA-TUL-WIDA AS A PUBLIC HOLIDAY.

**\*7133. Malik Barkat Ali :** Will the Honourable the Premier be pleased to state whether it is a fact that the sacred day of Juma-tul-Wida has not so far been declared a public holiday in the Punjab ; if so, the reasons therefor ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** Juma-tul-Wida is not scheduled as a public holiday under the Negotiable Instruments Act, but the day is annually declared a local holiday in nearly all districts.

OBSERVANCE OF GURU RAM DAS'S BIRTHDAY AS A PUBLIC HOLIDAY.

**\*7134. Malik Barkat Ali :** Will the Honourable the Premier be pleased to state whether Gurn Ram Das's birthday is observed as a public holiday in the Punjab ; if so, since when ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** No; it is however observed as a local holiday in some districts.

ESCAPE FROM CUSTODY OF TAJ MUHAMMAD, *KHAKSAR*.

**\*7153. Pandit Shri Ram Sharma :** Will the Honourable the Premier be pleased to state—

- (a) whether it is a fact that one Taj Muhammad, *Khaksar*, made good his escape on 5th August, 1940, from the court of Mr. Isar, Special Magistrate of Lahore ; if so, the facts about it ;
- (b) whether he was permitted to say his prayers and, if so, who gave him the permission to do so ;
- (c) who was held responsible for the escape and the action taken against him ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) *Part (I) :* Yes.

*Part (II) :* The prisoner took advantage of the permission which the trying magistrate had given to *Khaksar* prisoners undergoing trial to have meals with their relatives and to interview visitors. He appears to have slipped out of the jail premises (in which the trial was being held) amongst the visitors.

(b) *Part (I) :* Yes.

*Part (II) :* The trying magistrate.

(c) An enquiry was held but it was not found possible to affix the responsibility for the escape.

## DECREASE IN PRODUCTION FROM LANDS IN BET ILAQA.

**\*6786. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Development be pleased to state whether he is aware that produce from lands in Bet Ilaga in the Ludhiana district has decreased considerably during the last three years ; if so, whether Government has so far examined the causes which have led to the deterioration of the productivity of the soil in the *ilaga* and, if so, the result of that examination and, if not, why not ?

**The Honourable Chaudhri Sir Chhotu Ram :** Government is aware that the matured areas of crops in the whole of the Ludhiana district, the Bet being no exception, have been less during the last three years, on account of the scarcity of rain. There is, however, nothing wrong with the soils in the Bet. As a matter of fact, the zamindars of the Bet tract have been better off than many in other parts of the district. The Bet ilaga even supplied some fodder to non-bet areas of the district.

**Chaudhri Muhammad Hasan :** Will the Honourable Minister kindly give the normal yield per acre or per bigha of this area ?

**Minister :** I require notice for that.

**Chaudhri Muhammad Hasan :** How is it that you are in a position to say that the productivity of the land has not been decreased ?

**Minister :** That is the information supplied to me.

**Chaudhri Muhammad Hasan :** Has any research been made ?

## OPENING OF A NEW DISTRIBUTARY FROM SIRHIND CANAL.

**\*6822. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) when the new distributary from the Sirhind Canal is going to be opened ;
- (b) whether there is enough surplus water in the Sirhind Canal to feed this distributary ;
- (c) whether or not it is a fact that the supply of water to this distributary will adversely affect the lands already being irrigated by the Sirhind Canal ; if so, the action proposed by Government to protect the interests of these lands ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) The beginning of kharif 1941.

(b) Yes enough surplus capacity for the new distributary—as at present sanctioned—is available ;

(c) No. The area at present irrigated from the Sirhind Canal is entitled to a water supply, based on a  $\frac{40 \text{ per cent.}}{17 \text{ per cent.}}$  annual intensity of irrigation for the  $\frac{\text{perennial}}{\text{non-perennial}}$  distributaries, respectively, and these supplies will not be, in any way, prejudiced by the Kokri Distributary.

## BREACHES IN HAVELI PROJECT.

**\*6869. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of breaches that have occurred on the main canal of the Haveli Project during 1940, the extent of the loss on account of such breaches and the expenses incurred in repairing them ;
- (b) whether the Government intend to dig another canal with a view to run the total supply in two channels instead of in one as at present ; if so, the detailed scheme relating thereto and the estimate of expenditure to be incurred thereon ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) One breach on 1st May, 1940. The extent of the loss cannot be exactly stated in money but the breach was repaired in 8 days at a cost of Rs. 4,650.

(b) There is no such intention. There is no necessity to construct a second canal alongside the first. A small raising of the lining is proposed at a cost of Rs. 2,00,551.

**Mr. Dev Raj Sethi :** May I know whether any scheme was submitted for the digging of a second canal and whether it was accepted or rejected ?

**Parliamentary Secretary :** I cannot say whether any scheme was submitted or not, but it has been decided not to construct another canal.

## GRANT OF LAND IN THE HAVELI PROJECT.

**\*7016. Sardar Sampuran Singh :** Reference answer to starred question No. 1587<sup>1</sup>, asked on the 27th January, 1938, will the Honourable Minister of Revenue be pleased to state if any action has been taken on the applications for grant of land in the Haveli Project ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The Colonization Officer is now engaged upon allotting land to those whose land has been acquired for the Haveli Project canals and to those locals who formerly cultivated waste land in the area. It is hoped to make considerable progress in satisfying local claims to land during the present cold weather. After this has been done, steps will be taken to deal with claims from other parts of the province. As the land available is limited, members of the public are warned that they should not submit petitions unless specifically called upon to do so by local officers.

## RESUMPTION BY GOVERNMENT OF ARYA NAGAR.

**\*7103. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Arya Nagar, a colony of Meghs near Khanewal, district Multan, has been resumed by the Government and, if so, the reasons for the said resumption ;
- (b) the period for which the said Arya Nagar has been in occupation of the Meghs ;

- (c) the terms of the grant of the colony to the Meghs ;
- (d) if it is a fact that a representation has been made to the Government or the local authorities on the subject ; if so, the result thereof ;
- (e) whether it is a fact that an arbitrator was appointed by the Government to decide the question of the resumption of the colony and an award was given by him and, if so, whether the possession of the colony was forcibly taken before any decree was obtained on the basis of the award ;
- (f) the action, if any, the Government intend to take in the matter ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : (a) Yes, the land has been resumed from the Arya Megh Udhar Sabha for breach of conditions of the grant.

(b) 21 years approximately.

(c) The terms of the grant are reproduced at pages 208 to 209 of the Punjab Colony Manual, supplement IV.

(d) No representation has been made to Government or the local authorities by the Arya Megh Udhar Sabha after the resumption of the land.

(e) The case was referred to arbitration under clause 20 of the second schedule to the statement of conditions governing the grant—referred to in part (c) above. Possession was taken peacefully on the basis of the award given by the arbitrator.

(f) Does not arise.

**Lala Duni Chand** : May I know why the land was resumed before the expiry of the terms of the lease ?

**Parliamentary Secretary** : The land was resumed on account of the conditions of the grant not having been fulfilled.

**Mr. Dev Raj Sethi** : Is it a fact that the matter was entrusted to an arbitrator and the Government passed their own orders without waiting for the award of the arbitrator ?

**Parliamentary Secretary** : No.

**Lala Duni Chand** : Is it true that the possession of the land was taken before any decree was passed ?

**Parliamentary Secretary** : I have already answered that question in my main reply.

**Bhagat Hans Raj** : Is it a fact that a representation was submitted to the Government stating that the mismanagement of the Sabha had been really responsible for the resumption of the land and that they were thankful to the Government for the statement that the Government had issued recently that the claims of the colonists will be sympathetically considered ?

**Parliamentary Secretary** : A representation was received and duly considered by the Government.

**Mr. Dev Raj Sethi** : What were the allegations against the managing committee in regard to the mismanagement ?

**Parliamentary Secretary :** Breach of the conditions of the grant.

**Mr. Dev Raj Sethi :** Which of the conditions of the grant were broken by the managing committee ?

**Parliamentary Secretary :** I cannot enumerate all the conditions broken by them, but the main thing was that they did not pay the rent due from them in spite of several reminders and in spite of the fact that Government gave them several concessions.

**Dr. Sir Gokul Chand Narang :** What were the reasons given by the society for not making payments ?

**Parliamentary Secretary :** The reasons were just the common excuse ; that they had no money and they could not pay.

**Dr. Sir Gokul Chand Narang :** Is the Parliamentary Secretary aware that a long representation was submitted by the Sabha to the Government explaining the circumstances under which and the reasons for which they were unable to pay the instalments due from them ?

**Parliamentary Secretary :** Those reasons were not accepted by the Government.

**Dr. Sir Gokul Chand Narang :** Is he aware that any such representation was made ?

**Parliamentary Secretary :** My answer implies that I am aware of it.

**Dr. Sir Gokul Chand Narang :** Is it a fact that a representation has also been made by the Megh cultivators of the village ?

**Parliamentary Secretary :** I think it is the same question which was asked by my friend over here and a reply was given. Yes, that representation was received.

**Dr. Sir Gokul Chand Narang :** Did the Arya Megh Udhar Sabha serve a notice of a suit on the Government ? Is he aware of that ?

**Parliamentary Secretary :** I am not quite certain, but as far as I remember they did give a notice.

**Dr. Sir Gokul Chand Narang :** What reply was given by the Government to that notice ? Possibly it was a notice under section 80 of the Civil Procedure Code.

**Parliamentary Secretary :** I have already stated that under the agreement in the case of any controversy, the matter was to be referred to an arbitrator and it was after obtaining an award from the arbitrator that the Government resumed the grant.

**Dr. Sir Gokul Chand Narang :** Has the Government decided to take away the land from the cultivators or has it decided to allow the land to remain with the cultivators ?

**Parliamentary Secretary :** I am afraid I will not be able to answer this question definitely. The Government has resumed the land and I do not know whether the cultivators are the same or some of them have been changed.

**Lala Duni Chand :** May I know the number of persons from whom the land has been taken and who have been thus left unprovided for ?

**Parliamentary Secretary :** I cannot give the exact number of the cultivators. If the honourable member is anxious to have the number, it may be possible for me to find out.

**Lala Duni Chand :** May I know whether Government considered the question as to how many cultivators would be affected by resuming the grant ?

**Parliamentary Secretary :** Government gave a very serious consideration to this question, and on several occasions gave concessions to the Sabha, and reduced their instalments, but when the Sabha failed to fulfil the conditions of the grant, Government were forced to resume that land.

**Bhagat Hans Raj :** Will the Parliamentary Secretary be pleased to state whether it is a fact that the said Sabha has, since 1929, been realising rent from the tenants without paying to the Government their dues ?

**Parliamentary Secretary :** I think it is true that the Sabha had been realising rent from the poor tenants and not paying it to the Government.

**Mr. Dev Raj Sethi :** Is it a fact that the Sabha paid more than one lakh in one year ?

**Parliamentary Secretary :** I do not remember the exact figure, but it is true that the Sabha did pay some instalments to the Government in the beginning.

**Mr. Dev Raj Sethi :** Is it a fact that the Sabha spent more than one lakh on the said colony ?

**Parliamentary Secretary :** It may or may not be true.

**Bhagat Hans Raj :** Is it a fact that the Meghs have practically no representation in the Sabha ?

**Parliamentary Secretary :** Probably that is correct.

**Bhagat Hans Raj :** Is it a fact that a representation was made by the Meghs to the effect that the Sabha was responsible for misappropriating more than Rs. 35,000 and if so, whether the land was resumed by the Government for that reason ?

**Parliamentary Secretary :** Yes, a representation was made against the Sabha and allegations of this nature were made in it. Government is sorry that the Sabha has been responsible for such dues.

**Dr. Sir Gokul Chand Narang :** Is the Parliamentary Secretary who has been so facetious and facile in giving answers to these questions aware that there has been litigation between Mr. Hans Raj as representing one party and the Arya Megh Udhar Sabha which was in charge of the land and that that litigation ended in the defeat of Mr. Hans Raj ?

**Mr. Speaker :** I disallow that question.

**Diwan Chaman Lall :** May I have your direction in regard to this matter ? Is it or is it not parliamentary practice that if an honourable member is personally interested in litigation of any particular kind, he is thereby debarred from pleading that particular cause as a member of the legislature on the floor of the House ?

**Mr. Speaker:** He may be debarred from voting, but is not debarred from asking questions.

**Diwan Chaman Lall:** I am not talking about voting. There is a definite rule of propriety that any honourable member personally interested in any litigation as an advocate for a particular cause or otherwise personally interested in it is really debarred from participating in the proceedings of that cause on the floor of the House.

**Mr. Speaker:** I do not think so.

**Dr. Sir Gokul Chand Narang:** May I ask whether the Parliamentary Secretary had ever examined the accounts of the Arya Megh Udhar Sabha before he gave this answer?

**Parliamentary Secretary:** No, I have not personally examined all the accounts. Anyway I am very bad at examining accounts.

**Dr. Sir Gokul Chand Narang:** Then the reply given by him was uncalled for, and is unfounded and false.

**Lala Duni Chand:** May I know if it is a very praiseworthy act that so many persons have been divested of their valuable rights in this land?

**Mr. Speaker:** That is a personal opinion.

**Dr. Sir Gokul Chand Narang:** Is the Parliamentary Secretary aware that the persons who are alleged to have started the litigation belonged to Bhagat Hans Raj's party?

**Mr. Speaker:** I disallow the question.

**Dr. Sir Gokul Chand Narang:** I think the person interested is allowed to ask a question.

**Mr. Speaker:** If the honourable member wants to attack the conduct of an honourable member of this House he should move a substantive motion.

**Diwan Chaman Lall:** It is only a question of laying the facts before the House.

**Bhagat Hans Raj:** Is it a fact that Dr. Sir Gokul Chand Narang has been a member of the Sabha?

**Dr. Sir Gokul Chand Narang:** I am not a member of that Sabha. I have no doubt been helping that body whenever I have been able to do so.

**Khan Sahib Khawaja Ghulam Samad:** I rise to a point of order. A few minutes ago you refused permission to me to ask a supplementary question, just a second after, when you have called upon another member to ask the next question, you have been liberal enough to allow members to ask supplementaries notwithstanding that you had asked another member to put the next question.

**Mr. Speaker:** Order, order.

---

ORDER PROHIBITING FISHING IN THE IMTI TANK AT HANSI.

**\*6758. Pandit Shri Ram Sharma:** Will the Honourable Minister for Development be pleased to state whether it is a fact that fishing has been



prohibited in the Imti tank of Hansi (Hissar) for a period of two years ; if so, the date from which these orders have been given effect to ?

**The Honourable Chaudhri Sir Chhotu Ram :** *First part :* Yes.

*Second part :* Sixth April, 1939.

**Pandit Shri Ram Sharma :** Is it a fact that often orders have been issued to the effect that fishing should be stopped in the said tank for a year or two ?

**Minister :** I do not remember.

**Pandit Shri Ram Sharma :** Why is fishing in the said tank not stopped permanently ?

**Minister :** That is a request for action.

**Pandit Shri Ram Sharma :** Will the Honourable Minister please state the grounds on which the orders stopping fishing in the tank were issued ?

**Minister :** I do not remember the grounds on which those orders were issued.

#### GOVERNMENT INDUSTRIAL SCHOOL, JHANG.

**\*6926. Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of students who completed their training in the Government Industrial School, Jhang, in its different departments since April, 1937 ;
- (b) the total amount spent on the school during these three years ;
- (c) the manner in which the training imparted by the Industrial School helped the students to find employment or set up their own business ;
- (d) whether there is any scheme under the consideration of the Government to overhaul the entire basis and working of these schools ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) 30.

(b) Rs. 67,490.

(c) The manner in which the training imparted has helped the students to find employment or to set up their own business can best be illustrated by citing figures. A statement is laid on the table.

(d) The schemes of studies in almost all the Government industrial Schools in the Punjab have been re-organised recently to make the training more practical and thereby to improve the prospects of employment of the students who complete the courses of training. In pursuance of this general policy, it is proposed to re-organise the scheme of studies at the Government Industrial School, Jhang, with effect from the 1st April, 1940.

*Statement showing the employment of students trained at the Government Industrial School, Jhang, during the period 1937—40.*

	Number of pupils who left the school with Industrial Final Standard or other Final Certificate.	Number of pupils known to be receiving higher training in the Mayo School of Arts, Lahore or other Technical Institute.	Number of pupils known to be in private employment.	Number of pupils known to have started their own business.
1937-38..	13	3	2	3
1938-39..	6	1	..	5
1939-40 ..	11	4	3	4

**Mr. Dev Raj Sethi :** What fundamental changes have been introduced in this scheme ?

**Minister :** If my honourable friend gives notice of this question, I shall find out this fundamental change.

**Khan Sahib Khawaja Ghulam Samad :** Having in view the reply to part (a), I want to know whether the figure 30 showing the number of students who passed from this industrial school during three years is not discouraging and whether Government on economic basis contemplates discontinuing these industrial schools and starting industrial education in the Government schools throughout the whole province.

**Minister :** The decision was arrived at after very careful and mature consideration.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether the case is not similar in other industrial schools ? Only 30 students have passed in three years.

**Minister :** I have not compared the figures but if you want to make education imparted in industrial schools one of a practical kind, you cannot have an unlimited number under training.

#### FOREST RANGERS.

**\*7112. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that in response to an advertisement appearing in the Press on the 27th September, 1940, about 380 candidates sent applications out of whom 8 were to be nominated by the Punjab Government to undergo training for the Forest Ranger's Course of 1941—43 in the Forest College, Dehra Dun ;
- (b) whether it is a fact that forms prescribed for submitting applications were sold ; and if so, how many and at what price each ;

- (e) whether any non-agriculturist candidates were selected for nomination for the above-mentioned training?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) Applications were received from 228 candidates out of whom 8 were to be nominated by Government for 1941—48 course at the Indian Forest Ranger's College, Dehra Dun.

(b) Yes, 935 at annas four each.

(c) Final selections have yet to be made. But among the selected candidates there will be four Muslims, two Hindus and two Sikhs.

**Lala Duni Chand :** May I know what justification there was for the Government to sell as many application forms as 935 at annas 4 each, while only 8 nominations were to be made?

**Minister :** It really depends upon the people who apply for these forms.

**Dr. Sir Gokul Chand Narang :** May I know if it is not a fact that the Government knew before hand that only 8 nominations were to be made?

**Minister :** Yes, it is perfectly true.

**Dr. Sir Gokul Chand Narang :** Is it a fact that they were also required to take civil surgeon's certificate before they were sent up for the interview?

**Minister :** Unfortunately that is the existing rule and I propose to alter it.

**Dr. Sir Gokul Chand Narang :** Can the Honourable Minister give us the approximate number of people who came up for the interview?

**Minister :** Not without a fresh question.

**Dr. Sir Gokul Chand Narang :** Was it about 380?

**Minister :** Only 228 applied.

**Dr. Sir Gokul Chand Narang :** And about 180 appeared for interview?

**Minister :** Probably, but I am not sure.

**Dr. Sir Gokul Chand Narang :** Is it a fact that the Muslim candidates were interviewed on the 14th of October?

**Minister :** I do not remember when the various classes of candidates were interviewed.

**Dr. Sir Gokul Chand Narang :** And the Hindu candidates and Sikh candidates were asked to appear on the 15th of October for interview in the Conservator Generals' office?

**Minister :** Quite possibly.

**Dr. Sir Gokul Chand Narang :** Is it a fact that on the 15th the Conservator told the Hindu and Sikh candidates that those who were non-agriculturists among them need not wait because no non-agriculturist Hindu or Sikh would be taken?

**Minister :** Yes, that is true.

**Dr. Sir Gokul Chand Narang :** Did the Honourable Minister send an order to the Conservator to that effect ?

**Minister :** I had sent an order to that effect to the Chief Conservator of Forests probably three or four weeks before that.

**Dr. Sir Gokul Chand Narang :** That is, before the notice appeared in the *Tribune* ?

**Minister :** Yes, I think so.

**Dr. Sir Gokul Chand Narang :** Then may I know whether it was mentioned or in any way notified that no Hindu or Sikh non-agriculturists need take the trouble of coming over to Lahore or of applying in fact ?

**Minister :** Unfortunately this was not done.

**Dr. Sir Gokul Chand Narang :** Whose mistake was it according to the Honourable Minister ?

**Minister :** The mistake of the office.

**Dr. Sir Gokul Chand Narang :** Has the Honourable Minister taken any action in this respect ? Has he called for anybody's explanation ?

**Minister :** Yes.

**Dr. Sir Gokul Chand Narang :** Has the explanation been received ?

**Minister :** Not yet.

**Dr. Sir Gokul Chand Narang :** Does the Honourable Minister contemplate making any compensation to those people who came from the mofussil ?

**Minister :** I have not given consideration to that aspect.

**Dr. Sir Gokul Chand Narang :** Is he aware that it costs Rs. 16 to obtain a civil surgeon's certificate ?

**Minister :** Presumably yes.

**Dr. Sir Gokul Chand Narang :** And other expenses had also been incurred by people who had come from outside ?

**Minister :** Quite so.

**Dr. Sir Gokul Chand Narang :** Will the Honourable Minister be pleased to state the reasons for issuing such orders that no Hindu or Sikh non-agriculturists would be taken ?

**Minister :** Because non-agriculturists among Hindus and Sikhs were already over-represented.

**Dr. Sir Gokul Chand Narang :** In what service ?

**Minister :** In the service to which this question relates.

**Dr. Sir Gokul Chand Narang :** Then why was not this order issued at the very beginning ?

**Minister :** I have already stated that I have called for an explanation.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether a differential treatment was accorded to the Muslim candidates ?

**Minister :** No.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether all the 180 candidates who appeared before the Conservator were also made to pay something, in addition to the price of the form of application along with their application ? For instance, when applications are invited the candidates are asked to send some money.

**Minister :** I am not aware of any such practice.

**Lala Duni Chand :** May I know if the Honourable Minister is aware that a large number of candidates who came for the interview were required to remain at Lahore for four or five days ?

**Minister :** Yes, for 8 or 4 days.

**Lala Duni Chand :** May I know if the members of any particular community have any special aptitude for this kind of service ?

**Minister :** It is too large a question to be answered in the course of Assembly interpellations.

**Mian Muhammad Nurullah :** Will the Honourable Minister make sure that such mistakes are not committed in future ?

**Minister :** Yes.

---

**Secretary :** When question No. 6937 was asked today, Mr. Dev Raj Sethi complained that this question did not appear in the list of questions in the form in which it was sent by him. I have looked into the original notice of the question and I find that it appeared in the printed list exactly in the same form as it was given notice of by the honourable member.

---

#### INTERIM ANSWERS AND SUPPLEMENTARY QUESTIONS.

**Munshi Hari Lal :** I rise to a point of order. It is a very serious point of order. A question of mine was placed on the list of questions for the 21st of November. It relates to the conduct of an assistant sub-inspector of police. The answer then given to me was that the answer was not ready. Today an answer has been communicated to me. I submit that in order to elucidate my point of order, I want to read the question and answer to show that I have been deprived of my right of putting supplementary questions.

**Mr. Speaker :** That is not a point of order.

**Munshi Hari Lal :** Then call it a point of privilege. You were pleased to say that you would consider this point and give your ruling.

**Mr. Speaker :** The honourable member is welcome to discuss it with me. I shall be glad to do all I can do under the rules.

**Munshi Hari Lal :** That is exactly what I want to know as to what is to be done, because I am deprived of my right of asking supplementary questions.

**Premier :** Give notice of another question.

## UNSTARRED QUESTIONS AND ANSWERS.

## COMMUNAL REPRESENTATION AMONG FOREST RANGERS RECENTLY APPOINTED.

**1243. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of applications received by the Government recently for the post of Forest Rangers advertised to be vacant;
- (b) the number of applications received from candidates belonging to the non-agricultural classes and the number of such applications accepted ;
- (c) the number of candidates accepted for employment as Forest Rangers community-wise ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) 223.

(b) 90. 19 were permitted to sit in the qualifying examination.

(c) Final selections have yet to be made. But among the selected candidates there will be four Muslims, two Hindus and two Sikhs.

## ADMISSION IN VETERINARY COLLEGE, LAHORE.

**1244. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that about 200 candidates applied for being admitted into the Veterinary College, Lahore, this year ;
- (b) the number of candidates admitted into the College, community-wise, and the number of agriculturists and non-agriculturists among them ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) Total number of applicants for admission.—146.

(b) Number admitted—

	Number.	Statutory agriculturists.	Non-agriculturists.	Indian Christians.
Muslims .. ..	19	15	4	..
Hindus and others ..	12	10	1	1
Sikhs .. ..	5	4	1	..
Total .. ..	36	29	6	1

## EXAMINERS AND SUB-EXAMINERS OF THE PUNJAB UNIVERSITY.

**1245. Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of examiners and sub-examiners in all the University examinations, in all the subjects, written as well as oral and practical, for the examinations to be conducted in the Calendar year 1940 ;

- (b) the number of the Sikh examiners and sub-examiners ;  
 (c) the reason for the extraordinary low number of the Sikh examiners as well as sub-examiners ?

**The Honourable Mian Abdul Haye :** (a) 2,405.

(b) 249.

(c) The power to appoint examiners for the various examinations vests in the University and I regret I cannot interfere.

SHARE OF SIKHS IN POSTS IN FINANCIAL COMMISSIONERS' OFFICE.

**1246. Sardar Bahadur Sardar Gurbachan Singh :** (a) Will the Honourable Minister of Revenue be pleased to give the number at present of Superintendents, Assistants, Stenographers, Junior Clerks, Stamp Auditors in the Financial Commissioners' office and the number of the posts under each category held by the Sikhs ?

(b) Will he also kindly state the reason for such a low proportion of the Sikhs and whether he proposes to adopt some special measures to raise the Sikh proportion to the minimum figure of 20 per cent in a reasonably short period ?

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

<i>Designation of posts.</i>	<i>Total number.</i>	<i>Number of Sikhs.</i>	<i>Percentage of Sikhs.</i>
Superintendents .. ..	8	1	12.5
Assistants .. ..	48	4	9.3
Stenographers .. ..	10	1	10.0
Junior Clerks .. ..	53	12	22.7
Stamp Auditors .. ..	5	..	..

(b) Communal proportions are calculated on the office as a whole and not according to particular grades. Where the percentage of Sikhs is low it is due to the fact that the communal proportions whereby 6.5 weightage is given to the community have only recently been fixed. The percentage of the Sikhs in the Financial Commissioners' office has risen from 11.1 per cent. on 1st April, 1937, to 15.65 per cent. at the present time. The recently approved formula for recruitment is being strictly followed.

SIKHS AMONG CHIEF CONSERVATOR, DEPUTY CONSERVATORS AND ASSISTANT CONSERVATORS, FOREST DEPARTMENT.

**1247. Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the number at present of the posts of Chief Conservators, Deputy Conservators and Assistant Conservators in the Forest Department and the number of such posts held by the Sikhs ;

[S. B. S. Gurbachan Singh.]

- (b) whether it is a fact that Sikhs are under-represented in these posts ; if so, the steps he proposes to take to make up the deficiency of the Sikhs ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) There are at present one post of Chief Conservator of Forests, two posts of Conservators and 28 posts of Deputy and Assistant Conservators of Forests.

Recruitment to the services recruited by the Secretary of State has never been made on a communal basis. Two posts of Deputy Conservator of Forests are, however, held by Sikhs.

(b) In future recruitment will be made in accordance with the accepted formula of 50 per cent. Muslims, 30 per cent. Hindus and Others and 20 per cent. Sikhs.

REPRESENTATION OF SIKHS AMONG FOREST RANGERS AND OTHER  
OFFICERS OF THE FOREST DEPARTMENT.

**1248. Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the number at present of the Forest Rangers, Deputy Rangers, Foresters, Forest Guards, Office Superintendents, Assistants, Head Clerks and Clerks in the office of the Forest Department and the number of the posts under each class held by the Sikhs ;
- (b) what steps, if any, does he contemplate to take in order to make up the deficiency in the Sikhs' share ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a)

<i>Name of posts.</i>			<i>Total number of posts.</i>	<i>Number of posts held by Sikhs.</i>
Forest Rangers	..	..	64	9
Deputy Rangers	..	..	35	2
Foresters	..	..	126	12
Forest Guards	..	..	952	72
Chief Superintendent	..	..	1	..
Assistants	..	..	4	..
Head Clerks	..	..	21	1
Other Clerks	..	..	106	12

(b) New recruitment in each cadre, excepting that of Forest Guards in whose case weightage is given to local inhabitants, is being made in accordance with the accepted formula of 50 per cent. Muslims, 30 per cent. Hindus and Others and 20 per cent. Sikhs.



## REPRESENTATION OF SIKHS AMONG PROCESS-SERVERS AND BAILIFFS.

**1249. Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total number at present of the process-servers and the bailiffs in the Punjab and the number of the posts held by the Sikhs ;
- (b) the steps that he intends taking in order to make up the deficiency in the proportion of the Sikhs in these posts ?

**The Honourable Mr. Manohar Lal :** The attention of the honourable member is invited to the reply given to Assembly question No. 1188,<sup>1</sup> unstarred.

## REPRESENTATION OF SIKHS IN PUNJAB GOVERNMENT PRINTING, LAHORE.

**1250. Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether any of the offices of the Superintendent, Deputy Superintendent and Manager, Book Department, Punjab Government Printing, Lahore, has ever been held by a Sikh ; if not, why ;
- (b) the number of the clerical establishment, technical establishment and inferior establishment and heads of branches including section holders, assistant section holders of the Punjab Government Printing, Lahore, and the number of the posts held by the Sikhs ;
- (c) what measures does the Government propose to adopt in order to make up the deficiency of the Sikhs in these posts within a short period ?

**The Honourable Chaudhri Sir Chhotu Ram :** Attention is invited to the reply given on the 19th November, 1940, to question No. 1189<sup>1</sup> (unstarred).

## REPRESENTATION OF SIKHS IN THE MEDICAL DEPARTMENT.

**1251. Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number and the number of the Sikhs holding the following posts in the Medical Department ;
- (b) (i) Special posts, (ii) Civil Surgeons, (iii) Assistant Civil Surgeons (men), (iv) Sub-Assistant Surgeons (men), (v) Dispensers (men), (vi) Dispensers (women), (vii) Laboratory Assistants and attendants, (viii) Superintendents and head clerks (clerical establishment) ; (ix) Miscellaneous attendants ;
- (c) what steps, if any, does the Government contemplate to take to make up the Sikh proportion in these branches of service ?

**The Honourable Mian Abdul Haye :** (a) and (b) A statement is enclosed.

[ Education Minister.]

(c) Fresh appointments to the Medical Department are made strictly in accordance with the general policy of Government which gives each community its due share. As the honourable member probably knows already, the proportion of the various communities has been fixed as follows :—

				Per cent.
	Muslims	..	..	50
	Sikhs	..	..	20
	Hindus and others	..	..	30

Serial No.	Nature of post.	Total number of posts.	Number of posts held by Sikhs.
1	Special posts .. ..	15	1
2	Civil Surgeons .. ..	28	3
3	Assistant Civil Surgeons (men) ..	154	25
4	Sub-Assistant Surgeons (men) ..	568	100
5	Dispensers (men) .. ..	284	37
6	Dispensers (women) .. ..	25	1
7	Laboratory Assistants and Attendants..	56	3
8	Superintendents and Head Clerks ..	43	4
9	Miscellaneous Attendants .. ..	172	32

**APPOINTMENT OF A SIKH AS DIRECTOR, ASSISTANT DIRECTOR AND SUPER-INTENDENT IN THE OFFICE OF DIRECTOR OF INFORMATION BUREAU.**

**1252. Sardar Bahadur Sardar Gurbachan Singh:** Will the Honourable Premier be pleased to state whether a Sikh has ever been appointed the Director, Assistant Director or Superintendent in the office of the Director of Information Bureau, Punjab; if not, why not?

**The Honourable Major Sir Sikander Hyat-Khan:** No Sikh has ever been appointed as Director or Assistant Director, Information Bureau, Punjab. A Sikh has, however, twice been appointed temporarily in leave vacancies for an aggregate period of five months as Superintendent of the office of the Director of Information Bureau, Punjab. Appointments to these posts are not made on a communal basis.

**REPRESENTATION OF SIKHS IN THE OFFICE OF THE DIRECTOR OF INFORMATION BUREAU.**

**1253. Sardar Bahadur Sardar Gurbachan Singh:** Will the Honourable Premier be pleased to state—

- (a) the total number at present of employees in the office of the Director of Information Bureau, Punjab, and the number of the different posts held by the Sikhs in this office;

(b) what steps he proposes to take to make up the Sikh proportion in these posts ?

**The Honourable Major Sir Sikander Hyat-Khan** (a) Excepting the peons and the menial staff which is shared by the office of the Director, Information Bureau, with another Government office, the number of Sikhs among employees in the Information Bureau is as follows :—

		Total.	Sikhs.
Ministerial establishment	..	19	3
Journalistic Staff	.. ..	6	1
Technical Staff	.. ..	11	2

(b) Government have already issued instructions to all Heads of Departments on the subject of communal representation in fresh recruitment to Government services.

#### TUITION FEES IN MEDICAL SCHOOL, AMRITSAR.

**1254. Sardar Sahib Sardar Santokh Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that whilst in the King Edward Medical College, plucked students have to pay their tuition and capitation fee *pro rata* for the number of subjects they fail in and which only they have to study again, those in the Medical School, Amritsar, have to pay full fee over again for all the subjects taught and irrespective of the fact that a student may have failed only in one subject which alone he is taught during the second year ;
- (b) if the facts be as stated above, the reasons for this differential treatment in these two institutions ;
- (c) whether he is aware that this differential treatment causes great hardship to the plucked students studying in the Medical School, Amritsar ; and if so, the action intended to be taken in the matter ?

**The Honourable Mian Abdul Haye :** (a) The answer is in the affirmative, so far as tuition fees are concerned. The capitation charge, which is levied in respect of students nominated by other Provincial Governments and Indian States, is recovered at both institutions at the fixed rate, irrespective of the number of subjects which a student may be studying.

(b) and (c). Fees at an institution are charged in accordance with the provisions in the prospectus. The question of extending to the students of the Medical School, Amritsar, the same concession as prevails in the King Edward Medical College, Lahore, is already under the consideration of the Principal of the School.

#### MOTIONS FOR ADJOURNMENT.

##### MUNICIPAL VOTERS' LISTS, REWARI.

**Pandit Shri Ram Sharma** (Southern Towns, General, Urban) (*Urdu*) : Sir, I have to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, failure of the municipal election

1 p.m.

[ Pt. Shri Ram Sharma.]

office staff at Rewari to observe their own rules and procedure in the "Public Inspection" of Municipal voters' lists as prepared by them, resulting in decrease of five hundred Hindu votes.

**Mr. Speaker :** Will the honourable member please make one or two points clear ? Will he please quote the rule which was violated by the office concerned ?

**Pandit Shri Ram Sharma :** Sir, the rule is to the effect that—

**Mr. Speaker :** I want the rule in fact and not the rule in effect.

**Pandit Shri Ram Sharma :** Sir, if the Government denies what I am submitting, I will understand that the rule has been complied with.

**Mr. Speaker :** I want the rule. If the honourable member can quote it, well and good ; otherwise the motion is indefinite and I must reject it.

**Pandit Shri Ram Sharma :** I have not a copy of the rules in my possession at this moment.

**Mr. Speaker :** But I wish to see the rule.

**Pandit Shri Ram Sharma :** Sir, if you give me time I will get a copy. I inquired from the Assembly library but I could not get it. If you give me time, I will quote the number of the rule.

**Mr. Speaker :** Sorry ! I cannot hold the motion in order.

**Pandit Shri Ram Sharma :** In that case allow the second motion that stands in my name.

**Mr. Speaker :** It is the same.

**Pandit Shri Ram Sharma :** No it is different. It reads :

To discuss a definite matter of urgent public importance, namely, the arbitrary action of the municipal election office staff at Rewari in not giving any facility according to rules at the time of public inspection of the municipal voters' lists prepared by them, thereby depriving hundreds of Hindu voters from being enlisted.

**Mr. Speaker :** Please quote the rule.

**Pandit Shri Ram Sharma :** I have already submitted that the rules were not available in the Assembly library. Probably the copy was issued to the Government.

**Mr. Speaker :** Have the Government got those rules ?

**Minister for Public Works :** Give me a couple of minutes, Sir, and I might explain the whole position.

**Pandit Shri Ram Sharma :** Mr. Speaker, you should have allowed my motion, because from tomorrow onwards you will yearn for some one who may raise such points and fight for the rights of the Opposition and the people.

**Mr. Speaker :** I shall be sorry ; and still hope that that day will not come. A motion for adjournment must be definite. The honourable member's motion is not definite. It is both indefinite and vague.

**Pandit Shri Ram Sharma :** I beg to submit that it is not vague. It is a fact that the rules have not been observed.

**Mr. Speaker :** Will the honourable member please read the relevant rules ?

**Pandit Shri Ram Sharma :** As I have not got the copy I can give you the purport of the rule.

**Munshi Hari Lal :** The honourable member is going to give the rule. He knows the rule but if he cannot produce it that does not mean that the honourable member should be mistrusted.

**Mr. Speaker :** There is no question of distrust or mistrust, it is a question of fact. To make the adjournment motion definite, it is necessary to give the rule, at least to quote its number and date.

**Lala Duni Chand :** Why do you not ask the Government to supply the rules to you ? It is the duty of the Government to supply the rules.

**Mr. Speaker :** It is the duty of the gentleman who drafted the motion to make it definite.

**Lala Duni Chand :** Is not secondary evidence admissible ?

**Pandit Shri Ram Sharma :** But I am going to give the rules, Sir. If the Government doubts that—

**Mr. Speaker :** It is not a question for Government to decide. It is for me to decide whether the motion is definite or not.

**Pandit Shri Ram Sharma :** The Honourable Minister for Public Works was just going to say something about the rules. Why not ask him ?

**Minister for Public Works :** Can I help ? What do you want ?

**Pandit Shri Ram Sharma :** Sir, the rules are with him and he might have got them from the library.

**Chaudhri Krishna Gopal Dutt :** The rules are there with the Minister.

**Minister :** If the honourable member will give way I will explain to him the position. Every rule on the subject has been complied with. Here are the rules. Let him point out the rule which has not been complied with.

**Pandit Shri Ram Sharma** (*After studying the rules for some time*) : I cannot give the rule in such a short time.

**Mr. Speaker :** Both motions are disallowed.

#### FAILURE TO PROVIDE FACILITIES TO THE SECRETARY OF THE OPPOSITION PARTY IN THE ASSEMBLY.

**Chaudhri Muhammad Hassan :** I beg to ask for leave....

**Mr. Speaker :** The honourable member's motion<sup>1</sup> relates to a matter which is within the jurisdiction of the Speaker.

**Chaudhri Muhammad Hassan :** The Assembly Chamber is within the jurisdiction of the Speaker but what about the constable standing there at the door ?

<sup>1</sup>Chaudhri Muhammad Hassan, M. L. A., to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, failure of the Government to afford proper facilities to Mr. Sant Parkash, office Secretary, and other gentlemen of the office of the Leader of the Opposition for proper working in the discharge of their duties.

**Mr. Speaker :** Yes, the entire precincts of the Assembly Chamber.

**Chaudhri Muhammad Hassan :** Will the Honourable Speaker be prepared to discuss it with me privately ?

**Mr. Speaker :** You are always welcome.

#### FRANCHISE OF WOMEN VOTERS OF LAHORE CITY.

**Begum Rashida Latif Baji** (Inner Lahore, Muslim Women, Urban) (Urdu) : Sir, I beg 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 deprivation of the franchise of thousands of women electors of Lahore City by the authority responsible for the compilation of the electoral rolls.

**Mr. Speaker :** Will the honourable lady member state what rule has been violated ?

**Begum Rashida Latif Baji :** Sir, I will submit a few reasons for your consideration. When the rolls were first prepared in 1936, the number of electors entered in those lists was 10,440. At the time of objections the votes of 180 of these were disallowed and thus the total number of voters in that constituency was reduced to 10,310. But according to the new list that has now been prepared the total number of voters has dwindled to 1,058 votes. The names of hundreds of women have been left out but on the other hand the names of certain women occur two or three times in the same list. That is not all. Even the names of dead women have been included in the rolls. Moreover in certain places, a woman who has been shown as the wife of a certain person has again been entered as the daughter of a certain person.

**Mr. Speaker :** The honourable lady member is not relevant.

**Begum Rashida Latif Baji :** Sir, I had mentioned all these things in my motion but they appear to have been left out by the office while translating it. I appeal to you to allow me to mention these facts also. For instance in ward No. 1 among the voters of Mohalla Astana Sharif, Bibi Sultan Begum has been entered as the widow of S. Iftikhar-ud-Din and again in the list for Bazar Hakimian she is entered as a daughter. This is an instance of no ordinary family and you can very well realize what would have happened with the names of ordinary people.

**Mr. Speaker :** This matter is not before the House. It is immaterial that superficial voters have been registered.

**Begum Rashida Latif Baji :** I am afraid I have not made myself clear. I would like to explain the matter still further. The name of our Parliamentary Secretary Sayad Amjad Ali Shah's grandmother, Bibi Sultan Begum, widow of Sayed Iftikhar-ud-Din, has been entered in the list, although she has been dead these two years, on account of property qualification. Because the practice is this that when those who are preparing rolls come to a certain ward they make inquiries and if they find that a certain woman is paying land revenue in respect of any land or owns other immovable property, her name is entered in the list automatically. There are hundreds of such women in the city who, besides paying land revenue own immovable property. But the names of all those women who are still living and whose

names occur in the rolls of 1936 have not been entered in the present list without any proper inquiries having been made. Besides this the prospective voters give in applications for the inclusion of their names in the rolls. Sir, if you will be pleased to allow my motion I will prove that in spite of the fact that hundreds of women applied, their names were not entered in the list. The name of Khurshid Sultan, wife of Mumtaz Khan, son of Saad Ullah Khan, Nawab Muzaffar Khan's brother, has been included in the list for Inner Lahore although she has nothing to do with the city, while the names of many women belonging to the city have been excluded from the list. In the same way there is only one vote in Muzang and ten in Bhogiwal. Should I take it that all the women included in the Bhogiwal list are literate? This is rank injustice on the part of the Government.

**Mr. Speaker :** Did they apply under the rules and were not registered as voters?

**Begum Rashida Latif Baji :** Yes, Sir, they sent their applications by post and I can produce proofs in support of that. Only 1,053 votes have been left out of a total of 10,440 votes. May I know if the women whose names have been entered had sent in their applications?

**Mr. Speaker :** This is irrelevant again.

**Diwan Chaman Lall :** Sir, I may point out that the rule in this connection is definite and clear that every literate woman before being registered as a voter should apply. But the present list about which my sister is complaining was compiled by Government officials, without reference to any applications by women voters. Her complaint is that in this list which has been prepared by the officials themselves, there are certain names that appear not once, but twice or thrice. There must be some motive behind it. Therefore this is a matter of urgent public importance. Had it been the question of the compilation of this list on application sent in by the women, it would have been a different thing. But this list has not been compiled on that basis. This list was compiled by the officials themselves, without any application from any woman.

**Mr. Speaker :** The honourable lady member's motion says—

To discuss a definite matter of urgent public importance, namely, the deprivation of the franchise of thousands of women electors of Lahore City, by the authority responsible for the compilation of the electoral rolls.

She can discuss the "deprivation" if she can prove it.

**Begum Rashida Latif Baji :** It has often been said that they have not studied the rules and it has also been remarked that those women whose names have not been entered in the rolls were not so entered because they did not apply. Then, may I ask if dead women had made any applications that their names have been included in the rolls?

**Mr. Speaker :** The honourable lady member is now trying to explain that the list is wrong. Let it be wrong, I am not concerned with it.

**Begum Rashida Latif Baji :** Sir, the only names of those persons are automatically recorded who own property, and the inclusion of the names of dead women is due to that very fact. If you will allow me I can prove that even those whose names appear in the lists did not apply for it and still their names have been entered without any application from them.

**Mr. Speaker :** If the lady members did apply for the registration of their names, and the election authorities did not take any heed and did not enter their names in the registers it was open to them, when objections were invited, to come forward and place their qualifications before officers concerned.

**Begum Rashida Latif Baji :** Sir, that is exactly what my motion seeks to discuss. That is what I want to prove.

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary) : Sir, may I take this opportunity of explaining the position ? So far as the question of women votes is concerned, as you are aware, there are three qualifications by which we are entitled to become voters. The first is the property qualification, the ordinary property qualification which is the same for women as it is for men. Now with regard to property qualification it is for the Government to place them on the electoral rolls without any application whatsoever. For the other qualifications, women have to apply for registration as voters. Sir, for the removal of this burden of registration under these two qualifications, I had to fight in England, but I did not succeed as unfortunately our men wanted that their women should have to apply for votes. It so happens that according to the calculation under the new constitution six million and six hundred thousand women are to become voters, one million 200 thousand under property qualification, one million 200 thousand under educational qualifications and under the special qualification, that is this that wives of voters who were entitled to vote for the last provincial councils—four million and 200 thousand women were to become voters. One can quite understand the position if you take these figures into consideration. Under the property qualification only  $\frac{1}{2}$  of the women are entitled to vote and get their votes registered without making any effort. Under the special qualifications nearly five million women can get their votes registered by applying at the proper time. Last time during the elections, I was acting as one of the Secretaries of my party and I had a large number of application forms sent out from the office. We also issued special instructions to all the district committees, our representatives asking them to make a special effort in getting women registered as voters. The women organizations also worked effectively and the result was that a large number of women were placed on the voting registers. This time our women organizations and even some of us, who unfortunately have been busy otherwise, have not taken such an interest in the matter. (*Begum Rashida Latif Baji :* This is wrong.) In my own constituency I had the applications of women sent in large numbers. With regard to what my sister has just said on the floor of the House that some of the ladies' names have been registered as voters, and other names have been left out the position is this that these women are entitled to vote under the property qualification. Only a few thousands in the Punjab have come on the electoral roll. A large number of women, unfortunately have not become voters and the reason is that no one has taken interest to get herself registered as a voter. I have had several inquiries from my sisters residing in the civil stations wanting to know why. Only the other day I explained to them in a meeting that it was not due to the fault of the Government officials but it was because they had not sent in their applications to become voters in time. Unfortunately, most of them thought that as they had been registered as voters last time



their names will automatically be placed on the lists. That is the reason and I hope my sister will understand the position.

**Mr. Speaker :** I regret I have to disallow the motion.

**Mian Abdul Aziz :** Sir, I want to say a word.

**Mr. Speaker :** Does the honourable member think that I have given a wrong ruling ?

**Mian Abdul Aziz :** I would not say anything with regard to it, because I always bow to the ruling given by the Chair. I want to say that once a voter is qualified he should remain always qualified.

**Mr. Speaker :** Is there any such rule ?

**Diwan Chaman Lal :** I am afraid the honourable lady member who spoke last has not placed the rules before you. What she said was this that there are three qualifications for a woman to be registered as a voter and in respect of those three qualifications she must make an application and on the making of that application she will be registered provided no objections are raised. That is not the position. The position is that under Rule I of Chapter III of Part B, page 73 of the Punjab Legislative Assembly Electoral Rules, 1936, you will find that a special notice was issued and it is said—

Whereas it is provided in paragraph 9 of Part VI of the Sixth Schedule to the Government of India Act, 1935, that no person or certain specified classes of person shall be included in the electoral roll for any territorial constituency by virtue of certain specified qualifications unless such person makes an application in a prescribed manner, the public are hereby informed that such applications must be made in the manner prescribed in this notice.

Then it goes on to paragraph 2.

The following are the classes of persons and the qualifications referred to in paragraph 1 of this notice :—

- (a) All members of Scheduled Castes, not otherwise qualified, being literate.
- (b) All other persons, not otherwise qualified : having passed the primary or any equivalent or higher standard of education.
- (c) All women, not otherwise qualified.

There is one class which has its own qualifications, namely, the property qualifications. A woman is entitled to become a voter irrespective of the fact that she makes or does not make an application.

(c) All women, not otherwise qualified—

(1) being literate ;

(2) being the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer, or soldier of His Majesty's regular military forces, or of the Auxiliary Force (India) , or of the Indian Territorial Force, or an officer or man of any British India Police Force.

(3) being the wife of a person who—

(i) during the previous financial year was assessed to income-tax, or was assessed in the Province in respect of any direct municipal or cantonment tax to an amount of not less than fifty rupees ; or

(ii) is a retired pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces, etc.; or

(iii) has throughout the twelve months preceding the prescribed date owned immovable property in the Province of the value of not less than four thousand rupees or of an annual rental value of not less than ninety-six rupees, not being land assessed to land revenue.....

**Mr. Speaker :** All these qualifications have to be kept in view.

**Diwan Chaman Lall :** But there is one class which is not otherwise qualified. If she is otherwise qualified then there is no application. My sister's contention is that there is a large body of women who were otherwise qualified and in whose case no application was necessary and whose names appeared in the previous list, but have now been cut out and the names of about 200 prostitutes have been included.

**Mr. Speaker :** I agree with the first part of the honourable member's argument. If a woman was entitled otherwise, her name should have been registered. But if her name was not registered and time was given for putting forward claims that should have been done. But what the honourable lady member is now saying is that so many women have been left out.

**Begum Rashida Latif Baji :** On a point of order. I may bring to your notice that their names have been wrongly entered. The voters who could be enlisted on the qualification of holding immovable property have been deliberately omitted.

**Mr. Speaker :** I am not concerned with wrong registration. The only question is of the deprivation of franchise.

**Mian Abdul Aziz :** I may bring to your kind notice that if a woman is once qualified she cannot be disqualified.

**Mr. Speaker :** Under which law or rule ?

**Mian Abdul Aziz :** It is clear.

**Mr. Speaker :** If there is any rule that a woman once qualified cannot be disqualified, in that case she should certainly be taken as a voter.

**Diwan Chaman Lall :** It is obviously a matter of grave importance to this Chamber. When a large body of women, already qualified, appeared on the previous list, but now their names have been cut off by the Government, it is a matter of concern to this House.

**Mr. Speaker :** The question is whether there is any election rule under which on the expiry of the term of five years, a new register should be prepared, by correcting and revising the old register. If that is so, the honourable Mian Sahib's contention is valid ; but not otherwise.

**Diwan Chaman Lall :** I think there is some misunderstanding on this side of the House in regard to what you have said. The position is this. A register is prepared under the rules in force. In the preparation of that register the governmental machinery in charge deliberately knocks out several thousand names.

**Mr. Speaker :** There is no question of knocking out any names from the register. The question is whether an entirely new register is prepared or only a revised edition of the old one is prepared.

**Diwan Chaman Lall :** The point is whether the method adopted by the governmental machinery is correct, proper and just or not.

**Mr. Speaker :** That method, so far as I have been able to discover, is that women voters who wanted to be enfranchised again had to apply under the rules in force, but they did not do so.

**Lala Bhim Sen Sachar :** Not in every case.

**Mr. Speaker :** Yes, only in cases in which they had to apply.

**Lala Bhim Sen Sachar :** Also in cases in which they could become voters otherwise.

**Mr. Speaker :** In those cases they could put forward their claims ; there was a revising authority appointed to consider such claims.

**Mian Muhammad Nurullah :** I know of cases where applications were made, but the patwaris did not take those applications saying that the applications were not given to them by the persons concerned.

**Mr. Speaker :** That matter is not before the House.

**Begum Rashida Latif Baji :** On a point of order, Sir. The adjournment motion that I have moved has been wrongly translated by the Assembly Office. What I put down in my original motion was that the lists of voters had been compiled carelessly and wrongly by the authorities concerned. I read out the Urdu version of the English translation rendered by the office. It runs thus :

” ان یہ آدھ ایک پیش کرنے کی اجازت طلب کرتی ہوں کہ ایوان کے کاروائی کو ایک معین اور اہم ہدایہ معاملے پر بحث کی غرض سے ملتوی کیا جائے یعنی یہ مس رائے دہندگان تیار کرنے کے ذریعہ ہڈت ماکہ کا شمار ہو۔ لی ہزاروں خواتین کو حق رائے دہندگان سے محروم کر دینا “

My submission is that what I particularly mentioned in my original notice was that the electoral rolls were defective and that the names of genuine voters had been eliminated from them. Sir, do you think that out of lakhs of women residing in the city of Lahore there is none who possesses any property ? I would submit....

**Mr. Speaker :** The honourable lady member may read out her original motion.

**Begum Rashida Latif Baji :** I would request you to kindly send for the original notice which I gave with regard to this adjournment motion. That was in English. It was differently worded. I read out the one which is in my possession. The wording of this, too, is a bit different from the original one. It is as follows :—

” جناب دادلہ—میں ایک آدھ ایک انداز پیش کرتی ہوں کہ انہی ذرائع اہم اور ضروری مسئلہ عام پر بحث کی جائے۔ یعنی لاہور شہر کی ہزاروں خواتین کو سرکاری انسانان نے ووٹوں کی غلط فہم سے محروم کر کے ووٹ کے حق سے محروم کر دیا ہے۔ “

**Mr. Speaker :** I think the English translation of this notice is quite correct.

**Begum Rashida Latif Baji :** No, Sir, I beg to differ. It is wrong.

**Mr. Speaker :** Then the honourable lady member may move her original motion as drafted in Urdu. I have got here the honourable

(Mr. Speaker).

lady member's original motion as drafted in vernacular. I will just read it to the House—

مذہب— میں ایک تحریریک الاولاد میں کوئی دن تاکہ ایک نہایت اہم اور  
فوری مسئلہ عامہ پر بحث کی جائے یہ فی لاہور شہر کی ہزار ہا خواتین کو  
سولکری انجمنوں نے ووٹوں کی غلط فہم سے محروم کر کے ووٹ کے حق سے محروم  
کر دیا ہے۔

Her contention that her motion is wider than its English translation is wrong. The substance of her motion is that thousands of women of Lahore have been deprived of their right of becoming voters. In my opinion, it is not the Government that is responsible for this. So, I rule the motion to be out of order.

**Khan Sahib Khawaja Ghulam Samad :** The honourable lady member has quoted facts and figures from the register in order to show that wrong entries have been made and the number of voters has been reduced to a great extent and thousands of women have been deprived of their right of franchise. I want to support her motion by quoting entries in the register that if these names are expunged from it, the number of voters will still further decrease.

**Mr. Speaker :** I have already ruled the motion to be out of order.

## RESOLUTIONS.

### GRANT OF LANDS IN COLONY AREAS TO TENANTS OF ATTOCK AND AND OTHER DISTRICTS.

**Mr. Speaker :** The Assembly will now resume discussion of the resolution moved by Khan Bahadur Nawab Muzaffar Khan.

**Khan Bahadur Nawab Muzaffar Khan** (Attock North, Muhammadan, Rural) : As I said the other day, by means of this resolution I was pleading the cause of a very deserving class and seeking the sympathy of this House for that class. That class, as every one knows, has rendered yeoman service to the country. In the Great War they formed the bulk, I would say, the rank and file of the Indian army and as a matter of fact they were the backbone of the Indian army. They joined the army in great numbers. Their deeds of valour were still fresh in the memory of Frenchmen when I went to their country in 1931. It is for this class Sir that I am pleading. Again during the 3rd Afghan War they fought by the side of the Honourable Premier and therefore my task in making this recommendation to him has become very easy since he knows their worth. Many valuable lives were lost in that war. Then, again, coming to the present war, the flower of the peasantry of this province has come forward to rid this world of the menace to civilization. Students of Indian history know what Changez and Hilakoo Khan and their hordes did to destroy the old civilization. The present German Changez and Hilakoo (Mussolini of Italy) are more scientific in their methods and doing the same thing on a

much wider scale, that is, destroying undefended towns and killing women and children. It is on behalf of this peasantry that I appeal to the House for help.

I was shocked the other day to hear a member of the House describe this peasantry as mercenary soldiers. I was surprised when Mr. Sethi said that these people were joining the army because of their poverty. I do not complain if such a charge comes from other provinces. I know that there is jealousy at the back of those people's mind who speak from other provinces. As a member of the Army Committee I know that there was one voice from other provinces of India against the recruitment of Sikhs and Punjabi Muslims. People asked, "Why were these people given preference in the army?" My reply to them was, and my reply to them now is, that this is the time when the country needs their services to establish their right as a martial class. If other classes also come forward and help in the war effort they also will be raised to martial status. But I do complain against those people of this province who describe these martial classes as mercenaries. Mr. Sethi should have been the last person to have made such an insinuation against the peasantry of the Punjab. (*Hear, hear.*) Because he knows that some of the members of the biggest and richest families from Lyallpur which he represents in this Assembly have come forward to serve this country in its hour of need. It is really most regrettable that they should be described as mercenaries. Even if he casts his glance round in this Chamber he will find the Premier who is a soldier. Can he be said to be a mercenary? There is Major Khizar Hayat Khan. Is he a mercenary? Then Sardar Sir Muhammad Nawaz Khan who is a Major in the Indian Army. There are several other people of great eminence in this province who are soldiers who came forward to fight in the Great War. I, therefore, strongly protest against that remark of my honourable friend. Coming to the point, it is for this class of people who have rendered such great service in the last war and who are rendering service in the present war also, that I was pleading for the sympathy of this House. These tenants have been deprived of their land and it must be said to their credit that they have sacrificed themselves cheerfully and willingly in the greater cause of this country. They have not complained to anybody. No telegrams have been sent by them as is usually done in such cases. The Premier has received only most respectful representations and I too as their representative have received a similar representation. It is for these poor people that I want the help of this House and I hope the Honourable Premier and the other members of the House will be good enough to accept this resolution.

**Mr. Speaker :** Resolution moved is—

This Assembly recommends to the Government that poor tenants of Attock and other districts who have been rendered homeless by the acquisition of the lands that they cultivated, for cantonments or other military purposes, be provided with lands in colony areas on conditions on which the Government has hitherto been granting lands to poor peasants in the Punjab.

**Khan Muhammad Yusuf Khan** (Rawalpindi Sadar, Muhammadan, Rural): Sir, I have given notice of an amendment that after the word "Attock" the word "Rawalpindi" be added. I am sure no one in this House would be more glad than I am that this resolution has been moved before

[Khan Muhammad Yusuf Khan].

the House. The obvious reason is that I come from a district which undoubtedly stood first in the last war as regards its contribution in men, money and materials. You know that in the Punjab there are only two persons who hold V. C., one of whom belongs to Jhelum and the other to Rawalpindi, more particularly to my constituency. As regards the present war the whole of India is unanimous that if the forces of Nazism and Fascism are allowed to have their way it would mean the utter annihilation of all democratic institutions; these democratic institutions will become once for all things of the past. I am sure India cannot be a willing partner to such a crime, more so the Punjab where the Honourable Premier and his colleagues are giving such impetus to war efforts and where the people are imbued with traditions of fighting. This war has given us an opportunity to train ourselves in the art of fighting which is our proud heritage.

Now, coming to the resolution, I may say that a great deal of property has been taken by Government from the people of my district for war purposes, particularly in Chaklala and the neighbouring villages and the people of these villages, poor as they are, being rich in their hearts, have not grumbled. They have cheerfully submitted themselves to this sacrifice. Taking this into consideration it is quite fitting that the Government must give them due compensation for the property they have acquired for war purposes. Therefore even if I do not move this amendment, the resolution as it stands will serve the purpose. The reason why I emphasize my own district is that a large amount of property has been acquired by Government and so far I think there are very few districts and perhaps only two or three districts in the Punjab where property has been acquired by the Government. Therefore, if it is specified in this very resolution, I hope and believe that they will be duly compensated and thus they will earn the praise of the honourable mover. Therefore, with these words, I move my amendment.

**Mr. Speaker :** The resolution covers the amendment. The debate may proceed on the whole resolution.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural): We are thankful to the mover of this resolution for having drawn the attention of this House and of the big landlords towards the tenants. I would request the big landlords that they should in future look to the comforts of the tenants because they are like dumb cattle and have no voice anywhere, and therefore I am thankful to the mover for having brought up their case. Last summer I happened to go to Abbottabad, Hasan Abdal, and other places near about and found that many lands there were being built upon and I was informed that they were required for military purposes. Later on when I happened to go to Sialkot, there I found that barracks were being built there for the same purpose. Therefore I think the addition of the word "Rawalpindi" is not necessary to the present resolution as the present resolution covers all the districts, wherever land is being acquired for military purposes. I, therefore support the resolution.

**Chaudhri Krishna Gopal Dutt** (North-Eastern Towns, General Urban), (*Urdu*): Sir, I have risen to explain the position of the Congress Party regarding the resolution moved by honourable Nawab Muzaffar Khan. This resolution refers to a fact which has come to the notice of many members

of this House for the first time. It is that the Government have acquired land for cantonments or for other military purposes. When land is acquired by the Government it is their duty to compensate the owners or other people who are directly or indirectly affected by the acquisition of that land. Nawab Sahib has moved this resolution to help the tenants who have been rendered homeless by the acquisition of the lands they cultivated. But it was the duty of the Government to give relief to all such people. I want to put a question to the Honourable Premier and it is as to why the tenants who have been deprived of their land have not been given relief by the Government on their own initiative. What are the reasons which prompted the Government first to acquire their lands and then to bring forward a resolution recommending that they may be granted lands in colony areas? Why was their loss not made good soon after the acquisition of their lands by the Government?

**Khan Bahadur Nawab Muzaffar Khan :** The lands are being acquired under the Land Acquisition Act. As far as the owners are concerned Government is considering their case under the provisions of the Land Acquisition Act. And where the owners are occupancy tenants they can fight out their case up to the High Court if the compensation is not given. It is for that reason that I have brought forward the case of the poor tenants alone.

**Chaudhri Krishna Gopal Dutt :** I stated all this when I said that it was the duty of the Government to compensate all those persons who have directly or indirectly suffered some loss on account of the acquisition of those lands by the Government. Government ought to have considered all this before those people were deprived of their lands. I request the Honourable Premier that he should adopt such methods by which the whole burden of the war may not fall on the shoulders of the poor people alone. On the one hand people are being made to contribute towards the war fund and on the other their lands are acquired by the Government for military purposes. This doubly hits the poor people. The agriculturists are very poor. They have no money and very few sources of earning money. The burden of war funds accompanied by such an acquisition of land is too much for them.

Sir, the other day I pointed out to the honourable members that while  
 2 p.m. discussing the question of war and war propaganda the Honourable Premier was in the habit of making most objectionable statements. Now if I were to reply to him as he does very often making personal attacks on others, it would be a different matter.

**Mr. Speaker :** Please speak to the motion.

**Chaudhri Krishna Gopal Dutt :** Sir, I expect that you will not interfere too much in what I want to say. For this is not anything which I can take lying down. The other day the Honourable Premier during his speech made personal attacks on me as well as on other honourable members sitting on this side of the House and used so very strong a language that it was not parliamentary for him to do so.

**Mr. Speaker :** If any offensive words or unparliamentary expression was used, the honourable member should have got up then and there and invited my attention to it. After a speech is delivered that point cannot be

[Mr. Speaker].

raised. If the honourable member wants to speak on the resolution he is welcome to do so.

**Chaudhri Krishna Gopal Dutt :** Sir, I may state it for your information that the other day the Honourable Premier in the course of his speech used these words : انکے اجنبی کے اندر سے جوئے مارکر باہر نکال دیا جائے Are these words parliamentary ?

**Premier :** It is a matter of great regret that my honourable friend is attributing a wrong statement to me. What I said was—if my honourable friends opposite disobey the orders of the High Command : انکے مارکر باہر نکال دیا جائے My honourable friend Sardar Sampuran Singh objected to these words which I withdrew and added that “they would have been turned out by the orders of the High Command”. But my honourable friend is saying that I would have kicked them out of this Chamber. I never said so. On the other hand, I want my honourable friends to stay here.

**Chaudhri Krishna Gopal Dutt :** Thank you for that. But I may inform the Hon'ble Premier that just as he thinks that he can perform his duties in a better manner by remaining here we on the other hand consider that we can do our duties properly by going to jails. But this much I must submit that on the previous day he said those very words which now he has very dexterously attributed to the Congress High Command.

**Mr. Speaker :** I request the honourable member to speak to the resolution.

**Chaudhri Krishna Gopal Dutt :** Sir, I would request you not to be unfair to us. You do not allow us to give any reply to the strong words which the Honourable Premier used the other day. I may tell you that such strong words which the Honourable Premier is in the habit of using in his speeches do not reach the readers of the English newspapers. For example on Tuesday he used the word ڈھیس and many other words of that kind. I would request you to at least allow us to reply to such words on the floor of the House that it was not proper for him to have used these words in connexion with the honourable members sitting on this side of the House.

**Mr. Speaker :** All I remember is that he used the word ڈھیس and he withdrew it immediately.

**Premier :** It is a matter of great regret that when I was speaking the other day the honourable member was not in his seat. Now he is making a statement which is based on hearsay. I used the word ڈھیس and when an honourable member from that side of the House protested I withdrew it and used the word “obstinate” instead.

**Chaudhri Krishna Gopal Dutt :** I will be sorry for ever that if we want to give any reply to any remarks made by honourable members on the opposite side we are not allowed to do so.

**Mr. Speaker :** That matter is not now before the House. If the honourable member wishes to speak on the resolution he may do so.



**Chaudhri Krishna Gopal Dutt :** That does not mean that you should prevent me from saying that the words which the Honourable Premier used were unparliamentary ?

**Mr. Speaker :** That matter is not now before the House.

**Chaudhri Krishna Gopal Dutt :** It is my humble submission that this matter is not such about which you should ask us to observe silence. We are here only for a day or two and I want to give a reply to it. But you are preventing me from doing so on the ground that it took place the other day. Besides, I may tell you that when the honourable members over there use strong words against us you do not take any notice. But when we want to give a reply to them you do not allow us to do so.

**Mr. Speaker :** The honourable member can speak only to the motion before the House.

**Chaudhri Krishna Gopal Dutt :** If I do not speak on the resolution it is then that you are entitled to interrupt me. I am speaking on the resolution. But I must tell you that when honourable members deliver speeches they say so many irrelevant things which have not even remote connexion with the motion under consideration. But still you allow them to do so.

**Mr. Speaker :** What has that to do with the resolution now before the House ? When the honourable members indulge in irrelevancies, I try as a rule to interrupt them.

**Chaudhri Krishna Gopal Dutt :** But that statement is still relevant and germane.

**Mr. Speaker :** If the honourable member does not speak to the resolution I shall have to ask him to sit down.

**Chaudhri Krishna Gopal Dutt :** You may do anything. If you say I am irrelevant I shall sit down. I fail to understand why when we say anything which is irrelevant you immediately warn us not to be irrelevant. But many times in this very House honourable members have been indulging in irrelevancies and your rulings to this effect are on record that if anybody says any irrelevant things other honourable members have the right to give a reply to them. Now you are ignoring your own rulings.

**Mr. Speaker :** I have always ruled that one irrelevancy cannot be set right by another irrelevancy.

**Chaudhri Krishna Gopal Dutt :** Very well. I will send them to you in writing. Now I want to discuss the resolution now before the House. In this connexion I want to urge that the apprehensions which are being created in respect of war in the Punjab—

**Mr. Speaker :** I have held it to be irrelevant. The only thing relevant is that the Government of India has acquired certain lands and the resolution asks that the tenants who have been deprived of their lands should be provided with other lands in the Punjab.

**Chaudhri Krishna Gopal Dutt :** No, Sir, the resolution says that the land has been acquired for military purposes and that is what I am discussing. May I know why, when Nawab Muzaffar Khan was discussing war, you did not object ?

**Mr. Speaker :** The honourable member should have objected then.

**Chaudhri Krishna Gopal Dutt :** No question of objection because he was relevant. It is mentioned in the resolution itself.

**Mr. Speaker :** If the honourable member does not want to speak to the resolution he may resume his seat.

**Chaudhri Krishna Gopal Dutt :** I am speaking to the resolution but I feel that you are taking an attitude which is a handicap in my way. Do you mean to say that I should not say a word with regard to war? I want to know how, when Nawab Muzaffar Khan replied to the arguments of Mr. Dev Raj which he advanced in his previous speech, he was relevant? After all what is the reason that you do not want to give us the same latitude? If you persist in calling me to order then I do not want to speak.

**Premier :** I am not against the word "jang" being used. But any details of war cannot be discussed on this resolution. The only thing you can discuss is whether they have acquired these lands and whether any compensation is to be paid.

**Chaudhri Krishna Gopal Dutt :** I wish you had given your ruling when Nawab Muzaffar Khan was speaking.

**Mr. Speaker :** The honourable member is trying to bring in things, which are not relevant at all. Even by stressing his point, he cannot make it relevant. Even if that can be done, I do not wish that heat should be created.

**Chaudhri Krishna Gopal Dutt :** Sir, I am only meeting the argument advanced by Nawab Muzaffar Khan, and you hold my remarks to be irrelevant. When he was speaking he went so far as to bring in everything connected with the war. He talked of mercenary soldiers, the enemies of their country and all that. And now you do not allow me to meet those points. Therefore, I resume my seat as a protest.

**Sayed Mohy-ud-Din Lal Badshah** (Attock South, Muhammadan, Rural) (*Punjab*) : Sir, I strongly support the resolution moved by the honourable Nawab Muzaffar Khan, and would like to draw the attention of the House to the fact that it is not the tenants alone who are affected when the Government acquires certain lands. There are a number of small holders particularly in the Chhachh area, whose lands have been acquired from them for the purposes of war and who find it extremely difficult to make both ends meet. It is no doubt true that they will be compensated for the loss of land but that compensation will not be sufficient for them for the rest of their lives. It is with this fact in view that I beg to submit that small holders who have been deprived of the only means of earning their livelihood should be included along with the tenants for the purposes of this resolution, and they should also be granted land.

My honourable friend Chaudhri Krishna Gopal Dutt in the course of his speech remarked that the hardships of the poor tenants have been made an excuse for moving this resolution the purpose of which is entirely different. This is not correct. In fact the position is not what my honourable friend suggests it to be. The point of view of every one here is different. The question is whether you consider the present war as the war of India or of

other countries. If it is a war which vitally concerns India then no sacrifice is too great for this cause. If on the other hand it is considered to be a war of other countries then of course anything which is said against it will be justified. But the facts are against this conclusion. The honourable Nawab Sahib has been compelled to move this resolution because he does not consider this war to be a foreign war. My submission is that it would be a great hardship if this resolution is not adopted by the Government. It is a very important resolution and I hope that the Government will see their way to giving it a practical shape.

With these words, Sir, I support this resolution.

**Khan Bahadur Maulvi Ghulam Mohy-ud-Din** (Sheikhupura, Muslim, Rural), (*Urdu*): Sir, as some of the previous speakers have said we are really grateful to Nawab Muzaffar Khan for bringing forward this resolution. He has tried to establish a laudable principle. Formerly, whenever any land was acquired by the Government it was thought enough to compensate the owners and no heed was taken of the hardship that befell the poor tenants. Now that it is sought to get something done for these poor people, I am sure the House will pass this resolution unanimously. I need not say that the purpose for which this land has been acquired is dear to all of us and that every Punjabi is in duty bound to support the Government in the matter. But it is also our duty to see that the poor people who have been deprived of the means of earning their livelihood are enabled to make their ends meet. It is not a matter to be looked into from the Government or non-Government point of view. It is only a question of natural human sympathy and should be considered from this point of view alone. It may be said that the Government has paid the price of the land and now it cannot be held responsible for what happens to the tenants. That may be the correct legal position, but it would be a wrong principle for any Government to adopt. The present Government has always shown a special solicitude for the poor and down-trodden people (*Hear, hear*) and, therefore, it cannot ignore its duty towards these tenants who must be provided the means to earn their livelihood.

I am sorry to observe that my honourable friends on the opposite benches who are very loud in their professions of sympathy for the poor have tried to find some excuse for opposing this resolution. I am glad to see that they have not been able to find any excuse, but even if they had found one they would not have been able to justify their opposition to this resolution which is based on a very wholesome principle. All that they could have done was to hurl some abuses at the Government as is usual with some of them.

**Mr. Speaker**: Please do not be personal.

**Khan Bahadur Maulvi Ghulam Mohy-ud-Din**: I would, therefore, request the House to accept this resolution which has been brought forward for the benefit of the poor and deserving people. I do not think there can be any good excuse for opposing it, and therefore, I hope that a good many honourable members sitting on the opposition benches will also support it.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): Sir, I do not propose to take much time of the House, because the resolution which is under discussion, I might at the very outset say, has my fullest

[Premier].

sympathy (*Hear, hear*). As a matter of fact if Nawab Sahib had not brought forward this resolution, I was myself proposing to take action on these lines, because, when I went to that part of the world about a week ago, some of these people who had been ousted from their lands came to me and represented their case and I dare say that they must have represented their case to Nawab Sahib also, and I promised them to look into it sympathetically and I am glad that Nawab Sahib's resolution has given me an opportunity to vindicate that undertaking that I gave them. Sir, my friends opposite—one of them did not finish his speech—said that it is the duty of the Government to compensate the people whenever they are dispossessed of their lands and property. Everybody in this House even a layman like myself knows that whenever Government does acquire any property, they compensate the owners and others who are interested in that property. Then he went on to say that since it was the duty of the Government to do so, it is a waste of time of this House to discuss this resolution about tenants. Now, Sir, I must confess that I did not see any particular reason for that unwarranted remark, because it is the duty of this House to protect the rights of the high and the low and of the rich and the poor and above all of tenants who constitute the very large majority of the population of this province. (*Hear, hear*.)

I was surprised, Sir, that my honourable friend, who belongs to a party, which profess to be the friends of the poor, should have thought fit to call it waste of time of the House when something directly concerning the poor tenants of this province is brought before the House. Sir, so far as these people are concerned, as my honourable friend the mover of the resolution has pointed out, they constitute the backbone of the peasantry of this province because tenants, as I have repeatedly said on previous occasions, who have been ousted come from the same stock as the peasant proprietors. Whether they are big owners, or small owners, or peasant proprietors or tenants, in this province they come from the same stock and this is one distinguishing feature of this province which is responsible for its strength, stability and patriotism and, I may say, unity of purpose which you see in this House. (*Hear, hear*.) I, therefore, beg to submit that no one in this House, who is a Punjabi and is worth his salt, can possibly take exception to this resolution or oppose it. And I am sure the whole House will unanimously support this resolution.

Now, coming to the resolution itself, Sir, I have one little suggestion to make and that is of a technical nature and I hope the honourable the mover of the resolution will accept it. The resolution says :

This Assembly recommends to the Government that poor tenants of Attock and other districts who have been rendered homeless

and after the word "homeless" I want to add the words "or landless".

**Khan Bahadur Nawab Muzaffar Khan :** Yes, they have become homeless and landless. I have no objection to these words being added to my resolution. I accept the amendment.

**Premier :** Anyhow we should not quarrel over words. I assure my honourable friends that I have the fullest sympathy with those poor people and will do my utmost to see that this resolution is given a practical

shape and effect. The question as to what we are to do, is a different matter. My honourable friends are aware that where the question of ownership is concerned, the compensation can be given in cash or by exchange or in the shape of land in the colonies. These people have become landless, because the land of the owners, which they cultivated, has been acquired by Government for military purposes, and this is being done in other provinces as well. Now, in the cantonments where the land has been acquired by Government, the owners are very happy. They are glad that their land will be of some use and service to the Government during the war and in this way they are serving their nation and the Government. But we also realize that for these poor tenants and owners we have got no more land which we can give them. We cannot stretch that land. If we had land there we would have certainly given them that land, but unfortunately this is not the case. I believe this is the reason why Nawab Sahib wants that these tenants should be compensated. In Chhachh the holdings are much smaller and there the people are even worse off than these people. This is not a question of the Attock district or the Rawalpindi division, which, as we all know, is a great recruiting centre; it is a question of the province as a whole. This part of the province is the champion of the Punjab and they are doing all they can for the sake of their country, for the sake of their province. This is a matter to be examined with a view to see that these tenants who have been ousted from their lands, because the land was acquired by Government for the purposes of war, and who have no other land on which they can live, should be given land. It would be the primary duty of Government to provide them with land, so that they can earn their livelihood in this province. We will have to examine this matter with this object in view and I hope the result of our examination will be favourable. The number of people affected, for whom the land will have to be provided, will not be very large. After all cantonments are established in special places, strategical places, and there may be 50 or 100 camping grounds in the division, which may be required during the course of the present war. There may be 500 or 1,000 tenants involved there, but how can it be possible for us to find land for these people in their own districts? We cannot find land for them in their own district, and if they prefer to go away from their homes, it is possible to find for them land in other districts and colonies. In view of what I have said, I hope the honourable member will withdraw his resolution and accept the suggestion that I have put before the House.

**Mr. Speaker :** Resolution under consideration, amendment moved is—

That in line 2, between the words "homeless" and "by" the words "or landless" be inserted.

The question is that that amendment be adopted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That this Assembly recommends to the Government that poor tenants of Attock and other districts who have been rendered homeless or landless by the acquisition of the lands that they cultivated, for cantonments or other military purposes, be provided with lands in colony areas on conditions on which the Government has hitherto been granting lands to poor peasants in the Punjab.

*The motion was carried.*

### LOAN FOR STARTING STATE-OWNED AND STATE-MANAGED INDUSTRIES.

**Sardar Wali Muhammad Sayyal Hiraj** (Kabirwala, Muhammadan, Rural): Sir, I beg to move—

That this Assembly recommends to the Government to raise a loan of a crore of rupees for starting wholly or partly State-owned and State-managed industries in the province.

**Mr. Speaker :** Resolution moved is—

That this Assembly recommends to the Government to raise a loan of a crore of rupees for starting wholly or partly State-owned and State-managed industries in the province.

**Khan Bahadur Chaudhri Riasat Ali** (Hafizabad, Muhammadan, Rural): Sir, it cannot be denied that the Punjab is essentially an agricultural province. The canal system has not been an unmixed blessing to the agricultural industry of this province, but it has its advantages as well as its disadvantages. You know that more land was brought under cultivation, forests were cleared and the colonies were developed on account of the advent of the canal system and the net work of canals which are the biggest in the world. But it was due to this canal irrigation that land was rendered useless for the purpose of cultivation on account of *thur* and waterlogging. The Government was always alert to its duty and tried its best to compensate the people who suffered on account of their land being rendered useless for purposes of cultivation. The result was that some of the people, who owned land, were given land in lieu of such useless land and even that land given to them in colony areas, has suffered from the same disease, that is, *thur* and waterlogging. What I am suggesting is this that our province is a province of villages. There are, roughly speaking, no less than about 85 thousand villages in this province. Take for example, the case of my own district, there are only 4 towns and 1,230 villages. More than 95 per cent of the population know no other industry for earning their livelihood than the old industry of agriculture. Now, Sir, the conditions prevailing here and which are beyond our control have had adverse effect on the zamindar to be able to earn his livelihood. In other countries agriculture is developed to such an extent that cultivation takes place by means of modern methods of agriculture, while in our country, in spite of the best efforts of the Agricultural Department, the same pair of bullocks and plough are going on. While in Australia, Russia or in any other western country, a man is liable to cultivate not less than 100 acres of land within one hour, in our poor country it is impossible either to sow or to irrigate with the aid of Persian wheel more than one acre of land in 24 hours. The amount of cultivation is meagre. Another point is that this thing affects prices over which we have no control and they are also subject to one condition. In other countries of the world the agriculturist is very prosperous, while in our country it is difficult for an ordinary agriculturist, in spite of his best efforts in the burning heat of the summer sun and the shivering cold of the winter night, to earn even two square meals a day. Why have I said all this? It is only on account of the reason that there is a great necessity

of adding a second string to the bow for the people of our country to be able to earn a suitable livelihood. I do not want to go into the details so far as the financial position of our cultivators is concerned. But I think my colleagues here remember that in the year 1925, the debt of the agriculturists of this province was 90 crores; in the year 1930, when the Banking Inquiry Committee made its report it rose to 152 crores and at present or a year before, it cannot be estimated at any figure lower than 200 crores. I have quoted these figures only for the reason that if we calculate the large amount of interest which the agriculturists have to pay at the ordinary rate of 15 per cent it comes to not less than 30 crores of rupees. Our annual land revenue is not more than  $4\frac{1}{2}$  crores and it is always considered that land revenue is  $\frac{1}{5}$ th of the total net income from agriculture. So, the total agricultural income of the province has been only about 22 crores in the year 1930 or 1931. Even the most optimist economist to-day will not put it at more than 15 crores. It means that the whole of the agricultural produce of the province, if it is used, is sufficient to meet only half the interest on the loans which the agriculturists have raised. So they are not well off so far as their financial position is concerned. I would, therefore, support this resolution and impress upon the House the need, as I have used the words, of adding a second string to our bow. And what is that string? Our only hope lies in the development of our industries. But the question again comes—the same question which places the difficulty and impediment in the way of the development of agriculture—the same difficulty comes here. What is that difficulty? That is lack of funds. It is impossible for an ordinary agriculturist or a man with ordinary means of living to be able to afford to spend an appreciable amount in order to achieve this end. If this had been possible, people by now would have developed or I should say, would have earned 5 or 6 times more on account of the use of modern methods of development of agriculture. But financially speaking, these people cannot make the two ends meet. Therefore, it is impossible for them at their own instance to develop any industry. Therefore, it is the bounden duty of the Government to come forward at this critical juncture to help the majority of people who are 95 per cent agriculturists. But if on account of various reasons and on account of the reason that it has to spend an abnormal sum on account of an adverse visitation of nature—like famine in Hissar which cost the Government no less than 2 crores of rupees—if it is impossible for the Government to meet this need within its normal revenues, I would request them, as is suggested in the resolution, to raise a loan of no less than one crore of rupees in order to develop State-owned industries.

Now, Sir, as to the industries which can be developed, one can speak, I should say, for days and days and yet the subject is so vast that it is impossible to do full justice to it and to touch even the fringe of the problem. I will try to mention two or three industries which can be very safely developed and which can go a long way to augment or ameliorate the financial position of the people of this country. First, I would refer to the development of the industry in metal, "iron and steel." Those of my honourable friends, who have read the book "Industrial Punjab" written by Mr. Latifi, know that the best qualities of the ores of these two metals are found extensively in the district of Narnaul of Patiala State as well as in the Kangra Valley of the Punjab. Now, Sir, there has been no development

[K. B. Ch. Riasat Ali].

of the ores on account of lack of fuel. I would suggest that if the Government can spend money and produce electricity, then with the help of this electricity the best iron ores can be obtained for our use in the industrial development. No less than 64 thousand maunds raw iron are being imported to-day in our province and if we calculate the price at the normal rate of 7 rupees 8 annas, this will amount to about 4,80,000 rupees, this being the amount that we are spending annually for the purchase of iron ore. It is incumbent on us to tackle our own sources. So far as this industry is concerned, there are 100 families at Batala, 300 families at each of the villages of Kotli Loharan in the Sialkot district, 125 families in Nizamabad village of Gujranwala district and there must be very many people engaged in this industry in Lahore and Amritsar. If we can produce sufficient quantity of raw material all these people can find work and earn their livelihood. People who are not blacksmiths by birth can also take to this work, if Government starts institutions and give necessary training and instruction. At Batala there are 8 foundries where various industries can be developed, such as lock making, trunk making and manufacture of simple agricultural implements, ordinary things of hardware like chains, hinges, etc., cutlery and enamelware.

Next I come to brass and copper. Brass, as you know is an alloy of zinc and copper in the proportion of 3 to 4. Copper ore is also found in the Kulu valley but it cannot be developed on account of lack of fuel. I have read that no less than 21,000 maunds of copper are being introduced into this province and at the rate of Rs. 42-8-0, by simple process of multiplication the amount that we are spending on this metal comes to Rs. 8,92,500 annually. These figures go to show the enormous amounts that we are spending on the import of these metals. If we could raise loans, appoint experts to explore the mineral wealth of our province and find ways and means to develop the industries, that will do a lot of good to the people of our province. The chief centres for the industry to which I am now referring are at Delhi and Pind Dadan Khan. In Multan district alone there are no less than 140 workshops for the manufacture of this alloy. If we compare the percentages of workmen in Delhi and the Punjab so far as this alloy is concerned, it is 2 in 10,000 in Multan while it is 31 in 10,000 in Delhi which means that our ways and means of developing industries lag far behind those in other provinces situated near us. I will give a comparative statement showing the number of workers. The number of workers in Delhi is 2,172, that at Sialkot is 1,185; at Amritsar the number is 428; while at Gujranwala this number is only 298. In addition to this there are people working at Jagadhri and Pathankot.

The next important thing to which I want to draw the attention of the House is the precious metal of gold. No less than £300,000 worth of gold is being imported into our province annually and only used for ornaments. This may be waste of money, but it is an industry all the same, and is done through a *saraf* or *sumar*—a poor man, the handling of precious metal does make him no more rich than the carrying of appetising dishes satisfies the hunger of the table boy. In order to help this poor artisan, we should direct our attention to this industry also.



Another industry which can be developed is antimony ore. This metal is found in the villages situated in the lower part of the Himalayas. A contract was given to Colonel Rennik in 1904 who stated that 200 to 400 maunds of antimony could be produced. I want to make a reference to kankar also, as it is a very useful product used in the making of roads and for the manufacture of cement. Kankar is found everywhere over the entire length and breadth of this land of five rivers. Next I come to lime-stone. It is used in tanning and dyeing industries and also for the manufacture of lime. A very superior quality of cement can also be produced by mixing it with a certain amount of silica and iron oxide. Another very important mineral wealth to which we should direct our attention is Gypsum. Gypsum is found on a very large scale in the Salt Range and is a very useful substance since it is used for the manufacture of Plaster of Paris. This industry can be developed in the form of cottage industry and it can be a source of help to the poor people living in villages. Rearing of silk worms is yet another very important industry which was once tried in our province and some 30,000 cocoons were reared. The Shahtoos tree which is extremely essential for these worms to live upon is found nearly in every part of our province. So far as this industry is concerned, our neighbouring state, the Kashmir State is at the peak. The zamindars are seen hastening towards the district headquarters with bundles of these cocoons and huge tonnage of silk is produced. As this industry is akin to agriculture, our zamindars can very easily take to it and produce silk which can later on be developed with the help of machinery, which the ordinary zamindars of our province cannot afford without the help of the Government. As my time is practically up, I most heartily support the resolution and request the Government to take note of the various suggestions made by me.

**Mr. Duni Chand** (Lahore City, General, Urban): I support the resolution which has been moved by my honourable friend opposite. It is a well recognized fact that India or for the matter of that the Punjab cannot depend upon agriculture alone. Unless we have industries we cannot make any material progress at all. All the countries of the world which have made progress economically are those which started industries a long time ago. At the same time I submit that we should not depend upon the list of industries given by the honourable member opposite. We should, when we sanction this loan set up an expert committee which should revise the list put forward by the honourable member. I am of opinion that, as has been remarked by the last speaker, if we start with steel and coal, we will certainly make good progress and we will not be discouraged at all even if we fail to a certain extent; because all the world over those countries which have made economic progress started their steel works with the aid of coal. Therefore I would suggest that we should first start with coal. I studied this question some time back and I feel that if we start industries as suggested by the last speaker, we should be doing a good great deal of good to the country. Sericulture is an industry which we can start in the province. If we have a model sericulture industry on a small scale, we can set an example to other people to follow it up. I am of the opinion that Government

[Mr. Duni Chand].

should start model factories and when successful they should hand them over to enterprising people who may be prepared to come forward to take them over. I am not for State-owned industries for ever, because in the present circumstances of the country we may not be very successful, because of the communal problems that confront us. It is possible that communal considerations may stand in the way of appointing an expert or an agent. In 1893 when I was in England I joined a certain school of economics and the Principal of that school was Mr. Hewins. When I left that school, Mr. Hewins gave me a piece of advice. He told me, "Mr. Duni Chand, when you go home get the best experts from whichever part of the world it may be, give them the most intelligent assistants and ask the assistants to pick up the business as soon as possible. When those assistants have picked up their business, give a bonus to your experts and tell them that they can now go back to their own countries for rest. Or you may appoint the experts for a limited period say four or five years". I notice that there is an amendment on the order paper. But I do not agree with that amendment. Because the amendment suggests that we should have State-managed industries. Our own experience is that when we started the woollen industries in Dhariwal, we imported men from the United Kingdom who made such a mess of the business that the company had to be wound up. It went into the hands of foreigners with the result that we Punjabis are now working only as labourers.

It is very difficult to deal with the subject of industries within a limited time. But as regards the principles of the resolution I quite agree with them. But at the same time I suggest that if the Government intends to accept the resolution it must do so subject to the provision that an expert committee should help the Government in starting those industries. We should also see that the industries that are started in the province are really connected with the agricultural products of the province. With these few remarks I support the resolution before the House.

**Mr. P. H. Guest** (Punjab Commerce and Industry): Sir, I beg to move the following amendment :

That in line 3, the words, "and State-managed" occurring between the words "State-owned" and "industries" be deleted.

My object in moving this amendment is a perfectly innocuous one. I am in general agreement with the tenor of this resolution, but I feel the phraseology is such that you are putting definite restrictions in the way of private industries. To anticipate any criticism I have to state that I am manager of a State-owned factory and to some extent that factory is State-managed. So in itself I have no criticism of that fact, but when you put it in this resolution, the implication is that if this money is used for starting a wholly or partly State-owned industry it must also be State-managed. My suggestion is that you leave out that phrase "State-managed", so that it need not be State-managed. On the other hand I wish to make it quite clear that it is not my intention that it should prevent State-management, but merely leaves the door wide open

3 p.m.

for either alternative, and since it does not materially affect the resolution, I hope that this amendment will receive the approval of the House.

**Mr. Speaker :** Resolution under consideration, amendment moved is—

That in line 3, the words "and State-managed" occurring between the words "State-owned" and "industries" be deleted.

**Mr. Dev Raj Sethi** (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, I want to make a few submissions regarding the resolution now before the House and the amendment that has been moved with regard to it. In view of the economic backwardness of the province the present resolution is very important. The war affords us a great opportunity to develop our industries. The present time is most suited to launch a campaign of industrialization of the province. During the last 30 years or so due to various reasons, and ruin of our indigenous industries is among them, the burden of population on our land has considerably increased. Previously about 62 per cent of the population depended upon land. Now more than 72 per cent of the population depend upon land. The income per head from the land has very much decreased. By the development of our industries we can reduce the burden upon land. Nothing can be better than taking in hand any such scheme.

As regards the loan of one crore, in my humble opinion the Government can very easily get it. Sometime back they raised a loan at 3 per cent. Even now if they were to float a loan I am sure they will get it in no time. But the more important question is how to invest it and on what industries. I can make a few suggestions regarding it. To begin with, manufacture of electric goods can be started here. At present a large quantity of electric goods is imported from other countries to meet the local demand. Raw material for the manufacturing of electric goods is available within the province and we can use it for developing this industry. Then the demand of bicycles is also great in our province. In the province of Bihar a factory has been started to manufacture all the parts of bicycles. The parts of bicycles manufactured by them also sell in the Punjab. We can also start a factory to manufacture parts of bicycles. Manufacture of matches is also rich with promise. A match factory exists in Shahdara but it is no longer a Government concern. It was sold by the Government. But this industry on a large scale can be started in the province. It can be started as a cottage industry. Satesh Babu has started a factory in Bengal only with the help of 15 workers. They make matches with hand. These matches made by them are equally good as those manufactured by Wimco. (*Interruption*). This is a very bad habit of the Ministers. They always ridicule what others say. And it is due to this that our industries do not progress. If the Honourable Minister were to visit the Lahore Khadar Bhandar some day, I would show him matches made by hand in the factory of Satesh Babu and he will find them as good as those made by any other factory. They are made of bamboo.

Now even after paying a duty of Rs. 1½ per gross these hand made matches are successfully competing with matches made in Sweden. The Bamboo wood used for manufacturing match sticks is very good and also in burning and in finish they look excellent. In short they can serve our

[Mr. Dev Raj Sethi].

purpose very nicely. But the pity is that nobody encourages the consumption of these match sticks. Our Minister for Public Works cares a jot for these things. In fact he cannot distinguish between good and bad for the simple reason that he does not get any opportunity for trying this thing himself.

Besides there is hand-made paper industry. All the honourable members are aware of the fact that paper is now getting dearer day by day. Today its price has gone up by leaps and bounds. What to speak of the rising price of the paper, it has become very difficult to procure it. In fact now it has become three or four times dearer than it was before the breaking out of war. My friends are laughing when I say that the use of hand-made paper should be encouraged. Let me tell them that only those people can laugh at it who have no artistic sense in them. The people who have any sympathy for the labourers of this country cannot but encourage the use of indigenous goods. I am aware of the fact that paper is being manufactured at Sialkot, Kashmir and Oel. But I ask, how can this industry prosper when Government do not encourage the use of hand-made paper in their departments? If to-day they issue instructions to the Stores Purchase Department that as far as it is possible only country-made goods should be used in the Government departments they will see that the thing which could not be done in years will be achieved in months. But it is a matter of great regret that this is not being done. Who does not know that very costly paper is being used in the Government offices? I want to know whether the Government officers cannot use hand-made paper. I ask, if newspapers can be printed on this paper, if letters can be written on it, what is the reason why my honourable friends cannot use it in the Government offices? What is the reason that they do not want to encourage this indigenous industry? Is this the way of showing sympathy for the poor labourers? Is this anything which my friends can treat so very lightly as they are doing now? They in season and out of season claim to be the real well-wishers of the zamindars, but what is good for them they generally avoid. Is this the thing which the zamindara Government is doing for the good of the zamindars?

**Mr. Speaker :** Please do not be personal.

**Mr. Dev Raj Sethi :** I was submitting, Sir, that there are many important industries which can be started in this province. But no efforts are made to encourage the opening of such industries in the Punjab as is done in Bengal. Let me tell them that in Bengal when any animal dies Satish Babu has made an arrangement that all parts of that dead animal are made useful for some purpose or the other. In the first place the bones of the dead animal are used for making manure. Its hide is tanned and then made use of. Even the flesh of the dead cattle is not allowed to go to waste but is used for making manure. In the Punjab the dead animal only brings 3 or 4 rupees but in Bengal Rs. 17 or 18 are made from it. But these things can be done if somebody pays any attention to them. Here no body cares a twopence for such things.

Besides, there is the industry of starch. Starch is used in large quantities in the departments of the Government. But the whole of it is imported

from outside. If my honourable friends take the trouble of going to Shahdara they would find that hundreds of maunds of starch is produced in a village industry which has been opened by Dr. Gopi Chand Bhargava. It is cheaper as compared to the starch which is imported from abroad. Moreover, if my honourable friends encourage this industry they will indirectly be helping the zamindars who actually produce it.

Then there is the industry of making utensils. It is slowly dying out. But nobody pays any attention to it. It is a pity that the industries which already exist and which are slowly dying out, are not encouraged by the Government. I would request the Honourable Minister for Development to pay attention to it. I admit that the work which he has done so far as is very encouraging but it is not sufficient. Let me point out that while answering one question on the floor of the House to-day he stated that during the last three years only 30 students have completed their studies in the industrial schools of the province and for this a sum of Rs. 66,000 has been incurred by the Government. I do not object to expenses being incurred on the industrial education, but what I want is that money should be legitimately spent. So far we are not satisfied that the public money is put to best use. We admit that the money is being spent on the industrialization of the province, but the progress which industry has made in this province is not satisfactory as yet. In this connection I may point out that it was an unpardonable sin that the contract for the exploiting of the mineral wealth of the Punjab was handed to the Imperial Company for a period of 20 years. This is not anything at which we can look with a feeling of equanimity. In fact it is a scandalous affair. But let bygones be bygones. The Punjab Government should take advantage of what is still left in the Punjab. I can say without any fear of contradiction that even at present nitrates, chemical minerals and other useful articles exist in abundance in the Punjab. But there should be somebody to utilise them.

Then there is yet another industry which can be very easily started in the Punjab. It is the pharmaceutical industry. My submission is that a large quantity of medicines is imported from abroad. Let me tell my honourable friends that this industry has been started in Bengal. It is gratifying to note that the medicines produced by the Bengal pharmaceutical works are very good and they do not lag behind those medicines which are imported from foreign countries. If this industry can be started in Bengal there is no reason why it cannot be successful in the Punjab. I may add that the Punjab Government have many experts at their disposal. If this province can produce such eminent experts like Dr. Bhatnagar there is no reason why their services should not be availed of. In fact there is no shortage of industrial brains, no shortage of market, but what is lacking is that the Government do not take interest in these matters. In these circumstances I would strongly urge upon the Government to raise a loan of a crore of rupees for the starting of industries in this province. With these words I support the resolution now before the House.

**Mr. Speaker :** Question is—

That the words "and State-managed" in line 3 be omitted.

*The motion was lost.*

**Mr. Speaker :** I have received notices of two more amendments, one from the Government and the other from Rai Bahadur Lala Sohan Lal. The Government amendment may be moved first and then that of Rai Bahadur Lala Sohan Lal.

**Parliamentary Secretary (Chaudhri Tika Ram) :** Mr. Speaker I propose the following amendment to the resolution under consideration :

In line 2, for the words "a loan of a crore of rupees" the words "whenever necessary and desirable adequate loans" be substituted.

Sir, after the addition of these words, the resolution will read as follows :—

This Assembly recommends to the Government to raise whenever necessary and desirable adequate loans for starting wholly or partly State-owned and State-managed industries in the province.

**Dr. Sir Gokul Chand Narang :** Is it State-managed or stage-managed ?

**Parliamentary Secretary :** Mr. Speaker, the reason for my proposing this amendment to the resolution is —

**Mr. Speaker :** There is no need for a speech.

**Rai Bahadur Lala Sohan Lal :** There should be a limit in regard to 'adequate loans'.

**Mr. Speaker :** Perhaps necessity may require more than the proposed loan. The question is—

That in line 2, for the words "a loan of a crore of rupees" the words "whenever necessary and desirable adequate loans" be substituted.

*The motion was carried.*

**Rai Bahadur Lala Sohan Lal (North-Punjab, Non-Union Labour), (Urdu) :** Sir, I beg to move—

That in line 3 after the word "industries" the words "as do not already exist" be inserted.

The resolution will then read as follows :

This Assembly recommends to the Government to raise a loan of a crore of rupees for starting wholly or partly State-owned and State-managed industries as do not already exist in the province.

With this amendment I am prepared to support the resolution. You know, Sir, that industrially the Punjab is lagging behind provinces like Bombay and Bengal and something must be done to encourage and start new industries in the province. This industrialization will also go a long way to remove the curse of unemployment from which our province is suffering. I have moved this amendment so that there may not be unnecessary overlapping and our efforts may be directed towards starting such industries as do not exist already. It will do no good to the province if you try to kill private enterprise. Instead of that you should start new industries which can be usefully started in the Punjab. With these words I commend my amendment to the acceptance of the House.

**Mr. Speaker :** Resolution under consideration, amendment moved is—

That in line 3, after the word "industries" the words "as do not already exist" be inserted.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Muzaffargarh, North, Muhammadan Rural). (*Urdu*): The amendment moved by my honourable friend, Rai Bahadur Lala Sohan Lal, is ill-conceived and defeats the very object of the resolution. I do not know with what object he has moved it. Does he mean to say that the State should not undertake or supplement such industries which already exist in the province but let those industrialists, who have started such industries, enjoy the monopoly for all times to come? I am sure the House will agree with me that this suggestion is not in the best interests of the province. If, on the other hand, his object is to avoid cut-throat competition and to safeguard the interests of those industrialists who have already started certain industries in the province, I can appreciate the idea. But he need not have such apprehensions on this account, because the Government would never sink public money in industries for which there is no further scope of expansion, especially when there is ample scope for pioneer industries. If I have correctly understood the object of the resolution, it recommends to the Government to start new industries in the province and to help and supplement such existing industries as have scope for expansion. For instance, let us take the case of textile industry. There are only two textile mills in the province. One mill is situated at Okara and the other at Lyallpur. The Okara Textile Mill is owned by Birla Brothers. The province has no share in its capital or profits. Not only that, but even the labour employed in the mill is imported from outside the Punjab. An industrial concern of such a nature can neither help to increase the wealth of the province nor can it provide employment to local labour. As far as the Lyallpur Textile Mill is concerned, it has some provincial capital, although a large majority of shares is held by non-Punjabis. We cannot be satisfied merely by the fact that we have two textile mills in the province, run on outside capital, providing little or no employment to the local labour. Moreover, these two mills consume only a fraction of our annual cotton produce. Does my honourable friend, Rai Bahadur Lala Sohan Lal mean to suggest that the Government should do nothing to expand this industry by adding more textile mills at suitable places with a view to consume a substantial portion of our cotton produce?

**Chaudhri Krishna Gopal Dutt**: The question is whether you will use the cloth manufactured in your mills?

**Khan Bahadur Mian Mushtaq Ahmad Gurmani**: Why not? Do we not consume the cloth manufactured in these mills and also import more from other Indian mills to meet our needs? The suggestion contained in the amendment is, no doubt, advantageous to the vested interests; but it is definitely harmful to the industrial interests of the province. The object of industrialising a country is twofold, firstly to increase its wealth and secondly, to provide employment to its people. As all of us know, ours is an agricultural province. I regret to say that the Punjab is, perhaps, industrially the most backward province in India. We export our raw material at a cheap price and pay a high price for the manufactured goods that we import from outside. In this way, we not only get a small price for our produce but our labour also remains idle. Our population is rapidly increasing and agriculture alone cannot provide employment for our increased population. We must, therefore find ways and means for the employment of our increasing population.

[ K. B. Mian Mushtaq Ahmad, Gurmani.]

Moreover, we must take steps to ensure a favourable trade balance in favour of the province or else we shall be faced with a state of bankruptcy. The reasons for our industrial backwardness are manifold. In the first instance the responsibility for this state of affairs rests upon the Government. The policy of the past Government with regard to industrialization has been unsympathetic ; but we cannot blame them for such a policy, because industrialization of India meant unemployment for Great Britain and naturally the British officers could not wish this. Secondly, the moneyed classes in the province found it more profitable to invest their money in money-lending than to invest their capital in industries. On account of the prevalence of corrupt practices in money-lending, there was a greater return from that business than from industries. Moreover, they were afraid of taking a leap in the dark in view of the unsympathetic tariff and excise policy of the Government of India. In every civilized country of the world, it is the State which does the pioneer work in the field of industries and prepares the ground for private enterprise. The State also protects local industry from foreign competition by imposing protective duties on foreign goods till such time as that industry has gained firm footing. No such facilities were provided to the Indian industrialists. Now, the circumstances have changed and the interests of the State and people are identical. In fact, State and people are no more two different beings. They are one and the same. The State, therefore, must follow a policy which is in the best interests of the people, a policy which will ensure a higher standard of living, greater prosperity and more wealth for its people. I attach very great importance to the resolution under discussion as it will be the foundation of the future industrial policy of the Government. Let the House give a clear verdict on this question of vital importance. Let us decide what policy is to be followed in future with regard to the industrialization of this province. The resolution raises two important issues, firstly that the State should undertake the industrialization of the province and not leave it to private enterprise alone. Secondly, that the benefit from the industries should not be confined to a few capitalists or individuals but should go to the population as a whole. In other words that the industries in the province should be nationalized. Perhaps, some of my capitalist friends might argue that this will lead to socialism which will kill private enterprise. But such pet arguments have become stale and obsolete. Only recently, even Great Britain had to nationalize the industries in order to increase their efficiency during the war. This clearly shows that it is a more efficient system and this change is not merely an emergency measure but has come to stay permanently. The object of industrialization should not be to make a few rich individuals richer ; but to raise the general standard of living of the population. I have no doubt that there will be ample scope for private enterprise side by side with the State-managed and State-owned industries. Even in the State-owned industries there will be no bar on the investment of private capital and the shareholders will have every opportunity to take part in the management. We also want to ensure that the workers will have their due share in the profits of the industry. This will increase their interest in their work and consequently enhance the efficiency. It will further reduce the conflict between labour and capital. With these words, Sir, I oppose the amendment and support the original resolution.



**Sir William Roberts** (European): I have great pleasure in supporting the amendment moved by my honourable friend, Rai Bahadur Sohan Lal. My reason for supporting the motion is that once an industry has been established in the province there is no moral duty for the Government to come in. Take for example the spinning and weaving industry. We have already two mills in the province and there is probably room for two or three more. But in my opinion these can be established and built by private enterprise. If, for any reason Government takes into consideration the geographical basis for the expansion of spinning and weaving industry, it is possible that the site may not suit. Where for example the power may be more costly than the power supplied by the Hydro-Electricity, the water-supply may be unsuitable for the use of this particular industry, or the market for the disposal of its finished material may be distant and may take away all the profit. In that way if the Government establishes an industry in an unsuitable place, it may deplete the resources of the province by running the industry at a loss.

My second reason is that if Government establishes an industry, which has already been established in the province, in this way the Government will become a competitor in an already established industry. And in this unfair competition Government can by various means make any particular factory pay, where such a factory would not pay if there was fair competition. For these two main reasons, I think that this experiment of starting Government factories of industries that already exist, is open to grave objection, and I hope the Government will give up that idea.

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

**Chaudhri Kartar Singh** (North Hoshiarpur, General, Rural). *(Urdu)*: Sir, I remember, a resolution was moved in this House in connexion with prohibition of liquor and it was subsequently passed by this House. And if my memory does not fail me, that resolution was moved by a member of the Unionist Party. You will bear me out that nothing practical has been done after the passage of that resolution by the Government. In this connexion I would also like to point out that the Government being in majority put a large number of official resolutions in ballot so that the minority may not be able to move their non-official resolutions in this House as it is obvious from the present resolution which is before the House at this moment that its mover is a Unionist.

Sir, the Private Parliamentary Secretary has remarked in the course of his speech that the Government are in favour of starting and encouraging industry in this province, but they do not want to risk their money on making mere experiments. I submit that this view of the Government is incorrect. According to my point of view it is the bounden duty of the Government to make experiments with a view to give fillip to the growth of industry in the province. If the Government are not prepared to take initiative in starting State-owned industry they should permit private persons to start their own factories at their own risk. Then my honourable friend opposite has stated that the Government can start such factories which may give benefit to the zamindars. If my honourable friend really holds this opinion I would point out to him that if the Government had started at least textile

[ Ch. Kartar Singh ].

mills in the Punjab the zamindars would have derived a lot of benefit out of it and they would have become more prosperous than they are. Besides, if we had textile mills, here, zamindars would have gained much as you are aware that cotton is not going out of India nowadays. But what is being done now is, that millowners are looting zamindars. Let me tell you what these millowners will do. They will purchase cotton at a very low price and take it to their mills at Bombay and Ahmedabad where cloth will be manufactured and sold at a very high price. Under these circumstances, I do not know what difficulty the Government has to face in starting textile mills when loan at a rate of 3 per cent can be raised. Had there been State-owned textile mills in the province the money going to the pockets of millowners would come to the provincial exchequer. But the trouble is this that our Honourable Premier does not want to offend Sri Ram. I have thrown a hint to my honourable friends over there and they may not be surprised at it. I may tell them that the secret conversation between the Government and others which takes place outside this House reaches the ears of a humble member like myself. We should not expect much from the Honourable Minister for Development who is in charge of Industry as he does not get a moment's rest from the rural propaganda. If the Government itself is against making new experiments with regard to industry then it should permit capitalists to start factories in the province. But the Government does not even like this idea that the capitalists should invest money in a private concern. I know a person who wanted to start a sugar factory but when he applied for permission he was refused permission and consequently he gave up that idea. Sir, there is not a single case of this type but hundreds of people have given up the idea of starting factories when they have not been given permission by the Government. All that I want to point out is that the policy of the Government with regard to industry is not wholesome and healthy and it is a fact that the millowners of Bombay and Ahmedabad are gaining much by this defective and unhealthy policy. They are removing cotton from this province rapidly as I have already submitted. Our Government could easily start five textile mills by taking loans if they so desired, but neither do they take initiative themselves nor permit others to do so. Much has been said in support of this resolution from the other side of the House, but I am afraid whether the Government would do something practical with regard to this resolution, because I quite remember, a resolution regarding prohibition of liquor was strongly supported and passed by this House, but no action has been taken so far by the Government in that respect. I, therefore, request the Honourable Minister for Development to see to it that this resolution should not meet the same fate. But if he really wants to develop industry he should come forward and start five cloth mills in the province. In this way he will be killing two birds with one stone. On the one hand the industry will be developed and on the other he will raise the price of cotton which is being sold at a very low price despite the present war. However, I regret to say that neither the Marketing Act passed by the Honourable Minister for Development nor his speeches could control the market. My submission, therefore, is that he should not waste the time of the House by passing such resolutions if they are not to be properly acted upon. And if he is prepared

to take a practical step he should lose no time in taking loans and starting five, at least, textile mills in the Punjab. So far as making new experiments are concerned, I may again point out that if the Government give attention to film industry only, there is much scope for its further development as there are only two existing laboratories in which material for raw films is manufactured. Under these circumstances if the Government invest 50 thousand rupees and start a new industry in the province they would earn a lot. If the Government really intend to give fillip to the growth of industry they should take a loan of say 5 or 6 crores of rupees and start with this work. And if this resolution is to meet the same fate which was met by the resolution regarding the introduction of prohibition in the Punjab then that is another thing. With these few words, Sir, I close my remarks.

**Shaikh Sadiq Hasan** (Amritsar City, Muhammadan, Urban) (*Urdu*): Sir, I think, we should congratulate the Honourable Minister for Development for this resolution which has been moved by a member of the Unionist Party. It is admitted on all hands that India has always been an industrial country. But unfortunately machine-made goods were thrown in the market of India with the advent of the English. They were sold at low prices as compared with home-made articles. Consequently our hand craft paled into insignificance before the machine-made goods and so the latter won more popularity in the country. Then we come to a period when factories were introduced in India for manufacturing machine-made articles. But in the province of the Punjab machines were not introduced to such a large extent as compared with other provinces of the country. There is no doubt that certain Indian-made articles are found to be as good in quality as those of English made. For instance, cloth. Textile mills are working splendidly in India and I can say that they are not at a low ebb. But still there are certain things which are not being manufactured in our province.

Sir, industries are a great need of the day. We can liquidate poverty and mitigate the ever-increasing unemployment in this country only through the establishment of industries, large or small, in every part of our province. It is obvious that land is to remain stationary. Its area cannot increase in any way. It cannot maintain the whole population which is increasing at a very high rate. It is, therefore, extremely necessary that industries should be started with a view to opening new avenues of work for the unemployed millions and thereby reduce the pressure on land. Besides, we have not many enterprisers in the Punjab, who could open such new industries as have not already been introduced in the province. The honourable members must be aware of the fact that it is the pioneers of industry who sustain losses in the initial experimental stage. Naturally no body likes to throw away his capital on experimentation. In view of this I think it is the bounden duty of the Government to come forward and take the initiative in setting up new industries so that the people profiting from the experience of the State-managed industries may eventually take to them and thus bring about prosperity in the province. Again, I would suggest that Government should avoid starting those industries in which the people are already engaged; otherwise they would be competing with the public to the latter's detriment. I am of the opinion that if they act up to

[Sh. Sadiq Hasan.]

my suggestion, industries are sure to flourish in the Punjab and consequently unemployment would be liquidated.

Now we have to see what kind of industries are suited to the Punjab. In this connection I am not going to offer any particular suggestions at present. But I would like to propose that an Industrial Committee should be appointed which should thoroughly go into this matter. It should find out as to what commodities and raw materials which are in great demand are imported in the province and what articles can be produced or manufactured here without difficulty. This would facilitate matters in starting those industries in the Punjab which had not been set up before.

I would like to draw your attention to Japan. How this country made rapid strides towards industrialization should be a matter of emulation for us. Before starting the necessary industries Japanese Government deputed its experts to foreign countries where they closely studied the particular industries which they wanted to set up. When they returned to Japan, they also brought with them foreign experts for the purpose of supervising their industries. When the Japanese experts had learnt all the technique, they took their industries in their own hands and dispensed with the services of the foreigners. Now Japan is one of the leading industrialized countries.

I quite agree with the suggestion made by the Honourable Premier in regard to setting up a heavy industry in the province. The present world events have fully justified that no country on this globe can exist or maintain its independence unless it produces arms of the latest type. Hence we must have factories established in the Punjab for manufacturing aeroplanes, tanks, cannons, heavy machine-guns, etc., etc. We have witnessed that those countries which did not possess such weapons, have been run over and vanquished by a highly industrialised country, I mean Germany. I think when consensus of opinion in the Punjab is in favour of setting up factories for the production of such articles, the Government must take steps to translate this desire of the people into action. Finally, I would submit at the risk of repetition that Government should lose no time in starting such factories in the province which may serve as a model to the people desirous of setting up factories of that type. I do not agree with the suggestion of my honourable friend Chaudhri Kartar Singh that State should open five or six cloth mills only. But this will not solve the real problem. I rather wish that factories for producing those commodities and articles should be started which require lakhs of rupees and yet are not manufactured in this province, for instance factories for manufacturing dyes, looms, machinery and such other imported articles.

There is another point which I particularly want to bring to the notice of the House. I think that State-owned or State-managed industries seldom prove as highly successful as private concerns. For instance, a few years ago I had an opportunity to visit America. The ship "Washington" in which I was travelling carried 500 passengers and 1,200 officers and ratings. The ship did not belong to a private company but it was owned by the State. The figures of the passengers and the officers show how uneconomical was this affair. Hence what I want to emphasize is that in a

State-owned concern much waste is involved. No Government, be it a Unionist Government, or a Congress Government, can escape the evil of favouritism, which it is obliged to show to certain persons. In order to ward off this evil I suggest that the Government should invest 51 per cent of the capital and the remaining 49 per cent should be subscribed by the public. This would be a happy blending of public management with Government vigilance. No wastage or negligence by anybody would then be possible in the management of such factories. The representatives of the shareholders would be careful about the dividends and therefore would not allow any mismanagement. With these words I whole-heartedly support the resolution now before the House.

**Mrs. J. A. Shah Nawaz (Urdu) :** Sir, I only want to draw your attention to one point and it is this that there is a great dearth of skilled labour in our country, without which it is impossible for the  
4 p.m. industries to flourish. In order to make up this deficiency we should establish vocational training centres in the various parts of the province. Boys who have passed the primary standard may be permitted to join these centres and receive the necessary training for ordinary work. For more skilled labour middle-passed boys should be sent in for higher technical training. In this manner a good supply of skilled labour should be made available in the province and with the help of that our industries will develop rapidly. When such vocational training centres begin working successfully, it will be possible for us to compete with foreign countries who are years ahead of us. With these few words, Sir, I urge upon the Government to establish vocational training centres in the Punjab in order to produce skilled labour which is essential for the development of industry.

**Mr. Deputy Speaker :** How much time would the Honourable Minister like to take for his speech?

**Minister for Development :** About ten minutes.

**Mr. Deputy Speaker :** Then, Lala Duni Chand may have five minutes.

**Diwan Chaman Lall :** I suppose the debate will not come to an end with the speech of the Honourable Minister. After all it is impossible for the Opposition to make any statement without knowing what the Honourable Minister has got to say with regard to this resolution. I hope you will bear this in mind in view of the importance of the resolution.

**Lala Duni Chand (Ambala and Simla, General, Rural) :** So far as the idea underlying this resolution is concerned, it is a very good one and I welcome it. I wish that the Government borrow one crore of rupees in order to start industries. I go further. I wish that the Government chalk out an industrial plan for four or five years in advance. I do believe that the agriculturists, who are so dear to Chaudhri Sir Chhotu Ram, cannot prosper unless agriculture is helped by industries also started in this province on a large scale. On a previous occasion I stated that the sugar industry had greatly benefited the agriculturists. After saying this one very serious difficulty arises in this connexion. The question arises, who will start and organize these industries for which the Honourable Minister for Development

[L. Duni Chand.]

is to borrow one crore of rupees? In order to organize big industries you require big heads and large-minded people, men who are acquainted with the conditions of industries in the different parts of the world. I am prepared to give credit to any Minister of Government who is capable of doing a thing like that. But I fear that no member of the present Government (and particularly not Chaudhri Sir Chhotu Ram) is capable of starting or organizing any industry. I say that Chaudhri Sir Chhotu Ram with such a small and narrow mind—

**Mr. Deputy Speaker :** The honourable member should not be personal.

**Lala Duni Chand :** You require men who are imbued with a sense of patriotism. Is he capable of that?

**Mr. Deputy Speaker :** The honourable member is not speaking to the motion. I would request him to speak to the motion.

**Lala Duni Chand :** I ask you, Mr. Deputy Speaker, as a lawyer to say whether I am not in order in pointing out that the Minister in charge of Industries in this province is not capable of starting or organizing any industry for which one crore of rupees are to be placed in his hands. You will see that it is not only not irrelevant, but is most relevant. I do not dispute the ability of Chaudhri Sir Chhotu Ram. He can make fine speeches and he can set the whole Punjab on fire.

**Mr. Deputy Speaker :** The honourable member is again irrelevant.

**Lala Duni Chand :** I have known Chaudhri Sir Chhotu Ram as Minister of Industries for the last four years. But I do not see what he has done so far to promote industries in this province. Another member very rightly said, 'Supposing he is capable of starting and organizing an industry, how can he find time for it? He has to go about the province preaching his cult'.

**Mr. Deputy Speaker :** The honourable member is again irrelevant. He is an old lawyer and must know what relevancy is.

**Lala Duni Chand :** I know that there are best brains in this province and the University is producing any number of them. But I can say without fear of contradiction that he has not taken advantage of the products of the University. His idea seems to be that the entire work can be managed by the Jats.

**Mr. Deputy Speaker :** I thought that the honourable member would take only five minutes. But he is taking more time.

**Lala Duni Chand :** But you must know that I am rendering service to the Honourable Minister so that there may be some change in him.

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

**Dr. Sir Gokul Chand Narang :** The honourable member is perfectly relevant in what he says. His contention is that it would be mere waste of money to place such a big amount in the hands of the Minister because he has not got the necessary mentality for developing industries in the province.

**Lala Duni Chand :** Yes, that is it. The Honourable Minister will require experts for carrying out these big undertakings in right earnest. Wherefrom will he bring these people ? His thoughts cannot go beyond the district of Rohtak ?

**Mr. Deputy Speaker :** The honourable member is again irrelevant.

**Lala Duni Chand :** The question we have to consider is whether any State-owned industries can be started in this province with any prospect of success. My own fear is that there are no prospects of any industry being organised by the present members of Government successfully. If the Honourable Minister agrees to some sort of amendment to the motion providing that the succeeding Government of which he will not be a member should start the industries, I should have no objection.

**Mr. Deputy Speaker :** The honourable member is irrelevant.

**Lala Duni Chand :** Nationalization of industry would be a mockery in this province. I put this question to the Honourable Minister, does he think that these industries can be organized by men with small minds ?

**Mr. Deputy Speaker :** The honourable member is repeating the same thing over and over again. He is not only irrelevant, but is also guilty of repetition.

**Lala Duni Chand :** My last argument is that if Sir Chhotu Ram satisfies the House as to who will manage the industries then I will support the resolution. We shall then certainly vote for this resolution, to borrow not only one crore, but two crores or even five crores, if necessary. But if he fails to satisfy the House regarding the agency or regarding the management through which industries will be started and organized, in that case no honest member of the House should support this idea. In any case I would like that Sir Chhotu Ram should pay a visit to foreign countries before he takes to starting these industries. That will be the only way of his coming to know what is happening in the world. I have been twice to Europe and once to America and I know what kind of brains are required for the purpose. He should go out of the country and spend some money in Europe and then I tell you that after his return from Europe he will cease to be Chaudhri Chhotu Ram and he will cease to be a Jat of Rohtak.

**Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) (Urdu) :** Sir, I had no intention to speak for more than ten or fifteen minutes, but the speech of my honourable friend Lala Duni Chand will oblige me to take more time of the House than I intended to take. He has said things about me which require a reply. But before I proceed to answer the personal attacks made by him against me I would like to answer the allegations levelled against the Honourable Premier by Chaudhri Kartar Singh. Chaudhri Kartar Singh said that the Honourable Premier was on very friendly terms with Mr. Sri Ram, proprietor of the cloth mill at Lyallpur and that in the presence of that factory he would not allow any other factory to be opened to compete with the former. These remarks of Chaudhri Kartar Singh are positively silly and entirely uncalled for. They proceeded from his evil disposition. For the information of the House I may state that the Honourable Premier sought to encourage not one but three different

[Minister for Development.]

groups of industrialists to open factories in this province. He went to the extent of promising all reasonable Government help for the purpose of bringing these factories into existence.

**Lala Duni Chand :** So long as you are the Minister of Industries nobody is going to start industries.

**Mr. Deputy Speaker :** No interruptions please.

**Lala Duni Chand :** Do you think that anybody will risk his money in your time ?

**Minister of Development :** The honourable member is getting impatient. I will come to that also. I was telling the House how the Honourable Premier had tried to persuade some industrialists to open factories in this province. But it is unfortunate that in consequence of certain difficulties his attempt in this direction did not succeed. (*Interruptions*). I never said that any factories had actually been started. I said that an attempt was made to persuade certain industrialists to open factories in this province. To begin with, those industrialists had visited him on their own account. But they did not enter into any elaborate discussion. And later when the Premier was in a position to offer them definite terms other difficulties arising from war conditions supervened. Now in view of these attempts which the Honourable Premier made to encourage the establishment of new cloth mills in the province the remarks made by Chaudhri Kartar Singh were quite unjustified.

Then there are the personal remarks made by Lala Duni Chand. These remarks of his had also the support of Dr. Sir Gokul Chand Narang and Rai Bahadur Mukand Lal Puri. The remarks were that as the Unionist Government is comprised of zamindars who lack in industrial and business acumen, it can never succeed in industrializing the province.

**Rai Bahadur Mukand Lal Puri :** I have not spoken a word so far.

**Dr. Sir Gokul Chand Narang :** I have not intervened in the debate at all. All I said was that I was prepared to prove that Lala Duni Chand was relevant. I did not like to have any heat engendered in the House. Therefore, I did not speak on this useless resolution.

**Lala Duni Chand :** I request you to have the moral courage to endorse what I have said.

**Dr. Sir Gokul Chand Narang :** I endorse every word about the mentality of the Minister, about his ability and about his boast of sympathy and lack of sympathy. Now I give the Minister an opportunity to go for me if he likes.

**Lala Duni Chand :** May I know how much of the loans advanced by the Minister for the development of industries he is going to get back ?

**Mr. Deputy Speaker :** If the honourable member wishes to put a question he should put it in the proper way.

**Minister of Development :** Well, Sir, I was referring to the Opposition's remark that the present Government which is comprised of zamindars cannot promote the industries of the province. It was further suggested



that as the Minister in charge of industries is a Jat and a Jat of a district like Rohtak, he is incapable of understanding anything pertaining to industries. Dr. Sir Gokul Chand Narang associated himself with Lala Duni Chand in saying that my mentality was such that on account of it I cannot devote myself to the work of industrialization. (*Interruption*). Sir, may I tell Lala Duni Chand and others of his class that though the personnel of Government may change yet the rule of zamindars will continue indefinitely in this province. And if they think that under a zamindara Government industries cannot flourish they are welcome to this notion. But are they serious in thinking that a minister must have expert technical knowledge of the department he is called upon to administer? For instance, if a minister undertakes the execution of an irrigation scheme, it is not necessary that he himself should be an engineer. He has at his disposal the services of engineers. Similarly, it is not necessary that the Minister in charge of Buildings and Roads should possess engineering qualifications. In any case, it is not possible for him to have expert knowledge of all the different departments under him. You cannot expect even an Engineer Minister to be an expert of electricity, sanitation, buildings and roads. At the most he can be expected to possess specialized knowledge about only one branch. If more than one departments are given in his charge, does it mean that the departments about which he has no specialized knowledge are doomed? In other provinces the ministers in charge of various departments have no specialized knowledge about the work of all the various departments under them. Yet those departments have not suffered on account of being administered by those ministers. I may or may not have any expert knowledge about industries, but I am sure I can direct, control and guide the experts who will carry on the work of industrialization under me. Further, let me tell them that when persons like my honourable friend Dr. Sir Gokul Chand Narang, Lala Duni Chand, Munshi Hari Lal and Rai Bahadur Mukand Lal Puri are available, cannot I secure their advice and co-operation for a consideration, if necessary, in a field for which they are pre-eminently fitted? I tell them that a Jat Minister has a shrewd knowledge of human nature. He knows how to rule and how to harness the capacity and energy of others to the service of the province. (*Interruptions*.)

(*At this stage Lala Duni Chand wanted to speak but Mr. Deputy Speaker called him to order.*)

**Dr. Sir Gokul Chand Narang :** On a point of order. When the Honourable Minister wants to hear Lala Duni Chand and has given way, does it lie in the Chair to stop him from speaking?

**Mr. Deputy Speaker :** The honourable member has no right to make a speech.

**Lala Duni Chand :** I want to give him this information that he has not the ability to select the right men for the right places.

**Dr. Sir Gokul Chand Narang :** May I utilize this opportunity of putting a question to the Honourable Minister? He is talking about his mentality and ability. I shall only put one question to him. Is it a fact that when Rai Bahadur Ishar Das was contemplating putting up his sugar mill in the Gurdaspur District certain zamindars came to Chaudhri Sir Chhotu

[Dr. Sir Gokul Chand Narang.]

Ram and asked him to help the Rai Bahadur and Sir Chhotu Ram used these words : قابو آيا اس کي کي زور جو حربہ ؟ " This Khatri (or kirar) has fallen into your hands Squeeze him thoroughly." Is it or is it not a fact that he used those words ? I just want to know that. Let him say 'no'. I shall be satisfied if he says 'yes' or 'no.' If he has the courage , let him say 'no'. I challenge him. Let him get up and say 'no'.

**Minister for Development :** Sir, I was submitting that my honourable friend Lala Duni Chand had remarked that so long as the Unionist Party was in power and the portfolio of Industries was in my hands no development of industries was possible in the Punjab, nor had I the mentality or cast of mind suited to the task. With the latter part of his statement my honourable friend Dr. Sir Gokul Chand Narang also associated himself. I may tell them that I am now within two years of 60, and am past the age of learning anything desperately new. But this much I know that so long as the majority party or the zamindar members have confidence in me I must continue to hold a portfolio in this Government. (Dr. Sir Gokul Chand Narang : We never doubted that.) However, if the Honourable Premier can be persuaded to change my portfolio I will have no objection. But as regards the insinuation that I have no desire to promote industries in this province I repudiate it with all the emphasis at my command. It is possible that I may not have adequate knowledge of industries or business, but how can I be opposed to development of industries in the province ? I may remind my honourable friend Dr. Sir Gokul Chand Narang whose remarks do not surprise me, that when he was in charge of this department he could not do much to promote industry in this province. I grant that he had to contend with difficulties some of which have weakened though not yet disappeared. The province has made considerable progress since April 1937 and will continue to do so. It is the ardent desire of the Unionist Government to develop industries in the province. Rather they think it to be their first and foremost duty to promote industries in this province.

**Lala Duni Chand :** It would require a training of 50 years before you can do anything.

**Minister for Development :** I have more than once stated on the floor of the House that it is immaterial whether I possess any extraordinary ability or not, whether I have obtained any industrial training or not, but I know and fully realize that if we can turn our cotton and wheat into manufactured articles ourselves we shall add immensely to the prosperity of the zamindar community and the province.

**Lala Duni Chand :** The cotton market has been depressed during the last four years that he has been holding office and the cotton growers have suffered most. What has he done for the development or promotion of the cotton market ? It has been at the lowest ebb during the last four years.

**Minister for Development :** My honourable friend Lala Duni Chand has remarked that during the last four years the cotton market has been depressed and the cotton growers have suffered a great deal, but the Government have not moved in the matter at all. It is wrong to say that as compared to the previous years the price of cotton has fallen during the last four years. In fact everybody knows that during the last three years the prices

of cotton and wheat have risen to some extent, although the rise has not been adequate. The Punjab Government have done all that was possible to secure a rise in the prices of cotton and wheat. The Honourable Premier and the members of the Central Government will bear witness to it. Does my honourable friend Lala Duni Chand expect that we should from time to time report our activities to him regarding all such important matters? And what has Lala Duni Chand to say about the attitude towards the question of these prices of the Congress or those whose money enables the Congress machine to run efficiently.

*(At this stage the Assembly adjourned till 2-30 p.m. on Friday, 29th November, 1940.)*

1911

1911年1月1日  
1911年1月1日  
1911年1月1日

1911年1月1日

1911年1月1日

1911年1月1日



1911年1月1日

1911年1月1日

1911

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 29th November, 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.

#### ENFORCEMENT OF PROHIBITION IN THE PROVINCE.

**\*7013. Sardar Sampuran Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the views of Commissioners and Deputy Commissioners had been invited by the Government on the problem of enforcement of prohibition in the province ;
- (b) whether on the receipt of those opinions the Government has come to any decision in the matter so far ; if so, what is that decision ;
- (c) whether Government is prepared to lay on the table of the House the copies of those views ; if not, why not ?

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

(b) Government do not consider it feasible, in the present financial condition of the province, affected seriously by two years of intense famine in a large part of the province and now further by much additional expenditure due to war, to introduce prohibition of intoxicants at the present time.

(c) Government are not prepared to disclose official correspondence.

**Lala Bhim Sen Sachar :** May I know if there are any other reasons besides the expenditure involved for not adopting prohibition ?

**Minister :** I think I have given a complete answer. Only the other day I had an occasion to set forth *in extenso* the position of the Government with regard to prohibition. I spoke for nearly half an hour.

#### CORRUPTION CASES IN POLICE IN LUDHIANA DISTRICT.

**\*6399. Chandhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of corruption cases detected in the police by the present Superintendent of Police during his tenure of office at Ludhiana and the result of each of them with the names and the length of service of the delinquents ;

[Ch. Muhammad Hasan,]

(b) the number of murders and dacoities committed in each thana of the Ludhiana district during the months of July, August and September, 1940, with details of these occurrences as well as the motive for every crime;

(c) the number of corruption cases detected in the Ludhiana police force during the years 1934, 1935 and 1936?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):

(a) Ten. In two cases the allegations were not proved. In five cases the delinquents comprising two head constables and three foot constables were dismissed. In one case a head constable was tried judicially and discharged. He was censured departmentally. Inquiries into two of the cases are still pending in court.

(b) *Murders*.—Jagraon 5, Raikot 3, Khanna 2, Sidhwan Bet 1, Sehna 1, Dehlon 1, Dakha 1, Machhiwara 1.

*Dacoities*.—Raikot 1.

The motives of such crimes can only be a matter of conjecture. Most of the murders appear to have been due to a desire to obtain revenue for supposed injuries in the past. In one case the victims have not yet been identified. In one case a zaildar is believed to have been murdered because he was suspected of having been responsible for the search of the house of one of the accused in connection with a case under the Defence of India Rules. One or two cases arose as a result of quarrels over land or cattle trespass. Two of the murders are said to have been due to relations with women.

(c) Three.

**Chaudhri Muhammad Hasan**: The Parliamentary Secretary has been pleased to say that the head constable who was discharged by the court has been censured. Why was he not dismissed? What is the reason?

**Parliamentary Secretary**: When he was tried by a court and the charge was not proved against him, how could the Department dismiss him?

**Chaudhri Muhammad Hasan**: Why was he censured then?

**Parliamentary Secretary**: The Department had reasons to believe that although there was no definite proof against him, some sort of disciplinary action was called for.

**Chaudhri Muhammad Hasan**: Why was this lighter punishment inflicted upon him, when the Department believed that his conduct was suspicious?

**Pandit Muni Lal Kalra**: Will the Parliamentary Secretary please state with reference to part (a), the names of the persons against whom action has been taken?

**Parliamentary Secretary**: It is neither necessary nor in public interest to give names.

**Chaudhri Muhammad Hasan**: Is it not a fact that the number of corruption cases is so large as to invite attention of the Government to the appointment of a special agency or officer to enquire into all these cases?

**Parliamentary Secretary :** Does my honourable friend seriously think that a special officer is required when the officer on the spot has taken all the necessary action ?

**Chaudhri Muhammad Hasan :** In view of these ten cases, does not the Parliamentary Secretary consider that it is very likely that other corruption cases may also be detected ?

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

GRANT OF GREATER FACILITIES FOR THE EDUCATION OF GIRLS.

\*6908. **Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution drawing attention to the need of affording greater facilities for the education of girls passed by the annual conference of the Punjab Non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes ; Government is already keenly aware of the need in the matter as would appear from the fact that for example during the two years, viz., 1939-40 and 1940-41 in spite of acute financial stringency caused by famine and war there has been the following expansion in girls education :

- (a) 260 primary girls' schools have been opened in rural areas financed entirely by Government ;
- (b) Government middle schools have been opened at Abohar, Kot Adu, Sonapat, Jalalpur Jattan, Dasuya, Naushera, Leiah and Bhiwani.
- (c) In spite of the Government ban with respect to the bringing of new schools on the grant-in-aid list the following unaided girls' schools received grants in the form of special grants during 1939-40 :—
  - (i) Hargolal Girls School, Ambala Cantonment.
  - (ii) St. Thomas Girls High School, Simla.
  - (iii) Forman Girls Anglo-Vernacular Middle School, Lahore.
  - (iv) Ram Mohan Roy Girls Anglo-Vernacular Middle School, Lahore.
  - (v) Islamia Girls Anglo-Vernacular Middle School, Lahore.
  - (vi) Islamia Girls Anglo-Vernacular Middle School, Gujranwala.
  - (vii) American Mission Anglo-Vernacular Middle School, Sangla.
  - (viii) Khalsa Girls School, Sidhwan Khurd.
- (d) The following Government Girls Middle Schools have been raised to the high standard :—
  - (i) Government Middle and Normal School for Girls, Fazilkae

[Minister for Education.]

(ii) Government Anglo-Vernacular Middle School for Girls, Kasur.

(iii) Government Middle School for Girls, Rewari.

(e) An M.A. class (English) has been opened in the Lahore College for Women.

SETTLEMENT OF DISPUTES BETWEEN THE MANAGEMENT OF NON-GOVERNMENT SCHOOLS AND THE MEMBERS OF THE STAFF.

**\*6909. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution with regard to settlement of disputes between the management of non-Government schools and the members of the staff passed by the annual conference of the Punjab Non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidency of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes. It is already laid down in the model rules of service for employees in recognized schools under private management embodied in the Punjab Education Code as Appendix XXVII that any disputes that may arise between teachers and management may, at the request of both parties, be referred to the recognizing authority whose decision will be final and binding on both the parties. The resolution of the non-Government Schools' Federation on the subject has been duly considered by Government and it is not intended to appoint a Divisional Arbitration Board.

FREEDOM TO PRIVATE SCHOOLS FOR THE PURCHASE OF BOOKS FOR THEIR LIBRARIES.

**\*6910. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution on the subject of grant of full freedom to private educational institutions for the purchase of books for their libraries passed by the annual conference of the Punjab Non-Government Schools' Federation held on 28th and 29th of January under the presidency of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes.

Government does not consider it desirable to give unrestricted freedom to private institutions in the matter as there is danger that unsuitable and undesirable books may be purchased and placed in the hands of young students.

**Mian Muhammad Nurullah :** Have any restrictions been laid down so far ?

**Minister :** A list approved by the Department is issued and only those books that are mentioned in that list can be supplied to the libraries.



**Pandit Muni Lal Kalia :** Are books on politics not allowed to be purchased by the school libraries?

**Minister :** Not necessarily.

**Lala Duni Chand :** How do you judge that certain books are desirable and others are not desirable?

**Minister :** A book calculated to exacerbate communal feelings would be an undesirable book.

#### TRANSFER OF STATE PRISONERS TO THE DEOLI CAMP.

**\*6947. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) whether some of the State prisoners have been transferred to the Deoli Camp ; if so, their names and the dates of their transfer ;
- (b) the names of those who have lost in weight, giving the loss in weight in each particular case at the time of transfer ;
- (c) the names of those who are still confined in the Rajanpur and Muzaffargarh Jails with a statement about their health ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) No State prisoner has been transferred to the camp at Deoli but a number of persons detained under rule 26 of the Defence of India Rules have been sent there. They were sent in batches on the 8th, 12th, 14th, 16th and 21st of October and the total number hitherto despatched is 78. I am not prepared to give individual names.

(b) Thirty-four security prisoners are reported to have lost weight at the time of their transfer to the Deoli Camp as compared with their weight on detention. Sixteen prisoners neither lost nor gained weight and 28 prisoners gained weight.

(c) No security prisoners are at present confined in the Rajanpur or Muzaffargarh Jails.

#### DRILLING BY VOLUNTEERS IN PRIVATE COMPOUNDS OR BUILDINGS.

**\*7028. Sardar Sampuran Singh :** Will the Honourable the Premier be pleased to state whether his attention has been invited to the recent *communiqué* of Bombay Government regarding drilling by volunteers in private compounds or buildings ; if so, whether it is proposed to allow drilling by volunteers in the same manner in the Punjab ; and if not, why not ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** Last August the Honourable Premier saw a notice in the Press regarding the practice which the Bombay Government were provisionally adopting, but is not aware whether it was adopted permanently. He does not propose, in this province, to alter the present practice which is in conformity with the Government of India's notification.

**Pandit Muni Lal Kalia :** What is the practice with regard to drill in this province ?

**Parliamentary Secretary :** The practice in the Punjab is in accordance with the notification of the Government of India. It means that except in the case of schools and colleges which have been exempted under that notification all others cannot carry on drill except with permission.

AGREEMENT BETWEEN *KHAKSARS* AND THE PUNJAB GOVERNMENT.

**\*7029. Sardar Sampuran Singh :** Will the Honourable the Premier be pleased to state if any agreement has been reached between the *Khaksars* and the Government ; if so, on what lines and whether the agreement so reached gives any concessions to the *Khaksars* ; and if so, whether Government proposes to give similar concessions in the case of other similar organisations ; if not, why not ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** The honourable member will remember that in April last Government issued a Press *Communiqué* stating the conditions that must be fulfilled before the order declaring the Anjuman-i-Khaksaran an unlawful association could be withdrawn. When the Government received an assurance that these conditions were accepted and would be acted upon, the order was withdrawn. No concessions were given, unless the honourable member includes in that term the subsequent release of *Khaksars* who had not been guilty of violence and no question of concessions to other organisations arises.

*KHAKSARS*

**\*7135. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) the total number of *Khaksars* taken in custody and detained or otherwise arrested since the 19th March, 1940, in the Province ;
- (b) the total number of *Khaksars* challaned in courts to take their trial in respect of (i) offences under the Defence of India Rules or Act, (ii) offences under the Indian Penal Code or any other Act other than the Defence of India Rules or Act in the province ;
- (c) the total number of *Khaksars* convicted by the courts of (i) offences under the Defence of India Rules or Act, and (ii) offences under the Indian Penal Code or any Act other than the Defence of India Rules or Act in the province ;
- (d) the total number of *Khaksars* released in the province under the understanding or settlement reached with the leaders of the *Khaksars* organisation ;
- (e) the total number of *Khaksars* belonging to this province who are still due to be released pursuant to the understanding mentioned in clause (d) above ;
- (f) the reasons why the persons mentioned in clause (a) above have not yet been released ;
- (g) the total number of *Khaksars* who are still in jails and whom it is not intended to release together with the reasons why Government has decided not to release them ?

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

PROSECUTIONS UNDER DEFENCE OF INDIA RULES IN JULLUNDUR DIVISION.

**\*7155. Chaudhri Muhammad Hasan:** Will the Honourable Premier be pleased to state—

- (a) the number of prosecutions under the Defence of India Rules in the year 1940 in the Jullundur Division giving separately the names of persons prosecuted in the Ludhiana district;
- (b) the result of prosecution in each case in the Ludhiana district, the names of the courts which tried these cases and the period of trial in each case?

**Parliamentary Secretary** (Mir Maqbool Mahmood): (a) 106. It is not in the public interest to give names.

(b) Out of 17 persons prosecuted in the Ludhiana district, 3 were acquitted, 9 convicted and cases against 5 are pending in courts. It is not in the public interest to give the names of the courts which tried these cases. The period of trial is given below—

Period.				Number of cases.
3 months and 1 day	..	..	..	5
2 months and 8 days	..	..	..	1
2 months and 1 day	..	..	..	1
1 month and 26 days	..	..	..	1
1 month and 10 days	..	..	..	1
1 month	..	..	..	2
11 days ..	..	..	..	1
Total				12

**Chaudhri Muhammad Hasan:** Is the Parliamentary Secretary in a position to tell the House that all those persons were prosecuted for making anti-war speeches?

**Parliamentary Secretary:** I should have notice of that question.

**Chaudhri Muhammad Hasan:** Did the Parliamentary Secretary examine the cases of prosecution of these people before replying?

**Parliamentary Secretary:** No. The honourable member's question related to the number of prosecutions and also the result of the prosecutions and the period. I concentrated my attention to these aspects of the question and did not apply myself to other aspects about which he wants information.

**Chaudhri Muhammad Hasan:** Does not the information conveyed to the Parliamentary Secretary by the local authorities tell him under what sections of the Defence of India Rules such and such a person was prosecuted?

**Parliamentary Secretary:** That information was not asked for and I do not think it was supplied.

**Chaudhri Muhammad Hasan :** Will the Parliamentary Secretary please lay on the table the information supplied to him by the local authorities ?

**Parliamentary Secretary :** I am not prepared to do so.

**Chaudhri Muhammad Hasan :** Is he prepared to supply it to me ?

**Parliamentary Secretary :** It is not in the public interest to do so.

**Chaudhri Muhammad Hasan :** Is it a fact that the answer to this question is lengthy ?

**Parliamentary Secretary :** I have already given an answer to all the specific points raised by the honourable member in his question. I do not know what further information regarding the length and breadth of the answer he desires to seek.

**Chaudhri Muhammad Hasan :** I am not asking the length and breadth of the answer to my question. I am asking about the length and breadth of the statement that he received from below.

**Parliamentary Secretary :** I have given the particulars which were necessary and relevant in answer to this question. I do not know on what basis the honourable member presumes that a very long reply was sent by the local authorities.

**Lala Duni Chand :** If the Parliamentary Secretary is unable to give information about the length and breadth, can he give its depth ? (Laughter.)

**Parliamentary Secretary :** It is only skin deep.

#### **KHAKSARS.**

**\*7165. Lala Deshbandhu Gupta :** Will the Honourable the Premier be pleased to state—

- (a) the total number of *Khaksars* arrested and convicted respectively throughout the province since the time the *Khaksar* agitation started and the number of *Khaksars* out of them who belonged to other parts of the country including Indian States, province and statewide ;
- (b) the number of *Khaksars* who were arrested and who were released on tendering apologies ;
- (c) the number of *Khaksars* killed and injured in the clashes between the *Khaksars* and the police ;
- (d) the number of policemen and officials killed and injured in clashes with *Khaksars* ;
- (e) the number of *Khaksars* placed in A Class on conviction ;
- (f) the amount of fine imposed on *Khaksars* and realised, if any ;
- (g) the value of property movable and immovable of the *Khaksars* confiscated, if any ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :**

(1) (i) Total number of <i>Khaksars</i> arrested in the Province up to and including 10th November, 1940				1,710
(ii) Number of <i>Khaksars</i> convicted				989
(iii) Number of <i>Khaksars</i> belonging to other parts of the country and States				814

The collection of other information asked for in this question would involve a disproportionate expenditure of time and labour.

(b) 246.

(c) Killed 87  
Injured 107.

(d) Killed 3.  
Injured 108.

(e) Nil.

Rs.

(f) Fine imposed — 3,285

Fine realised .. 60

(g) Nil, except for certain records and articles of equipment.

**Lala Duni Chand :** Has the Parliamentary Secretary ever heard the cry from the *Khaksars* "save me from my friends" as he has been concerned with them in the beginning?

**Mr. Speaker :** Disallowed.

**Mr. Dev Raj Sethi :** Are the fines being realised?

**Parliamentary Secretary :** In cases fines are not paid there is imprisonment in default. Government is not enforcing the parties to pay the fine if they choose the other alternative.

**Mr. Dev Raj Sethi :** Is it not a fact that in spite of imprisonment in default of payment of fines, the fines are still being realised?

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

**Malik Barkat Ali :** Is the Parliamentary Secretary aware that under the law sentence of imprisonment undergone does not wash away the fine?

**Mr. Speaker :** That is a matter of law. Disallowed.

**Lala Duni Chand :** May I know why the Parliamentary Secretary wants notice? He must be knowing that fines can be realised notwithstanding the fact that parties concerned have undergone imprisonment in lieu of fine.

**Mr. Speaker :** The next question.

#### *Khaksars.*

**\*7166. Lala Deshbandhu Gupta :** Will the Honourable the Premier be pleased to state the amount of expenditure incurred so far by the Punjab Government in fighting the *Khaksar* trouble?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** I am afraid I must decline to answer this question. The time and money spent on collecting the desired information would be out of all proportion to its value when obtained and even if it is collected it will be only approximately correct.

#### COMPROMISE BETWEEN GOVERNMENT AND *Khaksars*.

**\*7167. Lala Deshbandhu Gupta :** Will the Honourable the Premier be pleased to state—

(a) whether any negotiations are at present going on directly or indirectly between the Government and the *Khaksars* for a compromise;

[Lala Deshbandhu Gupta.]

- (b) if so, the conditions that have been received or offered or accepted by Government for compromise ?

**Parliamentary Secretary** (Mir Maqbool Mahmood) : (a) The *Khak-sars* accepted the terms of the press note, dated the 16th of April, 1940, and the ban on their association was accordingly removed. Subsequently, *Khak-sar* prisoners not guilty of crime involving violence were released. Under these circumstances, the question of negotiations for a compromise does not arise.

- (b) Does not arise.

#### BAHALBA MINOR AND MEHAM MINOR JADID.

**\*6880. Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the area now being irrigated by the Bahalba minor in the Rohtak Division used to be irrigated previously by what was called Meham Minor Jadid ; if so, when and why this change in the old name and how much of the area used to be irrigated previously by Meham Minor Jadid has been left out of commanded area after the change in the name ;
- (b) the total area which used to be irrigated by the defunct Meham Minor Jadid and the period for which this area continued to be irrigated by that minor ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : (a) Yes, the name was changed in 1937 in order to avoid confusion with Meham Minor of the same division.

There has been no change in area.

- (b) 2,454 acres, reduced in 1936 to 2,362 acres by the transfer of 92 acres to Bhaini Chander Pal Sub-minor.

#### REWARD GRANTS IN RAKH PIR MAHAL.

**\*6920. Mr. Dev Raj Sethi** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of those to whom civil non-official reward grants were made in Rakh Pir Mahal, district Lyallpur, a few years ago ;
- (b) the area allotted to each grantee ;
- (c) whether similar grants have been made during the period 1st April, 1937 to 1st April, 1940 ; if so, will he be pleased to lay on the table full particulars about the grants on the lines suggested in (a) and (b) above ;
- (d) the object of the Government in making these grants ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : (a) and (b) <sup>1</sup>A list showing the names of the grantees and the area allotted to each is laid on the table.

- (c) A list showing the names of the grantees and the area allotted to each is laid on the table.

(d) Because it was felt that those who rendered special services to the administration in most difficult circumstances should have special claims when selection was made of persons as colonists. The grants made since 1st April, 1937, have been made in recognition of outstanding services in assisting in the difficult settlement of the Lyallpur district.

*List showing the names of grantees and the area allotted to each during the 1st April, 1937 to 1st April, 1940.*

	Squares.
1. Sardar Bahadur Bisaldar Dilbagh Singh, Zaildar of Awagat, Honorary Magistrate, 1st Class and Jagirdar .. .. .	2
2. Khan Sahib Rai Sikandar Khan, Zaildar of Rurala..	2
3. Chaudhri Muhammad Qasim, Zaildar of Kallar Shikar and Jagirdar .. .. .	2
4. Sardar Sulakhan Singh, Lambardar of Chak No. 655-G. B. .. .. .	1
5. Khan Mahabat Khan, Zaildar of Haranwala ..	1
6. Chaudhri Hassan Muhammad, Lambardar of Lyallpur .. .. .	1
7. Mian Sujawal Khan, Zaildar of Kanjwani ..	1
8. Chaudhri Faiz Muhammad, Zaildar of Toba Tek Singh .. .. .	1
Total ..	11

**Mr. Dev Raj Sethi :** May I know what was the specific nature of the special services rendered by the grantees ?

**Parliamentary Secretary :** It is very difficult to enumerate the services rendered by them. As I have said special services were rendered by them during the settlement operations in Lyallpur district.

**Mr. Dev Raj Sethi :** What were the services rendered by Sardar Dilbagh Singh in lieu of which he got this grant of 2 squares ?

**Parliamentary Secretary :** It is very difficult to enumerate the services rendered by each individual. I hope the House will realise that the total area granted by this Government during the last 3 years is hardly 11 squares.

**Diwan Chaman Lall :** A specific question is put regarding a particular grant. May I ask my honourable friend if he has got any reply in respect to that question ?

**Parliamentary Secretary :** I have said that services rendered in connection with settlement operation in the Lyallpur district.

**Diwan Chaman Lall :** What services ?

**Parliamentary Secretary :** The settlement authorities required their services for explaining the sliding scale system, which is much complicated, and which was introduced in the Lyallpur district.

**Diwan Chaman Lall :** Is it not a fact that Government have got a competent department to deal with this particular matter ? Do I take it that it is so incompetent that the services of non-official agency were required ?

**Parliamentary Secretary :** Of course the Government have a very competent staff to do this work, but they would still require the services of a non-official agency. As a matter of fact, the settlement officer recommended that these people deserve special reward and that is why the Government granted them these 11 squares of land.

**Lala Duni Chand :** May I know if the fact that he was a loyalist, in spite of being a relation of the well-known patriotic family to which Sardar Kishen Singh belongs, was regarded a piece of service rendered by him ?

**Mr. Speaker :** Disallowed.

**Mr. Dev Raj Sethi :** Is it a fact that one of the squares granted to Sardar Dilbagh Singh by the Government is near the city and the land of that square is being sold in marlas ?

**Mr. Speaker :** Disallowed.

**Diwan Chaman Lall :** It is a very important question. It has not been brought to your notice really enough. The point that is being driven at by my honourable friend is this that this particular individual had 2 squares of land in a place where the price was Rs. 5,000 each, but by getting into touch with the Government he got one square transferred to Lyallpur where the price is Rs. 16,000. How did it come about ?

**Parliamentary Secretary :** This square was subsequently transferred.

**Lala Duni Chand :** May I know if the opposition to the Congress is regarded a piece of service according to Government Phraseology ?

**Parliamentary Secretary :** Certainly not.

**Mr. Dev Raj Sethi :** Is it a fact that one of the squares granted to Sardar Dilbagh Singh was changed with the one which was situated near the city of Lyallpur ?

**Parliamentary Secretary :** I would like to have notice.

#### RESTITUTION OF MORTGAGED LANDS ACT AND ALIENATION OF LAND AMENDMENT ACT.

\*6930. **Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of officers with their grades of pay and other allowances, if any, appointed for the enforcement of Restitution of Mortgaged Lands Act and the Land Alienation Amendment Act in the districts of Jhang and Lyallpur with the dates of their appointment ;
- (b) the number of applications received so far under each Act in each of these districts ;
- (c) the area of land restored to the applicants so far under each of these Acts in each of these districts ;
- (d) the compensations granted to the several mortgagees, concerned in the above mentioned transactions ;
- (e) the total amount of pay and other emoluments paid to the officers mentioned in (a) up to 30th September 1940 ?



Parliamentary Secretary (Raja Ghazanfar Ali Khan): The information required is as under—

(a)					(b)	(c)		(d)	(e)	
District.	Names of officers appointed for the enforcement of the Punjab Restitution of Mortgaged Lands Act, 1938, and the Punjab Alienation of Land (Second Amendment) Act, 1938.	Grade of pay.	Allowance.	Date of appointment.	NUMBER OF APPLICANTS RECEIVED SO FAR UNDER		AREA OF LAND RESTORED TO APPLICANTS SO FAR UNDER		Compensation granted to the several mortgagees.	Total amount of pay and other emoluments paid to officers mentioned in (a) up to 30th September, 1940.
					The Punjab Restitution of Mortgaged Lands Act, 1938.	The Punjab Alienation of Land (Second Amendment) Act, 1938.	The Punjab Restitution of Mortgaged Lands Act, 1938.	The Punjab Alienation of Land (Second Amendment) Act, 1938.		
Jhang ..	Seyyed Nur Shah, Retired P. C. S.	Fixed pay Rs. 200 per mensem.	Nil	1st May, 1940.	2,090	485	3,439 6 16	588 6 13	Rs. A. P.	Rs. 800
Lyalpur ..	None ..	..	..	..	9	542	..	738 7 4	..	..

**GRANT OF LAND IN EXCHANGE FOR THE LAND ACQUIRED FOR THE  
HAVELI PROJECT.**

**\*7017. Sardar Sampuran Singh :** With reference to the answer to starred question No. 1584, asked on 27th January, 1938, will the Honourable Minister of Revenue be pleased to state—

- (a) the number of applications and names of such applicants who have applied for compensation for the land acquired from them by Government in connection with the Haveli Project ;
- (b) the action that the Government has taken in the matter ;
- (c) if no action has been taken so far, the reasons for the delay ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) 16 applications were received from 156 persons,—vide list placed on the table.

In addition to these, 136 persons more had requested the Land Acquisition Officer at the time of announcing awards to be given land in lieu of cash compensation.

- (b) All these persons have been awarded land as desired by them
- (c) Does not arise.

**Mr. Dev Raj Sethi :** Is there any application pending before the Government ?

**Parliamentary Secretary :** All those persons who applied have been given land.

**MAINTENANCE CHARGES FOR THE RANGOI CANAL IN HISSAR DISTRICT.**

**\*7114. Chaudhri Suraj Mal :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the District Board, Hissar, in its general meeting held on 27th May, 1940, asked for permission from Government to collect water rate if it was to be held responsible for the maintenance and upkeep of the Rangoi canal in the Hissar district in future ;
- (b) if answer to part (a) above be in the affirmative, what steps, if any, Government has taken so far to give effect to that resolution of the District Board taking in view the interests of the zamindars of the villages on this canal ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The Honourable member is referred to the answer given to Assembly Question No. 7086 (starred)\* asked by Chaudhri Sahib Ram.

**TRANSFER OF THE MANAGEMENT OF RANGOI CANAL TO DISTRICT  
BOARD, HISSAR.**

**\*7115. Chaudhri Suraj Mal :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that before the management of Rangoi canal in the Hissar district was transferred to the District Board, Hissar, it used to be maintained and looked after by the Irrigation Department ;

\*Kept in the Assembly Library.

\*Page 232 ante.

(b) if so, the reasons for the transfer of the management of the canal to the District Board ;

(c) whether it is or it is not a fact that the District Board has not been able to maintain it at all in the past much to the loss of zamindars of the villages irrigated by this canal ; if so, the action Government propose to take in the matter ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : The honourable member is referred to the answer given to Assembly Question No. \*7081 (starred)<sup>1</sup> asked by Chaudhri Sahib Ram.

---

#### RANGOI CANAL.

**\*7116. Chaudhri Suraj Mal** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the bed of the Rangoi canal in the Hissar district just revived, is several feet higher than the bed of its feeder the Ghaggar River and the Rangoi canal will run only when the column of water in the Ghaggar is high enough for feeding the Rangoi canal ; if so, the action intended to be taken to regulate the supply of water in the canal ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : The honourable member is referred to the answer given to Assembly Question No. \*7082 (starred)<sup>2</sup> asked by Chaudhri Sahib Ram.

---

#### CAMELS GRAZING BELOW SIWALIK RANGE.

**\*7162. Lala Duni Chand** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Deputy Commissioner of Ambala district on the strength of Local Government notification No. 2040, dated 16th November, 1939, has issued a notice to the inhabitants of about 70 villages in Kharar and Rupar tahsils situated in or below Siwalik Range of mountains prohibiting and restricting the grazing of camels within the notified area ;

(b) whether it is a fact that the notified area within which the grazing of camels has been prohibited comprises lands actually owned and cultivated by the owners and tenants and other lands ;

(c) whether it is a fact that among the inhabitants of the said villages there prevails a good deal of consternation and indignation ; and if so, what steps, if any, the Government proposes to take to allay the universal feeling of dissatisfaction among the people ?

---

<sup>1</sup>Page 232 ante.

<sup>2</sup>Page 233 ante.

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

(b) The admission, browsing and retention of camels has been forbidden, under section 5 of the Land Preservation (Chos) Act, 1900, in those areas which have already been notified under section 3 of that Act in Punjab Government notification No. 458, dated the 23rd September, 1914.

(c) Only 184 persons owning 212 camels are affected by this order.

The Land Preservation (Chos) Act provides for the payment of compensation, due notice of which was given to the villagers affected under section 7 of that Act. Further, notice was simultaneously given that camels would be permitted to enter the notified area for the purpose of transporting grain and merchandise.

Government considers these concessions to be adequate and are not prepared to continue to expose the province to the dangers of disforestation and erosion for the convenience of a few villagers. The closure will actually benefit the villagers themselves more than any one else by the increased production of grass and trees.

**Lala Duni Chand**: May I know if the keeping of sheep and goats by the people of those villages has already been prohibited?

**Parliamentary Secretary**: I am afraid I cannot give the reply off hand. I want notice.

**Lala Duni Chand**: Bearing in mind that those people have already been prohibited to keep goats and sheep and now according to the Parliamentary Secretary they have also been prohibited to keep camels, may I know if the Government have any proposal before them to prohibit the people to keep buffaloes and bullocks?

**Parliamentary Secretary**: So far as sheep are concerned I do not know that Government have any objection, but as far as goats are concerned I think the honourable member's information is correct.

**Lala Duni Chand**: May I know if it is within the knowledge of the wide-awake Parliamentary Secretary that keeping of camels in this area is one of the important means of earning livelihood?

**Parliamentary Secretary**: It does not appear to be very important, when the number of camels kept in that area is 212 and the number of people, who will benefit by our prohibiting camels grazing in the forest would be much larger.

**Lala Duni Chand**: Is the Parliamentary Secretary aware of the fact that camel is the only animal which can be used for transport purposes?

3 p.m.

**Parliamentary Secretary**: I have already stated that there is no objection to the camels entering in that area for carrying merchandise.

**Lala Duni Chand**: Does the Parliamentary Secretary know that those tracts being hilly no carts or any other means of transportation can be used?

**Parliamentary Secretary :** I hope that the honourable member will realise that whatever the Government did, it did in the interests of the zamindars of that *ilaga*.

**Lala Duni Chand :** Did the Government take into consideration the extent to which the economic conditions of the area will be affected by the issue of such a notification?

**Parliamentary Secretary :** Yes.

**Lala Duni Chand :** Do the Government know that the people of those tracts have been reduced to an abject state of poverty as a result of this notification?

**Parliamentary Secretary :** That is a matter of opinion.

**Lala Duni Chand :** Has the Parliamentary Secretary or any other member of the Government gone to that *ilaga* to find out the exact state of affairs?

**Parliamentary Secretary :** The Parliamentary Secretary did not want to waste the money of the public by travelling to such a long distance for such a small matter. The Government is satisfied at the reports of the local officers.

**Lala Duni Chand :** Does the Parliamentary Secretary know where this area is situate?

**Mr. Speaker :** Disallowed.

**Lala Duni Chand :** Is the Parliamentary Secretary aware that this area is situate just below the Siwalik Hills?

**Parliamentary Secretary :** I have already explained that this action was taken in the interests of the zamindars. The number of people affected hardly exceeds 200, while several thousands of people would have suffered if that action was not taken.

**Lala Duni Chand :** Did the Parliamentary Secretary have any geographical knowledge of this area before passing that order?

**Parliamentary Secretary :** My knowledge of Geography is more fresh than my honourable friend's.

#### RETIREMENT OF B. JOWALA SINGH WITHOUT PENSION.

\*7177. **Tika Jagjit Singh Bedi :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that B. Jowala Singh, Head Colony Clerk, Montgomery, applied for leave on medical certificate but the same was refused and he was retired and given no pension for his 25 years' service; if so, why;

(b) whether it is also a fact that the retirement of B. Jowala Singh was not voluntary and that his case was on all fours with those

[Tika Jagjit Singh, Bedi.]

of Munshi Shamas-ud-Din and Lala Bhawani Dass who were given long leave in similar circumstances and were granted pension?

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

*Second part.*—He elected to retire in order to be able to fulfil the condition of residence on his colony grant, which otherwise would have been liable to confiscation. He was not entitled to any pension.

(b) *First part.*—No.

*Second part.*—No.

---

#### RELIEF FOR DAMAGE TO COTTON CROP IN NILI BAR COLONY.

**\*7179. Mahant Girdhari Das:** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the present cotton crop has been damaged by the *Tela fungus* in the Nili Bar Colony particularly in the Dipalpur and Pakpattan tahsils of district Montgomery; if so, the percentage of the crop so affected;

(b) the relief, if any, that the Government has proposed to grant to the sufferers?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) No damage by *tela* has been reported, but there has been some damage by *tirak*.

(b) Relief will be given according to rules.

---

#### TAWAN FOR UNAUTHORISED IRRIGATION.

**\*7180. Mahant Girdhari Das:** Will the Honourable Minister of Revenue be pleased to state—

(a) the total amount of money realised in the form of *tawans* or fines for unauthorised irrigation during the last five years throughout the province;

(b) the total amount of money realised as *tawan* for unauthorised irrigation in the Ferozepore Circle, channelwise and division-wise during the last five years?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) and (b) Two statements giving the required information are placed on the table of the house.

Statement showing the amount realised as special charges for the unauthorized irrigation in the Ferozepore Circle, Channelwise and Divisionwise during the last 5 years.

Serial No.	Name of Channel.	AMOUNT REALIZED DURING THE LAST 5 YEARS.					REMARKS.
		1935-36.	1936-37.	1937-38.	1938-39.	1939-40.	
1	2	3	4	5	6	7	8
	HUSSAINIWALA DIVISION.						
1	Gauji Distributary ..	*	..	..	12 10 0	164 5 0	
2	Bakerke Distributary ..	9 2 0	..	54 14 0	23 15 0	..	
3	Kul Distributary ..	..	..	..	..	11 12 0	
4	Katora Branch (Direct) ..	..	..	..	..	157 15 0	
5	Ditch Kundian ..	..	..	..	67 15 0	..	
6	Ditch Channian ..	..	..	..	40 10 0	5 13 0	
7	Ditch Jaggian ..	..	..	..	..	101 15 0	
8	Attari Distributary ..	674 1 0	92 2 0	539 0 0	423 4 0	977 1 0	
9	Channian Distributary ..	214 15 0	209 14 0	1,762 8 0	382 5 0	459 14 0	
10	Pakhoki ..	17 8 0	236 5 0	71 1 0	98 9 0	419 8 0	

Serial No.	Name of Channel.	AMOUNT REALIZED DURING THE LAST 5 YEARS.					REMARKS.
		1935-36.	1936-37.	1937-38.	1938-39.	1939-40.	
		3	4	5	6	7	
1	2						8
	EASTERN DIVISION.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1	Chhanga ..	..	900 0 0	128 15 0	..	..	
2	Mamdot ..	1 11 0	..	..	383 14 0	..	
3	Sodhiwala ..	24 11 0	150 3 0	658 7 0	107 13 0	106 10 0	
4	Bahadurke ..	59 6 0	369 7 0	99 8 0	340 11 0	36 8 0	
5	Ladhuka ..	229 2 0	172 15 0	249 15 0	597 2 0	184 2 0	
6	Kafrsinghwala ..	33 10 0	..	..	5 11 0	..	
7	Gurubarsahai ..	8 1 0	19 8 0	..	103 7 0	81 12 0	
8	Main Branch ..	..	112 3 0	..	..	..	
9	Nizamwah ..	156 5 0	92 10 0	538 1 0	162 3 0	405 11 0	
10	Kalewal ..	..	..	..	292 7 0	..	
11	Rattewala ..	..	..	..	287 15 0	..	
12	Seidoki ..	..	..	..	..	..	
13	Fazilka ..	553 14 0	439 4 0	602 11 0	568 4 0	527 13 0	
14	Bundiwala ..	48 6 0	..	..	172 7 0	..	



15	Kheewali	..	..	..	..	..	..	..	26 10 0
16	Boranwala	..	..	..	..	..	..	..	100 11 0
17	Hiranwali	..	..	..	4 0 0	13 11 0	19 14 0	..	..
18	Klinkhara	..	..	35 6 0	130 14 0	48 14 0	28 0 0	98 9 0	..
19	Jandwala	..	..	200 6 0	..	576 9 0	819 0 0	474 5 0	..
20	Tokri	..	..	..	..	830 14 0	33 5 0	79 5 0	..
21	Hauz	..	..	..	..	52 13 0	92 6 0	..	..
22	Chorkot	..	..	55 12 0	55 11 0	368 6 0	374 7 0	799 13 0	..
KHALWAH DIVISION.									
1	Pateh Muhammad	..	..	550 3 0	155 6 0	26 4 0	58 2 0	772 2 0	..
2	Kangonpur	..	..	1,037 0 0	428 13 0	522 9 0	289 5 0	306 1 0	..
3	Dipalpur	..	..	..	..	19 7 0	..	23 0 0	..
4	Chahal	..	..	..	..	..	642 5 0	198 1 0	..
5	Kala Kalan	..	..	116 11 0	146 2 0	..	..	523 12 0	..
6	Lalugudhar	..	..	..	675 14 0	62 12 0	13 6 0	944 13 0	..
7	Maroof	..	..	148 11 0	..	83 14 0	15 7 0	..	..
8	Battak	..	..	286 9 0	162 4 0	..	102 13 0	196 10 0	..
9	Rari	..	..	..	..	..	..	4 6 0	..
10	Nadha	..	..	..	115 8 0	108 11 0	33 10 0	20 14 0	..
11	Shaimad	..	..	..	..	26 2 0	..	33 6 0	..
12	Tabar	..	..	..	29 15 0	..	..	9 3 0	..

Serial No.	Name of Channel.	AMOUNT REALIZED DURING THE LAST 5 YEARS.					REMARKS.
		1935-36.	1936-37.	1937-38.	1938-39.	1939-40.	
1	2	3	4	5	6	7	8
	KHANNAH DIVISION,—contd.						
13	Basirpur ..	..	17 7 0	..	..	..	
14	Gulehah ..	89 15 0	139 1 0	39 1 0	..	123 6 0	
15	Chandur ..	..	..	135 12 0	..	..	
16	Sahibowala ..	..	..	..	1 8 0	..	
17	Bunga Sahib ..	..	..	44 13 0	..	9 4 0	
18	Bunga Hayat ..	640 11 0	323 4 0	125 7 0	182 13 0	548 8 0	
19	Gaja ..	..	64 13 0	15 9 0	117 2 0	47 12 0	
20	Adlike ..	..	78 6 0	..	..	9 11 0	
21	Haveli ..	491 2 0	337 6 0	193 13 0	92 12 0	273 9 0	
22	Matamwala ..	..	31 6 0	..	..	43 14 0	
23	Gillanwala ..	27 6 0	38 12 0	9 4 0	..	325 0 0	
24	Bhunan Shah ..	426 4 0	115 14 0	78 12 0	..	458 12 0	
25	Boil Ganj ..	129 13 0	..	..	..	..	
26	Musowal ..	522 14 0	529 12 0	..	..	390 14 0	
27	Nanaktpur ..	98 12 0	..	..	188 9 0	..	



Serial No.	Name of Channel.	AMOUNT REALIZED DURING THE LAST 5 YEARS.					REMARKS.
		1935-36.	1936-37.	1937-38.	1938-39.	1939-40.	
1	2	3	4	5	6	7	8
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1	Bhatti ..	Not available	..	..	..	3 0 0	
2	Pakpattan ..	Ditto	..	40 0 0	..	..	
3	Ferozepore ..	Ditto	260 0 0	9 0 0	53 0 0	31 0 0	
4	Malikpur ..	Ditto	71 0 0	..	..	..	
5	Hamidpur ..	Ditto	..	238 0 0	..	..	
6	Hota ..	Ditto	97 0 0	..	..	..	
7	Hazara ..	Ditto	..	209 0 0	179 0 0	..	

## SULEIMANEI DIVISION.

*Statement showing the amount realized as Special charges for unauthorized irrigation during the last five years throughout the Province.*

Serial No.	Year.	Amount of tawan realized.	REMARKS.
		Rs.	
1	1935-36 .. .. .	1,28,582	
2	1936-37 .. .. .	1,13,246	
3	1937-38 .. .. .	1,15,042	
4	1938-39 .. .. .	1,91,187	
5	1939-40 .. .. .	2,49,774	
	Total .. .. .	7,97,831	

#### ENCOURAGEMENT OF INDUSTRIES.

**\*6851. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

- the steps the Department of Industries has so far taken to encourage the blanket industry at Panipat in district Karnal ;
- the small-scale industries which are being encouraged and helped by Government in the districts of Rohtak, Gurgaon, Hissar and Karnal and the manner in which they are being helped with details regarding the names of industries for which grants have been made and the names of manufacturers concerned ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) The blanket industry of Panipat has been shown special consideration by Government. The Government Industrial School, Panipat, started in 1930, imparts training in the manufacture of blankets. About 250 persons have been trained at this school where a wool teasing, carding and spinning plant has been installed.

The Wool Expert and Textile Inspector attend to the technical difficulties of the local weavers engaged in blanket weaving. They supply marketable designs to the weavers and secure orders for them. Under the scheme for the encouragement of wool industry financed by the Government of India, the Wool Expert renders indirect financial assistance to the weavers in the shape of supply of raw materials, accessories, etc. Orders to the value of Rs. 80,000 have been secured by the Marketing Organization for the weavers during this year.

## [Minister for Development.]

A Finishing centre has recently been started at Panipat to meet the long-standing want of the weavers. Cottage and small scale workers get their blankets finished at this centre on payment of out-of-pocket expenses. The finishing plant has proved popular with the weavers. It is estimated that goods to the value of Rs. three lacs have been finished by it. The Department has been exhibiting from time to time the blankets of the Panipat weavers in the various exhibitions held in and outside the province.

Lastly an order for the supply of 45,000 blankets was received from the Indian Stores Department in March, 1940, a major portion of which was allotted to Panipat weavers.

(b) Assistance is rendered for the encouragement of small scale industries in the districts of Rohtak, Hissar, Gurgaon and Karnal in the following manner :—

The Government Industrial Schools at Panipat and Rohtak impart systematic training in spinning and weaving on improved looms and appliances. Training in fast dyeing is also provided. Wool spinning centres have been started at Rampura near Rewari and Jhunpa in the Hissar district, where improved spinning wheels have been introduced among the women folk, especially *purdah nashin* ladies, who are working on them as a subsidiary occupation. The other industries helped by the industrial schools are leather work, carpentry and smithy. Statement No. 1 is laid on the table.

The Department of Industries also arranges demonstrations by means of peripatetic parties. Statement No. II showing the industries taught by these parties and the places where they have worked or are working, is laid on the table.

Statement No. III showing the names of persons or firms who have been granted financial assistance under the Punjab Industrial Loans Act, 1928, and the Punjab State Aid to Industries Act, 1935, in these districts is laid on the table.

## Statement I.

Serial No.	Name of the School.	Crafts taught.
1	Government Industrial School, Rewari (District Gurgaon).	Leather work.
2	Government Industrial School, Rohtak ..	1. Cotton weaving. 2. Carpentry. 3. Smithy.
3	Government Industrial School, Hissar ..	1. Wool spinning and weaving. 2. Carpet weaving.
4	Government Industrial School, Panipat ..	Wool spinning and weaving.

## Statement II.

Serial No.	Name of Party.	Places where already worked.	Present centre of operations.
1	Second Tanning Demonstration Party.	..	Bhiwani.
2	Travelling Demonstration Party for the betterment of vegetable and essential oil industry.	Hissar, Jhajjar, Rohtak	Gurgaon.
3	Travelling Demonstration Party for Glue Makers.	Rohtak and Rewari ..	..
4	Demonstration Party to teach the methods of extracting and manufacturing ammonium chloride.	Gamthala Gadhu (Karnal).	Kaithal (Karnal).
5	Dyeing and Calico Printing Demonstration Party.	Rupar .. ..	Kurali and Pipal Maj-jari (Tahsil Rupar).
6	Travelling Demonstration Party to help village blacksmith.	Mitrol (Tahsil Palwal)	Darapur (Tahsil Rewari).
7	Second Travelling Demonstration Party for the betterment of Oil Industry.	..	Panipat.
8	Travelling Weaving Demonstration Party.	Will work in Hissar District.	..

*Statement III.—Showing the names of persons or firms in the districts of Rohtak, Hissar, Karnal and Gurgaon who have been granted financial aid, and the industries helped.*

Serial No.	Name of the firm.	Amount granted.	Industry assisted.
		Rs.	
1	Chaudhri Fayaz Hussain, Rajput, Panipat, district Karnal.	1,500	Manufacture of lamps for vehicles.
2	Shaikh Muhammad Imaail, Hide and Leather Merchant, Hissar.	2,000	Tanning.
3	Ditto Ditto	4,500	Do.
4	Dewan Tribani Sahai, Hansi, district Hissar.	2,000	Weaving.
5	Pandit Uma Datt Sharma, Advocate, Jhajjar, district Rohtak.	5,000	Do.
6	Messrs. Abdur Rahim-Wazir-ud-Din, Tanners, Hansi, district Hissar.	3,000	Tanning.
7	Lala Sukh Lal, Chamar, Karnal ..	3,000	Shoe making.
8	Lala Kanjaria, Chamar, Karnal ..	1,000	Tanning.
9	Mr. Abdur Rahman, Weaver, Panipat, District Karnal.	1,000	Blanket weaving.
10	Shaikh Muhammad Ishaq-Muhammad Muslim, Panipat, district Karnal.	4,000	Glass Industry.
11	Lala Rajinder Singh, village Bir Balsuha, district Karnal.	4,000	Sugar manufacture.

**Pandit Shri Ram Sharma :** Will the Honourable Minister be pleased to state whether those persons to whom Government advances loans for industrial purposes, really utilise that money on the same industry for which the said loans were granted ?

**Minister :** Yes.

**Pandit Shri Ram Sharma :** Is the Honourable Minister quite sure that wherever loans have been advanced, the work has been in progress ?

**Minister :** The position is this. A thorough enquiry is made in regard to all the applications which are submitted for the grant of loans for industrial purposes or for starting some industry. After this they are referred to an Advisory Board for further consideration. It is only on the recommendation of this Board that Government decides to advance any loan to the applicants.

**Pandit Shri Ram Sharma :** But my point is whether at the time of advancing loans Government makes sure that the industry for which a loan is being asked has already been started or it will be started after the loan has been granted ?

**Minister :** If the industry concerned has not already been started, normally no loan is advanced.

**Pandit Shri Ram Sharma :** Is the Honourable Minister aware that an industry is being run in Jhajjar ?

**Minister :** Which industry ?

**Pandit Shri Ram Sharma :** Weaving Industry.

**Minister :** I have not seen it personally, but so far as my information goes, it exists there.

**Lala Duni Chand :** May I know if it is within the knowledge of the Honourable Minister that some of the industrial concerns to which liberal advances were made by the Government have closed down ?

**Minister for Development :** Yes, I know that a factory owned by a friend of the honourable member himself at Ambala has been closed down.

**Lala Duni Chand :** Does the honourable member regret having given advances to those factories which have closed down immediately after the loans were granted to them ?

**Minister :** No. (*Laughter*).

**Lala Duni Chand :** Has the Government suffered any loss on this account ?

**Minister :** The Government has suffered no loss. I am putting in an application in a court of law.

**Lala Duni Chand :** May I know if there are any chances of restarting those concerns ?

**Minister :** I am not in a position to do anything about restarting them.



**Lala Duni Chand :** What the Honourable Minister for Development has learnt in the past about advancing of loans, will he make use of it in future ?

**Minister :** I shall have to be a little more careful about the Ambala people.

#### PUBLIC PROSECUTORS.

**\*6739. Pandit Shri Ram Sharma :** Will the Honourable Minister for Finance be pleased to state—

- (a) the names of those candidates who are at present under the consideration of the Government for appointment as Public Prosecutors ;
- (b) how many vacancies are due to be filled and by what dates respectively ;
- (c) the qualifications required of candidates to be considered for these appointments ?

**The Honourable Mr. Manohar Lal :** (a) There are no candidates for these appointments in the strict sense, as no applications are invited for these posts, but among others the names of legal practitioners who have been recommended from time to time—and these names extend over a very large number of years—were available for the consideration of Government.

(b) There were in all three vacancies, one owing to the termination of the services of a Public Prosecutor and two others due to death. Out of these three vacancies, Government has already come to a decision about two and the papers are now ripe for decision for the third.

(c) Qualifications for these appointments are well-known. Legal practitioners who are now appointed are always law graduates of fair standing and practice at the Bar and their names are usually supported on the grounds of adequate qualifications by local officers.

#### TRAVELLING ALLOWANCE DRAWN BY HONOURABLE MINISTER OF DEVELOPMENT.

**\*7105. Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state—

- (a) the exact amount of travelling allowances drawn by the Honourable Minister of Development from 28rd April, 1940, up to the 31st October, 1940 ;
- (b) the places that he visited during the period and object of his visits ?

**The Honourable Mr. Manohar Lal :** (a) Such travelling allowance as was due under the rules and within the vote of the Assembly has been paid.

(b) The Honourable Minister visited the following places :—

Dharamsala, Mataur, Shakargarh, Maingri, Jullundur, Barapind, Ludhiana, Samrala, Shahzadpur, Ambala Cantonment, Sonapat, Rohtak, Kakrana, Gurgaon, Kund, Manpur, Ballabgarh, Mohna,

[Minister for Finance.]

Patti Kalyana, Hansi, Kharak, Firozpore-Jhirka, Bejana, Lahore, Majitha, Tarn Taran, Pattoki, Kasur, Kot Duni Chand, Palampur, Kulu, Mandi, Nadaun, Nurpur, Jowali, Karnal, Kurana, Dalelpur, Dasuya, Raja Sansi, Malsian, Harchowal, Bham, Lyallpur, Toba Tek Singh, Pakpattan, Jagadhri, Dehra Dun, Ladwa, Karnal, Panipat, Kaithal, Amritsar, Lyallpur, Samundri, Gojra, Jhang, Wazirabad, Sialkot, Daska, Multan, Jahanian, Vihari, Ambala City, Mundahal, Nuh, Dadh Forests, Jogindarnagar and Manali.

Speaking generally the objects of these visits were—

- (a) obtaining first hand knowledge of the working of various departments,
- (b) maintaining touch with the general public, and
- (c) explaining the nature of the present emergency and stimulating war effort.

**Lala Duni Chand :** Is the Finance Minister aware of the fact that the Minister for Development addressed a public meeting at Ambala city on or about the 15th September in which he abused both Mahatma Gandhi and Pandit Jawahar Lal?

**Mr. Speaker :** Disallowed.

**Lala Duni Chand :** May I know if it is within the knowledge of the Honourable Finance Minister that on or about the 15th of September in Ambala city at a public meeting the Minister for Development uttered these words about Mahatma Gandhi : “ *kambakht, kambakht, kambakht* ” ?

**Mr. Speaker :** Disallowed.

**Lala Duni Chand :** May I know if the making of speeches against the Congress or some of the leaders of the Congress is a part of acquiring personal knowledge regarding the working of various departments?

**Mr. Speaker :** Disallowed.

**Lala Duni Chand :** Will the Honourable Finance Minister be pleased to state the object the Minister for Development had in view in delivering the speech at Ambala on or about the 15th of September?

**Minister :** I have no intimation about any particular speech.

**Mr. Dev Raj Sethi :** What was the answer to part (a) of the question?

**Minister :** The question has been adequately answered so far as I am concerned, and the honourable member may take it that the exact amount is not given by me.

**Diwan Chaman Lall :** May I ask the reason for not giving the exact amount?

**Minister :** Because I do not consider it appropriate to state these exact amounts so frequently on the floor of the House. Sufficient intimation is given in the Budget.

**Diwan Chaman Lall :** May I ask whether it is not a fact that this particular information is not available in the Budget in the form in which the question is put ? Is it not incorrect to say that this information is available in the Budget ?

**Minister :** This amount is available in the Budget, and secondly some detailed information was made available only the other day to the Public Accounts Committee.

**Diwan Chaman Lall :** May I ask whether the Honourable Minister is aware of the fact that when the Secretary of the Finance Committee was asked by me to give me that information, he refused to convey that information to me ?

**Minister :** I am not in a position to disclose the proceedings in detail of the Public Accounts Committee, but I am in a position to say that the honourable member did not choose to be present at the time when the Public Accounts Committee considered this matter.

**Diwan Chaman Lall :** Is the Honourable Minister aware that he was forewarned by me that I will not be able to be present at that meeting and therefore I asked for that information which has not been given to me ?

**Minister :** All possible information was supplied to the Public Accounts Committee.

**Diwan Chaman Lall :** May I ask whether he has not given an incorrect and misleading reply on the floor of the House by stating that the Budget contains this particular information asked for in this connection ?

**Minister :** What I said was that all appropriate and adequate information on the subject is available in the Budget.

**Diwan Chaman Lall :** If the Honourable Finance Minister will look to his reply, he will find that he said : that the amount is available in the Budget. That is why I said that the answer is misleading.

**Mr. Speaker :** Order, order. The honourable member should withdraw the word "misleading".

**Diwan Chaman Lall :** All right, Sir, I withdraw that word. May I say that it was incorrect ? The House demands and asks for this information, because it is not the private property of my friend and the Honourable Minister is being asked to give us the details. Will he now give details ?

**Minister :** I have nothing further to add to the answer I have given.

**Diwan Chaman Lall :** May I ask why he is fighting shy of giving this particular information to the House ?

**Malik Barkat Ali :** The Honourable Minister was pleased to say that full information regarding this question was the other day given in the Public Accounts Committee. My question to the Finance Minister is whether information given to the Public Accounts Committee is information given to this House.

**Minister :** I might even go further. The information before the Public Accounts Committee did not relate to this particular period. What I did inform you was that detailed information does become available to honourable members when the matter is duly placed before the Public Accounts Committee.

**Malik Barkat Ali :** My question is, is information given to members of the Public Accounts Committee information given to the House ?

**Minister :** So far as this question is concerned, I am not in a position to take the matter any further than I have done in the course of my answer.

**Diwan Chaman Lall :** May I draw your attention to the fact that you were pleased to direct me to withdraw the expression "misleading" when applied to a reply given by my honourable friend. Now it appears that my honourable friend himself has justified the use of that expression by stating that the information given to the Public Accounts Committee did not cover the period of this question. His object was obviously to lead the House to believe that this information which is now being withheld from the House was actually given to the Public Accounts Committee.

**Dr. Sir Gokul Chand Narang :** Is this information being withheld with the approval of the Honourable Premier ?

**Mr. Speaker :** That question is not admissible.

**Dr. Sir Gokul Chand Narang :** May I ask the Premier whether he approves of that practice of withholding information on this point ? This is not the first time that this question has been put and what is the harm if an answer is given ?

**Minister :** An exact answer in these very words was given by the Premier only the other day.

**Lala Duni Chand :** May I know if the Honourable Minister has ever compared the notes of his speeches with those of the Honourable Minister for Development ?

**Mr. Speaker :** Disallowed.

**Diwan Chaman Lall :** May I have your direction in regard to this matter which has now been broached by the Honourable Finance Minister, in regard to the information relating to the Public Accounts Committee ? May I know whether the Secretary of the Finance Department has any authority to withhold information demanded by a member of the Public Accounts Committee from him and whether he would not be committing a breach of the privilege of this House, an offence against this House, by withholding information asked for by a member in the course of his duties as a member of the Public Accounts Committee ?

**Mr. Speaker :** From what does the honourable member's contention arise ?

**Diwan Chaman Lall :** It only arises out of my honourable friend's answer which he gave on the floor of this House.

**Mr. Speaker :** I think in the first instance the Chairman of the Public Accounts Committee ought to be referred to and then, if necessary, a direct question may be put in this House.

**Diwan Chaman Lall :** It appears that the answer given to me by the Finance Secretary was apparently under instructions of the Chairman of the Public Accounts Committee because the answer given is in consonance with the answer given on the floor of the House.

**Mr. Speaker :** The honourable member may be right.

**Diwan Chaman Lall :** Would you like me to refer the matter to you ?

**Mr. Speaker :** I have not seen the rules on the point. The honourable member may write to the Chairman of the Public Accounts Committee in the first instance.

#### LUDHIANA JAIL.

**\*7172. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of convicts and under-trial prisoners in the Ludhiana District Jail in the months of July, August, September and October, 1940 ;
- (b) whether it is a fact that the accommodation in the jail is not sufficient for the under-trial prisoners and convicts confined there according to jail rules ; if so, the action intended to be taken in the matter ;
- (c) the income derived from the manufacture of durries, towels and other goods prepared by the prisoners in the Ludhiana District Jail during the last six months with the details of the cost of preparation of the above-mentioned articles, their sale price and the profits, if any ?

**The Honourable Mr. Manohar Lal :** (a) A statement is laid on the table.

(b) Yes. Extra prisoners are accommodated in tents but the accommodation provided for them is according to jail rules. To relieve overcrowding some convicts have been transferred to other jails when possible. As regards under trial prisoners the help of the District Magistrate is sought for their release on bail when this can be done.

(c) A statement is laid on the table.

Months.				Undertrials.	Convicts.	Total.
July, 1940	..	..	..	166	389	555
August, 1940	..	..	..	204	380	584
September, 1940	..	..	..	239	358	597
October, 1940	..	..	..	203	326	529

				Rs.	A. P.
(c) (1) Cost of raw material, etc. during the last 6 months, viz.,					
April, 1940 to September, 1940	..	..	..	6,951	6 2
(2) Sale-proceeds of manufacture	..	..	..	11,592	7 0
(3) Profit during the last 6 months	..	..	..	4,641	0 10

GANGS OF DACOITS AT LARGE IN AMBALA AND ITS ADJOINING DISTRICTS AND STATES.

\*6835. **Lala Duni Chand:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the reputed dacoits of Ludhiana district, Giana, Maghi, Chanan Singh, *alias* Khan, Chatar Singh and Lehna have been killed; and, if so, the dates on which they were killed and the circumstances in which they were killed;
- (b) the number and names of dacoits still at large who are supposed to belong to the gangs operating in Ambala district and the adjoining districts and States?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh): (a) It is a fact that Giana, Maghi, Narinjan Singh (not Chanan Singh) *alias* Khan and Lehna have been killed in encounters with Police.

Giana was killed on the 14th April, 1940, near village Khalaaur, Police Station Lalru in Patiala State. The Special Staff received information about the presence of Giana and his accomplice Hemela Jhiwar and carried out a raid with the help of Ambala Police. Hamela was arrested and Giana was killed in the encounter.

Maghi was shot on the 16th April, 1940, in an encounter with the Police near village Ghazipur, Police Station Mubarikpur, district Ambala.

Narinjan Singh, *alias* Khan (not Chanan Singh) shot himself to avoid capture on the 27th March, 1940, at village Lallan, Police Station Pail, Patiala State, when simultaneous raids were carried out in the Rupar Sub-Division and the adjoining areas of Patiala State and Ludhiana resulting in the capture of Kura, *alias* Arjan Singh another notorious dacoit.

Lehna, who was wanted in a dacoity case of Police Station Lalru, in Patiala State, was killed in an encounter with the Police on the 11th April, 1940 at village Mangla, Police Station Naraingarh, district Ambala, when the Special Staff with the help of the Ambala Police raided the village. His accomplice Des Raj was also arrested during the raid.

Chattar Singh was arrested by the Special Staff with the help of the Patiala Police from the jungle of village Chhatt in Patiala State on the 5th April, 1940.

(b) The following notorious dacoits, who belong to the gangs operating in the Ambala District and the adjoining districts and States, are still at large:—

- (1) Chanan Singh of village Sil, Police Station Ghanaur, Patiala State.
- (2) Parsa of village Nurkherian, Police Station Sadar Patiala.
- (3) Bhagwan Singh of Towana, Police Station Lalru, Patiala State.
- (4) Arjan Singh of Gharuan, Police Station Bassi, Patiala State.
- (5) Ajmer Singh, bad character of Rampura, Police Station Ladwa, district Karnal.
- (6) Singh Ram of Mirja Heri, Police Station Ladwa, district Karnal.

**Lala Duni Chand :** According to the information supplied to me, as many as ten persons supposed to be dacoits were killed in an encounter with the police.

**Parliamentary Secretary :** I have given all the information I have in my possession.

**Lala Duni Chand :** May I know if before the killing of so many of them a good deal of time was spent by the police in searching them ?

**Parliamentary Secretary :** Naturally time is required to arrest such dangerous dacoits and my honourable friend must thank the police authorities for taking suitable action in bringing to book such dangerous criminals in the Ambala district.

**Lala Duni Chand :** May I know if the Parliamentary Secretary knows that in the case of some of these supposed dacoits their arrest took months in some cases and even two or three years in other cases ?

**Parliamentary Secretary :** I am not aware of the exact period taken in arresting or killing these dacoits.

**Chaudhri Muhammad Hassan :** Has it come to the notice of the Parliamentary Secretary that every one of these dacoits escaped from the Ludhiana Police in spite of the fact of their being chased ?

**Parliamentary Secretary :** I am not aware of it.

**Chaudhri Muhammad Hassan :** In how many cases did these dacoits escape from Ludhiana ?

**Parliamentary Secretary :** I require notice for that question.

**Lala Duni Chand :** Is it within the knowledge of the Parliamentary Secretary that thousands were spent by the Government in chasing these people though none of them were traced ?

**Chaudhri Muhammad Hassan :** Is it a fact that on account of the failure of the sub-inspector of Ludhiana these dacoits escaped ?

**Premier :** What do you mean by " escaped " ?

**Chaudhri Muhammad Hassan :** Escaped means that they were not arrested although they were at a distance of 40 karams from the police station.

**Premier :** How does my honourable friend know that they were at a distance of 40 karams ?

**Chaudhri Muhammad Hassan :** This is my question to the Parliamentary Secretary, whether none of these dacoits escaped from Ludhiana. Are you prepared to deny this fact ?

**Premier :** My honourable friend, if he knew that they were at a distance of 40 karams, should have informed the police unless he was in league with the dacoits.

**Lala Duni Chand :** Will the Honourable Premier endorse that the killing of these people in this manner is a very convenient method of getting rid of them ?

**Rai Bahadur Mukand Lal Puri :** Is it not a fact that the Superintendent of Police, Chaudhri Sadhu Ram, was awarded a police medal in this connection ?

**Premier :** May be.

**Lala Duni Chand :** May I know if the Honourable Premier or the Government have made any enquiry into the circumstances that led to these ten persons having been shot down in an encounter with the police?

**Premier :** They were very dangerous dacoits and the police fought with courage and gallantry.

**Chaudhri Muhammad Hassan :** Whose gallantry? Of the sub-inspector?

**Premier :** Gallantry of the whole police.

**Lala Duni Chand :** Does he think that it was a beautiful way of investigating a police case?

#### STATEMENT BY LEADER OF THE OPPOSITION.

**Sardar Sampuran Singh** (Leader of the Opposition): Sir, I would like to make a statement if you allow me to do so.

**Mr. Speaker :** According to our rules as well as the Parliamentary practice no honourable member, barring ministers, is entitled to make a statement.

**Rai Bahadur Mukand Lal Puri :** You may make an exception in the case of the Leader of the Opposition.

**Mr. Speaker :** I wish I could do so. Rule 66 of our Rules says—

Except as otherwise provided in these rules a member may speak on any question before the Assembly or raise a point of order.

It is clear from this rule that unless there is a question before the Assembly, no honourable member can make a speech, except on a matter of ceremonial nature under rule 15 with the permission of the Speaker.

**Lala Bhim Sen Sachar :** As on a point of personal explanation.

**Lala Duni Chand :** And also on point of information.

**Mr. Speaker :** Rule 15 (2) (b) reads—

Save as otherwise provided in these rules—

(b) no business not included in the list shall be transacted at any sitting except business of a formal or ceremonial nature which may be permitted by the Speaker.

If the honourable member's speech were only of a formal or ceremonial nature, I would have gladly allowed it.

**Dr. Sir Gokul Chand Narang :** It is of a ceremonial nature, it is valedictory.

**Lala Duni Chand :** It is a funeral ceremony. (*Loud laughter*). We go to kill your assembly to-day.

**Mr. Speaker :** If I permit the honourable member to make a speech and he states things which require discussion or at least a reply, does he mean to say that I should allow a debate without there being any question before the House? I do not think I can or should do that. However if the honourable member gives me a draft of the speech he intends to make and I find that it is of a formal and ceremonial nature and not of political or controversial nature I will permit him to make it.



## LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT BILL.

**Mr. Speaker :** The Assembly will resume discussion on the motion—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be circulated for eliciting opinion thereon.

**Lala Sita Ram** (Trade Union, Labour) (*Urdu*): Sir, last time when the Punjab Removal of Disqualifications Bill came up for discussion in this House I gave notice of an amendment to the effect that the said Bill should be circulated for the purposes of eliciting public opinion thereon. In support of that motion I gave a brief history of the labour seats and explained the reasons as to why the Indian Franchise Committee, keeping in view the Report of the Royal Commission on Labour, deemed it advisable to impose some disqualifications on the candidates who would stand for election from the labour seats. Again, Sir, in order to freshen the memory of my honourable friends on the opposite seats, I want to refer very briefly to those reasons in view of which some disqualifications were imposed on the prospective candidates for election from the labour seats. In the first place, it was pointed out that any candidate who held any office of profit under the Crown, was not permitted to stand for election. And as the railway employees were considered to be really holding offices of profit under the Crown, so they were debarred from standing for election. Secondly, it was said that there was lack of industrial organisation in the country and particularly so in the Punjab. Thirdly, in view of the literacy and backwardness of the labour classes it was deemed necessary to impose some disqualifications on the prospective candidates for election from the labour seats, so that nobody should be in a position to take undue advantage. We cannot blink over the fact that most of the labourers in this country are illiterate and unlike the labourers in foreign countries they cannot protect their rights. Fourthly, the labourers were not educated enough to protect their rights from being trodden under foot. In addition to this I pointed out that in view of the fact that the interests of the Union and the Railway officials were more often than not diametrically opposed to each other, therefore, it would not be possible for the labourers to express their opinions independently. My contention is not based upon my own fancy. I am supported by the expert opinion of the Indian Franchise Committee to which I have more than once referred on the floor of the House. The qualifications of candidates are given on page 99, paragraph 252. It runs as follows:—"We are inclined to think that the balance of advantage rests on the whole with avoiding too rigid a restriction of the limits within which a candidate for the special labour constituencies may be chosen. . . . while fully conscious of the objections to a restriction of this nature they think it desirable to provide that Sardars, jobbers and head jobbers and persons standing in a similar relation to workers should not be eligible to stand as candidates for special labour constituencies." There was a conflict of opinion among the members of the committee on some grounds. But it was, at least, decided by them that the disqualification of holding an office of profit should also apply to the railway employees. The Indian Delimitation Committee also came to the same conclusion as is apparent from paragraphs 502 and 501 on page 186 of the first volume of its report. What I want to bring home to the House is that the conditions on which this recommendation was

[Lala Sita Ram.]

made by these Committees are still there, and there has risen no reason justifying the removal of this disqualification. I, for one, am not keen about the removal or retention of this disqualification. But my only submission is that when the Franchise Committee, the Royal Commission on labour and the Indian Delimitation Committee after thorough study of labour conditions and on the basis of evidence before them, have deemed it fit to impose these disqualifications, why do you insist on passing this measure and that too without obtaining the opinion of the trade union concerned? It is necessary to consult the experts, the Union and other labour organizations in the matter. You should make sure whether the North Western Railway Union and other competent authorities on labour are in favour of removing this disqualification and whether or not the union likes to be represented by gangmen, coolies and other such railway employees as cannot, in the very nature of things, be expected to perform their duty in the legislature efficiently and independently. My amendment is very simple. I want you to circulate the Bill and obtain opinion by the 31st December, 1940, so that you can bring this Bill before the House and get it passed in this very session if you are in such a haste. That is a very simple proposition. But if some other purpose is sought to be served by this legislation I fear no reasoning on earth can convince you. You cannot ignore the fact, Sir, that it is only the Union concerned, and not you, who can say whether the conditions which necessitated the imposition of this disqualifications have or have not disappeared. That is why I have brought forward this amendment.

One thing more, Sir. It is common knowledge that no question can be put in this Assembly concerning the Railway administration, because it is a central subject. Under the circumstances the railway employees can get their grievances redressed only by representing them to their officers through the Union. But the pity is that these people are afraid of even joining the Union lest they should be transferred to Quetta or some other far off place. I fail to understand how they will muster enough strength and courage to find fault with their superiors. Thus the only purpose that this measure will serve is to bring in the Legislature the puppets of the railway authorities who will have to remain at the beck and call of Government. The fact that the disqualification in the case of Government treasurers is also sought to be removed confirms this suspicion. It is just possible that the Government might have changed their mind now as they did during the life-time of my late friend Rai Bahadur Binda Saran, but I would strongly submit that so long as you do not obtain the opinion of the people concerned you cannot absolve yourselves of the suspicion that this measure is designed to strengthen fairly or otherwise the party in power, by returning a pocket member from this seat. Now, Sir, having explained the whole position I leave it to the House to accept or reject my amendment.

**Parliamentary Secretary (Mir Maqbool Mahmood):** Mr. Speaker, so far as the issue underlying this Bill is concerned, I think if you analyse the whole position, there can be no two opinions. If the honourable members refer to the Government of India (Provincial Legislative Assemblies) Order, 1936, they will find that there are some specific conditions prescribed there for those who can stand from the Labour Constituency, as well for those

who can be included amongst voters for the Labour Constituency. Under Rule 17 a person shall not be qualified to be chosen to fill a labour seat unless he is a member of a recognised Trade Union and under Rule 15 a person shall not be qualified to be included in the electoral rolls for a labour constituency if he is employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity. I submit that the result of these rules has been that at present in a constituency—the trade union constituency—in which 97 per cent of the voters happen to be the servants of the North-Western Railway excluding administrative, clerical, supervising and recruiting staff, they cannot be the members of that union and are not eligible to stand for election. I submit that the real purpose of this measure is that if the Union desires to elect a working railway man, in whom they have confidence, there should be no bar in electing him and that he may be eligible for election.

I submit, Sir, that this is a very simple and clear issue and that it is neither necessary to circulate this Bill nor to refer it to a select committee. It can be settled now and here on the merits of the case. What are the objections that have been cited against this Bill being taken into consideration? My honourable friend, Chaudhri Krishna Gopal Dutt started by saying that why is the Railway Union specifically selected and that there is some sinister motive behind it. If he takes the trouble of looking into the Order-in-Council, he will find that no other trade union will be eligible to elect a member of this particular constituency. I am glad that my honourable friend, Diwan Chaman Lall, corrected him on that issue. So far as the selection of a particular labour union constituency is concerned—and limiting it to the North Western Railway—it is neither our concern nor theirs. This has been the result of the recommendations of the Hammond Committee.

**Diwan Chaman Lall :** They have said something else also, that is, before the next election a tribunal should be set up to find out which trade union should be included and which should be excluded. That provision has not been incorporated.

**Mir Maqbool Mahmood :** I am just referring to the present position that the trade union constituency has been limited to the North Western Railway Union at the express recommendations of the Hammond Committee. They examined the whole position and they found that that was the most representative union at the time and they made special recommendations. I submit that even if all of us here and there desire that every trade union may be included in this constituency, then it would be beyond our power. The matter rests entirely with the Parliament. It is not fair to accuse the Government or this side of the House for bringing forward this Bill for a particular purpose. There is also another point which my honourable friend, Chaudhri Krishna Gopal Dutt raised and he asked, what is the special reason for which you are disturbing the *status quo* and disturbing the present arrangement? I would submit that it is a weighty argument, an argument that tells and if he cares to deal with that argument, he had better turn to my honourable friend who has just spoken before me. The present state of affairs is such that a constituency representing a number of 8,800 voters on the roll, cannot select one of them as a member even if they so desire. There have been instances into which I need not go at this

[Mir Maqbool Mahmood.]

stage. That constituency has selected a gentleman who is a personal friend of mine, but I am sure, the labour union themselves appreciate how far he has been able to represent the interests of that constituency. We are now trying to set right the wrong and by this measure that union will have the right to select their own men if they so desire. Our Bill does not enjoin that they must select one of the railway employees. It should be open to that union, if they so desire, to select people, who are technically the servants of the North Western Railway, but they can select even outside members. That is the real issue. Now, Sir, my honourable friend who represents that particular constituency has raised certain very important fundamental points and he says—I beg to invite his particular attention—he says that if you allow Government servants to be selected from this constituency, it will be a novel procedure and an unheard-of procedure. I concede that it is, frankly speaking, a special and extraordinary legislation to permit people, who draw some fund out of the Crown treasury, to be eligible to stand for election to the Legislature. But here, as the Hammond Committee themselves pointed out, the conditions are different. In the first place, these Government servants happen to be technically Government servants, if I may say so, only technically. (*An honourable member* : Why technically ?) For this reason that railways are not in reality a regular department of the Government. It happens to be in this province, as in Bombay and in certain other countries, that certain departments are run as industries by Government partly or sharing with others. In such cases I think they cannot be treated on the same lines as regular permanent servants of Government. This is the distinction which I am not making for the first time. If you refer to the adjoining province of Bombay, you will find that they have excluded all servants, who belong to Great Indian Peninsula Railway or other State railways and who serve in the province, from such exaction and limitation. The result is that in Bombay every one, who belongs to this class, can stand for election. So, it does not seem fair that we should deny them that privilege in this province, should they so desire. I was surprised to find my honourable friend putting forward the argument and saying that by bringing this measure you will be permitting *mamooli mazdoor* to stand from this constituency. I submit that for an honourable member who has the privilege of representing that constituency this is the last word which he should have uttered. I claim that it is our duty—and we are pledged to it—to raise all backward classes including the labouring classes. For an honourable member who represents the labour constituency particularly saying that the door would be opened for a *mamooli mazdoor* coming to this House, I submit, is something which cannot be described in parliamentary language. I submit that a *mamooli mazdoor* is as much a human being as myself or my honourable friend there. It is our duty not to allow any consideration of wealth or position to stand in his way. Then my honourable friend further said, why not ask that union whether they want it or not ? I submit this is very much like the cat saying, why not ask the rat whether it likes to be bitten or not ! This argument will not do. Will he look to the provisions of this Bill ? We have not only limited it to one class, that is, the employees of the North Western Railway who are entitled to be entered as voters in labour constituency, but we have gone further and said that any one, who can stand, must be a

member of this union. I would be prepared, should the time come, to extend the membership further. My point is that we are giving them a right that if the union does not like any member, it is open to them not to return him and it is equally open to them to oust him from the membership. The Bill as drafted lays down that no one shall be entitled to stand who is (i) not included in the electoral roll and (ii) not a member of that union. I hope my honourable friends will appreciate this argument. What we are trying is to strengthen this union and giving them the right to select their own man. I hope that during the time of election—and it is here where the shoe pinches—the union will be able to select their own real representative, who can fully represent the interests of labouring classes. Then, my honourable friend said that the members of the North Western Railway Union and the employees of the North Western Railway are servants of the Punjab Government. I submit that it is not correct. The railway administration is not a department of the Punjab Government, and any one who belongs to that constituency and who is an employee of the North Western Railway is not the servant of the Punjab Government.

Another curious argument was advanced by the honourable member who just sat down. I have noted his words. It was :  
4 p. m. “Do you realise what will be the result of this Bill ? The result will be that no respectable person, no officer will be able to come from that constituency. The Order-in-Council has deprived them from standing and the effect would be that ordinary types of people would come and represent that constituency.” Sir, my reply is that it is for these ordinary types of people—human beings, all the same—and to give them the right of representation, that this Bill is brought forward. The richer people and the higher officers are not the real representatives of these poor labourers, the real representatives are the labourers themselves.

There is one more point to which I would like to refer. That point was raised by Diwan Chaman Lall. You will find, Sir, that so far as the Trade Union constituency is concerned, the proposal made by him and that made by the Government are identical to a very great extent. The main difference between his position and our position is this. While he allows the decision of the question whether a person is eligible to stand for election or not, to rest with the Returning Officer, we have made the whole thing clear by making a rule in the Electoral Rules.

As to the exclusion of certain class of persons from becoming members of the legislature, we have gone a step further than my honourable friend. We have laid down three conditions which a person must satisfy before he can stand for election—(1) that he must serve in the province ; (2) that he must have been for one year a member of the Trade Union and (3) that he must be on the electoral rolls. So that a person may know before he stands for an election whether he is eligible or not. He is not left to the whims of a returning officer. I am sure when my honourable friend analyses this question from this point of view, he will feel that our amendment is better than his.

As I have stated before, the main purpose of this Bill is that recognised labour unions and labour movements in the province should be encouraged and the constituency allotted to the labour should be utilised by

[**Mir Maqbool Mahmood.**]

the class to which it is allotted and persons who constitute the majority of this particular constituency should be allowed to stand, if they so desire.

Now I come to another important matter concerning this Bill. You will remember that when the question of Treasurers which forms a part of this Bill was under consideration, I interrupted and said that it was contemplated that our party should support the exclusion of that class from the exemption in this Bill. This question was considered over and over again in our party. We found that their position is more or less the same, if not better than the sub-registrars and part-time professors of Government colleges in Bombay. So far as that amendment is concerned, it will be discussed and decided on its own merits.

With these words, I beg to oppose the circulation motion and the motion for reference to a select committee and submit that the issue now before the House should be decided forthwith.

**Malik Barkat Ali :** I would request the honourable member to make one point clear. During his speech he said that he would be coming to that. That point is this. He stated that a certain class of Government servants were not "technically speaking the servants of the Government." May I know the sense in which this class of Government servants is distinguished from the real genuine servants of the Crown?

**Mir Maqbool Mahmood :** In this connection I would submit that there are large numbers of persons serving in various Government departments that do not form part of the ordinary regular service of Law and Order. Persons who are in those services cannot hope to be in the same position as the ordinary servants of the Government. My honourable friend will find, for instance, that this Bill provides that those employees of the North-Western Railway who are members of the Trade Unions, but are not supervisors or members of the clerical staff, are eligible to seek elections. They are, broadly speaking, workers and instead of receiving daily wages, they get monthly wages; they are not entitled to pensions and in several cases they can not subscribe even to provident funds. On these considerations the Bombay Government exempted them. It is this class about which I stated that they are, technically speaking, not the servants of the Government.

**Mr. Speaker :** Question is—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be circulated for the purpose of eliciting opinion thereon.

*The motion was lost.*

**Diwan Chaman Lall :** I beg to move—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be referred to a select committee.

*The motion was lost.*

**Mr. Speaker :** Question is—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be taken into consideration.

*The motion was carried.*

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

*Clause 1.*

**Mr. Speaker :** 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.*

*Clause 3.*

**Parliamentary Secretary (Mir Maqbool Mahmood) :** I beg to move—

That in line 4, between the figure “5” and the word “any” the following be inserted :—

Subject to the holder of the office being included in the electoral roll for the Trade Union Constituency of the Punjab Legislative Assembly.

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

That in line 4, between the figure “5” and the word “any” the following be inserted :—

Subject to the holder of the office being included in the electoral roll for the Trade Union Constituency of the Punjab Legislative Assembly.

**Diwan Chaman Lall (East Punjab, Non-Union Labour) :** The reason why I suggested to my honourable friend that he had better allow this Bill to go to the select committee was this particular amendment that he has tabled. I do not know whether he has spent any time in considering this point, nor does he seem to realise the full implication of the amendment. Perhaps he is not aware that by the adoption of this amendment the result would be that no employee of the North Western Railway but for the fact that he does not happen to be a member of this union would be eligible to stand for election. At the present moment there is no bar to any member of the North Western Railway standing for election from this very constituency, provided he has got the necessary qualification under the law. Here is my honourable friend. He is an honorary magistrate, he is a landlord he is a money-lender, he has all sorts of professions, but he has also got.....

**Mir Maqbool Mahmood :** Permit me to ask a question. Does the honourable member mean to suggest that it is open to any member of the North Western Railway to stand from this constituency ?

**Diwan Chaman Lall :** Yes, if he has the necessary qualification under the law. My honourable friend here is not an employee of the North Western Railway. He goes to Multan suddenly and discovers that in the division of Multan he is enrolled a year previous to this election as an honorary member of the Multan branch not the Lahore branch and he gets the necessary qualification.

**Mir Maqbool Mahmood :** It is not open to any employee of the North Western Railway under any of the two clauses in rule 17 to stand from this constituency.

**Diwan Chaman Lall :** But my honourable friend has not really considered the point. Here is one example. A person who is not an employee, but there are employees of the North Western Railway who are honorary members of other unions.

**Mir Maqbool Mahmood :** But they cannot stand.

**Diwan Chaman Lall :** As an honorary member of a registered trade union he is entitled to stand from this constituency.

**Mir Maqbool Mahmood :** No.

**Diwan Chaman Lall :** He says no. May I ask my honourable friend to remember that it is true that he can stand, and it is stated that there were people who actually did put in their applications but at the last moment they withdrew. I myself stood as an honorary member.

**Mir Maqbool Mahmood :** But you are not an honorary member.

**Diwan Chaman Lall :** I am now talking of the qualification that an employee of the North Western Railway would get by the very fact of his becoming an honorary member of another union. He would then be in the same category and he has been in the same category as any honorary member. Permission, Mr. Speaker, has been given to members of a union, permission has been given to members of a union and outsiders. Who are the outsiders?—the outsiders who are honorary members of the union or honorary members of other unions who are eligible to stand for this labour constituency. I as an honorary member of a particular union was able to stand from this particular constituency and my nomination was accepted. Similarly an employee not because he is an employee but because he happens to be an honorary member of another union, not the North Western Railway Union, has the right to stand for election. If this amendment is accepted what happens? Will that honorary member be able to stand for election? No. Only those will be able to stand for election who are registered as members of this particular union. I want to draw my honourable friend's attention to the difficulty that arises. At the time when the Hammond Committee known as the Delimitation Committee reported, they stated that this particular union had 40,000 membership. That membership according to my friend's figures has been reduced to 3,800.

**Mir Maqbool Mahmood :** On a point of order. I would invite your attention to section 69 of the Government of India Act, under which it is provided specifically—

A person shall be disqualified for being chosen as, and for being, a member of a Provincial Legislative Assembly if he holds any office of profit under the Crown in India, other than an office declared by Act of the provincial legislature.

That is an imperative disqualification and I submit that, if the position is clear from this section 69, his assumption should not be allowed to stand.

**Diwan Chaman Lall :** My honourable friend will pardon me when I draw his attention to the fact that the question of section 69 of the Government of India Act is a matter of very serious interpretation. He knows himself that my honourable friend sitting over there had to fight an election petition in respect of this very matter of the interpretation of section 69. He knows himself that the gentleman sitting behind him representing the commerce constituency (Mr. Guest) is a holder of office of profit under the



Crown, who is drawing Rs. 1,500 as Managing Director of the Jallo Rosin Factory which is a Government concern, and he is sitting there behind my honourable friend as a member duly qualified to sit in spite of the provision of section 69. The interpretation of section 69 is a very difficult matter and I do not think that my honourable friend should invoke that particular section in this particular reference that I am making.

There are certain employees of the North Western Railway who are not Government employees who may still be members of the union, for instance, there is an enormous amount of contract labour that is done on the North Western Railway and the persons who are employed on the North Western Railway on contract labour are not servants of the Crown, even if that definition were to be accepted and many of them may be members of the union. Do I take it that these people would not be debarred by this amendment from standing if they are not members of the union? They may be employed by the North Western Railway; but they may not be members of that particular union which is enfranchised under this law, and yet by the acceptance of this amendment they would be debarred from standing because the limit has been put down to those who are on the rolls of a particular union. These contract labour employees, these *gharib logs*, as my honourable friend referred to them, these people may not be members enrolled in this particular exclusive union recognised by the Agent of the North Western Railway, and yet by the acceptance of the amendment these people would not be able to stand for election.

**Mr. E. Few :** I do not think that contract labour is eligible for membership of the North Western Railway Union as it stands.

**Diwan Chaman Lall :** The honourable member should know that there are various types of membership of the North Western Railway Union and that this particular type of member would be eligible to become a member of the North Western Railway Union.

This is only one of the objections that I am raising. There will be other references. Why does my friend object to this matter being carefully considered? I do submit to my honourable friend that he should leave this amendment and not press it.

Item 5 which is sought to be added to the schedule reads—

Any office under the North Western Railway Administration when such office is held by a member of the North Western Railway Union who is standing for election or is elected as a member of the Punjab Legislative Assembly from the Trade Union Labour Constituency.

What difficulty is there in leaving the clause as it is if my honourable friend is not prepared to accept the amendment that we have moved on this subject? This in itself is clear enough and I do not think that he is going to add to the clarity of the subject by his amendment to the substantive clause before the House. If he insists on his amendment, the loophole I have suggested would probably arise and would be taken advantage of by those gentlemen who do not want the actual working class people to stand for election from this constituency who otherwise might be eligible to stand and who because of the amendment may not be able to stand for election.

**Mir Maqbool Mahmood :** I have only two words to say by way of reply. My honourable friend says that if this amendment is not made

[Mir Maqbool Mahmood.]

and the clause is allowed to stand as it is, there will be no ambiguity. I would draw his attention to the fact that if this clause is allowed to stand as it is, every person, howsoever high he may be in the employ of the North Western Railway can stand for election. (*An honourable member*: No.) Suppose, for instance, that the Agent of the North Western Railway goes to Multan and becomes an honorary member of any recognised labour union. He will become entitled to stand for election. It is to make such anomalies impossible that this amendment is proposed to be made.

The second point is this. There are certain additional qualifications prescribed in the Order-in-Council for those people who can be included in the electoral roll of the labour constituency and one of them is that they must be serving in the province; the second is that they should have been on the rolls of these trade unions for a year and they should not be in arrears. I submit that these conditions restrict or limit the rights of the North Western Railway employees to stand for election. Later on if it is possible to extend this constituency to unions other than the North Western Railway Union, I feel confident that there will be no objection in principle to have the same limits on the rights of any particular person to stand or not. At present we are only confining ourselves to the North Western Railway Union and if this amendment is not made even the Agent of the North Western Railway (like Lala Sita Ram) can go to Multan and get himself elected to this Assembly.

**Malik Barkat Ali**: I just want to clarify the position, at any rate to enable the Parliamentary Secretary to place the true situation before the House. He was pleased to say that if this amendment is not accepted then it will enable the Agent of the North Western Railway to stand for election to this Assembly. May I draw his attention to the fact that no legislation by him can override the Government of India (Provincial Legislative Assemblies) Order of 1936? Rule 17 of the Order says—

A person shall not be qualified to be chosen to fill a labour seat unless he either—

(a) is entitled to vote in the choice of a member to fill that seat or some other labour seat; or

This is what I want the House to note carefully—

(b) is a member, honorary member or official of a recognised trade union.

If the Agent of the North Western Railway or any other official of the railway becomes an honorary member of a recognised trade union, he can under this order stand for election and it is not open to this House by legislation to interfere with the provisions of this Order.

**Mir Maqbool Mahmood**: I am sure it is not necessary for me to answer my honourable friend in any detail except to point out that this order he referred to is subject to the terms of the provisions of the Government of India Act. Under section 69 of the Government of India Act no person can stand or continue to be a member of a legislative council or a legislative assembly if he holds any office of profit under the Crown in India other than an office declared by Act of the Provincial Legislature not to disqualify its holder. Therefore the present position is that from the cooly to the Agent of the North Western Railway nobody can stand for election because he holds an office of profit under the Crown. What we are doing now by this

Bill is to exempt certain offices from the operation of this section. If we do not limit that exemption by the amendment I have suggested, the result will be to permit all persons to stand for election, who are not excluded by the order, namely, clerical, supervisory, recruiting and administrative capacity. The purpose of this Bill is that the power given to the provincial legislature under the Government of India Act to grant certain exemptions is limited to persons who do not come under that category.

**Mr. Speaker :** The question is—

That in line 4, between the figure "5" and the word "any" the following be inserted:—

"Subject to the holder of the office being included in the electoral roll for the Trade Union Constituency of the Punjab Legislative Assembly."

*The motion was carried.*

**Diwan Chaman Lall** (East Punjab, Non-Union Labour): I beg to move—

That in line 4, for the words "any office", the words "any office barring such as expressly excludes an employee of the North Western Railway from becoming a voter in the Trade Union Labour Constituency" be substituted.

The same fundamental difference arises between the point of view taken by us and that taken by the honourable member opposite. My honourable friend's amendment restricts the scope of those who are capable of standing from this particular constituency, that is, to those who are included in the electoral roll of the trade union constituency of the Legislative Assembly: whereas my amendment widens the scope and includes not only these but others also, provided they are qualified to become voters in the trade union constituency. If a person is qualified to become a voter in a trade union constituency and due to some mischance or other his name is not included in the electoral roll, why should a further restriction be placed upon his rights and he be prevented from being able to stand for election merely because this restrictive clause has been accepted by my honourable friend?

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

That in line 4, for the words "any office", the words "any office barring such as expressly excludes an employee of the North Western Railway from becoming a voter in the Trade Union Labour Constituency" be substituted.

**Mir Maqbool Mahmood** (Parliamentary Secretary): I am sorry I have to oppose this amendment for various reasons. In the first place, if we carefully analyse the wording of the amendment, it would amount to this that my friend wants to exempt such offices as are expressly excluded, that is, the employees of the North Western Railway from becoming voters of the trade union labour constituency. If his amendment as it stands is accepted, what will be the result? It will be that a person may or may not be a voter in that constituency or of any other labour constituency, but he would still be eligible to stand for election if he is an employee. I suppose the honourable member will confirm me if I am right.

**Diwan Chaman Lall :** May I explain the position to the honourable member? The effect of this amendment would be this; although a particular employee of the North Western Railway is not included in the electoral roll of that constituency which is strictly confined to the 3,800 voters, namely, the members of the

[Diwan Chaman Lall.]

North Western Railway Union, yet because he does not happen to be a member of this particular union he will by my honourable friend's amendment be deprived of a right to stand for election. By my amendment he will be eligible to stand for election although he is a member of some other trade union on the same basis as the employees of the North Western Railway. My point is that even an honorary member or office holder of some other trade union, even though he may not be a voter in this constituency must have a right to stand for election and be eligible to represent labour in this House. The mere fact that he is not included in the list of these 3,800 voters should not be a bar to his standing for election.

**Mir Maqbool Mahmood :** I am afraid, Sir, I have not been able to make myself clear to my honourable friend. I would again invite him to revert to the wording of his amendment. He will find that there are certain offices which expressly exclude the member of a North Western Railway service from being included in the electoral roll of any constituency. These offices are given in rule 18 (2). Now if we were to accept the amendment of my honourable friend, the effect of it would be to exempt all of them and it would not make it necessary for the person who is eligible to stand to become member of any labour union—not only this particular labour union, but any other labour union. Our object is this. We do not want to allow every member of the North Western Railway who is on the clerical staff, etc., to stand. We only want those of them who are supporters of that union to stand. Therefore my honourable friend's amendment is very much wider than what he has now stated. My honourable friend says that an employee of the North Western Railway who is eligible to be a voter in this constituency or in any other labour constituency should be allowed to stand. Instead of saying that, he is asking us to exclude only those offices which do not entitle a person from being included in those constituencies and those offices are given in rule 18 (2), but they do not enjoin that a member who wants to stand for that constituency must belong to one of the unions. I am surprised at my honourable friend asking us to extend a right to the North Western Railway people who do not belong to any labour union whatsoever.

**Diwan Chaman Lall :** I am afraid this is the result of hurried legislation, not being able to understand or grasp the real significance of what is being said. That is why I am always against hurried legislation and if an example were needed the example was my honourable friend's dilemma. (*Mir Maqbool Mahmood :* And hurried amendments.) Now what is the dilemma in which he finds himself? He says that by accepting this amendment you have done one simple thing. What is this simple thing? Now you have provided that those employees of the North Western Railway who may be eligible to stand for election are also members of a trade union. My honourable friend knows that the Hammond Committee's report visualised this, that in the beginning there was only one trade union worthy of recognition, that is the North Western Railway Union—remember that the North Western Railway Union had at that time a membership of 40,000. Therefore they recommended that this union alone should form the nucleus of the constituency which is to be formed for the working classes representing organised labour. But they at the same time recommended that before

every election a tribunal should be set up to find out which other unions are eligible for being included in this particular constituency. The first recommendation was accepted. No provision was made in the body of the Government of India Act or anywhere else for the acceptance of the second vital provision. In the course of five months we have known unions with a paid membership of a hundred thousand disappearing completely, unable even to pay their ordinary fees for the audit of their accounts. There is no permanency in trade unionism in India or anywhere else for the matter of that and it is for that reason that this particular safeguard was suggested by the Hammond Committee. Now what does my amendment do? It merely does this. Since there are other unions on the North-Western Railway, some recognised, some not recognised, I suggest that we need not go into this matter to judge whether a particular individual who is an employee of the North Western Railway is a member of A union, or a member of B union or a member of no union. My honourable friend knows that in the other two labour constituencies, North Punjab and South Punjab, there is no question of a man being a member of this union or that union, although unions do exist, some registered and some unregistered, and there is absolutely no question. So long as he has a vote and his name has been put down as an actual worker in the particular factory, he becomes *ipso facto* eligible to vote in that constituency and also to stand from that constituency. I suggest a similar procedure by my amendment in the North Western Railway constituency for the simple purpose of making a man eligible to stand. He may not be and he will not be a voter unless he is a member of that particular class which is allowed to become a voting member of the North Western Railway union. In the North Punjab constituency, for instance, which is a special constituency there is the great industrial town of Wah with a few hundred voters and that constituency does not include Lahore, the capital of the province, where there are thousands of workers. Similar is the case of South Punjab where you have two or three towns. But there is no restriction laid down which says that a man is only able to stand from that constituency if he is a member of a registered or unregistered trade union. Why should that restriction be placed as far as the trade union constituency is concerned? I submit that this is a constituency which originally was formed for organised labour on the North Western Railway. I submit, therefore that the restriction to standing for election should not be confined only to those 3,800 men out of a complement of 70,000 employees who happen to be members of one particular union, excluding from the benefits of this measure and from the benefits of representation nearly 60,000 employees who merely because they are not members of this union have not the right to stand for election whereas an outsider, a landlord or a capitalist or a money-lender or anybody else can stand from that constituency but employees of the North Western Railway for whom representation was had, barring this limited number of 3,800, are unable to stand. This is the real reason and the basis of the amendment I have placed before my honourable friend.

**Mr. Speaker :** Question is—

That in line 4, after the word "office" the following words be inserted:—

"Barring such as expressly excludes an employee of the North Western Railway from becoming a voter in the Trade Union Labour Constituency."

*The motion was lost.*

**Diwan Chaman Lall :** The next amendment in my name is—

That in lines 7-8 for the words "member of the North Western Railway Union," the words "an employee of the North Western Railway" be substituted.

But in view of the attitude adopted by my honourable friend, I do not move this amendment.

My next amendment is—

That in the last line, the words, "6 Government Treasurers" be deleted.

I do not know whether you happened to be in the chair at that time or the Deputy Speaker was in the chair, when I was originally speaking on this motion. At that time my honourable friend, Mir Maqbool Mahmood interrupted me and said that he was in full agreement with this particular amendment of mine for the deletion of Government Treasurers and their not being made eligible to sit in this House, whereupon I did not proceed to enlarge upon this aspect of the question. With your permission, before I proceed any further, I would like to know what Government's views now and to-day are in respect of the inclusion or exclusion of Government Treasurers.

**Mir Maqbool Mahmood :** My honourable friend was not apparently listening to me when I was speaking to-day and when I gave an explanation with regard to this particular matter. What I stated was that I was not speaking on behalf of the Government at that time. The position of the party originally was that we should stand for the exclusion of treasurers from this Bill so that the treasurers will not be eligible to stand, as the position stood originally and I personally hold that they should have been excluded and I agreed with my honourable friend and said that he need not proceed. In my speech I said that I owe an explanation to the House, inasmuch as the matter was further considered by the party and it was decided that it should not be so. Being in the hands of the party and the matter now involving a matter of principle, I submitted to the decision of the party and therefore the honourable member would be perfectly in order in giving the arguments in support of his amendment.

**Diwan Chaman Lall :** It resolves itself into this in a nutshell. That the Government because of the party pressure has resiled from the position taken up by them.

**Mir Maqbool Mahmood :** That was what I said as Maqbool Mahmood.

**Diwan Chaman Lall :** I cannot allow him to run away with that. He was not speaking as an ordinary member of this House, he was speaking as the member in charge of the Bill that he brought before the House and he said at that time—

**Mir Maqbool Mahmood :** I interrupted my honourable friend and in the course of the interruption I told him that I was speaking as Mir Maqbool Mahmood.

**Diwan Chaman Lall :** As I said my honourable friend has resiled from the position that he had taken. I do not know the reasons. You will notice that not only did he tell me this at that time that he was in agreement with me and I need not enlarge upon this particular aspect of the matter, but he himself tabled an amendment on the same lines as the amendment tabled by me removing Government Treasurers from the purview

of this Bill. May I draw my honourable friend's attention again to the hurried nature of this measure? The original trouble arose in respect of making Government treasurers eligible for standing for election to this chamber because of the original days in 1936 when the late Mr. Binda Saran stood for election to this House. He was a Government treasurer, but a part time Government Treasurer. At that time, as I said, legal position was whether Mr. Binda Saran was disqualified from sitting on the floor of this House as a full-fledged member, because section 69 of the Government of India Act disqualified any holder of an office of profit under the Crown, unless the provincial legislature gives the exemption. The Government have gone a step beyond that. Originally the matter arose *qua* Government Treasurers who are part time employees of the Government, for instance, a treasurer of the Post Office. The Post Office farm out their treasury work to individuals who do it on a contract basis. The North Western Railway which is also a Government concern also farm out its treasury work to people who do the collection and expending of the money that is involved in the various transactions of the North Western Railway and the post office. These people are not strictly speaking whole time employees of the Government. They are part time employees of the Government and we have not yet been able to get an authoritative decision in India as to whether a part time employee is or is not to be considered a holder of an office of profit under the Crown. What my honourable friend does is this. He exempts every Government treasurer from the disqualification imposed under the Government of India Act. For instance, if there is in the post office a gentleman employed in the capacity of receiving money and who is getting a couple of hundreds of rupees a month, even he would be able to sit in this House. Why is this particular restriction to be found in the Government of India Act? This is to be found in section 69. It is for the reason that this House should be independent, should remain independent, independent of all the influences that are brought to bear upon services of the Crown, who would ordinarily be amenable to influences being brought to bear upon them by the higher authorities of the Crown. It is for that reason. But my honourable friend does not appreciate that particular reason. He wishes to exempt all and sundry who happens to be Government treasurer from the disqualification imposed under the Government of India Act. Now, why is it that they want to do it? The matter is not urgent, it is not important. Who has made an application to the Government asking for such exemption? My honourable friend certainly owes it to this House to inform this House why he is wanting to change and alter radically the character of this House? What pressure is being brought upon him to do so to make several hundreds of employees, the number can run into thousands if we take the Defence Department into account, several hundreds of employees who are absolutely part and parcel of the machinery of the administration, making each and all eligible to stand as members of this House? I visualize the time if this tendency on the part of my honourable friend continues when this House will become as the ancient parliament was sometime, servants of the Crown, obedient to the Crown, willing to be servants of the Crown. That is not the object of a representative democratic assembly. The object of a democratic representative assembly is to get as many independent men capable of safeguarding the liberties of the

[Diwan Chaman Lall.]

province, as it is possible to get in the circumstances of the day. The object is not to fill this House with nominees of the Government or servants of the Government and I do ask my honourable friend to let this House into the secret of the things that have moved him to include in the exemption Government treasurers of all types and descriptions whether they are part time employees or not. Is it the fact that the individual who stood for election as a part time Government treasurer last time and sat in this House, unfortunately he is no more, or the person who stepped into his shoes is desirous of having another safe seat for himself? If this is not the reason, the House is entitled to know what the reason is. Again the House is entitled to know the reasons that actuated the Government in altering its opinion in this respect, the reason that actuated my honourable friend Mir Maqbool Mahmood to support me in this deletion and the reason which prompted him now on behalf of the party not to support me in this deletion. I ask my honourable friend to throw light on these points because they affect the integrity and the independence of this House.

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

That in the last line, the words "6 Government Treasurers" be deleted.

**Mir Maqbool Mahmood** (Parliamentary Secretary): I think, Sir, I owe it to my honourable friend opposite to explain to him the circumstances why I originally gave notice of the amendment and why now I am going to oppose it. He will concede, Sir, that it is the Parliamentary procedure that in every important matter whip of the party is issued. When this matter was originally discussed amongst ourselves, there were certain facts which were not brought to the notice of the party, which were later on brought to the notice of the party. If a party feel that there are very strong reasons for revising its decision, which they had already taken, because certain facts at that time were not placed before them, there is nothing unparliamentary in this. They can revise their decision if they feel advised to do so. This action of the party will rather go to its credit. The party is always open to conviction even at the last moment. Now, I will try to submit the reasons which prompted us to change our original decision. The points which were brought to our notice were these.

Firstly, that it is agreed and it has been decided by no less a person than Mr. Justice Rangi Lal that a treasurer is not a whole-time servant of the Crown. It was conceded that the treasurer was free to do other business and it was actually held by Rangi Lal Commission that treasurers were not whole-time servants of the Crown. Now, Sir, they will find that in Bombay when a similar question was raised, the Bombay Government in the Bombay Disqualification Act exempted Government professors and lecturers in Government colleges because they held part-time posts and not whole-time posts. We felt, Sir, that this very important condition had not been thoroughly considered by us when the matter came before us for our consideration. This is the first point.

Now I come to the second point. Sir, I am sorry to find my honourable friend insinuating that we have brought this measure in order to get a safe member. I may remind my honourable friend that our late honourable colleague, who represented this very constituency, and who was a treasurer, later on moved from our benches and went to the opposition benches. I feel confident, and my honourable friend will not suggest or insinuate, that this



constituency will return members who will be under the influence of Government. Whether treasurer or no treasurer I am confident they will be true to their constituency and will resist every pressure either from this or that side of the House. It was decided that a treasurer, was eligible to stand from this constituency, but this does not mean that a treasurer must always be returned from this constituency. If a treasurer is anxious to contest election, there are so many constituencies for him. This is not the only constituency where only treasurers can stand.

In the case of Bombay part-time professors and lecturers of Government colleges have been exempted. Similarly, the sub-registrars here are also exempted. In view of these considerations if a party feels that it should revise its original decision, it stands all the more to the credit of the honourable members of that party. I am sure that under these circumstances my honourable friend will not say that it is not open to a party to revise its decision. I assure my honourable friend that there was nothing unparliamentary in revising the decision when very important facts came to our notice later on. We are always open to conviction.

**Diwan Chaman Lal :** Mr. Speaker, I find that there is complete lack of independence in the party represented by my honourable friend. I have it evidenced to-day in the reply that my honourable friend, Mir Maqbool Mahmood, has given. It is an extraordinary proposition that is placed before this House. In substance he says: "My party has a right to revise its decision. What right have you to challenge the right of the Unionist Party in power to revise its own decision from day to day if it so chooses"? I venture to say that the Unionist Party, that I know of, will never stick to any particular opinion for more than 24 hours. In this particular case, it is the most extraordinary proposition that my honourable friend has put forward before us. He says that the Unionist Party revised its own opinion because, (a) of Mr. Rangi Lal's judgment; and (b) of similar provisions in Bombay legislation, where professors and lecturers of Government colleges, who were part-time employees of the Government have been exempted. But has not my honourable friend let down his party in making such a statement? There is a world of difference between the Rangi Lal judgment and the Bombay Government's decision on the one side and the proposition that my honourable friend is placing before this House on the other side. Mr. Rangi Lal's decision relates to a Government treasurer, who is a part-time employee of the Government and not a whole-time employee of the Government. In Bombay disqualification has been removed against whom? From professors and lecturers, who are part-time lecturers and professors. Where is that saving clause in this Bill that my honourable friend is presenting? This is not a question of removing disqualification from part-time employees, it is a question of removing disqualification from whole-time employees, and no matter what sort of employees they are, no matter what the number of these employees is, and not from one particular class but from the whole series of that class, known as Government treasurers, whether they are employed in the Defence Department, or in the Post Office or in the Telegraph Office or in the North Western Railway or anywhere else, so long as they happen to be the treasurers or employees of the Government. Then again, Mr. Speaker, this is a faulty manner in which such very important legislations are brought before this House. In all

[Diwan Chaman Lal.]

such measures it is necessary that such a legislation should be considered carefully in a calm atmosphere of a selected room in order that no loophole may be left. I do hope that my honourable friend with regard to this legislation will take the advice of the Leader of the Unionist Party, with whom he is consulting at the present moment and come to the conclusion that particular type of Government treasurers should be exempted, those treasurers who are on the doubtful line, namely, those who are part-time Government treasurers and that this exemption should not be extended further to all Government treasurers, no matter what sort of treasurers they may be. I do hope my honourable friend is listening to the remarks that I have been making, although he is in serious consultation with his Leader. May I repeat again with your permission, that the example of exemption that he has given is only of those professors and lecturers of Government colleges, who are part-time employees of the Government. He has given no illustration, nor is he capable of giving any illustration, I can say with confidence, of whole-time Government employees or Government treasurers. In the case *Lala Sohan Lal versus Lala Binda Saran*, I myself happened to conduct that case, and the judgment was that in the opinion of this Election Tribunal, this particular office was not an office of profit under the Crown, because it was a part-time holding of office and not a whole-time holding of office. The question arose over the distinction between a part-time office holder and a whole-time office holder. That judgment, as I said, is not sacrosanct or a final authority. The final authority can be obtained in the Federal Court under the interpretation of Section 69 of the Government of India Act, if a reference is made, and I hope in such matters a reference should be made to the Federal Court.

I do hope my honourable friend will now see the reason for the deletion of this particular clause and if not the deletion, a suitable amendment of it, in order to enable those who are holding part-time office to be exempted from the provisions of the Government of India Act. Personally I am against even that exemption because I am in favour of complete independence of this House.

**Mir Magbool Mahmood :** Sir, I very much congratulate the honourable member for the distinction that he has made. He may be interested to know that our information is that there is no such thing as a whole-time Government treasurer and therefore there should be no difficulty on that point. I need say no more.

**Mr. Speaker :** Question is—

That in the last line, the figure and words "6. Government treasurers" be deleted.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 3 as amended 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.*

**Parliamentary Secretary** (Mir Maqbool Mahmood): Sir, I beg to move—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be passed.

**Mr. Speaker :** Motion moved is—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be passed.

**Chaudhri Jalal-ud-Din Amber** (West Central Punjab, Indian Christian), (Urdu): Mr. Speaker, although it is at a very late stage that I have stood up to speak, yet I wish that the submission which I am going to make should come on the record.

The Government is trying to do away with democracy and is trying to nullify the purpose of Provincial Autonomy. The disabilities of the zaildars, lambardars and sub-registrars have already been removed, and now the Government proposes to do away with the disabilities of Government treasurers and railway officials. By allowing such persons who hold offices of profit under the Crown to offer themselves for election, the Government is increasing the number of those who could not frankly and independently give expression to their ideas and opinions in this Assembly.

If the advantages accruing from the measure that you want to adopt are weighed against its disadvantages, I am sure the scale of disadvantages will be the heavier. So far as I have been able to gather from the speeches that have been made on behalf of the Government, the only advantage will be that those Railway employees who have hitherto been debarred from standing as candidates will be eligible for this seat. As compared with this the disadvantage will be that the real purpose of democracy and freedom will be undermined. The freedom of expression is being taken away from the representative of the Railway employees by allowing such persons as are under the influence of the Railway officials to be elected to the Assembly.

If the Government want that the interest of Railway working men be represented by a person who is in the pay of the Railway I differ from them. I am of the opinion that the interest of Railway employees can be represented by a non-Railway workman. And he will take as effective a part in the legislature as a Railway workman can take. But I am at a loss to understand that when no representation has been received by the present Ministry from the Railway employees in this respect and even when the Press has also been silent about this matter, why the Government is so keen as to confer this bounty on the Railway employees. However, I am of the opinion that if the Railway employees send one of their retired officers as their representative to this House, it would be much better in every respect. Sir, this is quite obvious that a Government servant is apt to side with the Government and thus I think he would be debarred from pleading the cause of his constituents in the true sense. He will not be in a position to give expression to the views of his voters freely. I, therefore, submit that the

[Ch. Jalal-ud-Din Amber.]

question is not whether he is a part-time or whole-time Government servant, but the question is of any person holding an office of profit under the Government. If he derives profit from the Government he will be under their thumb may he be a part-time or whole-time Government servant. But if the representative is a pensioner he can give his independent opinion. (*A Minister*: His pension may be forfeited.) Pension is not a jagir which can be forfeited at any time. But it is something earned by a Government servant and nobody can lay hand on it. Well, Sir, I was submitting that it would not be advantageous and beneficial for the country to open the door of this Assembly on Railway employees to get in and play as puppets or tools at the hands of the Government. I may therefore submit that this is not in the interest of democracy to do so. It is no use denying the fact that if independent people are allowed to come to this House as representatives of their constituents, they can prove more beneficial to them and the country as well. Sir, I am unable to understand why the Government who claims to remain in power for another 5 years is so anxious for making their side more strong by adopting these unreasonable methods.

With these words, Sir, I oppose this motion.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General Rural): I also wish to raise my voice against the vicious principle underlying the Bill. The British legislators who conferred this constitution on this country were guided by their own good traditions and by democratic principles. They laid down the rule that no person who occupied a position of profit under the Government should offer himself in a representative capacity and seek election to legislatures of this country. But they laid down, that in certain rare cases a local legislature may make exceptions. Unfortunately this loophole has been used by this legislature for negating the rule itself. We have had the unfortunate exception created with reference to lambaridars who are in receipt of definite allowances from the Government and can also offer themselves for elections to this legislature. Again, we have zaildars who are in receipt of regular and definite remuneration from the Government and they have been permitted also to offer themselves as candidates and seek election. Similar other exceptions have been made by this House by the vote of Unionist Party. The effect is that these gentlemen when they are returned to the House can never be independent of the Government of the day whatever that Government may be. How can these people faithfully represent the electorates when they know that by voting against the Government they would be jeopardizing their own interests and the emoluments that they receive? It is a most vicious principle, Sir, that the Government of the day should have the support of those persons who are in service. We know, to our cost, that a large number of persons in this House belong to no party and they will follow and sit with the party who happens to occupy the Government benches. Again, there are certain members of this House who are jagirdars and in receipt of annual payments from the Government which are receivable during good behaviour and the judge of that good behaviour is the Government itself. Can a person in that position faithfully represent the views of those people who have elected him? Can he for one moment dare to vote against the Government of the day? Unfortunately we find again that a still

larger number of Government servants and Railway employees are being placed in this category to-day. The electorates of the Trade Unions will be placed in the most unfortunate position as it will not be possible for the employees to vote against the Government. If this state of affairs continues, where are we to end? To-morrow these gentlemen may come forward with the proposal that the Panchayat Officers, who are their own creation, may be exempted. What is the difference between a panchayat officer and a zaildar? Members of the Debt Conciliation Board may also be allowed to seek election and so on. I, therefore, want to raise my most emphatic protest against extension of this pernicious principle.

**Lala Sita Ram** (Trade Union Labour), (Urdu): Sir, I beg to oppose this Bill even at this last stage. I am glad that some of the honourable members like Diwan Chaman Lall and others sitting on this side of the House have after all, realised the fact that the Bill is being rushed through hurriedly, and every honourable member who spoke on this measure, was of the opinion that if this Bill were circulated in the province good many advices and valuable suggestions would have been received by the Government. I have yet one duty to perform by removing a grave misunderstanding. Some of the honourable members opposite are labouring under a misapprehension. They say that even an honorary member, whose name had been on the membership register only for one day, could represent the North-Western Railway Union constituency.

I beg to differ from them and quote Section 15, sub-clause 3 (a) of the Government of India (Provincial Legislative Assemblies) Order, 1936, in support of my contention. It is laid down as thus—

(3) Subject to the provisions of this order, a person shall be qualified to be included in the electoral roll for the trade union constituency if he is employed with the province, and—

(a) is, and has for at least twelve months been, a member, honorary member or official of the North-Western Railway Union,.....

Now it is crystal clear that no person who has been on the roll of the North-Western Railway Union for only a few days and not the minimum period of at least a year can stand as a candidate for election to the Assembly. Again, an attempt was made to create another misunderstanding regarding the eligibility of an official of the North-Western Railway Union to contest election. I need not dilate upon this matter. The rule is quite clear about it. Justice demands that he should not be debarred from being elected to the legislature but you have debarred him. I have already said enough on this matter in my previous speech and I have no mind to recapitulate it. But I may point out that while giving evidence before the Franchise or Delimitation Committee, the competent persons arrived at the same findings, as are provided for in Section 17 (1) (b) of the Government of India Order of 1936. It is to this effect:

17 (1) A person shall not be qualified to be chosen to fill a labour seat unless he is either—

(b) a member, honorary member or official of a recognised trade union operating in the Province and, in the case of an ordinary member of such a union, is not in arrear with his subscription thereto.

You will see, Sir, that this provision gives a large scope to the labour voters to choose their most competent representative not only from the North-Western Railway Union, but also from among those who are members

[L. Sita Ram.]

honorary members or officials of a recognised trade union operating in the Punjab. It would not be out of place to mention here that my honourable friend Diwan Chaman Lall, a labour leader of great repute, and Mr. M. A. Khan, who were the rival candidates for the constituency which I represent here, were not members of the North-Western Railway Union. What I mean to emphasise is that a definite provision has been made to the effect that railway labour must be represented by anyone possessing the requisite qualifications.

Now, Sir, it has been remarked time and again on the floor of the House that a representative of a labour constituency is a capitalist. I strongly take exception to this remark, though I am not a capitalist. My fair opinion is that the primary object of a representative of any class is to represent the views of his electors faithfully and make every effort to safeguard their interests. If this principle is scrupulously adhered to, I see no reason why any person, be he a capitalist or otherwise, should be debarred from representing the labouring classes in the legislature. I may clear my point by citing an example. My honourable friend Diwan Chaman Lall being a good pleader, can advocate the case of a landlord as well as that of a thief in a court of law. His legal practice is not restricted to the advocacy of cases of the rich or the poor only. It is not obligatory that an advocate of a thief's case must, of necessity, be a thief; and that of a rich client, should be a rich person. Similarly where is the harm if a humble person like myself should represent here the cause of the North-Western Railway labour. Have I ever failed my voters or betrayed their trust? I have always vigilantly and carefully looked after the interests of the labour in the legislature. (*Interruption*). I have no mind to answer this interruption. But I would only add that if persons drawing fat salaries to the tune of three thousand rupees can conveniently claim to be the true representatives of the poor zamindars, then a person of ordinary means like myself can also better claim to represent the interests of the labour. If their hearts bleed for the downtrodden zamindars, mine too, goes out in sympathy to the poor railway labourers. I, therefore, fail to see any wisdom on the part of my honourable friends over there to harp on the same tune again and again that such a representative of the labour is a capitalist or a wealthy man. (*Hear, hear.*) If I am considered to be a capitalist, which I am not, my honourable friend Diwan Chaman Lall also belongs to the same category. Here perhaps we sail in the same boat. Fairness and reason support me when I say that the question of riches or poverty does not arise, so long as the representative discharges his duties and obligations towards his constituents honestly and faithfully. With these words I oppose this Bill at this stage as well.

**Diwn Chaman Lall** (East Punjab Non-Union Labour): I shall not belong while on the third reading stage of this measure. All controversies have now been dealt with in respect to this measure. But there are certain explanations which I owe to the House in respect of some statements that have been made. One is with reference to my honourable friend who has just sat down. It has never been the contention on my side and I do not think it has been the contention on that side either that an honourable member who is duly elected by a constituency is incapable of representing

that constituency. We know perfectly well that this House is not a tribunal and cannot go into the matter as to how an honourable member gets elected from any particular constituency. All we can say is this that if a person gets elected from a general territorial constituency or from a special constituency, he is quite welcome to this Chamber and advocate the views which his constituency wants him to advocate. At the same time it must be asserted that when a special constituency is created, it is necessary that those who are eligible to stand from that constituency should not be debarred on any account from standing for election from that constituency. The object of the first portion of this measure is to remove any doubt that may exist as to whether an employee of the North-Western Railway who can give his vote for my friend behind can himself stand for election.

The second statement that I wish to make is this. It has been asserted in contravention of the argument that the working classes cannot be expected to adopt an independent attitude and therefore it is necessary to choose either Rai Sahib Sohan Lal or Lala Sita Ram or myself. I do admit that there is a great fallacy in that argument. There is no body of organised labour in the country which is more independent than the railway labour of India. (*Hear, hear*). I assert that with absolute confidence and without any fear of contradiction. My honourable friend who has just spoken must obviously be familiar with the history of railway labour during the last twenty years. If, as is the case to-day, the ordinary employees of railways are capable twice a year of sitting on equal terms with the members of the Railway Board to discuss their grievances, is it conceivable that they are incapable of voicing their grievances on the floor of this House? You will recall that as a result of the Great Indian Peninsula Railway strike, which fortunately, fell into my hands, I insisted that there should be this procedure adopted for consultation twice a year with the All-India Railway Men's Federation representing the railway employees throughout India (both Government and non-Government railway employees). From 1930 onward twice a year representatives of railway labour have met and sat with the Railway Board to discuss every type of grievance that they are capable of discussing. Not only that. There have been many strikes on the various railway systems, some controlled by Government and others controlled by railway companies though in the latter case 80 to 90 per cent of the capital is of the Government, and when railway workmen have been courageous enough when their grievances are such that they cannot bear to put up with them without declaring strikes and jeopardising all the emoluments that have been accumulated during the course of years in the shape of bounties, provident funds and so on, is it to be thought that they are incapable of courageously coming to the floor of this House and ventilating their grievances? (*Hear, hear*.)

Having dealt with two of the arguments referred to in the debate, I shall now turn to the third argument. It has been said there is some contradiction in this that while we are supporting the removal of disqualification from railway employees who happen to be Government servants, we are opposing the removal of disqualification from Government treasurers. Again, I submit there cannot be a greater fallacy than this because the two cases are not analogous. There is absolutely no analogy between the two

[Diwan Chaman Lall.]

classes of people. In the one case a special constituency has been created for a special class of labour whether of Government or of non-Government, while no such special constituency has been created for the other class which is sought to be exempted. Here justice is being done in the first case. It is permissible for a man to vote for my honourable friend, Rai Bahadur Lala Sohan Lal or to vote for my honourable friend Lala Sita Ram and yet is unable to stand himself. He can give the vote but cannot cast that vote for himself. That anomaly is being removed. But there is no such anomaly in the case of Government treasurers. We say that that particular provision which the Government is bringing in regard to Government treasurers is a most serious and dangerous position and I appeal now to my honourable friend, the Premier, which may probably be the last appeal that I shall make on the floor of this House either to my colleagues on this side or to my honourable friends sitting over there, and I appeal to him to realise the significance and the import of the argument that we have raised on the floor of the House in reference to Government treasurers and ask him to remember that if it is the object of the Government to give the exemption to part-time Government employees who are Government treasurers—and I take it from the argument advanced by my honourable friend, Mir Maqbool Mahmood that the object is merely to give exemption to part-time employees, to restrict this particular measure only to part-time Government treasurers—if that is done, then I say that the larger dangerous issue would not be involved. Then the issue involving independence and liberty and freedom of this chamber would not be involved and the lesser evil would be capable of being put up with or accepted. I will not call my honourable friend whom I do not see in the House now at the present moment who called himself mere, etc., as such. He is much more than an etc. It is not by being an etc. that he comes and represents a very valuable constituency. But may I appeal to my honourable friend, the Premier, once again, in reference to this measure, to see to it that not only is my honourable friend Lala Sita Ram made eligible to stand, not only are the 3,800 employees who happen to belong to one particular union able to stand for election to this chamber, but that every employee in the North-Western Railway is enabled to stand for election from this particular constituency. If you refer to the Delimitation Committee's report, they had visualised a very important position at which we have arrived to-day and I think my honourable friend, the Premier, would be well advised in the interest of the working classes to give effect to the recommendation or get Parliament to give effect to the recommendation which they had made. What they said on page 180 of that report is this—

As regards the details we recommend the setting up in each province of a special tribunal to determine before each election the weight which should be given to each registered trade union. The tribunal might consist of three members unconnected with the industry or labour presided over by a high judicial officer. The Registrar of trade unions should not be a member but should give the tribunal such assistance as they require.

What I have suggested is a setting up of the tribunal to find out which unions during the course of the five years have become ineligible to form the basis of this constituency and which unions have become eligible to form the basis, because in the course of a five year period there are many



unions which may be incorporated in the original electoral list but which may have lost their representative character. In this particular instance the one union which is now given the franchise had at the time when it was given the franchise 40,000 members and to-day that union can count upon no more than 8,800 employees of the North-Western Railway Company which has a complement of nearly 70,000 employees. Others, merely because they are not members of this particular union, are debarred from exercising their franchise or from utilising the rights that have been given them under the Government of India Act. It is not a communal question. My honourable friend knows that in this particular constituency 80 per cent of the employees are Muhammadans and it is not a communal question which is being raised in this respect. What we are raising is the right of these employees to representation in this constituency. There are other unions on this very system which have not got the franchise. I suggest, therefore, to my honourable friend that with the passing of this measure he may not lose time in taking the necessary steps which are of a very simple nature. All that my honourable friend has got to do is to make the representation to the Government and ask them to get an order in council passed making it possible for other unions which may be considered by the specially deputed tribunal to be capable of representing this class of labour from being chosen as the basis of electorate and with these few words, Mr. Speaker, I commend to my honourable friend, the Premier, the suggestion that I have made and I hope that he will in due course give effect to that suggestion. I consider that this measure is in the first part of it doing a mere bare justice to a class of workers that needs justice done to them and I do submit that the second part of it may be suitably amended by my honourable friend when the time arrives.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): I listened with great interest to the speech of my honourable friend, Diwan Chaman Lall and I am glad that in a matter like this he has taken an impartial view and has risen above petty party spirit. I want to answer two arguments put forward by my honourable friend, Rai Bahadur Mukand Lal Puri, before I refer to the points raised by Diwan Chaman Lall. He said Government was trying to bring in through this door those people who would be under the thumb of the Government. His words were, 'those who are in the pay of the Government cannot be independent and, therefore, they will not be able to give their views independently'. I think my honourable friend, Diwan Chaman Lall, has given a reply to that argument in such a convincing manner that I would not attempt to enlarge on that reply or in any way comment on that argument. But I may just remind him that those employees are not the employees of the Punjab Government. They are employees of the Central Government over which we have no control. Secondly, I should also like to point out that they are merely technically Government employees. For instance those employed on this side of the Delhi main station and belonging to the North-Western Railway, which is a state railway, are not eligible, but if you go to the other side, say the Bombay Baroda and Central India railway, the employees on that railway are eligible to vote and stand. My honourable friend will now understand this anomaly that people in the same district, in the same station, merely because they belong to different railway administrations, one a state railway

[Premier.]

and the other a company-managed railway, have not got equal rights in this matter. One can stand for election and the other cannot because technically he is a servant of the Crown and paid from the central exchequer. Therefore my honourable friend will understand that there is no sinister motive behind this measure. As a matter of fact the initiative was taken by the people themselves. They find that they have been labouring under a disability under which their confreres are not labouring. Therefore they themselves requested that this anomaly should be removed and justice done. We consulted the various railway administrations and the railway unions and they unanimously suggested and that this step should be taken and therefore, we are trying to remove this anomaly. Action would probably have been taken by the Central Government, but under the Act we should take this action because North-Western Railway is concerned here and that administration is situated mostly in the Punjab. Sind will have to take similar action. In other provinces similar action has already been taken where state railways traverse through their jurisdiction. We had a great deal of correspondence with the Central Government and the amendment which has been put before you is the result.

Far from having any sinister motive of bringing in representatives over whom we will have some kind of power or influence, we are trying to bring in those people who would be the real representatives of this class of people of whom my honourable friend Lala Sita Ram is not one. At the moment he can buy them, he can find it easy to buy their votes or anybody else can buy their votes, because none of the electors are eligible to stand because they are working in a state railway. After this Bill is passed even if they buy those votes they will have to buy at a much bigger price and therefore the possibility of that corruption would be reduced because of the larger amount that they will have to pay and therefore they will be less anxious to pay and stand for that constituency and thus they will allow the real representatives to come whether they are serving that railway or those people of whom they believe to be real representatives. Such people will have better chance of being elected. He then spoke of treasurers. He said treasurers are Government servants and are directly under the thumb of the Punjab Government and he further said that treasurers will not be independent and they will vote as the Government wants them to vote. My honourable friend I think has made the remark with his tongue in his cheek or else he has got a very short memory, because he knows perfectly well that the late Rai Bahadur Binda Saran who was a very respected member of this House from this very constituency voted against the Government and had not the slightest hesitation in criticising the Government measures brought in this House and voted against Government and always went with my honourable friend in the lobby. Take the agrarian legislation. In every Bill my honourable friend the late Rai Bahadur Binda Saran voted against the Government and according to his conscience and he even left the Government party on that account and after that also he was just like any other member independent in his views, honest and upright and straightforward and he discharged his duties according to his conscience. I think it was a great slur on the memory of the late Rai Bahadur Binda Saran that a remark of this kind should have been made by my honourable friend, Mr. Mukand Lal Puri.

**Rai Bahadur Mukand Lal Puri :** I never made that remark.

**Premier :** Rai Bahadur Binda Saran was at his beck and call throughout all that legislation that we passed in this House. Therefore that remark does not hold good. Here I might conveniently refer to the remarks made by my honourable friend Diwan Chaman Lall. He said perhaps there are some Government Treasurers who are nothing but whole-time employees of Government. I am afraid I cannot check that statement. My information is there is no such treasurer. They are paid a rate of salary in lieu of commission, but they are not whole-time servants of the Government. But I will certainly consider that question and if necessary bring in an amending measure to exclude those who are Government servants and nothing else. We will exclude them. The idea is not to exclude those people who are working on the basis of a commission or for such remuneration for part-time work which they do as treasurers. As regards his other suggestion regarding the inclusion of certain unions which are at the moment excluded from that constituency and also about examining the question whether unions which have been included even now are representative or not, I would certainly look into that matter very carefully and I believe the Punjab Government also has some power to change or alter the position of these unions. I will carefully go into this question and see whether these unions are real representatives and whether any of them should be included or whether any union has acquired a representative character and should for that reason be included. I will examine that and the bigger question. We will examine whether it is the time now to move in the matter or whether we should wait for some more opportune time to take action in this particular matter. With these few words I commend the Bill to the House and I hope they will pass this without opposition (*Hear, hear.*)

**Mr. Speaker :** Question is—

That the Punjab Legislative Assembly (Removal of Disqualifications) Amendment Bill be passed.

*The motion was carried.*

#### MUNICIPAL (AMENDMENT) BILL.

**Minister for Public Works** (The Honourable Malik Khizar Hayat Tiwana) : Sir, I beg to introduce the Punjab Municipal Amendment Bill.

I beg to move—

That the Punjab Municipal (Amendment) Bill be taken into consideration at once.

Sir, by this Bill we are seeking to amend two sections of the Municipal Act, namely, sections 51 and 184. The first amendment is a merely formal one and I would refer the honourable members to the Statement of Objects and Reasons. Since the passage of the Government of India Act, 1935, according to section 136 of that Act, the expression "revenues of the province" includes all revenues and public monies raised or received by a province. All other provincial Acts have been adapted so as to provide for the credit of funds to the provincial revenues, but section 51 of the Punjab Municipal Act has not been so adapted. This was, I must say due to oversight. Two years' period was allowed following the commencement of Part III of the Act. This period expired on the 31st of March, 1939.

**Minister for Public Works.]**

As the Government of India Act takes precedence over provincial Acts the money is already being credited to the provincial revenues and there is not change involved; we are merely trying to bring the present Municipal Act into line with the Government of India Act. The second change is the addition of an explanation to clause 184 of the Act. It gives powers to local bodies to control certain instruments creating noise. Though we consider that the word instrument includes gramophones and wireless receivers as well, some doubts have been expressed and by this amendment it is intended to place that beyond the pale of doubt. There, again, it is only a non-controversial sort of amendment and I hope the House will be able to pass this Bill without any further discussion. With these words I commend the motion to the House.

**Mr. Speaker :** The question is—

That the Punjab Municipal (Amendment) Bill be taken into consideration at once.

*The motion was carried.*

*Clauses 1 to 3.*

**Mr. Speaker :** Question is—

That clauses 1, 2 and 3 stand part of the Bill.

*The motion was carried.*

**Minister for Public Works :** I move—

That the Punjab Municipal (Amendment) Bill be passed.

*The motion was carried.*

### URBAN IMMOVABLE PROPERTY TAX BILL.

**Premier :** Sir, I beg to introduce the Punjab Urban Immovable Property Tax Bill.

**Rai Bahadur Mukand Lal Puri :** Sir, the Bill is printed in the name of Honourable Mr. Manohar Lal and it is being introduced by the Honourable Premier. I want to know why Mr. Manohar Lal is not going to move the motion.

**Premier :** We are all one. Whether it is Mr. Manohar Lal, or Malik Khizar Hayat Khan, or Sir Chhotu Ram or Sir Sundar Singh or Mian Abdul Haye, we are all one.

**Rai Bahadur Mukand Lal Puri :** But, Sir, the Honourable Mr. Manohar Lal is the Minister in charge of the Bill. What I want to bring to your notice is that this is the Punjab Urban Immovable Property Tax Bill—Bill No. 16 of 1940; after the Statement of Objects and Reasons, it bears the name of the Honourable Mr. Manohar Lal; as Minister in charge of the Bill. I find that the Honourable Mr. Manohar Lal is sitting in the House; yet he does not move this Bill. I want to know whether any change has been made and why he is not taking the responsibility of this Bill.

**Mr. Speaker :** A "Member in charge" means, in the case of a Government Bill, any member acting on behalf of the Government. So, any member acting on behalf of the Government can move the Bill.

**Rai Bahadur Mukand Lal Puri :** The member in charge of this Bill is the Honourable Mr. Manohar Lal. I want to know why he is not moving this Bill, when he is sitting in the Chamber.

**Premier :** Sir, while introducing this Bill I may mention that this Bill is being moved with the recommendation of the Governor.

**Lala Duni Chand :** Are you sure that heaven will not fall down ?

**Premier** (The Honourable Major Sir Sikander Hyat-Khan), (*Urdu*) : Sir, I beg to move—

That the Punjab Urban Immovable Property Tax Bill be referred to a Select Committee.

I shall give the names of members of the Select Committee later on. I think if my honourable friends have carefully studied the aims and objects of this Bill they must have now realized its real significance. However, I want to make a few observations in this connection with a view to remove any misunderstandings which may still be lurking in the minds of my honourable friends so that during the discussion of this Bill they may not find any difficulty and thus unnecessarily waste the precious time of the House. Mr. Speaker, this is a very important measure and I want to take the House into confidence and say that before Government accorded their sanction to the final draft of this Bill they kept pondering over its various provisions for many months. Drafts after drafts were prepared and the final draft which is now before the House is the result of that mature consideration which Government with the help of their experts gave to it. The main principle of this Bill is to impose a tax on the immovable property in urban areas in order to help the finances of the province. Sir, you must be aware of the fact that when the agrarian Bills, which are commonly known as the golden Bills, were introduced in this House, I made it abundantly clear in my speeches that they were simply intended to remove the sufferings of the zamindars and if we wanted to afford any relief or provide any facilities to the poor and backward classes it was imperative for us to find out new avenues of income and it was only after augmenting the income of this province that we could give any relief to the poor people whom this House was so anxious to help. Since then we have been considering the question of introducing a measure of this nature, provided it did not place any undue burden on any section of the population. I as also my colleagues have made it clear more than once on the floor of this House and even outside it that this Government do not contemplate introducing any measures which would put undue burden on any section of the public. In fact it is our intention to equalize the burden of taxation in a manner that every taxpayer may be able to pay it conveniently. The incidence of taxation should not be such as should break the back of any particular section of the population and let the rest go scot free or lightly taxed. This matter has been receiving our consideration for a considerable time in the past and at last we have arrived at this conclusion that there is no scope of further taxing the rural people for the simple reason that they are already heavily taxed. I think if they have not collapsed yet under the burden of taxation it is either due to their sheer obstinacy or that God has made them so wooden that they are still alive. Under these circumstances in order to equalize the incidence of taxation more equitably and justly over the whole popula-

[Premier.]

tion of the province we had to look to other sections of the people, who as compared to the zamindars were so far very lightly taxed. I do not imply thereby that the people living in urban areas are free from the burden of such taxation. They too have

to pay taxes as for example income-tax, but then only those persons are liable to pay this tax who have an annual income of Rs. 2,000 or more. On the other hand in the case of the rural population the position is quite different. There every one has to pay land revenue irrespective of the fact whether he owns only a marla or 5 acres of land. Again, it is immaterial whether he pays only Rs. 5 or Rs. 100; still he has to bear the burden.

**Sardar Kapoor Singh :** Do you propose to do away with land revenue so far as the lower strata are concerned ?

**Premier :** What should I say to my honourable friend who is more anxious than the people actually concerned ?

**Minister of Education :** This is a case of counting chickens before they are hatched.

**Premier :** Exactly. Anyway I was submitting, Sir, that no one is exempt from the payment of land revenue in rural areas whereas in Urban areas a discrimination between the rich and the poor is made while levying a tax. In this connection an objection may be raised that even in towns people have to pay house tax and various other municipal taxes. So far as my information goes, none of the old cities and towns excepting Lahore has a house tax. Of course colony towns which number about twenty have been required under the colonization scheme to pay the tax but in the rest of the towns of the Province such a tax has not been levied. Moreover, the house tax in Lahore has only recently been levied in spite of the fact that the imposition of the tax was agreed to by the Municipal Committee many years back. Even if it be accepted for the sake of argument, that certain taxes exist in the towns also, the fact remains that these taxes are spent in providing amenities such as metalled and tarred roads, drains, hospitals, etc., for the tax payers. But in rural areas people do not get anything in lieu of the numerous taxes such as local rates, chowkidara and many other cesses. The cesses that I have just mentioned are only those which people who own lands have to pay. There are, however, other taxes like professional and Haisiat taxes which are levied upon those who do not own lands. In short the burden of taxation on the rural population is so heavy that they are being crushed under it. It is no doubt true that in certain cases the burden is not so heavy but even then in villages whether a person is an agriculturist or a non-agriculturist, he has to pay some sort of tax all the same. May I ask my friends, what do those townfolk pay for their amenities who do not have to pay a house tax ? They do not pay anything. Those who will have to pay house tax, shall be getting full value of their money in the shape of tarred roads, electric lights, a well-planned sewerage system and various other amenities of life. The rural areas do not stand any comparison with the urban areas. There in spite of all these taxes, barring an expenditure of a very inconsiderable nature on a district board primary school that happens to be there or on a metalled

road which is very rare—because the roads are mostly kacheha roads—no amenities such as hospitals, roads, schools, or even water-supply schemes exist.

In view of the facts that I have submitted, the Government were of the opinion that for any further taxation their attention will have to be diverted towards the urban section of the population. In this connection let me inform the House that before entering upon this measure, we consulted our experts who after studying the laws of other countries and provinces arrived at the conclusion that we should have an Urban Property Tax. Almost all the civilized countries have got such a tax.

**Lala Duni Chand :** Have you secured the unanimity of the members of your Cabinet ?

**Mr. Speaker :** I disallow that question.

**Premier :** If my honourable friend were to look up the constitution instead of wasting his time in asking unnecessary questions, it would no longer be necessary for him to ask such questions.

**Lala Duni Chand :** If this is so, I shall be coming to you for half an hour everyday to learn it.

**Premier :** Had it been possible for me to find time I would have been only too glad to be of some service to my honourable friend. It would have given me pleasure to have imparted what little knowledge I have, although it is doubtful whether my friend would have assimilated that knowledge even then.

However, Sir, our consultations with experts and a careful perusal of the laws in foreign countries led us to the conclusion, which has already been stated by me, that the only way for getting more money without inflicting any extra hardship on rural people was to tax the urban section of the population. This was the only way whereby an equity in the distribution of the incidence of taxation could be obtained.

**Begum Rashida Latif Baji :** May I know from the Honourable Premier as to who were the experts he has been pleased to consult ? Were they among the agriculturist members of the Unionist Party, because the honourable members sitting behind me are saying that the blood of the towns people should be sucked.

**Mr. Speaker :** Order, please.

**Premier :** My honourable sister has asked me if any of the agriculturist members is an expert. Let me assure her that there can be experts among the zamindars too, and her humble brother is one of them. My sister would have seen in the supplementary demands that an expert was specially engaged for advising the Government in regard to these Bills and on other matters.

**Begum Rashida Latif Baji :** May I know the advice that they have given in regard to the urban unemployment ?

**Premier :** I have great pleasure in announcing to the House that this Advisor has studied all the available laws on the point and has put in a tremendous amount of labour and has bestowed great care in drafting this Bill. I would not have mentioned this fact, but now as my honourable sister has put the question and as the House also does not know, I would

[Premier.]

like to inform the House that we have engaged an expert to advise us on economic matters involving legislation. Nevertheless, I beg to submit that if the House thinks that the proposal which we have made will not be as advantageous as it is believed to be or that it will place undue burden on the people, I will be prepared to withdraw it with pleasure, provided that I am apprised of a better avenue wherefrom we can get as much money as we have estimated to get by this tax. If such a scheme is forthcoming I will again take counsel with my advisers and if they approve I will put it through. The Government are conscious of the promises that they have made for providing amenities to you and in the face of your insistent demands we very much want to fulfill our promises. (*Hear, hear.*) These were the things which compelled us to tap this source of income and if those who raise the objection that it will put a greater burden on the urban population were to weigh and compare the incidence of taxation, they will find that the rural section is burdened to the breaking point.

Now if we do not impose this tax at a very moderate rate, let us examine what we are left with as regards taxes that have been left at our discretion by the Government of India Act. We can levy a "Hearth and Window" tax. If the House approves I will gladly substitute it for the proposed Property Tax. But then there would be a difficulty. So far as the present Government is concerned they want to impose a tax only on those who can bear it and do not intend to tax the poor people living in towns. If the other alternative is adopted the tax will be indiscriminate. A perusal of the Bill will make it clear, that the houses owned by poor people have been exempted. For example, in Lahore, a house the capital value of which does not exceed six thousand rupees will be exempted from the payment of this tax. In other towns it is provided that a house of the value of three thousand rupees or less will be exempted. It would interest my honourable friends to know that nowhere has this provision been made in similar measures passed by other provinces. In Bombay every householder is liable to pay the tax. But the policy here is to exempt the poorer classes from the payment of this tax.

We have provided for a limit of three thousand rupees for other towns in the draft Bill, but it is just possible that this limit may not benefit the poor in towns like Rawalpindi, Sialkot and Ludhiana. If the Select Committee recommends that the limit be raised to three thousand five hundred or even four thousand rupees, we will be only too glad to accept it. Talking of exemptions, I would like to mention that it is not only the houses owned by the poor people that have been exempted but there are other buildings, viz., those used for religious and charitable purposes which have also been exempted. Lest it should give rise to some sort of suspicion it has been provided at the end that the Government will have the authority to exempt any building as it may think fit. But ample opportunity will be afforded for examining this question in the Select Committee and although in my opinion enough protection has been given to such institutions, yet it will be open to the Select Committee to amend the clause further.

We have provided for the exemption of Gurdwaras, Temples, Mosques, Dharamsalas and all educational institutions. Still as we had certain



doubts upon some points we have added a proviso which I would like to read out before the House—

Provided that the following buildings and lands or portions thereof shall not be deemed to be used exclusively for public worship or for purposes of public charity within the meaning of this section, namely—

- (i) buildings in, or lands on, which any trade or business is carried on; and
- (ii) buildings or lands in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes or purposes of public charity:

In regard to (ii), there are certain things which would have to be cleared at the select committee stage. The purpose of this proviso is briefly this: if the income derived from the shops or quarters, etc., attached to the Gurdawaras, Mosques, or Temples is spent upon their maintenance or repairs, then the particular portions will be exempted from the payment of the tax; if on the other hand some amount is left after paying for the expenses just mentioned that amount shall be liable to be taxed. It is a well-known fact that wealthy mahants and mutwallis appropriate a large portion of the income thus derived and spend only a very small fraction on the maintenance of such buildings.

**Begum Rashida Latif Baji:** What about the property attached to educational institutions?

**Premier:** I have already submitted that this point will be examined in detail by the Select Committee. In the meantime you may also think over the matter and if there is something required we will include it in the Bill.

In short, Sir, anything which is applied to religious purposes will be exempted from taxation, but any income which is ostensibly for religious purposes and in actual fact goes into the pockets of those who manage them will not be so exempted. This proviso is a proviso of the Bombay Bill. But we have made such provisions in our Bill which have reduced the rigidity found in the provisions of the Bombay Act. As regards those institutions and buildings referred to by the honourable lady member I may again assure the House that they would be exempted from the tax.

The second point, that is incidence of taxation, is a controversial point, and so far as this point is concerned I think my honourable friends may differ with us. I may, therefore, be permitted to explain this point for the satisfaction of this House. My submission is that the assessment provided in the Bill now before the House is based on less net rental value as compared with that provided in the Bombay Act. As a matter of fact the Bombay Government estimated a larger amount than we are contemplating to raise through this measure. What we have done is that we have assessed the tax on actual capital value on the basis of rental value. If we make this assessment arbitrarily then this proposal would be open to serious objection. My honourable friends would remark that they already derive little income from their property. If they say that their property fetches income amounting to 3 per cent of the actual value I would tell them that I have calculated the capital value on the basis of the rental value with a view to mitigating the hardship of the people. I have selected 5 per cent so that by multiplying it with figure 20 we may work out the net value. If we substitute 3

[Premier.]

per cent then I will be obliged to multiply this figure with 33. I may also point out that the cost of repairs and all other expenses necessary to maintain the property will be deducted and then on the remaining amount of money the tax will be assessed. For further clarification I would like to read out a clause from the Bill. First I may invite the attention of the House to clause 3 (1) which runs as follows :—

3. (1) There shall be charged, levied and paid an annual tax on buildings and lands situated in the rating areas shown in the first column of the schedule to this Act at such rate, not exceeding one per centum of the capital value of such buildings and lands, as the Provincial Government may, by notification in the official Gazette, direct in respect of each such rating areas.
- (2) The Provincial Government may by similar notification direct that during the continuance of the present state of war and for a period not exceeding twelve months after the termination thereof, there shall be charged, levied and paid, in addition to the tax leviable under sub-section (1), a surcharge not exceeding fifty per centum of the rate notified under that subsection.
- (3) The Provincial Government may, by notification in the official Gazette, from time to time add to, omit or vary any of the entries contained in the Schedule to this Act.
- (4) The tax shall be paid by the owner of the buildings and lands in respect of which it has been levied.

Now if you like to see the Schedule you will find that for every rating area the multiple has been fixed as 20. And if you look to clause 5 you will find that this clause is with regard to the ascertainment of capital value. It reads thus—

5. (1) The capital value of any building or land situated within any of the rating areas shown in the first column of the Schedule to this Act shall be ascertained by multiplying the annual value of such building or land by the figure shown in the second column of the Schedule opposite the rating area in which such building or land is situated.
- (2) If in the opinion of the assessing authority the annual value of any building or land—
  - (a) cannot be ascertained ; or
  - (b) does not constitute a correct basis for calculating the capital value,
 the assessing authority shall assess the capital value at a figure representing the price at which such building or land might reasonably be expected to sell.
- (3) The annual value of any land or building shall be ascertained by estimating the gross annual rent at which such land or building together with its appurtenances and any furniture that may be let for use or enjoyment with such building might reasonably be expected to let from year to year, less—

The next point to which I want to draw your attention is this—

- (a) Any allowance not exceeding twenty per centum of the gross annual rent as the assessing authority in each particular case may consider reasonable rent for the furniture let with any such building ; and
- (b) an allowance of ten per centum for the cost of repairs and for all other expenses necessary to maintain such building in a state to command such gross annual rent. Such deduction shall be calculated on the balance of the gross annual rent after the deduction, if any, under clause (a) ;

Provided that in calculating the annual value of any building or land under this subsection the value of any machinery in such building or on such land shall be excluded.

Now comes the Explanation which runs as follows :—

For the purposes of this subsection it is immaterial whether the building, and the furniture and the land let for use or enjoyment therewith, are let by the same contract or by different contracts, and if by different contracts, whether such contracts are made simultaneously or at different times.

**Chaudhri Krishna Gopal Dutt :** May I just say one word? The Honourable Premier has taken more than half an hour on this motion. If he wishes to speak for one hour on the select committee motion, that is a different thing. But if he wishes to hear the views of the Congress Party in the Assembly on a very fundamental and important question as the one before the House, it is essential that he should give at least half an hour to our party to speak on the motion to-day; since to-day will be the last day when the Party will be attending the Assembly. It is immaterial whether he accepts our views on the question or not, but I think the majority party should hear the views of the minority party of the House. I, therefore, hope he would be willing to give us half an hour at least to speak on the subject.

**Premier :** I am thankful to the honourable member who has just interrupted me. I may assure him that I would welcome his views on this Bill. I will have absolutely no objection if my honourable friend speaks for half an hour or for three hours on this measure as it is of vital importance. I fervently desire that he should explain things to remove my doubts. But before this Bill is taken into consideration, I must explain its important aspects.

**Chaudhri Krishna Gopal Dutt :** The Honourable Premier is merely translating the provisions of the Bill.

**Premier :** No, Sir, I am not translating them. I am only explaining them so that there may not be any kind of ambiguity or apprehension about the provisions of the Bill on the other side of the House.

**Chaudhri Krishna Gopal Dutt :** All these things are contained in the aims and objects of the Bill and the Premier is merely translating them. I request the Honourable Premier to give some time to hear the views of the Congress party. It is up to the Premier to do so and I am making a request.

**Premier :** If for some silly reason the party wants to take certain action, it is welcome to do so. But I still think that the party should be here and discuss these Bills.

**Chaudhri Krishna Gopal Dutt :** The question is this. It is a fact that we are not attending the Assembly from to-morrow. Diwan Bahadur Raja Narendra Nath also has made an appeal to you. The province should hear through the House to-day and also the members should hear what our views are on this matter. It is up to you to allow it or not. I do not press it. But I do not think it would be very charitable on the part of the Government if it refuses to give time to the Opposition to put their case.

**Premier :** I do not think that is the case. If my honourable friends are really so anxious to do their duty by the electors and their constituents, they should stay on. I request them to stay on. Again, what can my honourable friend do in 15 minutes which is the time now left?

**Lala Duni Chand :** We can state our case within that time.

**Premier :** I could have believed some other member saying that. But in the case of Lala Duni Chand he is incoherent for the first half an hour.

**Chaudhri Krishna Gopal Dutt :** You have adopted an unusual procedure in this case. It may be strictly according to the rules, but it is not the normal procedure. When a motion for consideration is moved, the circulation motion comes first and then the select committee motion. But in this case the select committee motion has come first. It is an extraordinary procedure. Perhaps the Premier wants to speak for one hour and not allow others to have their say.

**Premier :** As I have already stated I welcome the views of my honourable friends and their advice. But I do not think that they can give me very valuable advice in 15 minutes. If my honourable friend thinks that in 15 minutes he will be discharging his duty towards the electors, then I can only say that opinions differ. I would again appeal to my honourable friend that in view of the importance of this measure and the other measures, it is their duty to their constituencies and their electors that they should stay on here and look after their interests.

**Chaudhri Krishna Gopal Dutt :** I only asked for a small courtesy to accommodate the opposition, a courtesy which no Government in any legislature has ever denied to any Opposition. It is a question of ordinary adjustment and ordinary courtesy on the part of the Premier. If the Premier does not want to extend that courtesy he is welcome to do so.

**Lala Duni Chand :** You know there is a higher duty and higher call.

**Premier :** My honourable friend had done me an injustice when he said that I was lacking in courtesy or was guilty of discourtesy. I have never been guilty of discourtesy. I have always tried to accommodate everybody whether on these benches or anywhere else. (*Members of opposition :* No, no). In this matter does my honourable friend want me to leave my speech half-finished ?

**Chaudhri Krishna Gopal Dutt :** You go on translating the Bill.

**Premier :** If that is so then it will not be worth the paper on which it is reported. But it is for me to build my case and for them to criticise it. Even otherwise a fifteen minutes' speech is not going to dispose of this Bill. If my honourable friends have any regard to their constituents they should postpone their call to—I do not know what they said.

**Chaudhri Krishna Gopal Dutt :** That is for us to consider. But the thing for you to consider is the point I have raised.

**Mr. Duni Chand (Urdu) :** Sir, I want to know your opinion with regard to the request made by my honourable friend Chaudhri Krishna Gopal Dutt. What I understand from the general practice is this. At first a Bill is introduced with a few introductory remarks by the Minister in charge and then the circulation motion is taken up. As I see that the Honourable Premier has taken up sufficient time in explaining things, I feel it would be only fair that the Opposition should be given an opportunity to express its considered views in the question referred to by my honourable friend Chaudhri Krishna Gopal Dutt which is of vital importance and especially when the Congress Party is withdrawing from the Assembly henceforth. I hope this suggestion would receive a favourable consideration at the hands of the Honourable Premier.

**Premier :** Sir, I fail to understand as to why my honourable friends opposite have forgotten the constitutional and legal position with regard to this Bill. They must be aware of the fact that a circulation motion cannot be taken up until and unless a substantive motion has been made.

**Lala Duni Chand :** On a point of order. The Bill is now before the House and there are circulation motions and select committee motions. According to the rules I submit that the circulation motion should be taken up first.

**Mr. Speaker :** Rule 84 runs as follows :—

When a bill is introduced or on some subsequent occasion the member in charge may make one of the following motions in regard to his Bill, namely :—

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified; or
- (b) that it be referred to a select committee; or
- (c) that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

So the Honourable Premier is quite in order.

**Premier :** Sir, my honourable friend Mr. Duni Chand of Lahore, and not Lala Duni Chand of Ambala well-known for his incoherent speeches, has observed that all taxation measures should be circulated for eliciting public opinion thereon. But I would like to inform him that the practice in other legislatures of the world is otherwise. As a matter of fact taxation measures are never circulated for eliciting public opinion. Yet my honourable friends opposite have tabled a circulation motion with regard to this taxation measure.

**Mr. Duni Chand :** Is it a taxation measure or reserve measure ?

**Premier :** Oh ! I am glad that before the anticipated withdrawal of the Opposition from the Chamber, when after that we would not have been able to gauge the real feelings of my honourable friends in this respect, my honourable friend Mr. Duni Chand has let the cat out of the bag. It now appears that their real intention is to thwart the passage of this Bill. However it is my duty to try to convince them of the justification of the Government measure. I may be right or may be wrong. But even if I am wrong, I may inform the Opposition that I am erring in good company. Very often I study the speeches of the Ex-Premier of Madras, Rajagopalachariar, for whom I have the greatest respect because I do not feel shy in profiting by the wisdom of others.

**Chaudhri Krishna Gopal Dutt :** Have you read his reply ?

**Premier :** I am extremely grateful to my honourable friend Chaudhri Krishna Gopal Dutt for having asked this question here in the House. Otherwise I would have been harassed by Pressmen outside for this very point. But before I reply to it, I should like to quote Rajagopalachariar himself. When the Madras Property Tax was to be referred to a select committee and the Opposition moved a circulation motion, the Honourable Raja Ji made the following observation :—

If it is impossible for the Government to accept merely putting it off, no taxation measure in the world is ever sent round for public opinion. No Government can function in that manner. We have to act on the authority that we have received and on the general principle on which all Governments have to act, that is to say, if the country wants the previous state of affairs and does not want any new taxation, it is open for the people to send us out. It will not do

[Premier.]

to say, we shall consider this tax next year or the year after. I submit, therefore, that the Bill be approved by the House for being sent down to a select committee.

I entirely endorse these views of a great administrator as I always call Mr. Rajagopalachariar. *An honourable member*: But was the Rajaji raising money for the prosecution of the war? If his demands had been accepted by British Government, he would have surely left me far behind in war effort. (*Cheers.*)

**Chaudhri Krishna Gopal Dutt**: What have you done to bring about conciliation between the Congress and the British Government?

**Premier**: I have no concern with the present conflict between the Government and the Congress. But if my honourable friend wishes that conciliation should be brought about between the British Government and the Congress, I may humbly point out to him that I am too small a person for this job. I am not even an all-India leader. I am only a Premier of a province and owe my position to the illiterate zamindars who thought it fit to select another illiterate person like myself as Premier. As a matter of fact highly educated zamindars are not selected for this job in other provinces of India. I could not have been elevated to this position there, and even here I would not have got this chance if my zamindar brethren had been well educated. Any way I have always been doing my little bit to bring about the desired conciliation between the parties and I may assure my honourable friend that I will continue to do so. As to the question whether I have read the reply of the Ex-Premier of Madras, I may say that I have read it. That rather goes in my favour. He had deemed it fit to use the Criminal Law Amendment Act against persons who resisted his orders pertaining to the teaching of Hindi and Urdu. But the Punjab Government have only used it in more serious crimes like terrorism and communism according to the promise made by Government at the time of its passage. I do not mean to say that Raja Ji committed a mistake in using this law. He may have been perfectly justified in doing so and I am sure that when Rajagopalachariar thought it necessary to use this repressive law, the necessity must have been there. But the point to be considered is that he who had accepted office with the explicit purpose of repealing all repressive laws, thought it necessary to use such repressive laws himself.

Adverting to the Bill itself, I would say that we do not propose to tax the actual rental value of the urban property. We have rather proposed a very low rate of tax on the capital value. The maximum rate will be one per cent only. We will begin by one quarter of one per cent of the capital value. In the first year we only propose to make a general survey of the expected income through this source. This will furnish us with the necessary data. I want to make it absolutely clear that we propose to begin with a nominal rate of tax, and the maximum rate proposed is only one per cent of the capital value of the urban immovable property. The Opposition may contend that it is a heavy rate. But it is likely that the honourable members sitting on this side of the House may say that the rate ought to be two per cent. But in order to arrive at a proper rate of taxation,

we want to make a general survey by proposing only one per cent of the capital value as the maximum rate for the present. (*Interruption.*) Sir, I was saying that if I could be allowed to express my personal opinion about this matter, I would suggest that to begin with, it should be one-quarter per cent of the capital value of the buildings and lands situated in urban areas instead of one per cent as proposed in clause 8 (1) of the present Bill. And if after further consideration it is found advisable to fix the maximum rate of tax at some other figure than I have suggested, it would be open to the honourable members to do so either when the Bill is taken up for consideration by the Select Committee or when it is presented to the House with the report of the Select Committee on it.

**Lala Duni Chand :** Perhaps you want to find out whether the people can bear the burden and if so, to what extent ?

**Premier :** If my honourable friend thinks that it is light and should be heavier I should say that it is my personal opinion that the maximum rate of tax should be one-quarter per cent and not one per cent, as already suggested. It is quite possible that the amount we intend to collect by this taxation may be forthcoming with the levy of a quarter per cent of the capital value of the buildings and lands situated in urban areas. And if after the levy of a quarter per cent tax on the capital value of the urban immovable property it is found that the sum of the additional revenue so raised is less than that we intend to raise, we can enhance it.

**Mian Muhammad Nurullah :** Could you please give us some idea of the total sum you want to raise by this additional taxation ?

**Premier :** One can never be satisfied with any amount of money and least of all an exchequer.

**Chaudhri Krishna Gopal Dutt :** At least let us know how much money you require ?

**Premier :** Sir, the local officers were asked to report how much could be realised by the levy of this tax. The estimates of the receipts expected by this tax as sent by those officers are with us. The Government also tried to calculate the receipts from this newly proposed source of income by other means. But those estimates were not satisfactory.

**Rai Bahadur Mukand Lal Puri :** Would you please take the House into confidence and tell us what those estimates were ?

**Premier :** No. I cannot. I do not rely on the people who collected the figures.

**Chaudhri Krishna Gopal Dutt :** So far Government have never presented a fiscal measure without first estimating the amount they wanted to raise by it. Tell us how much money you require.

**Premier :** Please listen. I was saying that the estimates received by us from the local officers were not satisfactory. I, therefore, want first to see as to how much amount can be raised by this new tax. In my opinion we should fix the rate of tax at a quarter per cent and later if it is found that it should be enhanced we can enhance it. (*Interruption.*) If my honourable friends are in favour of fixing it at a higher percentage than the one suggested by me or proposed in the Bill, it would be open to them to do so later when the Bill comes up for consideration before the House.

[Premier.]

I may also make it clear that it is not the intention of the Government to levy this tax in all the municipal areas mentioned in the schedule annexed to the Bill. If in the case of certain small towns it is found that the expenses to be incurred on the collection of this tax exceed the actual receipts thereof, they would be exempted from its levy. (*Interruptions*). Let me make the point clear even at the risk of repetition. You should remember that all towns entered in the schedule annexed to the Bill, will not be taxed. There may be some of them which may be exempted from the levy of this tax on the ground that the amount likely to be spent on the collection of this tax will exceed the income to be derived from it. Then there can also be towns which may be exempted from the levy of this tax in the beginning but may be taxed later on. This schedule contains only the names of such towns and small towns which can be regarded as urban areas.

**Mian Muhammad Nurullah :** Is there any provision to this effect ?

**Premier :** Yes, in clause 3 (3).

#### STATEMENT BY LEADER OF OPPOSITION (RULING).

**Mr. Speaker :** May I request the Honourable Premier to resume his seat ? Time is up and I have to give my ruling.

**Premier :** Very good, Sir.

**Mr. Speaker :** It is clear that under Rule 67 of our rules, a member can make a statement or a speech only on a question that is before the Assembly. In the case of formal and ceremonial matters, however, the Speaker can allow a member to make a statement or speech, when there is no question before the House. The statement which the Leader of the Opposition wanted to make and of which he has given me a typed copy in its final shape, is not a mere formal or ceremonial statement. It refers to many important political and controversial matters which, if allowed would necessitate a reply, if not a debate. So, I extremely regret my inability to permit the speech. (*Uproar*).

**Chaudhri Krishna Gopal Dutt :** *Bulbul ne ashiana chaman se utha lia, uski bala se boom base ya hama base.*

*The Assembly then adjourned till 12 noon on Monday, 2nd December, 1940.*



# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 2nd December, 1940.

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

### STARRED QUESTIONS AND ANSWERS.

#### PUTTING OF QUESTIONS BY MEMBERS ON BEHALF OF MEMBERS OF A PARTY WHICH IS ABSENT.

**Sardar Lal Singh :** On a point of order. A wrong impression will be created when those gentlemen on whose behalf these questions are put have decided to absent themselves in a body. I think it will be very unfair to put questions in their absence to make it appear that they are present. I think it is against rules unless there is an authority.

**Mr. Speaker :** The rule is :—

“If on a question being called it is not put either by the member giving notice of it or in his absence by any other member on his behalf the Minister concerned may cause the answer to be printed in the official report of the Debates of the Assembly.....”

**Sardar Sahib Sardar Santokh Singh :** Is no authority required ?

**Mr. Speaker :** No authority is required.

**Sardar Lal Singh :** I quite agree that no written authority is required, but when a whole party absents itself declaredly how can any other member put the question on their behalf ?

**Mr. Speaker :** The propriety of that matter is to be judged by the member asking the question and not by the Chair.

**Sardar Lal Singh :** There should be verbal authority from such members.

**Mr. Speaker :** The question is, when you do a thing on behalf of a third person, whether you can do it with or without his authority. In my opinion a member can ask a question on behalf of another without obtaining latter's authority—written or verbal.

**Sardar Lal Singh :** The questions on behalf of detenus, I think, once before were disallowed because they were not in a position to ask the questions themselves.

**Mr. Speaker :** The honourable member's recollection, if I am not mistaken, does not appear to be correct. What happened then was this that an honourable member, who had been elected could not attend and take the oath of allegiance. Therefore I disallowed questions to be asked on his behalf. When a member himself cannot ask the question without taking the oath, how can any other honourable member ask it on his behalf ?

## ARREST OF AJAIB SINGH, DACOIT.

**\*7049. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Ajaib Singh a notorious dacoit visited village Talwandi Khurd in the Ludhiana district with his companions one day about six months ago between 4 p. m. and 5 p. m. and killed two persons ;
- (b) whether it is also a fact that the said Ajaib Singh has been absconding for the last six months ;
- (c) whether any raids have been arranged for the arrest of this dacoit by the police ; if not, why not ;
- (d) if raids were made to bring about the arrest of the absconder, their number and the dates on which they were carried on ;
- (e) the name of the Sub-Inspector in charge of the police station of Talwandi Khurd in whose time the crime mentioned in (a) was committed ;
- (f) the name of the present officer in charge of the thana and the date of his appointment in that capacity ;
- (g) whether it is a fact that the lawlessness prevailing in the Ludhiana district was brought by the zamindara league to the notice of the Honourable Premier, the Honourable Ministers of Revenue and Education by means of an address ; if so, the steps which have been taken by the Government so far to improve the situation ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) No. But he is alleged to have visited the village in October and to have murdered two persons.

(b) Yes.

(c) Yes.

(d) A record of raids is not maintained.

(e) and (f) It is not in the public interest to give publicity to the names of local officers in such a connection.

(g) Yes. Government have already provided a special staff to assist and additional police to reinforce the Ludhiana police and Government are satisfied that every effort is being made to bring offenders to justice.

## HEALTH OFFICERS OF LAHORE MUNICIPALITY.

**\*7178. Sardar Kapoor Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the Lahore Municipality has two medical officers of health in its service ;
- (b) the specified duties assigned to each of these officers and the reasons for the appointment of the second Health Officer ;
- (c) the total cost incurred by the municipality for the maintenance of the second Health Officer ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) The Municipality employs one Medical Officer of Health and one Assistant Medical Officer of Health.

(b) The Medical Officer of Health is in general charge of public health activities. The Assistant Medical Officer of Health assists him, as the work has increased so much in recent years that it is beyond the capacity of one man single-handed to control the whole public health staff of the Municipality.

(c) Rs. 7,350 per annum.

#### ENDORSEMENT ON PERMANENT CERTIFICATES OF TEACHERS.

**\*6911. Mian Muhammad Nurullah** : Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution with regard to rescinding the decision of the department regarding the endorsement on permanent certificates of teachers passed by the annual conference of the Punjab Non-Government Schools' Federation, held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

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

**Mian Muhammad Nurullah** : How long will it take to decide the matter ?

**Minister** : It is not possible for me to give the exact date. The matter is being considered. The question is very simple whether we should continue to endorse the certificates for 3 years or beyond 3 years also.

#### GRANT OF SENIOR-VERNAICULAR CERTIFICATES TO JUNIOR-VERNAICULAR TRAINED TEACHERS.

**\*6912. Mian Muhammad Nurullah** : Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution expressing the desirability of issuing Senior-Vernacular certificates to Junior-Vernacular trained teachers passed by the annual conference of the Punjab Non-Government Schools' Federation held on 28th and 29th January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye** : Yes, but the suggestion was not accepted as it was considered that its acceptance would lower the standard of attainments required of Senior Vernacular teachers.

**Mian Muhammad Nurullah** : Does the Honourable Minister consider that after the experience that they get with that standard they would be qualified for an institution ?

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

**GRANT OF FULL FEE-CONCESSION TO THE CHILDREN OF TEACHERS AT  
SCHOOLS AND COLLEGES.**

**\*6913. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the resolution with regard to the grant of full fee-concession to the children of the teachers both at schools and colleges passed by the annual conference of the Punjab Non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** Yes, the resolution was considered ; but it was not found possible on financial grounds to accept the recommendation made by the Federation.

**Mian Muhammad Nurullah :** Would the Honourable Minister again consider it after new taxes have been imposed ?

**Mr. Speaker :** That is a request for action.

**ENFORCEMENT OF BILLS PASSED BY THE PUNJAB LEGISLATIVE  
ASSEMBLY.**

**\*7031. Sardar Sampuran Singh :** Will the Honourable Premier be pleased to give the list of the Bills passed so far by the Punjab Legislative Assembly but not yet enforced giving reasons for non-enforcement ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** I regret that the answer to this question is not yet ready.

**CIVIC GUARDS.**

**\*7110. Lala Duni Chand** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that it is proposed by the Punjab Government to spend rupees ten lakhs on the organisation and equipment of the Civic Guards in this Province ;

(b) the agencies through which and the purpose for which this sum will be spent ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) The first estimate of expenditure was for 10½ lakhs but the expenditure during the current financial year is not likely to exceed seven lakhs.

(b) The expenditure represents the salary of the Assistant Inspector General/Civic Guards, honoraria of District Civic Guard Commanders, the salaries of paid drill instructors and the clerical staff at headquarters and in districts, subsistence allowance and expenditure connected with the clothing and equipment of the force. The expenditure will be incurred through the Superintendents of Police and other officers connected with the work as in the case of other Government expenditure.

**FORFEITURE BY GOVERNMENT OF MONEY BELONGING TO  
KHAKSARS.**

**\*7136. Malik Barkat Ali :** Will the Honourable Premier be pleased to state the total amount of money belonging to the *Khaksar* organisation or its leaders and lying in the Punjab, that has been forfeited by Government pursuant to the notification of Government declaring that organisation illegal and whether that money or any part thereof has been returned to its owners after the withdrawal of the notification ; if so, the amount of money so returned, and if any portion still remains unreturned, the reasons therefor ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** *First part :* None.

*Second part :* Does not arise.

**ARRESTS OF SOME LEADING CITIZENS OF GUJRANWALA UNDER  
DEFENCE OF INDIA RULES.**

**\*7140. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) the specific act or acts for which Khan Sahib Ata Muhammad, Advocate, Lala Narinjan Dass, Advocate and Mr. Labh Singh, Barrister of Gujranwala were arrested and detained under the Defence of India Rules ;
- (b) the number of days for which the detention lasted ;
- (c) the Jail or Jails where these gentlemen were confined ;
- (d) whether Government has offered them any compensation for their detention ; if not, whether Government intends offering them such compensation ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) For acting in a manner prejudicial to public safety.

(b) From 16th July, 1940, to 29th August, 1940.

(c) District Jail, Gujranwala and Rawalpindi.

(d) *First part :* No.

*Second part :* No.

**Mian Muhammad Nurullah :** Part (a) of the question asks what were the specific act or acts and simply saying ' for acting in a manner prejudicial to public safety ' is not enough in reply to that question.

**Parliamentary Private Secretary :** That is the opinion of my honourable friend. I have said, ' for acting in a manner prejudicial to public safety ' and I think my answer covers the honourable member's supplementary.

**Sardar Lal Singh :** Do we understand that this information is based upon police report ?

**Parliamentary Private Secretary :** Usual official source.

**Mian Muhammad Nurullah :** Did they declare their intention to do so ?

**Parliamentary Private Secretary :** To do what ?

**Mian Muhammad Nurullah :** To do some act which was prejudicial to public safety ?

**Parliamentary Private Secretary :** It is not necessary that people should declare what they want to do. It is the information which Government receives and acts accordingly.

**Sardar Lal Singh :** Is there a judicial holding that they were going to act in such a manner ?

**Parliamentary Private Secretary :** When the matter goes to a judicial authority, then the judicial authority expresses its opinion. But when the matter is not referred to that authority, how can my honourable friend expect it to exercise its authority ?

**Mian Muhammad Nurullah :** Did the Government come to the conclusion that they were not acting in a manner prejudicial to public safety when they released those persons ?

**Parliamentary Private Secretary :** Quite to the contrary.

**Sardar Lal Singh :** Is the Government prepared to lay a statement on the table of this House describing that definite information ?

**Parliamentary Private Secretary :** I have given the reasons and have nothing more to add.

**Sardar Lal Singh :** Do you want to keep it confidential or are you prepared to lay it on the table of the House ?

**Parliamentary Private Secretary :** I want notice of that question.

#### ARREST OF CHAUDHRI GHULAM MUHAMMAD.

**\*7141. Malik Barkat Ali :** Will the Honourable Premier be pleased to state whether it is a fact that Chaudhri Ghulam Muhammad, President of a Co-operative Credit Society in the province was arrested under the Defence of India Act or Rules ; if so, the specified act or acts for which the said Chaudhri Ghulam Muhammad was so arrested or detained ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** If the honourable member will kindly supply particulars of the parentage and residence of Chaudhri Ghulam Muhammad enquiries will be made.

**Mian Muhammad Nurullah :** Are there two presidents of this Society ?

**Parliamentary Private Secretary :** My honourable friend very well knows the number of Co-operative Societies in the province and he cannot expect that for elucidating information, a statement that 'a President of a Co-operative Society' is enough.

#### ARRESTS UNDER THE DEFENCE OF INDIA ORDINANCE.

**\*7168. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) the number of the total arrests made in the Punjab under the Defence of India Ordinance so far since its promulgation ;

- (b) the number of persons in the Punjab on whom any restriction has so far been imposed under the Ordinance ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): (a) Up to and including 8th November, 1940, 852. This figure includes the cases of those arrested for price control and currency offences, etc.

- (b) 11.

SUPPLY OF CANAL WATER FOR TANKS IN BARANI VILLAGES IN  
ROHTAK DISTRICT.

**\*6881. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in Rohtak district a department was opened under the Deputy Collector in that district to supply canal water for tanks in barani villages in the said district in the months of May, June, July, 1939; if so, in how many of the villages the water was supplied for that purpose in that year;
- (b) whether it is also a fact that Rs. 78 were proposed by the said Deputy Collector to be spent for digging a waterway to the village Sudana in the Rohtak district in order to take the canal water for feeding a tank in that village; if so, with what result ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) Yes Special canal and revenue staff was employed and water was supplied to 21 villages.

- (b) A watercourse was dug to village Sudana and water was supplied to the pond. There is no record of any particular proposal in this connection involving the sum of Rs. 78.

TACCARI BAD DEBTS.

**\*6924. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total amount of money in respect of *taccari* written off as bad debts, district-wise, in the province during the last three years;
- (b) the special measures adopted for their realisation before treating particular items as bad debts;
- (c) the precautionary steps, if any, which Government intends taking in future while advancing *taccari* loans in order to reduce the amount of bad debts ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) Amount of *taccari* written off can be had from the Annual Report on the Land Revenue Administration of the Punjab. Labour involved in the collection of information in respect of *taccari* written off as bad debts will not be commensurate with the results.

[Raja Ghazanfar Ali Khan.]

(b) As regards normal cases, attention is invited to section 7 (1) of the Land Improvement Loans Act, section 5 of the Agriculturists' Loans Act, chapter VI and VII of the Land Revenue Act and paragraphs 15 to 21 of Financial Commissioners' Standing Order No. 32.

It is usual to apply all the processes permitted by law, for example, writs of demand and warrants of attachment before treating a particular item as a bad debt. Debts become bad sometimes because poverty has overtaken the debtor, for example, when heavy expenditure has been incurred on a well which proves to be a failure, and sometimes when a general calamity, such as famine or flood, would make the recovery of *taccavi* a hardship, for example when seed provided by *taccavi* has been sown but destroyed by natural calamity or when cattle die. Mistakes may creep in individual cases but the revenue authorities examine every case of remission with detailed care.

(c) Difficulty having been experienced in the recovery of considerable sums advanced as *taccavi* for expensive projects such as tube-wells advanced now are generally made only for small schemes to small zamindars.

#### DISPUTATION OF MORTGAGED LANDS ACT, ETC.

**\*6934. Mr. Dev Raj Sethi:** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government is aware of the fact that the Restitution of Mortgaged Lands Act and the Land Alienation Amendment Act have been disputed in the courts of Law at Sialkot, Amritsar, and other places ;

(b) whether it is a fact that the Punjab High Court has also been moved in the matter ;

(c) if the answers to (a) and (b) be in the affirmative, whether the Government has sent any instructions to the District authorities regarding postponement of action under these Acts ; if so, will he be pleased to lay them on the table ?

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

(c) No such instructions have been issued by Government. The chief revenue authority, however, has drawn the attention of the subordinate revenue courts to litigation pending in the High Court so that appropriate action may be taken in each case.

**Sardar Lal Singh:** Does the honourable member mean that the proceedings of all judicial cases relating to the Restitution of Mortgages Act have been stopped pending the decision of the High Court ?

**Parliamentary Secretary:** I understand that proceedings in regard to the Restitution of Mortgaged Lands in the courts of the Collectors have been stopped pending the decision of the High Court.

**Sardar Lal Singh:** In all the districts ?

**Parliamentary Secretary:** Yes, in all the districts, so far as I know.



## NEW DIVISION OF SHAHPUR.

**\*7019. Sardar Sampuran Singh :** Reference answer to starred question No. 915,<sup>1</sup> asked on 18th January, 1938, will the Honourable Minister of Revenue be pleased to state—

- (a) whether any extension has been granted to the new division created ;
- (b) whether the Government has re-examined the question of maintaining this new division ; if so, with what results ; and if not, why not ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** It was explained in the reply to starred question 915 on 18th January, 1938, that a new division was not created with headquarters at Rasul.

The question of maintaining this new division therefore does not arise. The general re-organization was re-examined with the result that the position at Rasul remained unchanged.

## SILT CLEARANCE OF THE MOHAMMADPUR MINOR, SIRSA BRANCH.

**\*7208. Chaudhri Suraj Mal :** Will the Honourable Minister of Revenue be pleased to state—

- (a) when the Mohammadpur minor on the Sirsa Branch in the Hissar district was last cleared of its silt ;
- (b) when Government propose to get silt clearance made in order that there should be proper supply at the tail ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) December, 1939.

(b) Part of the minor is being silt cleared now in order that there shall be no shortage at tail.

## DAMAGE TO CROPS IN JULLUNDUR DISTRICT BY HAILSTORM.

**\*7210. Sardar Bahadur Sardar Gurbachan Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether a cyclone with hailstorm visited a number of villages in district Jullundur on the night between 28th and 29th September, 1940 ;
- (b) if the answer to (a) be in the affirmative, the names of the villages in Jullundur tahsil where crops were totally destroyed by the hailstorm and also the names of the villages in the said tahsil in which the damage to crops was partial ;
- (c) the names of the crops which suffered most ;
- (d) whether Government ordered a superior officer to visit the affected area ; if so, whether he has submitted a report after inspecting the affected area ;

[S. B. S. Gurbachan Singh.]

(e) the names of the villages in Jullundur tahsil visited by this officer and the dates of his visits to these villages ;

(f) what action Government has taken or proposes to take to give relief to the people whose crops have been totally destroyed ?

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

(b) Total destruction of crops did not occur in any village. A statement giving names of the villages in which damage was partial is laid on the table.

(c) Maize, cotton, sugarcane and fodder.

(d) The Naib-Tahsildar, the Tahsildar, the Revenue Assistant and the Collector inspected the affected areas according to the standing instructions on the subject. A preliminary report of the damage done has been received from the Collector.

(e) A statement is laid on the table.

(f) Relief where necessary will be given in due course, according to rules.

*The names of the villages in which the damage to crops was partial are as follows :—*

1. Jalpot.	14. Arjanwal.	27. Bhatnura Labana.
2. Kandola.	15. Jalbhe.	28. Binpalke Nangal.
3. Dhanal.	16. Dhepur.	29. Nangal Khurd.
4. Khukhun.	17. Chhottowali.	30. Dalli.
5. Miranpur.	18. Manko.	31. Dhirowal.
6. Chittewan.	19. Kariana.	32. Najka.
7. Ali Chak.	20. Talwara.	33. Mohaddipur.
8. Qadianwali.	21. Dhura.	34. Bhundian.
9. Hamiri Khera.	22. Laroi.	35. Laroya.
10. Durralli.	23. Pandori Nijran.	36. Kukarpind.
11. Khurdpur.	24. Shafipur.	37. Jandir.
12. Domunda.	25. Sarobad.	38. Manak Rai.
13. Kalra.	26. Bhogpur.	

*Statement showing the names of villages visited by the Revenue Officers in Tahsil Jullundur.*

Date.	Naib-Tahsildar.	Tahsildar.	Revenue Assistant.	Collector.
1	2	3	4	5
1st October, 1940.	1. Mank Rai ..	..	..	..
	2. Ghore Wahi.	..	..	..
	3. Sondhu Char.	..	..	..
	4. Lahdra.	..	..	..
	5. Lohar.	..	..	..
	6. Kingra.	..	..	..

*Statement showing the names of villages visited by the Revenue Officers in  
Tahsil Jullundur—continued.*

Date.	Naib-Tahsildar.	Tahsildar.	Revenue Assistant.	Collector.
1	2	3	4	5
4th October, 1940.	1. Dhana.	..	1. Bhagpur.	..
	2. Hamisi Kheha.	..	2. Qureshian.	..
	3. Chitlewan.	..	3. Barchohi.	..
	4. Qadianwali.	..	4. Chamiani.	..
	5. Chananpur.	..	5. Rastgo.	..
	..	..	6. Sikandarpur.	..
	..	..	7. Mahaddipur.	..
	..	..	8. Jandir.	..
	..	..	9. Behram.	..
	..	..	10. Bhundian.	..
	..	..	11. Ghilar.	..
	..	..	12. Ghorewali.	..
	..	..	13. Sadha Chak.	..
20th October, 1940.	1. Talwara.	..	..	..
	2. Dunra.	..	..	..
	3. Bias Pind.	..	..	..
	4. Allawalpur.	..	..	..
	5. Duliki Sundurpur.	..	..	..
	6. Kothi Shekhan.	..	..	..
	7. Daulatpur.	..	..	..
22nd October, 1940.	1. Domandha.	..	1. Arjanwal.	..
	2. Jalpot.	..	2. Adampur.	..
	3. Kalra.	..	3. Khurdpur.	..
	4. Durraki.	..	4. Karyana.	..
	5. Lutera Kalan.	..	5. Kandola.	..
	6. Haripur.	..	6. Domundha.	..

*Statement showing the names of villages visited by the Revenue Officers in  
Tahsil Jullundur—continued.*

Date.	Naib-Tahsildar.	Tahsildar.	Revenue Assistant.	Collector.
1	2	3	4	5
23rd October, 1940.	1. Adampur.	1. Pandori Nijran.	..	..
	2. Khurdpur.	2. Dingarian.	..	..
	3. Fatehpur.	3. Khojkipur.	..	..
	4. Kandola.	4. Bhil.	..	..
	5. Durrulli.	5. Mahaddipur.	..	..
	6. Bhadiana.	6. Kotli Ranian.	..	..
	7. Manko.	7. Najka.	..	..
	8. Chokhiara.	8. Sola.	..	..
	9. Mundir.	9. Kobja.	..	..
	10. Kupur.	10. Dhurial.	..	..
	11. Jalphtre.	11. Shafipur.	..	..
	12. Dhepur.	12. Sarobad.	..	..
	13. Chatowala.	13. Dhirowal.	..	..
24th October, 1940.	..	1. Lahdra.	..	..
	..	2. Ghelar.	..	..
	..	3. Jandher.	..	..
	..	4. Madhopur.	..	..
	..	5. Qureshian.	..	..
	..	6. Sadha Chak.	..	..
	..	7. Lahor.	..	..
	..	8. Manak Rai.	..	..
	..	9. Bahran.	..	..
	..	10. Bhandian.	..	..
	..	11. Rastgo.	..	..
	..	12. Chamiani.	..	..
	..	13. Sanora.	..	..
	..	14. Chak Shakur.	..	..
	..	15. Patial.	..	..

*Statement showing the names of villages visited by the Revenue Officers in Tahsil Jullundur—continued.*

Date.	Naib-Tahsildar.	Tahsildar.	Revenue Assistant.	Collector.
1	2	3	4	5
25th October, 1940.	..	..	..	1. Choman.
	..	..	..	2. Kandola.
	..	..	..	3. Domindha.
	..	..	..	4. Durrulla.
	..	..	..	5. Jalpot.
	..	..	..	6. Kalra.
26th October, 1940.	..	1. Bhatunra Lahana.	..	1. Saggram.
	..	2. Bhogma.	..	2. Karyana.
	..	3. Tandi.	..	3. Pandok Nijran.
	..	4. Laroi.	..	4. Khojkipur.
	..	5. Laroya.	..	5. Sala.
	..	6. Dalli.	..	6. Najka.
	..	7. Binpalke Nangal.	..	7. Dhuriai.
	..	8. Nangal Khurd.	..	8. Kohja.
	..	9. Mamandpur.	..	..
	..	10. Jamalpur.	..	..
	..	11. Singhpur.	..	..
	..	12. Kotli Sazawar.	..	..
	..	13. Kurala.	..	..
	..	14. Khudola.	..	..
	..	15. Ghari Bakhsha.	..	..
27th October, 1940.	..	..	..	1. Manak Rai.
	..	..	..	2. Lohar.
	..	..	..	3. Lidhran.
	..	..	..	4. Dhoboli.
	..	..	..	5. Naugal Fida.
	..	..	..	6. Sandha Chak.
	..	..	..	7. Sundhwan.

*Statement showing the names of villages visited by the Revenue Officers in Tahsil Jullundur—concluded.*

Date.	Naib-Tahsildar.	Tahsildar.	Revenue Assistant.	Collector.
1	2	3	4	5
28th October, 1940.	..	1. Ali Chak.	..	1. Behram.
	..	2. Mund.	..	2. Bhundian.
	..	3. Sango Sohal.	..	3. Jandhir.
	..	4. Khara.	..	4. Sikandarpur.
	..	5. Daryapur.	..	5. Dhadda.
	..	6. Zenokot.	..	6. Sanora.
	..	..	..	7. Qureshian.
	..	..	..	8. Laroya.
	..	..	..	9. Bhogpur.
29th October, 1940.	..	..	..	1. Labor.
	..	..	..	2. Laroi.
	..	..	..	3. Charar.
	..	..	..	4. Bardhohi.
	..	..	..	5. Tandla.
31st October, 1940.	1. Khun khun ..	..	..	..
	2. Miranpur.	..	..	..

ACCELERATED PROMOTION OF MEHAR CHAND, CLERK, GOVERNMENT  
CATTLE FARM, HISSAR.

\*6879. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

- the reasons for the promotion in grade of one Junior Clerk, Mr. Mehar Chand, in the Government Cattle Farm, Hissar, over and above his seniors with the number of those superseded ;
- his previous grade and the present one as Accountant ;
- whether it is a fact that sometime ago a personal grade of pay was refixed for him at Rs. 85—10—175 retrospectively and arrears of pay for 3 years given to him ; if so, the reasons therefor ;
- the old and new scales of salaries of the Head Clerk, Senior Clerk and the Accountant in the said Farm ?

**Parliamentary Secretary** (Chaudhri Tikka Ram): (a) Mr. Mehar Chand on his appointment as senior clerk in the grade of Rs. 75—5—100/5—125 was the seniormost among the junior clerks on Rs. 40—2—90. There was thus no supersession.

(b) Rs. 75—5—100/5—125, and Rs. 85—10—175, respectively.

(c) The old grade of Rs. 75—5—125 for the Accountant was fixed in 1922. Since then the accounts work at the Farm has enormously increased. It has become very complicated, elaborate and full of technicalities. The Superintendent of the Farm and the Director, Veterinary Services, felt strongly that the said scale of pay was not commensurate with the responsibilities and the great amount of work the Accountant had to do. They recommended the pay of the post being enhanced to Rs. 125—10—175. The Accountant-General also agreed that the proposed grade was suitable for the Accountant. The Superintendent was of the view that the existing incumbent was most capable and was in fact worth far more than the proposed grade. Government, however, refixed his pay at Rs. 85—10—175 in 1939 but no arrears were allowed to him.

(d) Name of post.	Old scale.		New scale.	
	Rs.		Rs.	
Head Clerk ..	100—6—160/8—200		80—5—130/6—160	
Senior Clerk ..	75—5—100/5—125		60—4—80/4—100	
Accountant ..	75—5—100/5—125		60—4—80/4—100	

**Sardar Sahib Sardar Santokh Singh:** Do I understand that the work increased in the case of this clerk only or increments were granted to some other officials also?

**Parliamentary Secretary:** It increased in the case of this particular clerk only.

#### INDEBTEDNESS OF A MEMBER OF THE DEBT CONCILIATION BOARD, MUZAFFARGARH.

**\*7006. Sardar Sampuran Singh:** Reference answer to part (c) of unstarred question No. 367<sup>1</sup>, asked on 31st March, 1938, will the Honourable Minister of Development be pleased to state the results of the enquiry made from the local officers in question?

**Parliamentary Secretary** (Chaudhri Tikka Ram): The allegations were unfounded.

**\*7164. Cancelled.**

#### PEONS.

**\*7113. Lala Duni Chand:** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that the question of improving the condition of the pay, pension and leave of peons in this province has been repeatedly brought to the notice of the Government in the Assembly and outside it;

<sup>1</sup>Volume IV, page 441.

[Lala Duni Chand.]

(b) whether the Government has given any consideration to the above question ; if so, to what result ?

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

(b) Yes, but financial difficulties have stood in the way of anything being done in the matter.

#### NON-OFFICIAL VISITORS TO LUDHIANA JAIL.

**\*7173. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Finance be pleased to state the number of visits paid by each of the non-official jail visitors of the Ludhiana Jail during the last six months and the suggestions for improvement in the jail administration ; if any made by the visitors ?

**The Honourable Mr. Manohar Lal :** A statement is laid on the table. A general scrutiny and compilation of the reports made on the occasions would involve an unjustifiable expenditure of time and trouble but if the honourable member wishes for information on any particular point, I will, if possible, have further enquiries made.

Name of Non-Official Visitors.	Number of visits from 1st May, 1940, to 31st October, 1940.
1. Doctor Dane Edith N. Brown .. ..	One.
2. Rai Sahib Lala Sheo Parshad .. ..	One.
3. Lieutenant Aziz Din .. ..	Six.
4. Captain Jagpal Singh .. ..	Four.
5. Sardar Bahadur Sardar Mit Singh .. ..	Three.

#### SUB-INSPECTOR OF POLICE AT MORANDA IN AMBALA DISTRICT.

**\*6836. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state when the answer to my starred question No. 6445<sup>1</sup> may be expected ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): The reply to Assembly Question No. 6445\* was sent to the Secretary Legislative Assembly (in April last) for communication to the honourable member. A copy of the reply is, however, laid on the table.

#### CUT IN THE SALARIES OF TEACHERS BY THE LAHORE MUNICIPALITY.

**\*6914. Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state whether the attention of the Government has been drawn to the following resolution expressing disapproval of



the policy of the Lahore Municipality in effecting a cut in the salary of the teachers in their employ passed by the annual conference of the Punjab non-Government Schools' Federation held on 28th and 29th of January, 1940, under the presidentship of Khan Bahadur Mian Afzal Husain, M.A., I.A.S., Vice-Chancellor of the Punjab University ; if so, what action has been taken by the Government thereon ?

**The Honourable Mian Abdul Haye :** No action has been taken by Government as none was indicated.

#### CASES OF SUICIDE.

**\*6958. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of cases of suicide committed during the last three years in the province ;
- (b) the number of persons who committed suicide as a result of unemployment as ascertained by the police during this period ;
- (c) reasons other than those of unemployment which have led to an abnormal increase in suicide cases in the said period ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :**

(a) 1937	..	..	..	..	510
1938	..	..	..	..	504
1939	..	..	..	..	536
(b) 1937	..	..	..	..	92
1938	..	..	..	..	30
1939	..	..	..	..	23

(c) There has been no abnormal increase in suicides during the last three years. There was a decrease between 1937 and 1938 and a very slight increase between 1938 and 1939 which is merely fortuitous.

#### MURDERS, DACOITIES AND HIGHWAY ROBBERIES IN THE JURISDICTION OF SIDHWAN BET POLICE STATION, DISTRICT LUDHIANA.

**\*7083. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that great disappointment prevails amongst the zamindars of Sadr Dakha, Sidhwan Bet Police Station, in consequence of daring murders, dacoities and highway robberies committed recently in broad daylight in their *ilaga* ;
- (b) whether it is a fact that after throwing bombs at persons in village Dad only recently the dacoits openly and defiantly went to village Thakkarwal, and searched for their enemy who fortunately was not in the village ; if so, the action intended to be taken to put an end to this state of affairs ;

[Ch. Muhammad Hasan.]

- (c) whether it is a fact that a police party headed by the Superintendent Police, Ludhiana, went in search of the dacoits 12 hours after the murders recently committed by the latter in village Dad ; if so, why ?

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

(b) Yes. Special measures have already been adopted to effect the arrest of Ajaib Singh and his gang, which is the only gang at large in the Ludhiana district. This gang is mainly occupied in carrying out attacks on its old enemies.

(c) Immediately on receipt of a report of the occurrence the 1st armed reserve of the Ludhiana district was deputed to village Dad. The Superintendent of Police who was on tour at a distant part of the district on receiving information immediately hurried to the spot.

---

#### REPORT OF THE COMMITTEE ABOUT RIOTS AT SARGODHA.

**\*7125. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a committee was appointed by the Government to inquire into the causes of the communal riot at Sargodha in July last ; if so, the names of the persons who held the inquiry, the period taken to complete the inquiry and the result at which the committee arrived ;

- (b) when did the Government receive the report of the committee and the action, if any, taken on it ?

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

- (b) Does not arise.

---

#### TAX ON TONGAS.

**\*7163. Lala Deshbandhu Gupta :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the Deputy Commissioner of Ambala has imposed a tax of one pice per trip on the tongas plying between Jagadhri and Abdullapur ;

- (b) if so, the nature and the purpose of the tax ;

- (c) whether Government's previous sanction was obtained by the Deputy Commissioner before imposing the tax ?

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

- (b) The charge was made for the purpose of regulating the traffic.

- (c) No.

## REMOVAL OF SLAUGHTER HOUSE ON SANDA ROAD, LAHORE.

**\*7202. Mr. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that several representations have been made to the authorities for the removal of the slaughter house on Sanda Road, Lahore, and many an inquiry has been held into the matter ;
- (b) if the answer to (a) above be in the affirmative, the position in which the matter stands at present ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): The attention of the honourable member is invited to the reply given to Starred Assembly Question No. 6563<sup>1</sup> asked by Pandit Shri Ram Sharma in the last session of the Assembly.

## LAHORE IMPROVEMENT TRUST.

**\*7203. Mr. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the improvements in the city of Lahore which have been made by the Lahore Improvement Trust since its inception ;
- (b) whether the Trust has cleared any of the numerous slums in the city, widened congested streets or provided open spaces or any other amenity for the city or the civil station area ;
- (c) the total expenditure incurred in respect of the activities of the Trust so far ;
- (d) whether any of the schemes mentioned in reply to starred question No. 1325 (Volume II, page 685) of the Punjab Legislative Assembly Debates has been put in operation, if not, why not ;
- (e) the schemes so far devised for bringing about improvements in the various aspects of the city life of Lahore ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): (a), (d) and (e) The information is contained in the Annual Administration Report of the Trust for the year 1939-40, a copy of which has been placed in the library of the House.

(b) Slum clearance has not yet been taken up on account of paucity of funds. The Trust has laid down principles for restrictive town planning, the observance of which by the Committee will result in wider streets in future. Open spaces have been provided in all the town planning schemes prepared by the Trust.

(c) Rs. 4,81,228.

PASTING OF OBJECTIONABLE BILLS AND POSTERS ON WALLS  
IN LAHORE.

**\*7207. Mrs. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the external walls of many of the public buildings in Lahore are disfigured by all sorts of bills and posters being pasted on them ;
- (b) whether it is a fact that some of these posters are vulgar and obscene, and are a nuisance to the public ;
- (c) whether the Lahore municipality has taken or intends to take any step to stop the pasting of such posters on the external walls of the public buildings on thoroughfares ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) and (b) It is a fact that many buildings in Lahore are disfigured by bills and posters, some of which are vulgar and obscene.

(c) By-laws were drafted. But Government were advised that under the Punjab Municipal Act, 1911 the posting of bills and advertisements could only be regulated by by-law and not prohibited altogether. The question of amending the Act is under consideration.

SUBSIDIZED DISPENSARIES IN LUDHIANA DISTRICT.

**\*6711. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Education be pleased to state—

- (a) how many subsidized dispensaries have been opened in the Ludhiana district during the last three years ;
- (b) what contributions, if any, have been made by the residents of the villages in which these dispensaries have been opened ?

**The Honourable Mian Abdul Haye :** (a) The scheme of subsidized dispensaries was started last year only, and two dispensaries have been opened under that scheme in the villages of Rachhin and Swaddi in the Ludhiana district.

(b) The contributions from the inhabitants of each village amount to Rs. 600 per annum.

VACANCIES IN GOVERNMENT HIGH SCHOOL, SIRSA ?

**\*7209. Chaudhri Suraj Mal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that since the death of Lala Dwarka Parshad, 2nd Master, in October, 1938, there has been no permanent arrangement for the post of a second master in the Government High School, Sirsa, and that since April, 1940, even a temporary second master has not been employed to work in the school ;

- (b) whether it is a fact that the Drawing Master of the Government High School, Sirsa, retired in June, 1939, and that this post remained vacant up to the month of October, 1939 ;
- (c) whether it is a fact that for the last two or three years some teachers of the Government High School, Sirsa, have been going on long leave and no substitutes were appointed in their places ;
- (d) whether it is a fact that the results of the last annual examinations of the school were poor ;
- (e) if the answers to (a) , (b), (c) and (d) be in the affirmative, the steps which the Government propose to take to ensure that the studies of the boys of the Government High School, Sirsa, do not suffer any longer owing to long absence of school masters as illustrated above ?

**The Honourable Mian Abdul Haye :** (a) In the absence (due to leave, transfer, retirement, etc.) of the 2nd Master, the next senior English Master on the staff of the school automatically becomes the 2nd Master. The answer is, therefore, in the negative.

(b) The Drawing Master retired from the service of Government on the 15th June, 1939. As the school closed for summer vacation of two months soon afterwards the new Drawing Master joined the institution in October, 1939.

(c) No, excepting in some cases where the teachers applied for leave for short periods.

(d) No, excepting the Matriculation.

(e) Does not arise.

#### EXTENSIONS TO P. C. S. OFFICERS.

**\*6967. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state how many members of the Provincial Service, Punjab, completed their 55 years and have been granted extensions during the last three years and the special circumstances under which the extension in question was given, giving also the names of the officers to whom such extension was granted ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** A statement giving the names of Punjab Civil Service officers who were granted extensions during the last three years is laid on the table. The extension in each case was granted on public grounds.

#### Statement.

##### PUNJAB CIVIL SERVICE (EXECUTIVE BRANCH).

1. Khan Bahadur Sheikh Khurshaid Muhammad.
2. Rai Sahib Lala Bihari Lal, Extra Assistant Settlement Officer, Amritsar.
3. Khan Sahib Mian Ali Muhammad, Extra Assistant Settlement Officer, Lahore.
4. Rai Sahib Lala Dewan Chand, Extra Assistant Colonization Officer, Pakpattan.

##### PUNJAB CIVIL SERVICE (JUDICIAL BRANCH).

Khan Bahadur Sheikh Din Muhammad.

**RESTRICTIONS ON LIBERTY OF SPEECH BY POLITICAL WORKERS  
AND PUBLIC LEADERS.**

**\*7033. Sardar Sampuran Singh :** Will the Honourable Premier be pleased to state—

- (a) the number and names of political workers and other public leaders in different districts of the province who have been served with notices prohibiting them from participating in or addressing any political or public meeting in the province ;
- (b) the reasons for which they have been so deprived of their liberty of speech ;
- (c) when does the Government propose to remove such restrictions as are imposed upon them at present ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a)

Lahore .. .. .	5.
Amritsar .. .. .	2.

It is not in the public interest to give names ;

(b) For acting in a manner prejudicial to public order.

(c) This depends on future events.

**CENSORING OF DAK.**

**\*7127. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state whether the Punjab Police has so far prepared any list of persons in the Punjab whose Dak is to be censored ; if so, whether the list includes the names of any of the members of the Punjab Legislative Assembly ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** It is not in the public interest to answer this question.

**PROSECUTIONS AGAINST MAULANA ATA ULLAH SHAH BUKHARI.**

**\*7169. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state the number of prosecutions launched by Government against Maulana Ata Ullah Shah Bukhari in different parts of the province in which prosecution has failed to prove their case ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** Two, since 1st April, 1937.

**EXPENDITURE ON WAR.**

**\*7170. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state the amount of the additional expenditure which Government have incurred on account of its war effort since the war started ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** Expenditure incurred in connection with war measures so far is approximately 15 lakhs. A proportion of this however will be repaid to provincial revenues by the Central Government.

**Sardar Lal Singh :** Was the consent of this House taken to this expenditure ?

**Parliamentary Private Secretary :** Yes.

**Sardar Lal Singh :** When was this consent taken ?

**Parliamentary Private Secretary :** In the supplementary estimates.

**Sardar Sahib Sardar Santokh Singh :** May I know what this expenditure chiefly consists of ?

**Parliamentary Private Secretary :** Civic guards, additional police, additional officers.

#### SUBSIDIES TO NEWSPAPERS FOR WAR PROPAGANDA.

**\*7171. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state whether any amounts have been paid during the last few months to the newspapers in the Punjab for conducting war propaganda ; if so, the names of such papers and the amount paid to each of them ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** The honourable member is referred to the answer to starred question No. 6873.<sup>1</sup>

#### DAMAGE BY HAILSTORM.

**\*6932. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government is aware of the havoc wrought by hailstorm in September 1940 in different districts of the Punjab ;
- (b) if so, whether the Government has prepared an estimate of the damage caused and whether the relief which the Government considers must necessarily be given has been estimated ; if so, its nature and other particulars ?

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

(b) The extent of damage is under consideration by the various local authorities. Where the damage was greatest additional taccavi loans have already been advanced where necessary. Relief in the shape of remissions of land revenue and abiana will be given in due course according to rules.

**Sayed Mohy-ud-Din Lal Badshah :** Will the Parliamentary Secretary give the figures in respect of Attock District ?

**Parliamentary Secretary :** The reply already given covers the Attock District also.

**Sayed Mohy-ud-Din Lal Badshah :** In view of the fact that no abiana is realized from that part of the province, what will be the nature of the remission ?

**Parliamentary Secretary :** Of course abiana is not realized by the Government collects the land revenue.

**Sayed Mohy-ud-Din Lal Badshah :** Have not the Government received any information from Deputy Commissioner for remission so far ?

**Parliamentary Secretary :** No, because the Deputy Commissioners forward the applications to the Government after due consideration we have not received them yet.

MAGISTERIAL INQUIRY ON THE DEPARTMENTAL REPORT OF MR. K. C. CHAUDHRI, I.C.S., AGAINST JAN MUHAMMAD, CONTRACTOR.

\*6939. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that a further magisterial inquiry was held on the departmental report of Mr. K. C. Chaudhri, I. C. S., Famine Relief Incharge, district Rohtak, against contractor Jan Muhammad ; if so, how much time was taken to make this inquiry, and with what result ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The Additional District Magistrate, Rohtak, is making an independent administrative enquiry. The work has taken several months and it is expected that it will be completed by the end of November, 1940.

#### ABOLITION OF *CHAH* RATES.

\*7021. **Sardar Sampuran Singh :** Reference reply to part (d) of starred question No. 472 (Punjab Assembly Debates, Volume I, page 1538), will the Honourable Minister of Revenue be pleased to state if, in view of the Darling Committee Report, the Government has taken any decision in regard to the abolition of *Chahi* rates ; if so, the nature of that decision ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The Darling Committee did not recommend the abolition of *Chahi* rates. In their recommendation No. 19 in paragraph 256 of their report, they suggested that the minimum period of protective lease to be granted in the case of a masonry well should be raised from 20 to 30 years. Government have accepted this recommendation.

#### ENFORCEMENT OF TRADE EMPLOYEES ACT, COLOURIZATION OF VEGETABLE GHEE ACT AND RELIEF OF INDEBTEDNESS (AMENDMENT) ACT.

\*6935. **Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state as to when does the Government contemplate to enforce the following Acts :—

- (a) (i) Trade Employees (Shop Assistants) Act, (ii) Colourisation of Vegetable Ghee Act, (iii) Relief of Indebtedness (Amendment) Act ;
- (b) whether the Government intend to place the rules to be made under these Acts before the Assembly for discussion before enforcing them ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (a) (i) It is the intention of the Government to enforce the Trade Employees Act as soon as the necessary Rules, which are in an advanced stage of preparation, are ready.

(ii) There is no such Act. The honourable member is probably referring to the Punjab Pure Food (Amendment) Act, 1940. If so, the Act has already come into force. A draft rule prescribing the colouring matter



was notified on the 2nd October, 1940,—*vide* Punjab Government Notification No. 4274-M-40/39147. The draft rule will be taken into consideration on or after the 1st December, 1940, in the light of objections and suggestions received before the prescribed date.

(iii) The Relief of Indebtedness (Amendment) Act, 1940, came into force on the 27th September 1940, the date on which it received the assent of the Governor-General of India. No rules are to be framed under this Act.

(b) Government do not propose to place a draft of the rules under the Trade Employees Act before the Assembly for discussion before enforcing them.

#### CHILD LABOUR IN WORKSHOPS.

**\*7015. Sardar Sampuran Singh :** Reference answer to starred question No. 1614<sup>1</sup> part (b), asked on 27th January, 1938, will the Honourable Minister of Development be pleased to state—

- (a) whether any replies to the letter in question have been received ;
- (b) if so, the nature of the replies ;
- (c) in case no replies have been received so far, the reasons for the same ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (a), (b) and (c) It is not clearly understood to what replies the honourable member is referring. But the position is that the Government of India letter in question was referred for opinion to various Chambers of Commerce and certain selected associations of employers workers in the province. Replies from these bodies and inquiries made by the Department of Industries showed that the industries of bidi making and mica splitting do not exist and there is hardly any shellac manufacture in the province. The manufacture of cement and matches is carried on almost entirely in registered factories. In soap works, children are employed in connection with such stages as packing, which does not involve risk or hard work. The trades of cloth printing, dyeing, etc., fire-works manufacture and tanning are carried on usually as family concerns. Considerable numbers of children are engaged in the carpet weaving and wool cleaning trades, though, when the wool cleaning is carried out on the premises of a regular baling press, their employment is regulated by the provisions of the Factories Act.

2. The Chambers of Commerce and Associations consulted were almost unanimously in favour of the enactment of the legislation contemplated by the Government of India. It was also suggested that foundries should be brought within the scope of the contemplated legislation. In their reply to the Government of India, the Punjab Government while supporting the principle of the contemplated legislation, pointed out that there was no immediate necessity for it in this province. It was added that, if legislation was enacted at all, then the form thereof proposed by the Government of India, was suitable, although difficulty might arise in drawing the necessary distinction between a family concern and a regular workshop. The Employment of Children Act has since been amended by the Government of India,—*vide* Act No. XV of 1939.

COMPLAINT AGAINST VETERINARY ASSISTANT, KALANAUR, DISTRICT ROHTAK.

**\*7098. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that the Deputy Superintendent, Civil Veterinary Department, Rohtak, received a complaint recently against the Veterinary Assistant, Kalanaur, for undue favour shown by him in awarding prizes to the owners of best cows of the village Sundana ; if so, to what result ;
- (b) whether the Deputy Superintendent has since received more than one reminders to this effect from one Ch. Ved Pal, of Sundana village ; if so, with what effect ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (a) Yes, but an enquiry made in the matter showed that there was no truth in it.

(b) Yes, only one reminder was received. The result of the enquiry was, however, verbally communicated to the complainant by the Deputy Superintendent, Civil Veterinary Department, Rohtak.

CORRESPONDENCE BETWEEN HIS EXCELLENCY THE GOVERNOR-GENERAL AND THE PUNJAB GOVERNMENT REGARDING PUNJAB RELIEF OF INDEBTEDNESS AMENDMENT ACT.

**\*7117. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that certain correspondence passed between His Excellency the Governor-General and the Punjab Government as to the desirability or otherwise of the law as contained in the recently passed Punjab Relief of Indebtedness Amendment Act before the same was assented to by him ;
- (b) if the reply to the above be in the affirmative, whether he would place the said correspondence on the table of the House ;
- (c) in case he may not be prepared to do so, whether he will inform the House of the nature and substance of the correspondence ?

**Parliamentary Private Secretary (Sayad Amjad Ali Shah) :** (a) No.

(b) and (c) Do not arise.

DACOITS KILLED IN ENCOUNTERS WITH POLICE.

**\*7101. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of dacoits and other out-laws killed by the police in the province during the present year in the police encounters with them ;
- (b) the circumstances under which each dacoit or out-law was killed ;
- (c) the number of police, if any, killed in such encounters ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) and (b) A statement giving the required information is laid on the table. In addition to the ten dacoits given in the statement, 7 others were killed in encounters with State Police on State territory.

(c) Nil.

*Statement showing particulars of dacoits and other outlaws killed in encounters with the police.*

Serial No.	Particulars of the dacoits.	Circumstances under which the dacoits were killed.
1	Lehna, son of Shibu, Saini of Shahpura, Police Station Mullana, District Ambala.	He was killed in an encounter with the police on the 11th April, 1940, at village Nangala, Police Station Naraingarh, District Ambala, when the Special Staff with the help of the Ambala Police raided the village.
2	Gian Singh, son of Indar, Jat of Kalewal, Police Station Kharar, District Ambala.	He was killed in an encounter with the police on the 14th April, 1940, near village Khalaaur, Police Station Lalru, Patiala State, when the Special Staff with the help of the Ambala Police raided the village.
3	Maghi Singh, alias Maghi, Jat of Bajehri, Police Station Kharar, District Ambala.	He was killed in an encounter by the Superintendent of Police, incharge Special Staff, near village Ghazipur, Police Station Mubarkpur, District Ambala, on the 16th April 1940.
4	Gurdial Singh of Mari, Police Station Nathana, District Ferozepore.	He was shot dead in an encounter with the Ludhiana District Police on the 27th May 1940, at village Dalla, Police Station Jagraon, District Ludhiana.
5	Diala, son of Kehra, Bazigar of Dhelwan, Police Station Kot Kapura, Faridkot State.	All the three outlaws were killed in an encounter with the police on the 27th June, 1940, near village Mehraj, Police Station Nathana, District Ferozepore.
6	Puran, son of Kunda Singh, Jat of Mehraj.	
7	Suleman, son of Sundar, Arain of Kalayan Sukha.	
8	Bawa Nand, son of Sadhu Ram of Man, Police Station Jagraon, District Ludhiana.	He was shot dead in an encounter with the Ludhiana District Police on the 27th July, 1940, at village Braich, Police Station Jagraon, District Ludhiana.
9	Nikha Singh, son of Rur Singh, Tarkhan of Thanesar, District Karnal.	He was shot dead in an encounter with the Police on the 11th August, 1940, near 'Khanpur Nadi', Police Station Kharar, District Ambala, by the Special Staff with the help of the Ambala District Police.
10	Modan Singh of village Rangian, Police Station Morinda, District Ambala.	He was shot dead in an encounter with the Ambala District Police on the 3rd October, 1940, in the Jungle of Village Kurali, Police Station Kharar, District Ambala.

REPRESENTATION OF MUSSALMANS IN SERVICES OF JAGADHRI  
MUNICIPALITY.

**\*7142. Malik Barkat Ali :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the representation of the Mussalmans in the services of the Jagadhri Municipal Committee is practically nil and that no Mussalman holds any responsible office in the committee ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** I must decline with regret to answer questions which savour of communalism on the floor of the House. If the honourable member wants he may put an unstarred question.

REDUCTION IN CONTRIBUTION TO BE PAID BY VILLAGES FOR  
SUBSIDIZED DISPENSARIES.

**\*6712. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Education be pleased to state whether the attention of Government has been drawn to the resolution passed and sent to it by the District Board, Ludhiana, requesting the Government to reduce the contribution to be paid by the villages, in which subsidized dispensaries are to be opened, from Rs. 300 to Rs. 150 and in some cases, to Rs. 100 only ; if so, whether Government has at all considered the resolution mentioned above and the poor financial condition of the residents of the villages in which these dispensaries are to be opened ; and if so, the result of that consideration ?

**The Honourable Mian Abdul Haye :** The resolution of the District Board, Ludhiana, referred to by the honourable member has not yet been received by Government or by the Inspector-General of Civil Hospitals, Punjab.

MEDICAL GRANT RELIEF GIVEN TO DISTRICT BOARD,  
LUDHIANA.

**\*6713. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Education be pleased to state—

- (a) the amount of grant-in-aid given to the District Board, Ludhiana, by the Sanitary Board, Punjab, for medical relief, village sanitation, vaccination, and hygiene purposes for the years 1936-37, 1937-38 and 1938-39 ;
- (b) whether he is aware that the grant for medical relief and other allied purposes given to the said Board for this year has been reduced to such an extent that it will be well nigh impossible for the Board to give substantial medical relief including the distribution of quinine to the people of the district and particularly to the *Beit ilaga* where malaria generally takes a heavy toll of life every year, if so, the action intended to be taken in the matter ?

**The Honourable Mian Abdul Haye :** (a) The Sanitary Board, Punjab, does not give grants-in-aid to local bodies for the purposes sanctioned by the honourable member.

(b) The grant for medical relief given to the District Board, Ludhiana, has not been reduced.

## POOR HEALTH OF THE PEOPLE OF ILAQA BEIT.

**\*6714. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Education be pleased to state whether Government has ever tried to ascertain the causes of the poor health of the people in general of ilaqa *Beit*, if so, the result at which it has arrived and the measures, if any, adopted so far to remove those causes ?

**The Honourable Mian Abdul Haye :** Yes. A malaria survey of Beit Ilaga in the Ludhiana district was carried out in 1980. The area surveyed exhibited the characters of hyper-endemic malaria. Since then Government have spent Rs! 2,00,000 on the training and deepening of the Budha Nala, as a result of which a large area of marshy land has been reclaimed and the incidence of malaria appreciably reduced in the ilaqa. A special health staff has again been deputed, the details of which were given in my answer to the honourable member's starred question No. 6621.<sup>1</sup>

EMPLOYMENT OF *UNANI TABIBS* AND *VAIDS*.

**\*7201. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state whether it is a fact that, in connection with the starting of subsidised dispensaries in the province, there is a demand for employment of *Unani Tabibs* and *Vaids* ; if so, what steps the Government intends to take in response to this demand ?

**The Honourable Mian Abdul Haye :** Such a request was made by only one district board. It was not possible to accede to it, because the scheme provides for the employment of registered medical practitioners only.

## CENSORING OF FILMS.

**\*6970. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that there is a Board of Censors appointed by the Punjab Government for censoring films before allowing them to be exhibited ; if so, whether Government will be pleased to lay on the table of the House the constitution powers and functions of the present Board and its personnel ;
- (b) whether Government is aware of the fact that there is a feeling of public resentment against the abundance of obscene films shown in various cinema houses in Lahore ; if so, what steps Government is taking to keep a more vigilant eye on every new film from moral point of view ?

**Parliamentary Private Secretary (Sayed Arujad Ali Shah) :** (a) Yes. Copies of the notifications showing the personnel of the Board are laid on the table. The powers and functions of the Board are given in sub-sections (1), (2) and (8) of section 7 of the Cinematograph Act, 1918.

[Sayed Amjad Ali Shah.]

(b) Representations are sometimes made against certain films and action is taken wherever it is considered desirable, and Government have no reason to assume that the Board and local officers are not discharging their responsibilities in this respect.

*Punjab Government, Home Department (General), Notification No. 8525-H-38/41469, dated the 12th December, 1938.*

In exercise of the powers conferred by subsection (1) of section 7 of the Cinematograph Act, 1918, as amended, the Governor of the Punjab is pleased to constitute a Board, consisting of the following twelve members, to serve as an authority for the purpose of examining and certifying films a suitable for public exhibition :—

- (1) The Commissioner, Lahore Division.
- (2) The Director, Information Bureau, Punjab.
- (3) The Director of Public Instruction Punjab.
- (4) The Provincial Secretary, Boy Scouts Association.
- (5) The Deputy Directress of Public Instruction, Punjab.
- (6) The Controller of Examination, University of the Punjab, Lahore.
- (7) Lady Abdul Qadir, 4, Temple Road, Lahore.
- (8) Mrs. Brij Lal Nehru of Lahore.
- (9) Professor Gulshan Rai, 24, Mela Ram Road, Lahore.
- (10) Sardar Bahadur Doctor Kartar Singh, Honorary Magistrate, Lahore.
- (11) J. G. Bhandari, Esquire, 6, Canal Bank, Lahore.
- (12) Maulvi Ghulam Mohy-ud-Din Khan, Advocate, 62, Temple Road, Lahore.

2. The Board shall be known as the Punjab Board of Film Censors. The Commissioner, Lahore Division, shall be the President of the Board and the Director, Information Bureau, Punjab, its Secretary.

3. The area within which the Board will exercise the powers conferred upon it by the Act is declared to be the province of the Punjab.

4. The members appointed by name will hold office for three years from the date of the publication of this notification.

*Punjab Government, Home/General Notification No. 386-S-H. G.-40/1138-S.; dated the 4th June, 1940.*

In exercise of the powers conferred by subsection (1) of section 7 of the Cinematograph Act, 1918, the Governor of the Punjab is pleased to direct that the following amendment be made in *Punjab Gazette* Notification No. 8525-H-38/41469, dated the 12th December, 1938, by which a board to be known as the Punjab Board of Film Censors was constituted.

This notification shall remain in force during the continuance of the present state of war and for six months thereafter and shall then cease to have effect.

#### *Amendment.*

After item (12) in the first paragraph of Punjab Government Notification No. 8525-H-38/41469, dated the 12th December, 1938, the following shall be added, namely :—

- (13) An army officer to be nominated from time to time by the Commander Lahore District.

### ARRESTS AND CONVICTIONS OF PERSONS UNDER THE DEFENCE OF INDIA RULES.

**\*7034. Sardar Sampuran Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of persons arrested up-to-date in the province under the Defence of India Rules since September 3, 1939.

- (b) the number of those of them who have been tried before a court of law ;
- (c) the number separately of those among them who have been discharged or convicted ;
- (d) the number of cases out of these (i) in which the persons concerned have been acquitted, (ii) in which the sentence already undergone has been considered sufficient and (iii) in which sentence has been reduced by the High Court ;
- (e) the number of those who are being detained without trial ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah) : (a) 852 up to and including 8th November, 1940.

(b) 671 up to and including 8th November, 1940.

(c) Discharged	..	..	..	..	65
Convicted	..	..	..	..	477

(d) (i) and (ii). This information had to be collected from districts. I fear that they have not been able to interpret this part of the question uniformly, and the question is somewhat loosely worded. For instance, some officers have understood the whole of this part to refer to action in the High Court. Others have given figures of acquittals in the original courts, while others have confined these figures to the appeal courts. In the circumstances, it is not possible to give reliable figures, but if the honourable member will be more specific, I will endeavour to collect information.

(iii) 20.

(e) 18 under rule 26 and 12 under rule 129, Defence of India Rules (on 8th November 1940).

#### SUBSIDY TO NEWSPAPERS.

**\*7161. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether any sum of money has been paid or is to be paid by the Government out of public revenues by way of subsidy to any local newspaper ;
- (b) if so, the services for which they have been paid or are to be paid ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah) : (a) No.

(b) Does not arise.

#### AGITATION AGAINST APPOINTMENTS MADE BY GOVERNMENT IN DIFFERENT DEPARTMENTS.

**\*7206. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to a series of articles that have been published in recent months in the Hindu Vernacular Press in which facts and figures have been given regarding the appointments made in different departments by the present Government ;

[Lala Duni Chand.]

- (b) whether Government has so far, by means of any official *communique* or in any other manner, explained and justified the appointments criticised in the Press; if not, whether Government intends to take any step in the matter now?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): (a) Yes.

(b) No official *communique* was issued. The policy, however, of the Punjab Government in regard to communal representation in Public Services was explained by the Director of the Information Bureau at a press conference held on September 17, 1940.

---

MR. HANS RAJ WIRELESS.

**\*7241. Dr. Sant Ram Seth:** Will the Honourable Premier be pleased to state whether Government is aware that Mr. Hans Raj Wireless has declared his intention to visit Punjab shortly and that the Sind Government has lifted the ban on his movements; if so, whether the Government has any objection to the entry of Mr. Hans Raj Wireless in the Punjab; if so, why?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah):  
First part.—Yes.

Second part.—No.

Third part.—Does not arise.

---

APPOINTMENT OF MUSLIMS TO KEY POSTS.

**\*7257. Rai Bahadur Lala Sohan Lal:** Will the Honourable Premier be pleased to state whether he is aware of the agitation in the Hindu Vernacular Press of Lahore that too many Muslim officers have been appointed to certain key posts; if so, what has the Honourable Premier got to say in the matter?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): Yes. The policy of the Punjab Government in regard to communal representation in public services was explained by the Director of Information Bureau at a press conference held on September 17th, 1940.

**Rai Bahadur Mukand Lal Puri:** What is that policy?

**Parliamentary Private Secretary:** If my honourable friend will take the trouble of reading the *communique*, he will find it out.

**Rai Bahadur Mukand Lal Puri:** Where shall I find it? Is it in the library here?

**Parliamentary Private Secretary:** It was in all the local papers.

**Sardar Lal Singh:** Why does the Government fight shy of discussing this question on the floor of the House?

**Parliamentary Private Secretary:** This matter cannot be discussed in questions and answers. If my honourable friend wants to discuss it he can bring in a motion.



SADHU SINGH GIYANI.

**\*7301. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware that one Sadhu Singh Giyani of village Kakrala Khurd, post office Kakrala Kalan, district Ludhiana, has been externed by the Bengal Government acting under the Defence of India Rules, if so, whether the specific charges against him have been communicated to the Government and ; if so, the nature of those charges ;
- (b) whether it is a fact that since his return to the Punjab the said Giyani has been placed under police surveillance ; if so, whether it has been done by this Government of its own motion for reasons of its own or acting under instructions of the Bengal Government ;
- (c) whether the Punjab police had anything on record against this man previous to the externment ; if so, what is the nature of the report ;
- (d) whether he is aware that since the time the said Giyani has been placed under surveillance it has become impossible for him to earn a living and thus keep body and soul together, if so, whether any maintenance allowance has been given or is proposed to be given to him ?

**Parliamentary Private Secretary (Sayedi Amjad Ali Shah) :** (a) *First and second parts.*—Yes.

*Third part.*—Acting in a manner prejudicial to the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war.

(b) It is not in the public interest to answer this part of the question.

(c) Yes. Gyani Sadhu Singh was prosecuted in the Jullundur district under rule 34 (6) (k) read with rule 38 of the Defence of India Rules in respect of a speech delivered by him in Jullundur City on the 7th September, 1939, and, after absconding and being arrested in Calcutta, was sentenced to six months' rigorous imprisonment on the 30th March, 1940.

(d) *First part.*—In view of the answer given to clause (b), the necessity to answer this part of the question does not arise. No restriction has, however, been imposed on his earning his livelihood in the Punjab.

*Second part.*—No.

#### TUBE-WELL IRRIGATION.

**\*7024. Sardar Sampuran Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the report of the Special Officers appointed to investigate the possibilities of tube-well irrigation in the province has so far been submitted to the Government ; and, if so, whether Government has formulated its conclusions thereon ;

[S. Sampuran Singh.]

- (b) the results of the experiments in the Karnal district in this respect and whether these have proved to be fruitful and whether or not it is proposed to extend this facility to other districts also; if so, when and if not, why not?

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

(b) The results were promising, but more detailed surveys are required which have been suspended, as on account of the war, it would be very difficult and expensive to get the required plant and machinery. Tube-well schemes for other districts will be considered when results of the Karol Tube-well Scheme in the Lahore district and the proposed scheme in the Karnal district are known.

#### BHAKRA DAM SCHEME.

**\*7239. Dr. Sant Ram Seth** : Will the Honourable Minister of Revenue be pleased to state when the Bhakra Dam Scheme is likely to be undertaken?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : As soon as a settlement with the Indian States concerned is effected, and the necessary financial provisions can be made.

#### REMISSION IN LAND REVENUE AND ABIANA.

**\*7261. Chaudhri Muhammad Hasan** : Will the Honourable Minister of Revenue be pleased to state—

- the total amount of remissions in land revenue and *abiana* throughout the province separately per year during the last four years beginning from 1937;
- the amount of remissions in land revenue and *abiana* for the same period separately and per year in each tahsil of the Ludhiana district;
- the name of the village in any of the tahsils of the Ludhiana district to which the largest amount of remission in land revenue and *abiana* was granted?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : (a) and (b) A statement is laid on the table.

(c) Raipur, tahsil Ludhiana.

*Remissions of land revenue and abiana.*

(a) Financial year.	AMOUNT REMITTED.	
	Land revenue.	Abiana.
	Rs.	Rs.
1937-38 .. .. .	28,01,000	26,10,000
1938-39 .. .. .	34,52,000	28,82,000
1939-40 .. .. .	44,95,000	15,68,000
1940-41 (Rabi only) .. .. .	9,76,000	5,31,000

(b) Financial year.				Ludhiana tahsil.	Jagraon tahsil.	Samrata tahsil.
				Rs.	Rs.	
1937-38	..	{ Land Revenue	..	257	376	..
	..	{ Abiana	..	62	331	..
1938-39	..	{ Land Revenue	..	33,630	4,612	..
	..	{ Abiana	..	5,534	1,102	..
1939-40	..	{ Land Revenue	..	10	27	..
	..	{ Abiana	..	751	1,254	..
1940-41 (Land Revenue)	..	..	..	..	..	..
(Rabi only) Abiana	..	..	..	30	172	..

## CULTIVATED AREA ON RAJBAHA, FEROZEPORE.

**\*7278. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

(a) the area of land which has been cultivated for *kharif* crop during the last five years on the tail of the Rajbaha, Ferozepore, Khadar Canal Branch, tahsil Pakpattan ;

(b) the area of land which has been cultivated for *kharif* crop on the above-named tail this year ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) The area cultivated for Kharif crops at the tail of Ferozepore Distributary during the last five years is as follows :—

					Acres.
Kharif 1935	..	..	..	..	108
Kharif 1936	..	..	..	..	133
Kharif 1937	..	..	..	..	159
Kharif 1938	..	..	..	..	107
Kharif 1939	..	..	..	..	120

(b) Similar figures for Kharif 1940 are 129 acres.

## CONVERSION OF INUNDATION CANAL IRRIGATING LANDS IN AND AROUND KAMALIA INTO A PERENNIAL CANAL.

**\*7305. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether or not any representation has ever been made

[Munshi Hari Lal.]

by the people of Kamalia in the Lyallpur district for converting the inundation canal now irrigating that *Ilaga* into a perennial canal ; if so, the action that Government intends taking in this matter ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : Presumably the honourable member is referring to the Burala Branch Extension, which however is not an inundation canal but a Kharif channel. Its conversion into a perennial channel cannot be seriously considered until Government are satisfied that extra rabi water supplies can be made available.

#### RACK RENTING BY LESSEES ON TENDER SYSTEM ON BURALA EXTENSIONS.

**\*7306. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether or not the tenants on the Burala Extension have ever represented to the Government against rack renting by the lessees on tender system with a prayer for the intervention of the authorities on the lines on which relief was provided to the tenantry of the Nili Bar last year ; if so, with what result ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : *First part—*  
No.

*Second part.—*Does not arise.

I may add for the information of the honourable member, however, that the exaction of greater rent than considered suitable by Government will render lessees liable to have their leases resumed without compensation.

#### EXTORTIONATE TERMS OF THE LESSEES ON HAVELI PROJECT.

**\*7307. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether or not the tenants on the Government lands in the Haveli Project in the Multan district have ever represented to the Government against the extortionate terms of the lessees on tender system and prayed for the intervention of the authorities for relief ; if so, with what result ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan) : No such representation has been received by Government. The terms of the leases make them liable to confiscation if extortionate terms are imposed on sub-tenants.

#### SCHEDULED CASTES STUDENTS AND INDUSTRIAL SCHOOLS.

**\*6950. Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of students belonging to the scheduled castes at present studying in the final classes of Government Industrial Schools in the Province ;

- (b) whether it is a fact that their number is very small; and if so, what additional facilities by way of scholarships, stipends and fee concessions, Government proposes to provide to attract such students in larger number?

**Parliamentary Secretary (Chaudhri Tikka Ram):** (a) 16.

(b) Yes. The following facilities by way of concessions in fees, scholarships, stipends, etc., are provided for the benefit of students belonging to the scheduled castes. No additional facilities are contemplated at present.

(1) *Half fee concessions.*—All students belonging to the scheduled castes are charged half fees in all the industrial schools and institutes.

(2) *Award of scholarships and stipends.*—(i) 25 per cent of the total number of students on rolls in the Government Industrial Schools and Institutes are awarded scholarships and stipends. Scholarships are awarded on merit, and stipends on the score of poverty. The scheduled caste students being poor are able to secure a fair share of the available stipends. So far as scholarships go, preference is given to students of scheduled castes if competing candidates happen to be of equal merit.

(ii) One Silver Jubilee Scholarship of Rs. 10 per month is reserved for aiterate member of the scheduled castes for training in weaving in any one of the weaving schools of the Department.

(iii) Ten scholarships of the value of Rs. 7 per month each are awarded every year to the boys from rural areas at the Government Leather School, Kasur, from the Special Development Fund. A substantial share of these scholarships goes to the students of the scheduled castes.

(3) *Special classes and parties for the benefit of the scheduled castes.*—

(i) A special class has been opened at the Government Tanning Institute, Jullundur, known as class B, which is reserved for *Chamars* alone. No fees are charged and all students of this class are awarded stipends of Rs. 10 per mensem each.

(ii) Two travelling demonstration parties in tanning are already working. These mostly benefit scheduled castes. Four more parties for imparting training in flaying, tanning and leather industries are being set up in the near future. These parties again will mostly benefit the scheduled castes.

#### INDUSTRIAL SCHOOLS.

**\*7025. Sardar Sampuran Singh:** Will the Honourable Minister of Development be pleased to state—

(a) the number of Industrial Schools, district-wise, which existed in the province on March 31st, 1937;

(b) the number of Industrial Schools, district-wise, opened by the present Government since that date?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** Two statements giving the required information are laid on the table.

*Statement showing the names of industrial schools for boys and girls and industrial institutes, districtwise which existed in the province on the 31st March, 1937.*

Serial No.	District.	Industrial Schools for Boys.	Industrial Schools for Girls.	Industrial Institutes.
1	Lahore ..	Mayo School of Arts, Lahore. Government Technical School, Lahore. Government Industrial School, Kasur.	Government Zanana Industrial School for Girls, Lahore. Lady Maynard Industrial School for Girls, Lahore.	Emerson Institute for the blind, Lahore.
2	Amritsar ..	Government Industrial School of Modern Tailoring, Amritsar.	..	Government Central Weaving Institute, Amritsar.
3	Sialkot ..	..	..	Government Metal Works Institute, Sialkot.
4	Gujranwala..	Government Industrial School, Gujranwala.	..	..
5	Gujrat ..	Government Industrial School, Gujrat.	..	..
6	Shahpur ..	Government Industrial School, Sargodha.	..	..
7	Jhelum ..	Government Industrial School, Jhelum.	..	..
8	Rawalpindi..	Government Industrial School, Rawalpindi.	..	..
9	Montgomery	Government Industrial School, Montgomery.	..	..
10	Lyalpur ..	Government Industrial School, Lyalpur.	..	..
11	Jhang ..	Government Industrial School, Jhang.	..	..
12	Muzaffargarh	Government Industrial School, Muzaffargarh.	..	..
13	Multan ..	Government Industrial School, Multan.	..	..
14	Dera Ghazi Khan.	Government Industrial School, Dera Ghazi Khan.	..	..

Serial No.	District.	Industrial Schools for boys.	Industrial Schools for Girls.	Industrial Institutes.
15	Sheikhupura	..	..	Government Institute of Dyeing and Calico Printing, Shahdara. Government Demonstration Weaving Factory Shahdara.
16	Hissar ..	Government Industrial School, Hissar.	..	..
17	Rohtak ..	Government Industrial School, Rohtak.	..	..
18	Gurgaon ..	Government Industrial School, Rewari.	..	..
19	Karnal ..	Government Industrial School, Panipat.	..	..
20	Ambala ..	Mool Chand Government Industrial School, Ambala.	Margaret Irving Industrial School for Girls, Ambala.	Government Metal Works Institute, Ambala.
21	Kangra ..	Government Industrial School, Kulu.	..	..
22	Hoshiarpur..	Government Industrial School, Hoshiarpur.	..	..
23	Jullundur ..	..	..	Government Wood Working Institute, Jullundur.
24	Ludhiana ..	Government Industrial School, Ludhiana.	..	Government Tanning Institute, Jullundur. Government Hosiery Institute, Ludhiana.
25	Ferozepore ..	Government Industrial School, Ferozepore.	..	..

*Statement showing the names of industrial schools for boys and girls and Industrial Institutes district-wise opened since the 1st April, 1937.*

Serial No.	District.	Industrial Schools for boys.	Industrial Schools for Girls.	Industrial Institutes.
1	Lahore ..	..	Sir Sikander Industrial School for Girls, Lahore.	Government Teachers' Training Institute for Women, Lahore.
2	Rawalpindi..	..	Government Industrial School for Girls, Rawalpindi.	..

**REPORT BY PROFESSOR K. T. SHAH ON POSSIBILITIES OF  
INDUSTRIAL DEVELOPMENT IN PUNJAB.**

**\*7151. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that Professor K. T. Shah of Bombay has already submitted his report on the possibilities of Industrial development in the Punjab; if so, whether he will be pleased to lay a copy of that report on the table of the House;
- (b) whether that report has been considered by the Government and if so, the action taken or intended to be taken thereon?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (a) *First part*—Yes.

*Second part.*—The report is under print; but it is not intended to publish it until it has been considered by Government.

(b) *First part.*—Not yet.

*Second part.*—Does not arise.

**LOANS IN AID OF INDUSTRIES.**

**\*7212. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state—

- (a) the amount of loans granted to the Industrial concerns in the towns like Amritsar, Lahore, Sialkot, Jullundur and Ludhiana as well as loans or subsidies granted for the encouragement of cottage industries in the rural areas in the province;
- (b) the amount of loans or subsidies granted to the weavers in the Punjab for the manufacture of hand-spun and hand-woven cloth;
- (c) the amount of loans or subsidies granted to *chamars, mochis* and others engaged in leather tanning industry?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (a) (i) A sum of Rs. 13,41,154 has been granted for loans in urban areas since the commencement of the Punjab Industrial Loans Act, 1923, now replaced by the Punjab State Aid to Industries Act, 1935.

(ii) The amount disbursed in rural areas as loans and subsidies for encouragement of cottage industries is Rs. 65,070 and Rs. 700 respectively.

(b) The amount of loans granted to the weavers for handloom weaving industry is Rs. 9,825. No subsidy has been granted for this purpose.

(c) The amount of loans granted for the leather tanning industry is Rs. 58,350. No subsidy has been granted for this purpose.

**CLERKS IN CIVIL COURTS, GURGAON.**

**\*6853. Pandit Shri Ram Sharma :** Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that some of the candidates in the clerical line, civil courts, Gurgaon, represented their grievances to the Honourable the Chief Justice, High Court, Lahore, on 20th June, 1940;



(b) whether their complaint contained definite instances of undue favouritism and disregard of the order of seniority while making appointment ;

(c) whether any enquiry was held into these complaints ; if so, to what effect ?

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

(c) Yes. The matter is under the consideration of the Honourable Judges of the High Court.

#### CONSUMPTION OF LIQUOR IN THE PROVINCE.

**\*6944. Mr. Dev Raj Sethi :** Will the Honourable Minister of Finance be pleased to state the total quantity of liquor of various kinds including the country made spirit consumed in the province during the three years ending 31st March, 1938, and ending 31st March, 1940 ?

**The Honourable Mr. Manohar Lal :** A statement showing consumption of liquor of various kinds in the Punjab during the two years 1937-38, 1938-39 and 1939-40 is laid on the table.

**Sardar Sahib Sardar Santokh Singh :** May I request the Honourable Minister to tell us if the consumption has risen or has decreased. I am sorry, but I did not quite hear what he said.

**Minister :** As regards the country spirit, it is on the decrease within these two years. So far as foreign liquor are concerned, there has been a slight increase of about 800 gallons and so far as that manufactured in India is concerned, there is a fall. Imported wine is also on the decline. Beer imported there has a very very small increase, beer manufactured in India shows a very substantial fall.

*Statement showing consumption of liquor including country spirit in the Punjab during the years 1937-38, 1938-39 and 1939-40.*

Year.	Country spirit in imperial gallons London Proof.	FOREIGN SPIRIT.		Imported wines in imperial gallons.	BEER.	
		Imported in imperial gallons London proof.	Manufactured in India in imperial gallons London proof.		Imported in imperial gallons.	Manufactured in India in imperial gallons.
1	2	3	4	5	6	7
1937-38 .. ..	409,844	32,088	14,755	12,735	195,314	525,441
1938-39 .. ..	399,914	32,813	14,428	11,076	200,176	380,122
1939-40 .. ..	415,621	31,332	16,919	9,386	180,706	475,427

SHEIKH HISSAM-UD-DIN.

**\*7272. Shrimati Raghbir Kaur :** Will the Honourable Finance Minister be pleased to state—

- (a) whether he is aware of the fact that Sheikh Hissam-ud-Din, President, Punjab Motors Union, who is undergoing a sentence of 4 years imprisonment under the Defence of India Rules, recently had an operation performed on him in the Mayo Hospital on account of some knee trouble ;
- (b) whether he is aware of the fact that in spite of that operation Sheikh Hissam-ud-Din still finds it difficult to move about and that he has not been completely cured of that trouble ;
- (c) whether he has received any report regarding his health recently ; if so, whether he would be pleased to lay that report and a statement of action, if any, proposed to be taken on that report by Government, on the table of the House ?

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

(b) Yes.

(c) Shaikh Hissam-ud-Din is an old diabetic patient who suffers from an enlarged prostate, pyorrhæa alveolaris and Osteo-arthritis. He is receiving such symptomatic treatment as is necessary from time to time including periodic injections of insulin. He is also sent to hospital when operative treatment is necessary. At the beginning of this year Government met charges amounting to Rs. 988 on this account. At present his health appears satisfactory ; his weight being 147 lbs. against a standard weight of 107 lbs. and his weight on admission of 141 lbs. No further action by Government is indicated.

SANT BABA WASAKHA SINGH.

**\*7273. Shrimati Raghbir Kaur :** Will the Honourable Finance Minister be pleased to state—

- (a) whether he is aware of the fact that Sant Baba Wasakha Singh has been arrested and sent to the Deoli Camp under the Defence of India Rules ;
- (b) whether he is aware of the fact that Baba Wasakha Singh is about 70 years old and is weak and in a bad state of health ; if so, whether Government have given him any special concessions and provided any special amenities in the said Camp and whether they are considering the question of releasing him ; if so, when ?

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

(b) A copy of the approved answer for Starred Question No. 6927 is laid on the table.

**BABA WISAKHA SINGH A STATE PRISONER.**

**\*6227. Mr. Dev Raj Sethi :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether Baba Wisakha Singh, a state prisoner now in Deoli Camp, was suffering from tuberculosis at the time of his transfer from Rajanpur Jail ;
- (b) the state of his health at the time of his arrest.
- (c) the loss of weight during the period of his detention in Punjab Jails ;
- (d) whether any special medical treatment has been arranged for him ;
- (e) whether in view of his present state of health the Government proposes to release him.

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

- (b) Indifferent because of age.
- (c) He gained 2 lbs. in weight in the Punjab and is reported to be still gaining weight in Deoli.
- (d) No. It is unnecessary.
- (e) Does not arise.

**BABA KESAR SINGH.**

**\*7274. Shrimati Raghhbir Kaur :** Will the Honourable Premier be pleased to state whether and when Government propose to release Baba Kesar Singh, an old man of about 80, who is at present being detained as a State prisoner and who was arrested soon after his release on the expiry of the term of one year's imprisonment awarded to him in connection with the *Kisan Morcha* ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** Baba Kesar Singh is being detained as a security prisoner and according to the information in the possession of Government his age is about 65 and not 80. The question of his release depends on future events.

**CRIME IN LUDHIANA DISTRICT AND THE POSTING OF THE SPECIAL POLICE STAFF.**

**\*7084. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the special police staff posted to the Eastern Range, particularly in district Ludhiana, has been able to ascertain the real cause of the recent increase in crime in Ludhiana district ; if so, what is it ;
- (b) whether any suggestions have been made to the Government or proposals put forward by the special police staff to control crime ; if so, what are those suggestions ;
- (c) whether or not there has been any decrease in crime since the posting of the special staff in Ludhiana district ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) The Special Police Staff in the Eastern Range was not posted to ascertain the causes of the increased crime in Ludhiana ; it was to assist the local police in preventing dacoity and arresting proclaimed offenders.

[Sh. Faiz Muhammad.]

(b) It is not the function of the Special Staff to make suggestions or proposals.

(c) Yes. There has been a considerable decrease in dacoities, burglaries and miscellaneous crime.

---

DISCHARGE OF ACCUSED IN DACOITY AND MURDER CASES.

**\*7102. Lala Duni Chand:** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of dacoity and murder cases in which the accused were discharged or acquitted in Ambala district during the present year because of the witnesses not having come forward on account of fear of retaliatory action at the hands of dacoits or their supporters as admitted by the said witnesses or as reported by the police ;

(b) steps, if any, the authorities have taken in this matter ?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** (a) Nil.

(b) Does not arise.

---

ADDITIONAL POLICE.

**\*7228. Sardar Lal Singh:** Will the Honourable Minister for Public Works be pleased to state—

(a) the total strength of additional police in the province on 1st September, 1939, and in September, 1940 ;

(b) whether there has been any increase in the strength of that force in the latter period and, if so, the causes for this increase ;

(c) how is the additional police distributed in various districts of the province at present ?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** (a) The total strength of the Provincial Additional Police on the 1st September, 1939, was 2 Inspectors, 8 Sub-Inspectors, 8 Assistant Sub-Inspectors, 32 Head Constables and 400 Foot Constables. The strength in September, 1940, was 1 Superintendent of Police, 1 Assistant Superintendent of Police, 3 Deputy Superintendents of Police, 3 Inspectors, 22 Sub-Inspectors, 65 Assistant Sub-Inspectors, 152 Head Constables, 81 Naiks, 40 Lance Naiks and 2,419 Foot Constables.

(b) Yes. The force has been increased for the following reasons :—

(1) For internal security duties in connection with war measures.

(2) Owing to the location of an Additional Police Post in Lahore City in connection with Khaksar agitation.

(3) For the protection of Civil Aerodromes.

(4) To combat the outbreak of serious crime in the districts of the Ambala and Jullundur Ranges.

(c) A statement showing the distribution of the Provincial Additional Police in various districts of the Province at present is laid on the table.

District.	Superintendent of Police.	Assistant Superintendent of Police.	Deputy Superintendents of Police.	Inspectors.	Sub-Inspectors.	Assistant Sub-Inspectors.	Head Constables.	Naiks.	Lance Naiks.	Foot Constables.
1	2	3	4	5	6	7	8	9	10	11
Hissar ..	..	..	..	..	1	1	3	1	..	50
Ludhiana ..	..	..	..	..	3	2	1	1	2	68
Attock ..	..	..	..	..	4	4	10	8	10	150
Mianwali ..	..	..	..	..	2	3	6	1	1	85
Karnal ..	..	..	..	..	1	1	3	1	1	65
Ambala ..	..	..	..	..	..	1	2	3	6	47
Jullundur ..	..	..	..	..	1	..	8	..	..	49
Ferozespore ..	..	..	..	..	1	2	5	3	..	86
Lahore ..	1	1	3	3	3	32	75	39	10	1,109
Sheikhupura ..	..	..	..	..	..	..	10	..	..	80
Gurdaspur ..	..	..	..	..	..	..	3	..	2	34
Montgomery ..	..	..	..	..	..	..	..	..	2	8
Lyallpur ..	..	..	..	..	..	..	..	4	..	16
Amritsar ..	..	..	..	..	..	1	6	4	2	73
Jhelum ..	..	..	..	..	..	..	..	..	2	8
Rawalpindi ..	..	..	..	..	..	1	12	6	2	105
Multan ..	..	..	..	..	1	..	4	..	..	41
Hoshiarpur ..	..	..	..	..	1	..	1	1	..	25
Rohtak ..	..	..	..	..	..	..	2	..	..	20
At the Fort Lahore ..	..	..	..	..	4	17	1	9	..	300
Total ..	1	1	3	3	22	65	152	81	40	2,419

#### ADDITIONAL POLICE IN LAHORE.

\*7229. **Sardar Lal Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the strength of the additional police stationed in Lahore town and how much of this is employed in the Shahid Ganj area ;

[S. Lal Singh.]

- (b) whether there is any levy from the local population for the expenses of the police stationed in Shahid Ganj area?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): (a) An additional police post consisting of 1 Deputy Superintendent of Police, 1 Inspector, 20 Assistant Sub-Inspectors, 20 Head Constables, 20 Naiks and 588 Constables was located in Lahore City for a period of one year with effect from the 1st July, 1940. This post is exclusively for the area within the jurisdiction of Police Station City Kotwali (which includes Police Station Tibbi) and has nothing to do with the Shahidganj area, which lies within the jurisdiction of Police Station Naulakha.

(b) No.

#### ELECTRIC ENERGY GENERATED AT JOGINDERNAGAR.

**\*7232. Rai Bahadur Lala Sohan Lal:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of units of electricity generated at Jogindernagar Power House during the year 1939-40 ;  
(b) the total number of units sold during the year 1939-40 for lighting and for fans and in the form of bulk supply, separately?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): (a) 73,344,600.

(b) Number of units sold during the year 1939-40—

(i) to General Consumers, i.e., for lamps, fans, radiators, domestic water heaters, cookers, etc., and small motors of aggregate capacity less than 4 kilowatts		
..	..	2,157,142
(ii) to Bulk Consumers	..	24,500,222

#### ELECTRIC ENERGY GENERATED AT JOGINDERNAGAR.

**\*7233. Rai Bahadur Lala Sohan Lal:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the loss percentage of the energy generated by Jogindernagar Power House during the year 1939-40 ;  
(b) the cost incurred for the production and distribution of electricity in the Hydro-Electric Scheme per unit of electric energy sold?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): (a) 20.49.

	Pies.]
(i) Excluding Depreciation and Interest	2.500
(ii) Excluding Interest but including Depreciation	6.160
(iii) Including both Depreciation and Interest	15.580

## GOVERNMENT GRANTS MADE TO KANGRA DISTRICT BOARD.

**\*7234. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the amounts of the grants from various Government funds made during the year 1939-40 to the Kangra District Board for the purpose of improving and developing roads, sanitation, water supply, education, etc. ;
- (b) whether he is prepared to lay on the table of the House a statement showing the percentage of the grants from various Government funds made to the various district boards in the Punjab ;
- (c) whether it is a fact that the grants made to the District Board, Kangra, are very meagre as compared to the grants made to some of the other district boards, and are quite inadequate for the area ; if so, the steps Government intends to take to improve the financial condition of the Kangra District Board ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) and (b) The required information is not readily available, and its collection will involve time and labour not commensurate with the results likely to be achieved.

(c) If the honourable member would bring to the notice of Government any particular case in which the District Board of Kangra has not received sufficient financial assistance, the matter will be examined.

## KANGRA VALLEY RAILWAY.

**\*7235. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government are aware that the closing down of the Kangra Valley Section of the North-Western Railway will cause serious inconvenience to the public and will adversely affect the development of the backward areas of the valley ;
- (b) whether any representation on the subject has been made on behalf of Punjab Government to the Railway administration ; if so, whether he will be pleased to lay a copy of the said representation on the table of the House and also state whether any reply has been received from the North-Western Railway authorities ; if so, its nature ?

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

(b) The Punjab Government has put the Railway administration in possession of its views on the matter but since the correspondence has not yet concluded it is not considered desirable to lay any papers on the table.

## MINIMUM AREAS FOR BUILDINGS WITHIN THE MUNICIPAL LIMITS OF LAHORE.

**\*7236. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government have made any final decision in regard to the question of prescribing minimum areas for buildings and compounds of houses within the municipal limits of Lahore ;

[R. B. L. Gopal Das.]

- (b) whether the scheme to divide the town into different zones for building purposes is to be carried out ;
- (c) if the answer to (a) above be in the affirmative, whether he will be pleased to lay on the table of the House a copy of the final schedule of areas for buildings and compounds which is to be enforced in Lahore ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): (a) The Lahore Improvement Trust has various schemes under consideration for zoning different areas of Lahore for different purposes, i.e., residential, industrial, etc. One such scheme defining minimum areas for residential bungalows in a certain part of Lahore is still under the consideration of Government.

(b) A scheme zoning the whole of Lahore is under consideration of the Lahore Improvement Trust.

(c) Does not arise.

#### ELECTIONS TO THE MUNICIPAL COMMITTEE, AMRITSAR.

**\*7238. Dr. Sant Ram Seth:** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the next general elections to the Amritsar Municipal Committee are due in February, 1941 ; if so, whether the preliminary arrangements in that connection have been completed ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): The elections were due in February, 1941, but have been postponed along with the general elections of all local bodies as a war measure.

#### MURDER CASES.

**\*7277. Mian Sultan Mahmood Hotiana:** Will the Honourable Minister of Public Works be pleased to state—

- (a) the total number of such murders in this province since April, 1937, as were committed during the day time ;
- (b) in how many out of the above-named cases the accused were convicted and in how many cases they were acquitted ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): (a) and (b) A statement giving the required information is laid on the table :—

*Statement showing murder cases committed during the day time in the province.*

	Number of murder cases committed during the day time.	Number of cases convicted.	Number of cases acquitted.
1937 (From 1st April, 1937, to 31st December, 1937).	413	226	139
1938 .. .. .	638	331	229
1939 .. .. .	721	394	252
1940 (todate) .. .. .	685	158	100



## WELLS FOR SCHEDULED CASTES.

\*6769. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Education be pleased to state—

- (a) how many wells for scheduled castes have so far been sunk in the province, district-wise, out of the sum of Rs. 10,000 provided for this purpose by the Punjab Government ;
- (b) how many such wells have been sunk in the four districts of Rohtak, Gurgaon, Hissar and Karnal, respectively, and the names of the places in these districts where these wells have been sunk ?

**The Honourable Mian Abdul Haye :** (a) Out of the amount of Rs. 10,000 provided for wells for scheduled castes during the year 1939-40, a sum of Rs. 9,984 was disbursed to the following district boards for the construction of wells, tube-wells and installation of hand-pumps :—

Hissar .. .. .	1 well.
Karnal .. .. .	4 wells.
Ambala .. .. .	1 well.
Hoshiarpur .. .. .	1 well.
Gurdaspur .. .. .	2 hand-pumps.
Sialkot .. .. .	9 tube-wells.
Sheikhupura .. .. .	6 hand-pumps.
Gujrat .. .. .	1 well.
<b>Total .. .. .</b>	<b>25</b>

The works are still in progress in all the districts with the exception of Sialkot where hand-pumps in 6 villages have been installed at a cost of Rs. 401-2-0.

(b)	District.	Village.	Nature of work.
Hissar ..	.. 1.	Kharakhri ..	One well.
Karnal ..	.. 1.	Habri ..	One well.
	2.	Deg ..	One well.
	3.	Geong ..	One well.
	4.	Umri ..	One well.

Estimates for provision of wells in the districts of Rohtak and Gurgaon as detailed below were received late in the year 1939-40 :—

District.	Village.	Nature of work.
Rohtak ..	1. Bhainswan Khurd ..	Improvement of existing well.
	2. Guraothi ..	One hand-pump on well.
Gurgaon ..	1. Chita Doongra ..	Well.
	2. Baghaura ..	Improvement of existing well.

[Education Minister.]

These estimates have since been technically sanctioned by the Public Works Department and the question of allotment of requisite funds during the current financial year (1940-41) is receiving attention.

CONSTRUCTION OF WELLS FOR *Achhuts* IN KARNAL DISTRICT.

**\*7258. Chaudhri Faqir Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether Government has constructed any wells in the Karnal district, especially in tahsils Kaithal and Thanesar for the benefit of the *Achhuts*; if not, how the amount ear-marked in the budget for the year 1939-40 for the construction of wells to supply drinking water to the depressed classes was spent;
- (b) whether Government now intends to construct any wells in tahsils Kaithal and Thanesar from where the *Achhuts* may get their supply of drinking water?

**The Honourable Mian Abdul Haye :** (a) and (b) A grant-in-aid of Rs. 1,538 was disbursed to the District Board, Karnal, for the construction of 8 wells in the Kaithal tahsil and one well in the Thanesar tahsil for scheduled castes.

ENFORCEMENT OF THE PUNJAB PURE FOOD AMENDMENT ACT.

**\*7283. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Education be pleased to state the steps taken by the Punjab Government to put into effect the Punjab Pure Food (Amendment) Act, recently passed

**The Honourable Mian Abdul Haye :** A draft rule prescribing the colour to be given to artificial ghee was published on the 2nd October, 1940, for inviting objections and suggestions.

EXAMINERS OF DEPARTMENTAL EXAMINATIONS HELD BY  
EDUCATION DEPARTMENT.

**\*7300. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of examiners and sub-examiners in the Departmental examinations held by the Education Department and the number of Sikhs therein; also the total remuneration given to the examiners and the amount of the remuneration paid to the Sikh examiners and sub-examiners;
- (b) in case Sikhs do not enjoy their due proportion in these respects, the reasons for the same?

**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.

## SHORT NOTICE QUESTION AND ANSWER.

CHAUDHRI AFZAL HAQ.

**Dr. Satya Pal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that Chaudhri Afzal Haq, a political prisoner, confined in Rawalpindi jail, is at present in a very bad state of health ;
- (b) if the answer to the above be in the affirmative, the steps that are being taken to improve his health ;
- (c) whether or not it is intended to release him on grounds of ill-health.

**The Honourable Mr. Manohar Lal :** (a), (b) and (c) Chaudhri Afzal Haq has suffered from chronic Asthma and Bronchitis for the past 8 or 10 years. Recently he contracted enteric fever with B. Coli infection. He has been given all possible medical attention and it is now reported that his temperature has come down. Government have ordered that he should be released as soon as the Civil Surgeon certifies that he is capable of leaving the hospital without danger to himself.

I went to see him personally myself and enquired about his health and spent half an hour with him.

## UNSTARRED QUESTIONS AND ANSWERS.

REMISSION IN LAND REVENUE ON RABI CROP.

**1255. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that some time ago a representation was made to him and to the Collector of Ambala district by the agriculturists of village Kesari, tahsil and district Ambala, asking for remission of land revenue and other concessions on the ground that the last *Rabi* crop had virtually failed in that village ; if so, the action taken thereon ?

**The Honourable Dr. Sir Sundar Singh Majithia :** *First part.*  
Yes

*Second part.* The entire demand of the village amounting to Rs. 2,000 was suspended.

COMMUNAL REPRESENTATION AMONG HEAD CONSTABLES OF POLICE IN KARNAL DISTRICT.

**1256. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of head constables of police community-wise, in Karnal district ;
- (b) whether it is a fact that all the communities are not properly represented in these posts ; if so, the reasons therefor ?

**The Honourable Malik Khizar Hayat Tiwana : (a)**

Sanctioned strength ..	..	..	..	91
Muslims ..	..	..	..	53
Hindus ..	..	..	..	29
Sikhs ..	..	..	..	6
Vacancies ..	..	..	..	8

(b) Appointments to this rank are made by the promotion of constables by selection tempered with seniority, and not on communal considerations.

---

**ALLOWANCES TO OVERSEERS AND OTHER OFFICERS OF THE PUBLIC WORKS DEPARTMENT.**

**1257. Dr. Sant Ram Seth :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of allowances allowed to Sub-overseers, Overseers, Sub-Divisional Officers, Executive Engineers, Superintending Engineers and Chief Engineers on running canals and also on constructions ;
- (b) the number of allowances given to above-mentioned subordinates and gazetted officers on Thal Project ?

**The Honourable Dr. Sir Sundar Singh Majithia :** If the honourable member requires details of every allowance paid to every officer of the ranks given on running canals and on constructions, I am afraid that the time and labour involved in tabulating the particulars will be out of all proportion to the benefit to be obtained.

If, however, he wants merely the numbers of the different kinds of allowances admissible to various officers on such work, they are as follows :—

- (a) On running canals and constructions .. .. 7
- (b) On the Thal Project .. .. 6

Naturally officers of different ranks draw different kinds of allowances and no one officer will draw all the various kinds of allowances.

---

**HEADMASTERS OF HIGH SCHOOLS UNDER LOCAL BODIES IN MULTAN DIVISION.**

**1258. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state the number of Sikh headmasters at present serving in the High Schools, run by the local bodies in the Multan Division ?

**The Honourable Mian Abdul Haye :** One.

---

**HEADMASTERS OF HIGH SCHOOLS UNDER LOCAL BODIES IN MULTAN DIVISION.**

**1259. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Education be pleased to state the number community-wise, and the names

together with the caste designation of such of them as are Hindus of the headmasters appointed in the High Schools, run by the local bodies in the Multan Division since the appointment of the present Inspector of Schools in the Division?

**The Honourable Mian Abdul Haye :** (i)

Hindus	..	..	..	..	..	1
Muslims	..	..	..	..	..	Nil.
Sikhs	..	..	..	..	..	Nil.
Others	..	..	..	..	..	Nil.

(ii) Particulars of the one Hindu appointed :—

(1) Name	..	..	..	Lala Ram Saran Dass.
(2) Designation	..	..	..	Head Master, Municipal Board High School, Mian Channu, District Multan.
(3) Caste	..	..	..	Khanna.

REPRESENTATION OF *ACHHUTS* IN PUNJAB CIVIL SERVICE  
(EXECUTIVE BRANCH).

**1260. Chaudhri Faqir Chand :** Will the Honourable the Premier be pleased to state the number of persons appointed up to date to the Punjab Civil Service (Executive Branch) by the Government since 1937 and the number of *Achhuts* among them?

**The Honourable Major Sir Sikander Hyat-Khan :** Out of the 87 persons appointed up to date to the Punjab Civil Service (Executive Branch) since 1937 no one is an *achhut*, as no candidate suitable for appointment to this service has come forward.

REPRESENTATION OF *ACHHUTS* AMONG TAHSILDARS AND NAIB-  
TAHSILDARS.

**1261. Chaudhri Faqir Chand :** Will the Honourable Minister of Revenue be pleased to state the number of Tahsildars and Naib-Tahsildars selected up to date by the Punjab Government since 1937 and the number of *Achhuts* among them?

**The Honourable Dr. Sir Sundar Singh Majithia :** It is understood that the question refers to direct appointments and not to promotions. On this assumption the answer is—

First part.	Tahsildars	..	..	..	50
	Naib-Tahsildars	..	..	..	102

Second part. None.

[Revenue Minister.]

The appointing authorities were asked to pay sympathetic consideration to the applications of scheduled caste candidates, but apparently suitable candidates were not available.

#### REPRESENTATION OF *HARIJANS* AMONG DEPUTY SUPERINTENDENTS OF POLICE.

**1262. Chaudhri Faqir Chand :** Will the Honourable Minister for Public Works be pleased to state the number of those police officers promoted up to date as Deputy Superintendents of Police since 1937 and the number of *Harijans* among them?

**The Honourable Malik Khizar Hayat Tiwana :** Since 1937, nineteen Inspectors have been promoted to the rank of Deputy Superintendents of Police. None of them is a representative of the depressed classes.

#### REPRESENTATION OF *HARIJANS* AMONG KANUNGOS.

**1263. Chaudhri Faqir Chand :** Will the Honourable Minister of Revenue be pleased to state the number of persons appointed up to date as Kanungos by the Punjab Government since 1937 and the number of *Harijans* among them?

**The Honourable Dr. Sir Sundar Singh Majithia :** Kanungos are not appointed by the Punjab Government, but the information collected from the various districts indicates that no *Harijan* was appointed as Kanungo out of the 219 appointments.

The honourable member is probably aware that majority of the kanungos are appointed from amongst patwaris.

#### REPRESENTATION OF *ACHHUTS* AMONG PROCESS-SERVERS.

**1264. Chaudhri Faqir Chand :** Will the Honourable Finance Minister be pleased to state the number of persons appointed up to date as process-servers by the Punjab Government since 1937 and the number of *Achhuts* among them?

**The Honourable Mr. Manohar Lal :**

Total number of process-servers appointed since 1937	.. .. .	884
Number of <i>Achhuts</i> among them	.. .. .	8

(Three *Achhuts* have since been enrolled as candidates and will be appointed in due course.)

**REPRESENTATION OF *ACHHUTS* AMONG SUB-INSPECTORS  
OF POLICE.**

**1265. Chaudhri Faqir Chand :** Will the Honourable Minister for Public Works be pleased to state the number of persons appointed up to date as Sub-Inspectors of Police by the Punjab Government since 1937 and the number of *Achhuts* among them?

**The Honourable Malik Khizar Hayat Tiwana :** Direct appointments are not made in the rank of Sub-Inspector of Police. Forty-one direct appointments, including three temporary appointments, of Prosecuting Sub-Inspector of Police have been made since the 1st January, 1937, but none is an *Achhut*. There is no bar to the enlistment of members of the depressed classes to the Police Department, but they are required to appear in competition with other candidates, and no special favour is shown to a member of any caste or community.

**REPRESENTATION OF *ACHHUTS* AMONG HEAD CONSTABLES OF  
POLICE.**

**1266. Chaudhri Faqir Chand :** Will the Honourable Minister for Public Works be pleased to state the number of persons appointed up to date as head constables of police throughout the Punjab since 1937 and the number of *Achhuts* among them?

**The Honourable Malik Khizar Hayat Tiwana :** No direct appointment in the rank of Head Constable of Police has been made since 1928.

**EXPENDITURE ON ADDITIONAL POLICE POSTED AT RAJA JANG  
AND JIA BAGGA.**

**1267. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state—

- (a) what were the actual costs on each item of expenditure on the additional police post located at village Raja Jang and Jia Bagga, district Lahore, respectively, from April, 1939, to March, 1940;
- (b) what was the nature of furniture purchased for the equipment of each of these police posts and the amount spent thereon for each post during the aforesaid period?

**The Honourable Malik Khizar Hayat Tiwana :** (a) As has been explained in replying to other similar questions it is never possible to reckon the "actual costs" of a body of additional police with exactitude, as certain items in the bill (for example, charges for superintendence, the cost of the men's preliminary training, the cost of armament and interest charges during the period of recovery) cannot be precisely determined.

[P. W. Minister.]

Excluding these the outgoings were Rs. 6,270-6-6 for the Raja Jang additional police post and Rs. 6,475-3-0 for the Jia Bagga additional police post.

(b) *Police post Raja Jang—*

				Rs.	A.	P.
Time-piece	..	..	..	8	8	0
Table lamp	..	..	..	4	4	0
Hurricane lamp	..	..	..	1	10	0
Table	..	..	..	10	0	0
Total				24	6	0

*Police post Jia Bagga—*

				Rs.	A.	P.
Time-piece	..	..	..	10	8	0
Two hurricane lamps	..	..	..	3	4	0
Table lamp	..	..	..	4	4	0
Table	..	..	..	10	0	0
Total				28	0	0

ADDITIONAL POLICE POSTED IN JULLUNDUR, HOSHIARPUR, KANGRA,  
FEROZPORE AND LUDHIANA DISTRICTS.

**1268. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- the strength of the Additional Police at present posted in the Jullundur, Hoshiarpur, Kangra Ferozepore and the Ludhiana districts, respectively ;
- the period for which each of the present Superintendents of Police has held his post in his respective district ;
- the number of annual, half-yearly and quarterly inspections made by the Deputy Inspector-General, Eastern Range, Ambala, of each of the districts in the Eastern Range, during the year 1939 and up to 30th of September, 1940 ;
- the figures of various crimes in the Ludhiana district committed previous to the posting of the present Superintendent of Police and during his tenure of office ?



**The Honourable Malik Khizar Hayat Tiwana :** (a) The following table gives the required information :—

District.	STRENGTH OF THE PROVINCIAL ADDITIONAL POLICE.					STRENGTH OF THE ADDI- TIONAL POLICE POSTED UNDER SECTION 15, POLICE ACT, 1861.				
	Inspectors.	Sub-Inspectors.	Assistant Sub-Inspectors.	Head Constables.	Foot Constables.	Inspectors.	Sub-Inspectors.	Assistant Sub-Inspectors.	Head Constables.	Foot Constables.
Jullundur ..	..	1	..	5	37	..	..	..	..	..
Hoshiarpur ..	..	1	..	2	225	..	..	..	..	..
Kangra ..	..	..	..	..	..	..	..	..	..	..
Ferozepore ..	1*	3*	1*	7*	71*	..	3	1	5	37
Ludhiana ..	..	2	2	13	104	..	1	1	3	32

\*A temporary force sanctioned for the Mobile Force of the Ferozepore district up to 31st March, 1941.

(b)—

District.	Name of Superintendent of Police.	Date of posting.
Jullundur ..	Chaudhri Ram Singh (officialing).	18th June, 1940.
Hoshiarpur ..	Mr. B. Y. Ali ..	23rd March, 1939.
Kangra ..	Mr. J. R. Marria, M.B.E. (officialing).	20th April, 1940.
Ferozepore ..	Khan Bahadur Khan Abdul Qaiyum Ahmed Khan.	25th March, 1939.
Ludhiana ..	Mr. S. R. Chaudhri ..	21st September, 1937.

(c) The Deputy Inspector-General is not required to make quarterly and half-yearly inspection of the districts in his jurisdiction. The following inspections were made :—

Jullundur ..	..	..	..	Two.
Hoshiarpur ..	..	..	..	Two.
Kangra ..	..	..	..	Two.
Ferozepore ..	..	..	..	One.
Ludhiana ..	..	..	..	Two.

(d) The honourable member has not specified the period for which the information is required.

TRAVELLING ALLOWANCE DRAWN BY THE SUPERINTENDENT OF  
POLICE, LUDHIANA.

**1269. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the amount of travelling allowance drawn by the present Superintendent of Police, Ludhiana, during the months of July, August, September and October, 1940, and the amount drawn by him in the corresponding period of the years 1938 and 1939 ;
- (b) the names, educational qualifications, castes and home addresses of men enlisted in the police force in the Ludhiana district during the last 3 years, i.e., 1938, 1939 and 1940 ?

**The Honourable Malik Khizar Hayat Tiwana :** (a) and (b) The collection of such details of information involves more labour than their value would appear to warrant.

CRIME IN LUDHIANA DISTRICT.

**1270. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Ludhiana district leads other districts in the Eastern Range in the matter of commission of various offences including murder, dacoity, theft and traffic in women ;
- (b) if the reply to (a) be in the affirmative, the reasons therefor ;
- (c) if reply to (a) be in the negative, the figures of crime in all districts in the Eastern Range during the year 1939 and from 1st January up to 31st August, 1940 ?

**The Honourable Malik Khizar Hayat Tiwana :** (a) No.

(b) Does not arise.

(c) The required figures are given below :—

Name of district.	STATISTICS OF ALL REPORTED CRIME.	
	From 1st January, 1939, to 31st December, 1939.	From 1st January, 1940 to 31st August, 1940.
Hissar .. .. .	1,977	1,212
Rohtak .. .. .	1,505	1,098
Gurgaon .. .. .	1,320	873
Karnal .. .. .	2,184	1,309
Ambala .. .. .	1,606	1,073
Simla .. .. .	193	139
Hoshiarpur .. .. .	1,330	860
Jullundur .. .. .	2,110	1,536
Ludhiana .. .. .	1,732	1,049
Kangra .. .. .	409	329
Ferozepore .. .. .	3,794	2,670

## ADJOURNMENT MOTION.

POLICE BEHAVIOUR WHILE ARRESTING MIAN MUHAMMAD IFTIKHAR-UD-DIN.

**Lala Harnam Das :** 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 provocative behaviour of the police authorities while arresting Mian Muhammad Iftikhar-ud-Din.

1 p. m.

**Mr. Speaker :** Please tell me how the motion relates to a definite matter? Police authorities include the Inspector-General of Police, Deputy Inspector-General and other officers and subordinates. (*An honourable member :* Police authorities who were there on the spot.)

**Premier :** May I submit that my information is that on the contrary the behaviour of the mob was provocative?

**Mr. Speaker :** That is a separate question. The honourable member's motion does not relate to a definite matter of public importance and is therefore out of order.

**Lala Harnam Das (Urdu) :** Sir, the behaviour of the police at the time of arresting Mian Iftikhar-ud-Din was very provocative. The police officer who arrested him passed through a dense crowd which had gathered there to listen to his speech. And if the crowd had taken offence it would have led to serious consequences. The police could have avoided the possibility of any such danger by effecting his arrest after his speech had been concluded.

**Mr. Speaker :** Had the motion been so worded as to make the matter definite, I would have been only too glad to allow it.

#### APPLICATIONS FOR LEAVE OF SARDAR RUR SINGH AND MIAN MUHAMMAD IFTIKHAR-UD-DIN.

**Mr. Speaker :** Now, I have to read out to the Assembly the following application received from Sardar Rur Singh, member of the Assembly for permission to be absent from the Assembly. The application reads as follows :—

I beg to say that I have been under detention under the Defence of India Rules and thus unable to attend the sittings of the Punjab Legislative Assembly till the date of my release. So, I beg to apply for leave of absence from the House under Rule 33 (1) of our Rules of Procedure.

The question is—

That the permission asked for be granted.

*The motion was carried.*

**Mr. Speaker :** I have received a similar application from Mian Iftikhar-ud-Din.

The question is—

That the permission asked for be granted.

*The motion was carried.*

# SUPPLEMENTARY STATEMENT OF EXPENDITURE AUTHENTICATED BY THE GOVERNOR.

**Minister for Finance :** Sir as required by section 81 of the Government of India Act, 1935, I lay on the table the supplementary statement of expenditure (1st instalment) for the year 1940-41 authenticated by His Excellency the Governor.

As required by section 81 of the Government of India Act, 1935, I hereby authenticate the following supplementary statement of expenditure for the financial year 1940-41, which specifies :—

- (a) the supplementary grants (first instalment) made by the Punjab Legislative Assembly in its Session held in November, 1940, and
- (b) the sums required to meet the expenditure charged on the revenues of the Province.

## *Supplementary statement.*

Grant No.	Major head of account.	Supplementary grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
1	7—Land Revenue .. ..	58,300	..	58,300
6	12—Charges on account of Motor Vehicles.	810	6,600	7,410
10	25—General Administration ..	21,540	48,370	69,910
23	50—Civil Works .. ..	5,36,840	2,550	5,39,390
29	54—Famine .. ..	..	4,080	4,080
7	XVII—Irrigation, Navigation, etc., Working Expenses (Open Canals).	10	..	10
9	68—Construction of Irrigation Works, etc. (Open Canals).	10	..	10
12	28—Jails and Convict Settlements..	10	..	10
14	47—Miscellaneous Departments ..	10	..	10
19	40—Agriculture .. ..	10	..	10
20	41—Veterinary .. ..	10	..	10
24	Charges on Public Works Department, Buildings and Roads Establishment.	10	..	10
26	52-A—Other Revenue Expenditure connected with Electricity Schemes.	10	..	10
28	81-A—Capital Outlay on Electricity Scheme (outside the Revenue Account).	10	..	10
32	56—Stationery and Printing ..	10	..	10
33	57—Miscellaneous .. ..	10	..	10

LAHORE :

The 28th November, 1940.

H. D. CRAIK,

Governor of the Punjab.

## URBAN IMMOVABLE PROPERTY TAX BILL.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, on the day we last met, I was explaining how we tried to remove all such defects from this Bill as could have been reasonably objected to. And if this Bill is going to be opposed merely on the ground that its main burden will fall on a particular class of people then we cannot help it. Its burden is bound to fall on one section of the people. In fact no one likes to pay taxes willingly. Our position is totally different from that of the Central Government. They levy a tax and the public pays it. For example, a surcharge has been levied with effect from the 1st of November last in addition to the income tax by the Central Government and all have accepted it without demur. No objection has been raised against it simply because it has come from above.

In this Bill we have proposed that the rate of tax should not exceed one per cent of the capital value of the buildings and lands situated in any rateable area. In my opinion, it is advisable to begin by levying one-fourth of one per cent of the capital value of such buildings and lands. If later on it is found necessary to enhance it, it can be gradually enhanced. (*An honourable member*: What about the war levy?). Well, it will not exceed 50 per cent of the tax to be levied under clause 3 (1).

Next I want to explain to the House that the capital value of such immovable property as is let on hire in the rateable areas will be assessed on the rental value basis. As regards the other immovable property its capital value will be assessed according to the market rates obtaining at the time of any such assessment.

Last time when I spoke about this measure I explained to the House that all the towns entered in the schedule annexed to the Bill are not rateable areas. There may be some among them, which will not be taxed and then there may also be others which will be exempted to begin with but will be taxed later on. I need not repeat all that I said on that day.

As regards the arrangements for the collection of this tax, I may submit that already we have a department which is entrusted with the duties of collecting entertainment tax, petrol tax, etc. This department can be extended and made to collect this tax as well.

Then there are the rules which the Government will have to make under clause 24 (1) of the Bill. These rules when made will be published to afford an opportunity to the public to make their objections against them. If the objections made by the public against them are reasonable they will be amended accordingly.

Last I come to the select committee. I have arranged for adequate representation of the various interests on this committee, which are likely to be affected by this Bill. I propose that the select committee may consist of the following members:—

The Honourable the Finance Minister.

Shaikh Sadiq Hassan.

Mian Fazal Karim Bakhsh.

Captain Sodhi Harnam Singh.

[Premier.]

Rao Pohop Singh.

Sardar Gopal Singh (American).

Chaudhri Muhammad Yasin Khan.

Shaikh Karamat Ali.

Khan Sahib Rai Shahadat Khan.

Mr. P. H. Guest.

Khan Bahadur Mian Mushtaq Ahmad Gurmani.

Rai Bahadur Lala Sohan Lal.

Sardar Sahib Sardar Santokh Singh.

Rai Bahadur Mr. Mukand Lal Puri.

Khan Sahib Khawaja Ghulam Samad.

Five will be the quorum of the committee. The number of the proposed committee is sixteen. I seek permission of the House to allow that the said Committee may be constituted of sixteen members instead of the usual number provided for a select committee under the Rules of Procedure of this House. I hope that keeping in view the multifarious requirements of the province and also the need of distributing the burden of taxation equitably on all classes of the people, the House will support the motion now under consideration. We know that at present our rural masses are groaning under heavy burden of taxation. Nearly 15/16 part of the provincial revenues comes from their pockets. They must be afforded some relief. I hope that their urban brethren, who happen to be far more fortunate in this respect, will not grudge sharing some burden of the provincial exchequer with them. With these words, I move that the Punjab Urban Immovable Property Tax Bill be referred to the proposed select committee.

**Mr. Speaker :** Motion moved is—

That the Punjab Urban Immovable Property Tax Bill be referred to a select committee.

The composition of the select committee may be taken up later.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural): Sir, I beg to move—

That the Punjab Urban Immovable Property Tax Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1941.

(Urdu): The other day the Honourable Premier in the course of his speech pointed out that taxation measures were not circulated for the purposes of eliciting public opinion thereon and therefore this measure should not be sent round. To my mind he has adopted a very queer attitude for referring this Bill to a select committee and it appears that he is determined to levy this tax come what may. So in order to prevent the injustice which he wants to do to the public by undue hurry I have moved my circulation motion. I will not be surprised if he calls my motion as a strange one coming as it does from a zamindar member. Sir, you are aware of the fact that when taxation measures are introduced in the Central Assembly or in the Mother of Parliaments, wherefrom this system of parliamentary Government

has started, an estimate of revenue and expenditure is presented to the House. No one but the Finance Member or the Chancellor of the Exchequer, as the case may be, ever knows anything about such measures even a day or a minute before the budget speech is actually delivered. Anyhow they have the estimate of the money that the taxation measures would bring in. If the Chancellor of the Exchequer thinks that his estimate falls short by five million or 10 million pounds he at once puts forward new measures and states it there and then that they would bring in so much money. The only limitation on him is that he cannot disclose that secret before the budget speech is actually delivered. If this secret goes out before the measures for taxation are actually introduced in the House it can prove highly dangerous for the state but advantageous for some people who can make millions out of it. Similarly there are many other difficulties which are likely to arise. But look at our Government; they have themselves admitted that before the introduction of this Bill, it has been considered for months and months by the Government and it was after that that it has been introduced in this House. Anyhow it has not been stated as to what amount of money it will bring in. In the circumstances I have considered it necessary to move the motion that this Bill should be circulated for the purpose of eliciting public opinion thereon so that its defects and shortcomings may be removed and also that the public should come to know of its different provisions. Government have not even put up any scheme or schemes as to how this money is going to be utilised. There is no constructive programme before us either. Public should therefore have a chance to say what they think of it.

Besides, it is just possible that my honourable friends may question as to why a zamindar member has moved this motion and criticise that these dilatory tactics are being followed in order to obstruct the passage of this Bill into a law. Now in order to remove the apprehensions of the honourable members over there that my object is not to delay the passage of this Bill, I have provided that the Bill should be circulated for the purpose of eliciting public opinion thereon by 1st January, 1941. In other words, I have given the earliest possible date so that no delay should be caused for the enactment of this measure. My friends would thus get one or two months before the Budget session in which they can get this measure enacted if they so desire or they can get it enacted during or after the budget session and it will make no difference at all. Sir, you are aware of the fact that my honourable friends over there have enacted many Acts before that. Some of them have actually been delayed for 2, 4, 6 months or even for years in the Government offices before they were actually brought into force. Sometimes the assent of the Governor was obtained quickly; sometimes after a good deal of delay. Now my submission is that the time that will be taken up for eliciting public opinion on this Bill can be made good by my honourable friends provided they so desire. Instead of taking six months or a year for bringing this measure into force they can do so in one or two months and thus they can save that time which they otherwise would spend for circulating this Bill for the purpose of eliciting public opinion thereon. Besides, my submission is that after the Bills are enacted into laws by the legislature many months are taken for the framing of rules under their provisions. Here also my friends can save considerable amount of time by

[Mian Muhammad Nurullah.]

reducing the time which is usually taken for the framing of rules. Anyhow I have pointed out many stages where they can save their time and now even in view of these submissions if they say that we are pursuing dilatory tactics that would be entirely wrong. In fact I have no such desire at all. I welcome the principle of this measure and wish Government had not waited for years to put it up, but the defects in the present measure must be pointed out.

Sir, there is yet another very cogent reason why it is absolutely necessary to circulate this Bill for the purpose of eliciting public opinion thereon, and that is, as has been pointed out by Raja Narendra Nath in an article in the *Tribune*, that the Opposition Party will not be present in the Assembly and in view of their absence it is all the more essential that this Bill should be placed before the electorate so that they should express their opinion with regard to it. If my honourable friends opposite circulate this measure for one month as I wish it, that will not cause in any way any delay. If, however, they do so they will be able to get the opinion of those people whose representatives are at present not in the House. However much we may regret their absence, we cannot blame them as it entirely depends upon them and when they are convinced that they can serve the interests of their country in a better manner by staying out of this House and by courting arrest they are free to do what they like. If they had been here they would have expressed their opinion with regard to this measure. But as they are not present it is all the more essential that this measure should be circulated for the purpose of eliciting public opinion thereon, so that whatever shortcomings are in it they might be removed. Let me point out that the Honourable Premier has himself stated on the floor of the House that before the final draft of this Bill was placed before the House, his Government had considered the different provisions of the Bill very carefully and with the help of the experts drafts after drafts were prepared and it was then that the final draft was made which has now been introduced in this House. God forbid that these experts should turn out to be like those who have given their opinion in regard to the previous Bills which have been placed on the statute book. My friends enacted those laws, framed rules under their provisions and they enforced them as well. As a result of that, people have spent thousands of rupees to get those facilities which those measures were intended to give. But as a result of a few adverse judgments by civil courts they have fallen into abeyance and at present they are lying before the High Court for its final decision. Legal view it seems was not properly thrashed. Therefore, instead of taking stand on the opinions of these experts you should obtain the opinion of the public concerned and then place the Bill before the House for consideration. Legal luminaries from the public will be able to throw good deal of light. I may point out that so far as zamindar opinion is concerned this measure is welcome as well as unwelcome, because they are not sure whether the proceeds will be utilised for their benefit. Anyway, I have no quarrel with the principle underlying the Bill. In fact, I wanted such a measure to be brought forward long ago. However, better late than never. But I must submit that it is not only desirable but very necessary to obtain public opinion on it so that its various provisions may be fully considered by those who are going to be affected by them.



Then, Sir, although it has been stated in the Bill that the assessment will be one per centum of the capital value and the Honourable Premier has been pleased to say that it may be  $\frac{1}{2}$  per cent, yet nothing has been said as to how much revenue this measure is expected to bring and how that money is going to be spent. If we turn to the Statement of Objects and Reasons the very first sentence is—

The object of the Bill is fiscal, to raise additional revenue.

Now such a statement is of no use to the zamindars. Unless you assure us that one-fourth or one-half or 90 per cent of the income thus obtained will be utilized to grant remissions in land revenue, etc., we can derive no solace from the measure. We cannot be taken in by such phrases as "poor zamindars" and "heavily burdened rural population". Let us know what you want to do for us and you should incorporate your intentions and promises in the body of the Bill. We know how much importance can be attached to your promises. In the Zamindara Conference held at Lyallpur of which I happened to be the Secretary, you made so many attractive and alluring promises but none of them has been fulfilled. Therefore, let there be a clause in the Bill to the effect that the money thus realised will be utilized to lighten the burden of the zamindars and the rural population and will not be squandered on providing lucrative jobs to the relations of the members of your party. Only recently you have created a post of an Additional Financial Commissioner although your own Retrenchment Committee had suggested that you could save Rs. 40,000 a year by abolishing one of the two already existing posts of Financial Commissioners. Who is going to shoulder this burden? Of course, the zamindars. Then you cannot deny that you are everyday creating one post or another for your favourites. The zamindars can support you in respect of this measure, only if you can assure them that the money realised will not be so squandered. It is said in the Statement of Objects and Reasons that "the levy of a tax on urban immovable property will tend to a more equitable adjustment of the burden of taxation over the whole population of the province." But how are you going to achieve that end? How do you propose to relieve those poor zamindars who are being crushed under this burden? Nowhere have you said that this money will be utilized to remit or reduce land revenue, etc.

Then it was said that so many exemptions have been provided in the Bill. But my submission is that mere exemptions will not do. Nor are the allowances mentioned in clause 5 sufficient and equitable. Your method of taxation is fundamentally wrong. First of all, you say that you will charge only one per centum of the capital value and that after the above-mentioned allowances have been made, it will work out to much less. In fact the figure  $\frac{1}{2}$  was mentioned by the Premier. But let me tell you that these calculations are fallacious and also that the burden will be much more than it appears to be at first sight. For instance, the capital value of a building fetching a monthly rent of Rs. 100 will be Rs.  $100 \times 12 \times 20$ , that is Rs. 24,000 which means that at the rate of one per cent the tax will amount to Rs. 240 a year. This is 20 per cent of the annual rent. Then add the proposed surcharge which amounts to 50 per cent of the above and the whole charge becomes Rs. 360. This means that an owner receiving

[Mian Muhammad Nurullah.]

Rs. 100 per mensem as rent will have to pay Rs. 30 a month. Now it must be admitted that this is too much. Even the Income-tax Department exempts two months' rent, but you have not gone even so far. Again the Income-tax Department makes allowance for expenses of collection of rent because certain people have to engage clerks for that purpose. You should also follow their example.

These are my objections to your method of assessment. I am opposed to a charge on capital. I submit that you should levy this tax on the basis of the rent that is actually realised by the landlord. I may assure you that your method will prove a great hardship to a good many owners. Take, for instance, a Government servant who retires at the age of 55 after having served for 25 or 30 years. Supposing he has saved a sum of Rs. 20,000 with which he builds a house. Now his pension hardly suffices to cover his household expenses. He has to educate his children and meet other occasional expenses also. But you want to tax him on the basis of the capital value of his house and also require him to pay it annually in a lump sum. How can he pay that unless he sells his house or incurs a debt? You have been trying to save the zamindars from the curse of debt and also safeguard their houses. Take care that you do not condemn another section of the population to the same curse.

**Mian Sultan Mahmud Hotiana :** On a point of order. Is the honourable member discussing the whole Bill or speaking in favour of the motion for circulation of the Bill for eliciting opinion?

**Mian Muhammad Nurullah :** I am only explaining to you the implication of the various provisions of this measure. Some of the honourable members may not know them. They cannot be expected to come to a correct decision unless these implications are explained to them. Thus I am doing nothing but advancing arguments in support of the motion for circulation. I agree with the principle of the Bill. I do want the burden of zamindars to be lessened. But I also want that the Government should not commit the mistakes which they committed in the case of zamindars. The zamindars are poor and dumb. They have been putting up with your mistakes. But not so the urban people. They will not tolerate anything of that sort. They are sure to make it too hot for you.

Then, Sir, what about the income that the Government expects to derive from this measure? I say, if you want to tax a certain section of the population you are welcome to do so. I will even leave aside the question of the rates and percentages. Raise as much as you like. But you must let us know how much revenue you will realise in this way. This question was put to the Honourable Premier, but he could not give any reply. He said something about the estimates of certain officers but in the same breath told us that he was not quite satisfied as to their correctness. May I ask whether our officers are so incompetent and the administration has become so rotten that you cannot get a satisfactory estimate of your proceeds from a certain tax? If that is the case it is high time that these officers were replaced by better ones.

Now let me tell you what mistakes the Government committed in the case of zamindars. The land-revenue was assessed at the rate of 25 per cent

of net assets at a time when agricultural produce fetched good prices. But when the prices fell and the cost of cultivation remained what it was or even rose higher in certain cases, this assessment proved the ruin of poor zamindars. I have illustrated my point by quoting the example of Syed Karam Husain Shah in whose case this 25 per cent rose to 50 per cent or even cent per cent because he had to sell the whole of his produce to pay the Government dues. You may say that these rates were fixed by the previous Government and you did nothing but to realise the dues in accordance with them. Very well, you may not be responsible so far as that rate is concerned, but why do you insist on committing the same mistake by assessing this tax on the basis of capital value? Why not base it on rental value or the rent actually received?

Then I must warn you against showing favouritism in choosing the places where the measure, in respect of which you have the discretion, are to be enforced first of all. For instance, you should not choose the Lyallpur mandi as your first victim because Nurullah happens to belong to that place and defer the enforcement of a measure in the case of a place with which a Unionist happens to be connected. You should not create a heap of mistakes lest the rest of your term of office might have to be spent in rectifying them.

Similarly, I wish to draw your attention to certain cases which deserve exemption from this tax, but have not been taken into consideration. A good many Muslim friends of urban areas have complained to me that their number in these areas was already very small and now it will be impossible for them to remain in cities and towns. They said that they will have to shift to rural areas. I told them that we would welcome them in rural areas but what about the economic repercussions of such a step? The economic conditions in the rural areas are already very bad and this extra burden will make them still worse. Then let me draw your attention to the case of my own landlady on the Mayo Road. She is a widow and gets about Rs. 100 as rent. She has not only to meet her household expenses but also to educate her daughter. Her condition can be judged from the fact that she cannot afford even to pay the expenses of whitewashing the house in which I live. Her tenants pay her the full rent and get the house whitewashed at their own expense in view of her inability to spare any money for the purpose. But you will require her to pay your tax in a lump sum. How can she pay that? (A voice: What will have to be paid on a rent of Rs. 60 per mensem?) I do not understand what my honourable friend means by this question. Anyway, it is not difficult to calculate it. The tax including the surcharge will amount to Rs. 216 in that case. Now, Sir, the husband of this lady was a rich man and he had built this house. It was a house worthy of the position of its owner. But the poor fellow sustained serious loss in business and even this house had to be mortgaged. You have not made any distinction in the case of a mortgage with occupation and without occupation. You can very well imagine what will be the plight of this poor woman when you demand this tax from her, and that too in a lump sum. On a similar footing is the case of the old retired Government servant just quoted by me. If you demand your tax by monthly instalments he may be able to pay it out of the rent received by

[Mian Muhammad Nurullah.]

him, but he cannot be expected to have a lump sum at any time of the year. His other expenses will not allow him to save it.

Then in connection with clause 4, you should have taken into consideration the fact that many lands belonging to zamindars have also been included in the municipal areas of some cities and towns. For instance, the area of Lahore has now increased from a few square miles to 128 square miles and it includes many such lands. Have you paid any heed to the hardships which these zamindars will have to suffer? Let me illustrate the point by relating to you my own experience. When the municipal limits of Lyallpur were extended some of my land which ought to have been included in the municipal area was not so included. I took up the matter and complained to the Deputy Commissioner who rectified the mistake. But now I rue the occasion when I committed that blunder. At that time I was glad that I had got my lands included in the municipal area because then their value was expected to increase. In the year 1937 certain poor people purchased small plots of my land at Rs. 40 a marla but a good bit of the land still remained with me and I was happy under the impression that its price would rise. But then came the Town Improvement Scheme and it began to play the usual havoc. In vain did I plead that the authorities could prohibit any further sale by me but they should allow poor people to build on the piece of land they bought from me. Nobody paid any heed to that. Then fresh elections to the municipal committee took place. I was elected a member of that committee. When plans of buildings came up for approval I was at Ghoragali. Although I received the notice of the meeting, yet I did not come down to attend it because I had personal interest in certain lands for which the building plans had to be disposed of. I had submitted the town planning scheme as well. Anyway, when the plans had been approved, of by the committee and the scheme forwarded to the Town Planner, some people went to the Deputy Commissioner to complain that the committee had committed the blunder of approving the plans in respect of the plots of the "outlawed" Nurullah. The result was that the Deputy Commissioner vetoed about 37 plans without taking the trouble to ascertain whether that action would hit me or some poor innocent people. Now, Sir, it so happened that none of the vetoed plans had been submitted by me. Thus I escaped unscathed but those poor fellows had to suffer for no fault of theirs.

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

**Mian Muhammad Nurullah :** Sir, I am only giving an example to explain the implications of the measure. Now having realised my mistake I want to get my lands excluded from the municipal area but there is no law to help anybody in such a case. As I have already stated this was only an illustration relating to Lyallpur. There may be many similar cases in Lahore. My honourable friends, Rai Bahadur Lala Gopal Das and Mian Abdul Aziz, who own buildings and lands in Lahore will be able to draw your attention to those cases. What I want to point out is that you are inflicting a great hardship on certain people and that in order to understand and comprehend these aspects of the matter you should agree to the Bill being circulated for eliciting public opinion. Similarly the lands

belonging to the people of Lahore have been included in the municipal area and the town planning authorities are making encroachment on those lands. Consequently there will be a general agitation in the country and the Government would not stand to gain much by this measure. In this connection I would like to refer to Rule 4 of the Tenancy Act with a view to satisfy my honourable friends opposite. The definition of land given there is like this :

"Land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture and includes the sites of buildings and structures on such land.

My submission, therefore, is that the lands included in municipal areas should be exempted from this tax until their town planning schemes are received sanctioned.

**Nawab Sir Shah Nawaz Khan :** Even in cities land revenue is charged on certain lands and that land revenue is known as *teh zamini*.

**Mian Muhammad Nurullah :** If my honourable friend Mian Abdul Aziz were in his seat he would have told my friend Nawab Sahib the details as to how many taxes are being paid by the urbanites. But I would not say beyond this that when *teh zamini* tax was being paid by the urbanites, where was the necessity of imposing house tax on them? All that I want to submit is that the methods of taxation are faulty and most objectionable and all these taxes, i.e. *teh zamini*, terminal tax, house tax, etc., are multiplicity of taxation which could be avoided. There should be, therefore, one tax only levied upon the people in urban areas and the rural areas instead of the multiple taxes which are now being imposed. In this connection I would also like to point out that the multiples specified by the Government are dangerous and will adversely affect the growth of industry in the province indirectly.

The next point that I want to lay before the House is this. The Honourable Premier has said that he has exempted mosques, temples, churches and other buildings used for such charitable purposes and purposes of worship from the tax. Am I permitted to say that he has not conferred a great boon on us by doing so, as he has made good the loss by levying taxes on the shops adjacent to the worship places? It is known to every one of us that certain places of worship like mosques, temples and churches have some shops adjacent to them and it is certainly very unfair and uncharitable on the part of the Honourable Premier to levy tax on such shops. He should refrain from imposing this tax on these shops and should not incur the displeasure and resentment of the people concerned. If you cannot help charitable institutions, do not unnecessarily burden them with taxes.

Further, it has been said by the Honourable Premier that a surcharge<sup>e</sup> will be levied during the continuance of the present war and it will not exceed one-half of the original tax. My submission is that if my honourable friends over there are convinced that war is coming to India and they have to protect our home and hearth from the invaders then they should not come out with half-hearted measures but ask for more money for their schemes for defending the province. They should not lose a single minute in making themselves prepared for the defence of the country so that they may not

[Mian Muhammad Nurullah.]

repent afterwards. I would, therefore, submit that they should tell us definitely as to how much money they require for defence purposes of the Punjab. The progress with which things are going on at present is not much hopeful. For instance, if one war plane is manufactured in one month the Government will not stand to gain much by this speed of work. If I am permitted to repeat, I would again submit that if more money is required for defence purposes the Government may come forward and take necessary steps and the whole house should support them.

Sir, a long schedule is given in the Bill which shows that the Government intend to enforce this Bill at many places and you might have seen that the multiple 20 is uniform in case of every rating area in that schedule. Take the instance of Lahore. The multiple is 20 and the exemption, according to the Bill, will be granted to that building the capital value of which does not exceed Rs. 6,000. As this limit is very small, I do not think that it will afford any concession to any poor person. It is a well-known fact that land in Lahore is very costly and its prices are rising high every day and it has been specified by the town planning authorities that the land required for building a house should in no way be less than five or seven *marlas*. Now if we multiply 5 by 2,000 a *marla*, evidently there can be no exemption. I, therefore, submit that this exemption made by the Government in the Bill is nominal and hence it will not benefit any one.

My next point is that the tax should be charged on rental value and not on capital value because capital value changes according to the circumstances and surroundings. For instance, if a building is situated near a market its capital value, will be more than that situated at a distance from a market. And if a customer is as good as my honourable friend opposite, its capital value may rise up to twenty thousand rupees. If circumstances are favourable and more money is put in circulation, the capital value may rise. And if the Government of India resorts to inflation policy, as has been done in Germany, the value of buildings and lands may increase. It is, therefore, a wrong principle to tax capital value as capital value may vary at different places. The capital value of a building at Lahore cannot be the same as it may be at Multan. A grand bungalow at Lahore can fetch a rent amounting to four thousand rupees but at Multan the value of a similar bungalow cannot be the same. Another trouble is that people spend much on their buildings but when they give them on rent they bring a scanty amount of money to the owners. Supposing my honourable friend Lala Gopal Das builds at a place like Multan and spends one lakh of rupees on it and lets it on rent he cannot get even Rs. 100 month as rent. In no case can it be let out on a rent which can be obtained at Lahore. In this connection I may quote an instance. A man, Lala Bhiwani Das of Lyallpur, spent 80 or 90 thousand rupees and constructed a palatial building mainly of cement as it was newly introduced in making buildings of modern designs at that time, but now that building is vacant and nobody likes to occupy it on a rent of ten rupees even. It will be, therefore, unjust on the part of the Government to tax capital value of a building.

The last point that I want to submit is that the officers who will be deputed to assess the tax will neither be I. C. S. officers nor the Honourable Ministers themselves. They will be of the

standard of patwar about whom it is generally said that they can be won over by a mere tip. Supposing a patwari comes to assess my *kothi* and tells me that its capital value is not 60 thousand but it is one lakh. I may bear the brunt but it will be very difficult for the poor people to do so as they would most probably try to convince and win him over by hook or by crook so that he may not assess their houses at a high rate. In this way corruption will increase in the country for the prevention of which the Government has not been able to do anything effective. As you are aware, a patwari generally catches hold of a man and frightens him by showing him an ordinary paper and telling him that his moga is to be decreased and thus squeezes as much as he likes from poor zamindars. Illiterate zamindars have to pay. Similar things are bound to be done at the time of assessment of buildings. I may, therefore, submit that by assessing the capital value the Government is allowing corruption to get along. And if this Bill is passed into law, instead of bringing the moral of the people to a higher level, it will be allowing it to be lowered. We should, however, think over this matter dispassionately and wait for the opinions of the people concerned and then by taking common points in view the Government may levy tax on urban property. I am sure, if the public opinion is obtained there is every possibility of the Bill being purged of all its defects.

With these words, sir, I move that the Bill be circulated for eliciting opinion thereon.

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

That the Punjab Urban Immoveable Property Tax Bill be circulated for the purpose of eliciting opinion thereon by the 1st of January, 1941.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban): Sir, I rise to oppose the Honourable Premier's motion and to lend my full and unstinted support to the motion for circulation that has been tabled and has been so ably moved by my honourable friend from Lyallpur. I really regret that the Government should have decided to embark on this most hazardous experiment of taxing capital. The principle of making capital the basis of taxation is unprecedented and open to the gravest objections. That much-criticised and much-maligned bureaucracy which this Government has replaced, never thought of imposing such a tax on capital during the nearly hundred years that they ruled this country and for obvious reasons. If once you begin to tax capital and bite it off year by year, it is obvious that capital must vanish in course of time (*hear, hear*). It was stated by the Honourable Premier that although one per cent of the capital value is given in the Act as the maximum amount of taxation, yet it does not follow that Government will proceed to take one per cent. Government might well begin with a quarter per cent. I am not concerned with the intentions of the Government, though I am prepared to say that their intentions, as expressed on the floor of this House, have often been belied by their acts, but whatever their intentions, they do not in the least affect the principle that I am advocating on the floor of this House. As I have already said, the accepted basis of taxation is income. If it is agricultural income you pay land revenue and if it is income derived from other sources

[Malik Barkat Ali.]

you pay income-tax, but it has never occurred to anybody to proceed to tax capital. It might be said, Sir, that there is a precedent for it in the Bombay Presidency. I believe a reference to this is made in the Statement of Objects and Reasons. Well, what are the facts connected with this Bombay levy? The Government of that Presidency introduced prohibition and stopped the evil habit of drink in order to save the morals of the people; and in order to fill that very heavy gap which their prohibition policy was bound to create in the coffers of the State, they had no other alternative but to proceed to tax capital. Well, whatever their reasons, they do not lend any support to the proposition that this particular principle of taxing capital is a good principle. At the same time you must remember that Bombay introduced that experiment within the limits of the Corporation of Bombay. You have included within the scope of your net 272 urban towns in the whole of this province. What does it matter that you intend to introduce it in some isolated places? The fact remains that in this Bill you have taken power to levy this most unjust impost on the residents of 272 towns in the whole of this province. And then are you following the Bombay example? What have you done in the direction of safeguarding the morals of the people? Have you introduced prohibition in this province? (*Hear, hear.*) If you had introduced prohibition into this province, you could have at least some moral claim for this most unjust levy. You place before us the precedent of Bombay and yet you dare not follow Bombay in that great scheme of nation-building which the Bombay Government had introduced.

I now come to my second reason. This House will remember that shortly after this Government came into power it appointed a Resources and Retrenchment Committee. The object of the committee was among other things—I read the terms of reference from page 2 of the report of that committee—the object of that committee was—

To explore with particular reference to the recommendations of the Sources of Revenue Committee of 1931, the possibility of tapping fresh sources of revenue without placing additional burden on classes of the community which cannot afford to bear them.

This committee was announced on the 17th of June, 1937. It consisted of 11 members, 9 members of this House and 2 non-officials, nominated on account of their expert qualifications, namely Professor Brij Narain, M. A. and Dr. Sardar Muhammad Akhtar, M. A., Ph. D., of the Islamia College, Lahore. Professor Brij Narain refused to have anything to do with the committee and his place was taken by Professor Krishna Dutt of the Lahore Hailey College of Commerce. It so came about that when the committee reached the stage of formulating its recommendations, the Professor had left for Europe so that this non-official expert had absolutely no opportunity of placing his point of view to mould the deliberations and the conclusions of this committee. Out of the remaining ten members, nine were members of the House. One of these members was the Leader of the Opposition, Dr. Gopi Chand Bhargava. He resigned his place as he could not extend his co-operation to this committee. His place was taken by Rai Bahadur Chaudhri Balbir Singh. There were left altogether only ten persons. Out of these ten persons, nine as I have submitted, were members of the Unionist



Party. There was not a single member of the Opposition on the personnel of this committee and it consisted exclusively of Unionist members of this House.

**Khan Bahadur Nawab Muzaffar Khan :** Rai Bahadur Binda Saran was there.

**Malik Barkat Ali :** He was then a member of the Unionist Party.

**Khan Bahadur Nawab Muzaffar Khan :** He was not then a member of the Unionist Party. And then there was Rai Bahadur Balbir Singh.

**Malik Barkat Ali :** Dr. Gopi Chand's place was taken by Rai Bahadur Balbir Singh but not as one of the opposition. This committee sat for a very long period. I believe, it sat from the 28th October, 1937 to July, 1939. Its labours produced a book. One chapter of this book is concerned with the recommendations of the committee regarding fresh sources of revenue which they thought should be tapped. They recommended a petrol tax. They recommended a profession tax, they recommended electricity dues tax, they recommended a sales taxation Bill, they recommended a tax on bicycles, a tax on the registration of marriages and they recommended a terminal tax. Now, nowhere in this report from beginning to end is there any reference whatever to this new proposal which has been put before this

2 p. m.

House to tax the capital value of lands and buildings situated in urban areas. But I find in the Statement of Objects and Reasons, that this absolutely untruthful and incorrect remark finds a place, namely, that the Retrenchment and Resources Committee has also recommended this tax. I regret that no statement has yet been made on the floor of the House by Government benches expressing their regret for this absolutely incorrect statement that has been made in the Statement of Objects and Reasons over the signature of no less a person than the Honourable the Finance Minister of this Government. I was saying, Sir, that there is absolutely no reference whatsoever to this kind of tax in the report. I find in this connection that with regard to immovable property, both in urban as well as in rural areas, this committee considered the question of taxing not the capital value of land but the *unearned* increment on land values. Now, I want to draw the attention of the House to the remarks made by this committee fortified by the authority of the Finance Minister of the present Government, a Finance Minister whose knowledge of financial affairs is undoubtedly unrivalled. It is said there in so many words, on pages 236 and 240 that "there is a precedent for taxing unearned increment". What is meant by the expression *unearned increment* used in this report? *Unearned increment* does not mean the capitalised value of lands and buildings. It simply means that where on account of certain improvements, for instance, on account of a Town Planning Scheme the value of the land has become double or on account of the land being in the vicinity of a great town, it has risen in value all of a sudden, without any effort on the part of the owners of that land or without any attempt to improve the same on their part—in such cases where the land has risen in value on account of adventitious causes, then to the extent that land has risen in value, the State

[Malik Barkat Ali.]

should claim a share in that unearned increment. This committee considered the question of taxing unearned increment. Now, I want this House to know and realize what this committee says. The committee in the first instance separated lands from the buildings standing on this land, as they felt that buildings erected on land could not form the unearned increment of that land. If there is a building standing on that land that building must not be taken into account. This is what the committee say :

It is necessary to find merely the increment in the value of land, and not of land and house together, because this tax does not relate to taxation on houses or buildings which would be a tax on capital.

In this report prepared by your own Finance Minister and by members of your own party, it is stated in so many words that a tax on capital cannot be levied. Further on, Sir, if you will refer to the report you will find it mentioned that a similar attempt to tax unearned capital was made in England in 1910 but that attempt failed. The Committee further quote Indian Taxation Enquiry Committee as pointing out that such a tax " would require the services of an army of expert valuers " for the purpose of valuing the unearned increment and that " there were such difficulties that led to the break down in England of the attempt to tax future increments in 1910." If you levy your capital tax, then does it not follow that you would require a large, a much larger army of expert valuers ? The Committee accordingly concluded that they would not recommend the imposition of a tax on unearned increment. Another reason, Sir, why they did not recommend this unearned increment tax was—I will quote them, they said :

On the whole, we consider that the tax would not be productive unless it is made retrospective, but then it would be extremely difficult to work, and it would any how be costly to administer. We realize that altogether there are numerous and important difficulties in the successful working of such a tax, and that its actual profitable scope is extremely limited. We do not, therefore, make a definite recommendation for its imposition.

I say, Sir, that these remarks can be applied with ten-fold strength and relevancy to the present tax which is going to be imposed on the capital value of all lands and buildings. One thing more. From the language of this Bill it is clear that this tax would be really imposed on the residents of urban areas. Now, the question of imposing the unearned increment tax on urbanites and ruralites was also considered by this committee, and what do they say about this ? They say :

The application of the principle of a tax on unearned increment should be made also to land outside towns, notified areas and small towns, i.e. the principle should be universally applicable to all land.

Now, I come to my third reason for opposing this unjust tax. It has been said by the Honourable Premier in the course of his speech that the object of this measure is really—I use his very words— " to equalize the burden of taxation." What he evidently means is that the rural inhabitants are paying too much in the shape of taxation and that the people of the towns are not paying enough compared to the burden which should fall on them. The Honourable Premier had not given us any facts and figures and statistics to justify this claim. This I will presently show to the House is an utterly incorrect statement. This statement has not

# URBAN IMMOVABLE PROPERTY TAX BILL.

only been made on the floor of this House by members of Government and various other members on Government benches, but such a distinguished member of Government, as the Honourable Chaudhri Sir Chhotu Ram, who has been touring the countryside, has been saying to the public in his speeches, that these people, these residents of urban areas are being taxed very lightly and "I shall see that I extort another 6 crores of rupees out of them." Even he, when putting forward this claim, never gave to the public any facts and figures in justification or support of his statement. Now, I will ask the Government benches to place those facts and figures before us, on the strength of which they have been, in season and out of season, stressing this proposition that the people of the towns are really being very lightly taxed. What are the facts? Here are the facts. Sir, admittedly, we the residents of urban areas are in point of population only 18 per cent, I believe, 30 lakhs as against 2 crores. Well, when it is a question of representation in this legislature and when it is a question of representation in the services of the province, we are told that 'you people cannot have better representation than your population figures warrant'. The highest concession that has been shown to the people of the cities in the matter of their representation in this legislature is that while on the population basis they—Hindus, Muslims and Sikhs—are entitled to 18 per cent representation, the Government has agreed to give them 16 or 17 per cent. If that is the basis on which we should be represented in the legislature in the province, it follows that that should also be the basis of the contribution which we should be expected to make to the exchequer of the province. I maintain that on this population basis, the people residing in the urban areas of this province are paying more than the demand due from them on the basis of this criterion of population. Sir, I say that it is not a question of riches versus poverty. It is a question, as has been discussed always on the floor of the House, of urban areas versus rural areas. I will place before the House the figures of the amount of tax paid in this province by the residents of the rural areas and the residents of the urban areas. I take for these figures the accounts of 1937-38 as the basis of the calculations that I am going to place before the House. Sir, on the basis of the accounts of 1937-38, the residents of the rural areas paid to the exchequer of this province—I am not for the present talking of the amount paid to the Government of India,—I will confine myself to contributions of all kinds made to the provincial exchequer—kindly take down these figures and if they are wrong, controvert them; but if you choose to controvert them, do at least show this House the courtesy of giving your correct figures,—the figures are that the residents of urban areas paid Rs. 1,30,80,082 as their contribution to the provincial exchequer—(*An honourable member*: In what form?) I am talking of all kinds of provincial taxes, excise, land revenue and so on and so forth. I am excluding municipal committees, I am excluding local bodies or any other kind of local taxation. This is the total contribution in regard to all kinds of provincial taxes. (*An honourable member*: What is the amount?) The total amount of contribution which they paid to the provincial exchequer is Rs. 1,30,80,082 as against Rs. 8,50,15,000 paid by the residents of the rural areas. What is the proportion which these figures bear to each other and if the proportion is 18 to 87 as is the proportion in the population of this province of these two

[Malik Barkat Ali.]

classes of people, with what face, I ask, can you say that the contribution of the people of the towns to the provincial exchequer is much less than what they should be paying? I say that you have been misleading the country and the people when you have been representing incessantly that the contribution of the people of the urban areas is much less in proportion to their population strength. Now, Sir, I would like to place before the House the contributions of the dwellers of cities to the exchequer of the Central Government. But before I do so, I should really like this House to understand that whatever is paid in the shape of income-tax, customs, etc., to the Central Government, is as much a tax as what is paid to the provincial exchequer. After all, the proceeds of these taxes are the property of the Crown, though allotted to the various representatives of the Crown. The Central Government and the provincial Governments have come to a certain settlement. Whereas formerly the Central Government used to appropriate all the revenues and would pass on to the provinces a certain proportion of those revenues, later these methods changed and the Central Government and the various provincial Governments came to a settlement that so many heads of revenues, the provincial Governments shall have, such as land revenue, excise, etc., and the Central Government said, "very well so many heads of revenues we shall appropriate to ourselves, such as customs, income-tax and so on." Do you mean to say that whatever the Government of India levies from us, the people of the towns, is not a tax or not so good a tax as the tax you pay to the provincial Government? What does it matter if the Government of India has appropriated certain heads of revenues for itself and assigned certain heads to various provincial Governments? Taxes, whether paid to the provincial Government or to the Central Government are after all taxes paid to the State like any other tax. If that is so—and surely the proposition cannot be denied—I should like to place before the House the contributions made by us,—poor towns people, who are the present victims and targets of this unprecedented attack on the part of the present Government,—to the Central exchequer. Our contribution to the Central exchequer in 1937-38 was Rs. 3,82,96,492 as against Rs. 2,20,30,135 paid by the residents of the rural areas to the Central Government. Therefore, you will be pleased to see that the total amount that we contributed both to the provincial finances and the central finances is over Rs. 5 crores, the exact amount being Rs. 5,13,85,574. A certain professor has calculated the incidence of taxation per head of the urban population and the incidence of taxation per head of the rural population in the Punjab and he has come to the conclusion that the incidence of central and provincial taxation on the rural population on the basis of the figures 1937-38 is Rs. 5-3-6 per head and the incidence of that taxation on the urban classes is Rs. 16-12-0 per head. If you take into account the amount which is paid by the residents of the towns to urban local bodies, the incidence goes up to Rs. 19-14-6 per head. So the relative incidence of taxation on the rural classes is Rs. 5-8-10 per head, while that on the urban classes is Rs. 19-14-6 per head. With these facts and figures that I have placed before the House, I call upon the occupants of the Treasury Benches to come forward and say whether my figures are correct or not and if they are not correct let them

## URBAN IMMOVABLE PROPERTY TAX BILL.

bring forward their correct figures and enlighten this House as well as the public as to the contribution that these two respective classes are making towards the coffers of the state, both Central and Provincial. I maintain, Sir, that this contention that has been advanced on behalf of the Government that the object of this Bill is to equalise the burden of taxation on the two classes is absolutely unfounded and I most strongly protest against the vindictive action that is being indulged in against the residents of the towns.

It has been said, Sir, that the residents of the towns have not made such contributions to the war efforts as the Honourable Premier expected of them. I congratulate the Premier on the undoubtedly very skilful and successful manner in which he has exploited and is exploiting the war situation. But I must on the floor of this House repudiate with all the emphasis that I command this insinuation and this unwarranted assertion that the people of the towns are not as eager in their war efforts as they should be. I know how, in the rural areas, you have been collecting the war funds. If the residents of the rural areas submit to all this pressure, I am sorry for them, but you cannot bring this pressure to bear on the residents of the towns; they will tell you what it is to put this kind of pressure on them. You cannot boast that these poor residents of rural areas have been making voluntary contributions.

If you are at all sincere in your sympathies for these poor villagers, the solution is a very simple one. You lighten the burden of land revenue, and after you have lightened this burden and given tangible proof of your sympathies with the poor tillers of the soil, come to this House with a proposal to tax capital. Tax capital in the rural areas; tax capital in the towns; tax capital wherever it is. (*Hear, hear*). Place before the House the figures relating to the capitalised value of properties in the rural areas and the capitalised value of immovable properties situate in the urban areas. Let us know the proportion of the capitalised values of properties in the rural and the urban areas and then the House will be in a position to say how much and in what form the deficit in the exchequer resulting from the lightening of the land revenue demand should be met. Therefore, I respectfully submit that this reason that has been put forward by the Premier that the object of this Bill is to equalise the burden of taxation amongst the residents of the rural areas and amongst the dwellers of the towns is absolutely incorrect and is most unfair to the residents of the towns.

One other important point that I desire to place before this House is this. I find that in clause 23 of this Bill, the members of the Government again give evidence of that horror of the civil courts which has somehow or other smitten the Treasury Benches. Why are you afraid of the civil courts? You have completely ousted the jurisdiction of the civil courts in regard to matters relating to this Bill. You are very fond of the conciliation boards. Why? Because you can appoint them; you can dismiss them; they are amenable to your influence; they constantly dance attendance on you. You are friends of the panchayats; you are great advocates of these panchayats. It was pointed out by one Honourable Minister—I do not know whether he had any idea of what he was saying or whether he let out his words in a moment of exuberation and great enthusiasm—

[Malik Barkat Ali.]

that the panchayat system that they were going to build up, this relic of olden times,—times when civilisation did not exist,—shall ultimately end and finish the High Court! The Honourable Minister thought the wonderful system of courts that obtains to-day,—independent courts presided over by independent judges who do not care a two pence for you and who are outside the influence of your executive who never think of you while giving their judgments,—this wonderful system that has been built up by the labours of generations of English jurists and English administrators—is going to vanish by a mere fiat on your part. This is another story, Sir. But I do take strong objection to the attempt repeated in this Bill to oust the jurisdiction of the civil courts. My friends forget that, however they might try, the civil courts will manage to give redress to the aggrieved subjects of the Crown; they are strong enough to give protection to those who are oppressed. Their arm is quite long to reach all those who will oppress. You have had an experience of this already.

Another very important point to which I would like to draw the attention of the House is this. This House is not competent to levy this tax on the capitalised value of properties. (*Sardar Sahib Sardar Santokh Singh: Don't say that*). My honourable friend says, 'don't say that'. It is my duty on the floor of this House to bring to the notice of the Treasury Benches the provisions of the law on the subject. I will refer this House to the Federal list of subjects given in the Government of India Act. Honourable members will notice in item 55 of that list that the Government of India has kept to itself the right to levy taxes on capital value of assets of individuals and companies. It runs thus—

55. Taxes on the capital value of the assets, exclusively of agricultural land, of individuals and companies; taxes on the capital of companies.

I believe you are aware of section 100 of the Government of India Act which lays down—

The Federal Legislature has, and a provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List.....(hereinafter called the 'Federal Legislative List').

You will, therefore, see that no Provincial Legislature is competent to enact laws which have as their objective the taxation of the capital value of the assets of individuals, whether movable or immovable.

While I am here I may also draw the attention of the Treasury Benches to the Provincial Legislative List. It is possible they may have been advised by their law officers that there is room for them to proceed with this Bill because there is an item, item 42, which immediately follows item 41. Item 41 is 'Taxes on agricultural income'. Item 42 is 'Taxes on lands and buildings, hearths and windows'. But let them not run away with the impression that might have been created in their minds by their law officers—I trust no law officer would take the responsibility of creating that impression—let them not run away with the impression that because item 42 speaks of lands and buildings, hearths and windows, they can impose this tax on the capitalised value of lands and buildings. These taxes on lands and buildings are of a different kind. They are like house-tax which some municipalities levy. There is nothing to prevent the imposition

### URBAN IMMOVABLE PROPERTY TAX BILL.

of such taxes. But if it is considered that there is a conflict between the Federal List and the Provincial Legislative List, the courts will so interpret this conflict as to reconcile the two. The interpretation that is bound to be put on these two lists will be that while the Government of India can levy a tax on the capitalised value of both movable and immovable property, the provincial Government cannot tax the capitalised value. The local Government can tax lands and buildings in any shape they like except that they cannot tax the capitalised value of those lands and buildings. Therefore I ask the occupants of the Treasury Benches to study the situation carefully and not to embroil themselves in the meshes of that great undoing which awaits them from the highest courts of this country which luckily exist and which again luckily the provincial Governments have not been given power to abolish. I warn the Government not to get themselves enmeshed in the toils that they are creating for themselves. It is for them to consult their law officers. I place this point of view before them for their consideration.

Finally, I must record my emphatic protest against the prejudice which has been dogging the towns ever since this Government came into power. I am referring to that great wrong which the Government have done not only to the town of Lahore, but the various other towns by superseding their municipalities. During the last four years that have elapsed, the Government has done nothing to resuscitate self-government in these important towns. But that is a separate question. I should, however, on the floor of this House, like to utter a word of warning, and that is this that if they have an impression that they can break us who live in the towns, then they are mistaken. Before they succeed in breaking us, let them see to it that the towns do not break and destroy them. *(Cheers)*.

### **Shaikh Sadiq Hassan** (Amritsar City, Muhammadan, Urban) *(Urdu)* :

Sir, I rise to express my views on the proposed piece of legislation as the representative of Amritsar city constituency. It has been contended by the Government that the people living in towns have to bear a lighter burden of taxation than those living in villages. In this connection I would like to disprove this incorrect statement by merely enumerating the various taxes which we have to pay, for example a house-tax, terminal tax, land-revenue, customs duty, and many other taxes. But let it not give the impression that I am opposed to taxation. I am a staunch supporter of it, provided the incidence is wholly on the wealthier sections of the population and the proceeds are utilized for the benefit of the poorer classes.

Sir, I would like to make a few submissions to the Honourable Premier, who has a keen sense of justice, and I am confident that he will try to see the unfairness of this measure.

My first objection to this particular tax which is sought to be imposed upon urban lands and properties is that it is intended to be levied on their capital value. Now this thing is unprecedented. The tax in Bombay was levied on the rental value of lands and buildings and not on the capital value. Again, another significant thing in this connection is the rate at which it is to be levied. In Bombay which is a rich and prosperous city, the rate of the tax is 10 per cent while here including the surcharge it will

[Sh. Sadiq Hassan,]

work out to 30 per cent, which is to say the least a most unfair and harsh proposition. Moreover this rate of 30 per cent will rise to 60 per cent if a house remains vacant for 6 months. It is needless to say that such a situation would be unbearable. Let us now take the lands. I know about Amritsar at least, that the lands within municipal limits there which are worth about 10,000 rupees do not command an income of more than Rs. 20 per annum and after deducting the land revenue amounting to about six rupees the owner is left with Rs. 14. Now against this income the owner will have to pay Rs. 150 including the surcharge. Probably the Honourable Premier did not give this matter due consideration otherwise he would have seen that a person who was getting Rs. 14 per annum as rent could not pay Rs. 150 as tax. This is one of the many instances that could be cited. I would request the Honourable Premier to see that when this Bill is referred to the select committee, this aspect of the tax should be fully taken into consideration and the measure should be made less harsh.

I would like to make it clear that it is the right of every Government to take a share of the unearned increment because if they do not get their share, how can the poor get benefited? The Government should by right take a share in the profit of any land where the price has without any effort on the part of the owner suddenly gone up. But it is most unfair to tax lands which do not give any return to their owners.

There is another point which I would like to bring to the notice of the Government. It is proposed to exempt houses to the value of Rs. 6,000 in Lahore and to the value of Rs. 3,000 in other towns, from the payment of this tax. But in my opinion three grades should be fixed according to the grades of the municipalities. In a special class municipality, like Lahore, the limit should be fixed at Rs. 6,000, in a first class municipality like Amritsar or Rawalpindi at Rs. 4,000, and in small towns at Rs. 3,000. I wholly endorse the proviso of this clause where it is sought to tax the property of a person who owns more than one such house which may not individually be worth more than Rs. 6,000. But in the case of a house worth, say, Rs. 6,000 which is jointly-owned by two or three brothers whose share in it will not be more than Rs. 2,000, I beg to submit, the Government should have made provision for its exemption.

I was glad to hear from the Honourable Premier that the shops or land attached to mosques, temples and schools will also be exempted although no mention of it is made in the Bill.

There is another point in regard to which I would like to draw the attention of the Government. The Punjab is very backward in the matter of industries as compared with provinces like Bombay and Bengal, and especially when our Government is now interesting itself in the industrialization of the province, I will request them to exert particular care in imposing this tax upon them. I do not advocate their exemption, but I would like the tax to be such as to cause no difficulties in the way of their progress.

Sir, I would also make a submission in connection with appeals. The Government should show a great measure of broadmindedness in dealing with the appeals arising out of the assessment of this tax. The appeals



should not be dealt with by the officer of the Department but in order to do full justice, a judicial officer should be appointed instead to hear them, as has been done by the Government of India in appointing an independent tribunal to hear appeals relating to income-tax. There, too, the people had this complaint against the income tax officers that they assess more taxes than the persons were actually liable to pay. Likewise the final appellate authority in this case should also be an independent judicial officer.

Finally, I come to the question of surcharge. I am not one of those who say that we have nothing to do with the war. I would like them to bear in mind the fate that has befallen countries like China and Albania.

**Rai Bahadur Lala Gopal Das :** Those who objected have gone.

**Shaikh Sadiq Hassan :** Anyway they are out somewhere and I want them to know that if this war comes to our very door then it will not be a matter of lakhs but of billions of rupees. At this moment all our efforts should be centred on keeping the war away from our frontiers. To achieve this end we must tax people but the responsibility should chiefly be of the wealthy classes whose interests and properties would be at stake if India is thrown into the throes of war. It is no doubt a bitter pill but it is at the same time a life saver and for that reason, it must be swallowed. The war will not be as harmful to the poorer classes as it would be to the rich people. But, I beg to submit, the tax for war purposes should not be levied in the form of a surcharge but should be levied entirely on the wealthy people. Their millions should be utilized in strengthening the defences of India.

**Captain Sodhi Harnam Singh** (Ferozepore North, Sikh, Rural) (*Urdu*): Sir, I am surprised to see that the honourable members sitting over there have taken objection to the Bill under discussion without rhyme or reason. I am afraid that they do not think for a minute that the zamindars have been bearing the burden of taxation since long and if other resources are not tapped in times of emergency and more tax is levied on them it will break their neck. I may point out that three-fourths of the population of this province consisted of people living in rural areas and most of them are too poor to make both ends meet. As you are aware, Sir, the Government does not give concession to any zamindar whether he is a small zamindar or a big landlord and charges one-fourth of their income without discrimination, as land revenue. Even a poor zamindar whose income is Rs. 20 is not spared and he has to pay Rs. 5 or Rs. 6 annually as land revenue to the Government. And in addition to this he has to pay abiana, local rate and chaukidara—while urban people with the exception of income tax, even that is being paid by a few persons—do not pay a single penny to the exchequer. It is therefore very strange and unjustifiable, I would say, that the urbanites who pay less enjoy all the amenities in the cities which are denied to those who are living in the rural areas. The urbanites have been provided with every kind of facility. They have hospitals for their treatment, colleges and schools for the education of their children, clubs for their recreation and what not. But on the other hand the poor zamindars are given to starve.

Sir, whenever the question arises that the urbanites should share the burden of taxation with the rural people, the former have evaded it by asking the Government to come forward and reduce the land revenue, while

[Capt. Sodhi Harnam Singh.]

the Government have always been considerate to the zamindars. As you are aware the Land Revenue Committee appointed by the Punjab Government recommended that the land revenue of those small zamindars be reduced who possess five or six acres of land. By giving this instance I want to point out to my honourable friends opposite that the Government has been making its best efforts for the poor zamindars, but they cannot give practical shape to this recommendation, unless fresh resources of taxation are tapped. This is a fact that whenever any measure has been brought forward by the Government in the interests of the rural people, it has been the urbanites who have been taking objection to it. And my honourable friends should not lose sight of the fact that the annual income of the Punjab Government is 11 crores of rupees out of which 10½ crores are paid by the rural community which is mostly used on urban people. Under these circumstances if the Government has intended to levy tax on urban people, I do not see any reason for making a hue and cry in this respect. Four years have passed since this Government came to power and only now this Bill is placed before us while sufficient period has elapsed. I think the Government should have brought forward such a measure in the first or second year of their office. And I am of the opinion that this Bill should not be circulated because if it is circulated sufficient time will pass with the result that this Bill will not be passed into law and its provisions will no longer be enforced. Another point to which I want to draw your attention is that a provision has been made in the Bill for exempting those buildings and lands from the tax, the capital value of which does not exceed Rs. 6,000 in big cities like Lahore and Simla and Rs. 3,000 in small cities. But just see what is being done in the case of zamindars. If a zamindar is in possession of one acre of land he is liable to pay land revenue to the Government, but in this Bill, as I have submitted, property of six thousand rupees is being exempted from the tax. It is known to everyone of us that in Japan income-tax is charged on the minimum income of 500-yen, an equivalent of Rs. 250, no matter whether that income is the return of a business or otherwise. If the Government had resorted to such income-tax methods, the urbanites would have been heavily taxed, but the Government have not touched this point. As I have already stated, on the one hand, 10½ crores of rupees are being paid to the Government by the zamindars and, on the other hand, this Bill is supposed to fetch one crore of rupees from the urbanites. It has been made clear that the urban people are not being heavily taxed by the Government and that they should be grateful to the Government for this act of kindness. I may also tell my honourable friends opposite that land revenue is imposed on 'waqf' lands used by schools, gurdwaras and other such institutions in rural areas, but in this Bill provisions have been made according to which tax will not be levied on such property. I think the urbanites should be thankful to the Government for giving such a concession to their institutions. I request that they should create in themselves a sense of justice and of broad-mindedness and they should not oppose measures just like this Bill in the best interests of their country.

With these words, Sir, I oppose the circulation motion and wholeheartedly support the motion that the Bill be referred to a select committee.

**Rai Bahadur Lala Gopal Das** (Kangra North, General, Rural)  
(Urdu): Mr. Speaker, before I proceed with my speech I would like to

3 p. m. register my emphatic protest with the Government against their having brought forward this measure which would prove detrimental to the urban people. A few years ago this Government appointed a committee named the Resources and Retrenchment Committee for tapping new sources of income to the Exchequer. After two years laborious efforts this committee submitted its report and made recommendations for the adoption of a certain scheme of retrenchment which has been completely ignored, rather shelved, by the Government. If they had acted upon that scheme, I am sure, they would have effected savings amounting to more than half a crore of rupees. They could utilise this amount for some better purpose. But I am constrained to remark that the Government have, instead of devoting their attention to this laudable scheme, embarked upon new taxation. I may point out in passing that since this Ministry came into power the Honourable Chaudhri Sir Chhotu Ram has developed the habit of going about and declaring to the people in rural areas that he is out to destroy the urbanites by levying a tax to the tune of a colossal sum of Rs. 6 crores. (Voices: No, no, he never said so.) At first I did not attach any importance to the report of such speeches; but when I found the Honourable Premier also speaking in the same strain, then I realised that the Government were really bent upon crushing the urban people. My honourable friend Malik Barkat Ali during the course of his speech rightly remarked that the Government had altogether disregarded the recommendations of the Retrenchment and Resources Committee, and they had instead resorted to a discriminatory taxation measure which is not universally applicable. I consider this action on their part as most unjustifiable and uncalled for.

Next, if we look at this Bill from the economic point of view, we find that a sound principle of economics has been trampled under foot by the Government; the principle is that double taxation should not be imposed upon the same property. In other words only one tax should be levied instead of burdening the same property with various taxes. But what is being done here? Let me take the example of Lahore. Here the land has been divided into four categories and on the basis of this gradation the land revenue is charged. Now in rural areas the maximum amount of land revenue realised by the Government is Rs. 1-9-0 and the minimum amount is Re. 0-8-6 per kanal. But in urban areas the maximum and minimum amounts charged as land revenue per kanal are Rs. 8-12-0 and Rs. 3-12-0 per kanal respectively. What an astounding and iniquitous disparity! Then, the Government of India steps in and takes its toll from this property in the form of income tax. After that our benign Government are again going to levy a tax on the property through this measure. In addition to this they propose to impose another tax in the form of a surcharge up to one half of the property tax, for the period of the war. You will observe, Sir, that it is crystal clear from these hard facts that the Government are endeavouring to tax the property five-fold. I ask, why are they making this war levy? Is the Defence of India a provincial subject and not a Central subject? May I know if they want to raise a crore of rupees for internal security or for protection from external aggression? If the Government

[R. B. Gopal Das.]

say that they are having more police and maintaining Civic Guards, then I may tell them that they are getting their due share from the Government of India for this purpose. I have not been able to understand the logic of imposing the war levy. I wish the Honourable Premier or any other member on the ministerial benches could throw some light on this matter.

Then, Sir, the Honourable Premier while moving this Bill made a fallacious statement. He said, "The Retrenchment and Resources Committee has also recommended this tax." But I am glad that he withdrew this remark. Again, he made a mis-statement to the effect that this tax was not without a precedent. He cited Bombay Presidency Urban Immovable Property Tax as an instance in point. In this connection I may point out that the property tax imposed by the Bombay Government has been confined to the cities of Bombay and Ahmedabad and their suburbs only. The whole of the Bombay Presidency has not been included for this purpose. Again, the Punjab Government have proposed to levy this tax on the capital value of the property instead of the annual letting value. This is a clear departure from the canons of equity and justice. Besides, the Bombay Government had imposed this tax with a view to make good the loss in revenue incurred by them for having introduced prohibition in the Presidency. But my honourable friends on the treasury benches have not embarked upon this policy. What state of emergency has arisen in view of which they have been compelled to resort to this taxation? The statement that 'the object of this Bill is fiscal, to raise additional revenues' is very vague. They have not made this fact clear whether they want this additional money for the appointment of another Additional Financial Commissioner (*laughter*) or for the re-employment of retired I.C.S. officers or for enhancing their own fat salaries. (*Renewed laughter.*)

Besides, I would like to draw the attention of the Government to a matter on which the Bill is silent. No provision has been made with regard to the imposition of and exemption from the tax of a vacant land attached to a bungalow and which does not yield any return whatsoever. It is the building only which would fetch some income. If you refer to clause 5 (2) of the Bill, which runs thus :

5 (2)—If in the opinion of the assessing authority the annual value of any building or land—

(a) cannot be ascertained; or

(b) does not constitute a correct basis for calculating the capital value, the assessing authority shall assess the capital value at a figure representing the price at which such building or land might reasonably be expected to sell.

you would find, Sir, that Government have armed themselves with full and arbitrary powers to do whatever they like. No appeal can lie in a civil court against this levy by the assessing authority.

Now I come to the detrimental effects which the passage of this measure would bring in its wake. The development of cities would be adversely affected. You would observe, Sir, that the present cities of Lahore, Lyallpur, Amritsar, Ferozepore, Rawalpindi, etc., are not the same as they used to be 10 years ago. The population of the towns in the Punjab is increasing. Do you know the reason for this rapid increase in the population of the cities? It is this—that people no longer find security of life and property

in the rural areas due to the recent agrarian Acts passed by this Ministry. They do not feel their life and property safe in the villages. They fear that either dacoits or the Government will rob them of their wealth. That is why they are coming into the cities. But here too the Government does not want to give them any quarter or protection. This Bill is designed to fleece the dwellers of the cities. I am afraid the Honourable Premier is gradually stepping into the shoes of Stalin. This measure is nothing short of a gradual confiscation of property.

Adverting to the Bill itself, I may point out that the rate of tax proposed will actually work out to be 20 per cent of the rental value. That is rather too much. In Bombay City the total tax on property including the house-tax is 25 per cent, but in our province the total tax payable will far exceed the maximum in Bombay, if this measure is passed. At the top of all those taxes is the war surcharge tax.

Moreover, I find that the Government is rushing through this measure with an indecent haste. This was published in the Gazette on the 20th of November and was circulated in the Chamber along with the agenda on the 21st of November. If the Government continues like this, the result of this haste will be bad in the long run. On the other hand, if it is circulated for eliciting public opinion thereon, no harm will be done to the Government. The representatives of quite a large number of constituencies are absent and they cannot express their views on this Bill. I appeal to the Government to save the people from this unfair taxation.

Besides, I was wonderstruck to hear from my honourable friend Sodhi Harnam Singh that the urban people paid only one-sixteenth part of the taxation of the province while the rural people paid 15 times as much, that is 15/16 of the total taxation. My wonder is that he had the courage to say this in the face of the facts and figures given by my honourable friend Malik Barkat Ali in his very lucid and forceful speech. Malik Sahib had clearly told the House that the incidence of taxation was Rs. 5-8-10 *per capita* per annum in the rural areas while it was Rs. 19-14-6 in the urban areas. How in the face of this statement, could my honourable friend Sodhi Harnam Singh say that the rural population paid 15 times as much as the urban population? That was a mis-statement on his part, and he gave no figures to support his contention.

In the end, Sir, I whole-heartedly support the circulation motion of my honourable friend Mian Muhammad Nurullah.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Rural) (*Urdu*): Sir, I deem it my duty to express my views about this Bill as I represent in this House the towns of four districts which will be directly affected by the passage of this measure. I will not take much time of the House. My submission will be brief and to the point.

In the first place I wish to point out that it is mentioned in the Statement of Objects and Reasons appended to this Bill that the Resources and Retrenchment Committee had recommended the imposition of the urban immovable property tax. Two or three honourable friends who preceded me have refuted this statement and I too want to repudiate this allegation. Even if the Resources and Retrenchment Committee did make such a

[K. S. Khawaja Ghulam Samad.]

recommendation, I would like to point out that the personnel of that committee was almost entirely composed of rich people, Khan Bahadurs and Nawabs. Not a single representative of towns was included in that committee. How could we expect such a committee to be conversant with the real state of affairs in the cities? Moreover, we have repeatedly demanded both inside as well outside the Chamber that the report of the Resources and Retrenchment Committee should be discussed in the House and the same, I regret, has not been done. It is a pity that the honourable members of this House have not been given an opportunity to criticise a report on which the future of the finance of the province depends. In these circumstances it is not fair on the part of the Government to refer us to that report which has not been brought before the House for discussion. Sir, the Bill as it has been drafted will constitute a great hardship to the poor dwellers of the towns. I can only hope that the facilities which the Honourable Premier has promised to grant to deserving people will be duly granted at the proper time.

The next point that I want to stress is that the tax should not be imposed on the capital value of buildings and lands in the towns. May be a certain grand building was built by the rich forefathers of a person who himself has become destitute by the vicissitude of times. Many such cases can be found in the towns which are situate in my constituency. Mahem and other towns in Ambala Division abound in such buildings. Now if the assessors of this tax take the capital value of those buildings, the tax will be very heavy indeed. The present owners of these costly buildings who are now really starving will not be able to bear this heavy taxation because times have reduced them to poverty. It is stated by the honourable members sitting on the Treasury benches that the rental value will be multiplied by 20 in order to arrive at the capital value of a building. I would like to sound a note of warning to the Government that the poverty-stricken descendants of rich forefathers will not be able to pay this tax at all. In towns detailed in the Schedule of the Bill for example Mahem, Bhiwani, Rewari, Palwal, etc., many huge buildings will be found in which only destitute families are now living. Their ancestors might have been princes or trade magnates, but they themselves do not get two square meals a day. How will they be able to pay this tax which is proposed in the Bill under consideration? The present measure if passed into an Act will surely constitute a great hardship to hundreds of families living in the towns of the Punjab. There are cases of such people who were rich at one time but later on became poor. The houses which they built when they were prosperous are still occupied by them. But now they are no longer as rich as they used to be once. The capital value of the houses in which they reside is often more than Rs. 5,000 or Rs. 6,000. But actually they are paupers. Those houses only provide them with shelter. Their owners would rather prefer to starve than to stretch out their hands for alms to anybody because they are descendants of respectable people and they do not want to expose their indigence. Such people will not be able to pay the proposed tax. And when the penalty clauses will be used against them they will have to leave their houses. In this way many such families will become homeless I request the Honourable Premier to reconsider the provisions of this Bill.

in view of the sad condition of such people whom I have described. I do not want to mention the names of such people for they will feel disgraced if I do so. But I know many such people who are living in very valuable houses but in reality are very poor.

There are no industries in the country and no other profitable occupations which the urban population could take up to earn their living. Since the time the rural and urban distinction has been brought into existence the claims of urban people to the various Government services are being ignored. The urban people have got few means of earning and consequently their income is very little. I fail to understand how those people are going to pay this new demand of the Government. This is an important measure and I feel the absence of the Congress members. They ought to have accepted the advice of the Honourable Premier and remained here to participate in the discussion of this and other most important Bills which are likely to come before the House in this session. I request the Honourable Premier to delay the passage of this Bill till a conciliation has been brought about between the Government and the Congress. The absence of the opposition from the House has increased the responsibility of the Government. The Government should behave in such a manner as may not give an opportunity to the public to allege that they want to derive undue advantage from the absence of the Congress opposition. I, therefore, request the Honourable Premier not to rush through this Bill.

Now I will make a few submissions about the provisions of this Bill. In clause 3 (1) there is mention of a war levy, which will be realised during the continuance of the present war. This war levy constitutes an additional burden on the public and it is not proper that they should be made to pay this surcharge. I would request that the amount realized as tax after the passing of this Bill should be utilized for war purposes and no surcharge should be realised. Again, a provision has been made in this Bill to exempt places of worship, etc., from the levy of this tax. I draw the attention of the Honourable Premier to the fact that no provision has been made in the Bill to exempt such lands and property as is attached to places of worship for their maintenance and other expenses connected with them. I fail to understand whether shrines, etc., will be exempted or not. The shrines and the property appurtenant thereto should also be exempted.

As regards the statement made by the Government that the urban population pays less towards the Government exchequer, I may submit that the figures quoted by my honourable friend Malik Barkat Ali Sahib amply prove that the urban people pay three times more than is paid by the rural people in the form of various taxes and cesses although they are 18 per cent of the whole population. I need not repeat the figures quoted by him. But an enquiry should be made to verify the statement of Malik Sahib.

I may also mention that since the time the public has come to know of the intentions of the Government to tax the immovable property situated in urban areas, I have received many letters from the residents of the 18 towns which happen to be within my constituency protesting against the levy of the said tax and requesting me to appeal to the Honourable Premier on their behalf not to levy any such tax. Their paying capacity has become

[K. S. Khawaja Ghulam Samad.]

very much reduced on account of trade depression. I know of the case of a certain gentleman of Tohana. He dealt in wool, and earned lakhs of rupees. He built a very big house for himself. But later his business failed on account of the trade depression with the result that now he has not got anything. His only means of subsistence consist of a few acres of land which he had purchased when he was rich. During the last famine his and his family's sufferings were heart-rending. A person like him may be the owner of a house worth one lakh of rupees, but he may not have a single penny with him. How can such a person pay Rs. 1,000 as tax on the house owned by him and valued at Rs. 1,00,000? Besides, there are many towns mentioned in the Schedule appended to this Bill wherein big houses do not bring in even one rupee by way of rent. I can say without any fear of contradiction that in such towns palatial buildings remain vacant all the year round and there is nobody to hire them. I ask, when such is the case how will the owners of such big houses in straitened circumstances be able to pay this tax? I am sure they will not be able to do so. Let me tell my honourable friends that I do not object to the levying of this tax. They can do so by all means. But what I want is that in cities and towns where the houses do not bring in sufficient rent the owners of such houses should be exempted from the payment of this tax. It is in fact dangerous to give such a vast list in the schedule. The people are very much perturbed over it. It would be advisable to apply this Act only to big trading centres such as Lahore and Amritsar on the lines of the Bombay Government as they have applied this to Bombay and Ahmedabad and their suburbs.

Before concluding my speech I would like to say a word. And that is that I have not been able so far to understand, although I have considered this question very carefully, as to why this Bill has been named as the Urban Immovable Property Tax Bill and why it has not been named as the Immovable Property Tax Bill so that it may be applied to immovable properties both in the urban as well as rural areas. In that case it would not have appeared so nauseating to the urban people. For then the old adage : *میری انہوں نے جتنی دارہ* would have at least satisfied them. But it is a matter of great regret that according to their old habit Government are creating distinction between the urban and the rural populations and thus they are creating friction amongst them. So far as the urban areas in the Ambala Division are concerned I can say without any fear of contradiction that the condition of traders is very bad indeed. No doubt during the great war they made good deal of profit. But since the depression set in their trades have been ruined. The fact of the matter is that the rise and fall in prices is in the control of the foreigners who do whatever goes in their favour. The result has been that thousands of traders have been ruined. There was a time when it was said :

*انہ کی بقی مدہم ان۔ کہد چ ور بہت دارہ*

But now the case is quite the reverse of it. The plight of the tillers of the soil is quite apparent and so is the case with the traders. They are at present making their both ends meet with great difficulty. Now if there is anything *uttam* or profitable that is service. It is an irony of fate that the present age is going against that old adage. Now only those people are



passing their lives easily who are in service. In the circumstances I would submit that if any Bills are to be introduced they should be such which should equally affect the rural and the urban people. And if my honourable friends do so they will see how much money they would be able to make from the immovable properties in the rural areas.

Besides, there is one thing else in regard to which the Honourable Premier has not so far paid any attention, that is, that if any urban person has only one residential house, it should be exempt from the operation of this measure. I would also request him that those people whose properties in the urban areas are mortgaged should be exempt from the provision of this Bill and an allowance for vacancies and unrealised rent should also be given. Besides, others who are incapable of paying this tax should be exempted from the operation of this Bill. With these words I support the circulation motion.

**Mian Sultan Mahmud Hotiana** (Pakpattan, Muhammadan, Rural) (Urdu): Sir, I think the whole House agrees with the principle of this Bill that this tax should be levied on the immovable property in the urban areas. However, there are a few honourable members who have deemed it fit to oppose this measure. In my opinion any one who opposes this measure is a traitor and he does not like that his younger brother who has up till now been suffering and groaning under the burden of heavy taxes should get some relief.

**Sardar Sahib Sardar Santokh Singh**: On a point of order, Sir—Is the word *ghaddar* parliamentary? The honourable member has said, "He who opposes this Bill is a *ghaddar*."

**Mr. Speaker**: The honourable member should withdraw the word.

**Mian Sultan Mahmud Hotiana**: I withdraw it. The condition of the urban and rural people is like that of two brothers, the elder being an urban and the younger rural. Now up till this time the rural brother has been toiling but the urban brother has been reaping the rewards of his young brother's labours. In fact he has been and even now is enjoying the amenities of good roads and up-to-date hospitals like the Mayo Hospital at Lahore. Besides the services of the highly qualified doctors have been and are at his disposal. But against this the rural brother has only *pak-dandies* to trudge along and the services of ordinary *hakims* at his disposal when he falls ill. In addition the urban brother has colleges and schools at his disposal where to he can send his children to study. But against this if the rural brother has to send his children to college he has to incur hundreds of rupees per month before he can give suitable education to his children. If by chance any one of his sons falls ill he has to spend five or six hundred rupees to bring him to a city like Lahore for getting expert medical treatment. Now the rural brother who has realised his difficulties has been waiting for the last four years as to what action his urban brother would take to remove his ills and to provide similar facilities to him which he himself has been enjoying. But so far he has not moved in the matter at all. This Government which is the Government of the rural people has as a matter of fact waited for the last four years to see whether anybody from those benches should bring a measure to this effect. But we have been hoping against hope. When after waiting for four years they have brought forward

[M. Sultan Mohamood Hotiana.]

this Bill my honourable friends opposite are pursuing dilatory tactics and have moved that it should be circulated for the purposes of eliciting public opinion thereon. It has been said that the Government should lighten the burden of the zamindar from the proceeds of such taxes on the urban section of the population. In connection with this our Ministers have assured us that the Government will tap the different sources in order to lighten the burden of the zamindars.

**Begum Rashida Latif Baji :** As if their assurances will ever materialize !

**Mian Sultan Mahmud Hotiana :** Well, if they will not redeem their pledges we will disown them. Anyhow, no one has any objection to the principle underlying this Bill. All that my honourable friends have taken exception to is the fact that the tax should not be imposed on property but on the income derived from it. Personally I myself would favour a tax on the income and not on property itself. To start with we had a fixed land-revenue but the principle was ultimately proved to be wrong and the system was abolished. It really seems to be very unjust to levy a tax on property when it is not giving any income whatsoever. I think this harshness can be remedied either during the deliberations of the select committee or in the course of the debate on the Bill.

This tax is being levied in accordance with the recommendations of the Retrenchment and Resources Committee. But I fail to understand why the Government should have tapped its resources without undertaking retrenchment first. They ought to have introduced a Government Pay Bill curtailing high salaries. It is high time that the Government should give their attention to retrenchment and should make every effort to reduce their expenditure. In the end I would urge upon the Government to speed up the passage of this Bill.

**Subedar Major Raja Farman Ali Khan** (Gujjar Khan, Muslim, Rural) (*Urdu*) : Sir, I have seen many revolutions in my life. I was a witness to the Boxer Revolution in China, and I also saw revolutions in Burma, Africa and France. (*Laughter*). The condition of those countries precedent to these revolutions was that the richer classes were rolling in wealth and the labourers and workers were smarting under the oppression of their exploiters. When the British came to India agriculture was the main occupation of the people of this country. It was their only means of livelihood. India in those days was not counted among commercial countries. But conditions all over the world have changed now. All the other countries mainly depend upon their commerce. Their armies, their ammunition and their shipping all owe their existence to their success in the field of commerce. Russia is the only country in the modern world which has made agriculture its mainstay. If you also want to live in comfort and to have better clothes to wear and a better fare to eat you should guard against the calamity that is about to befall you. India is the only country of the old world which has not yet become a theatre of actual warfare. Even our neighbour Thailand is being involved in war and there have already been a number of raids and counter-raids between Thailand and French Indo-China. We cannot properly apprehend the real havoc done by the war

from the news of its destructive results that are being faced by the belligerent countries. In fact :

ہندوستان کے ملک و دولت

It is only the people of those countries where aerial and other battles are raging who can tell what is happening to them. Mere conjecture cannot depict their real plight. The wars in which I have fought were no doubt terrible, but now we hear that the present one is far more terrible and it is a hundred times more destructive than the last war.

In view of the fact that Great Britain is daily spending crores of rupees on the prosecution of war, one per cent tax that is being demanded from you for the defence of India, does not amount even to a drop in the ocean. Our Government has been sleeping so long and now it has received a rude shock. Because the danger is not yet at your doors and you are enjoying your life of ease and luxury you are not worrying about the war. You should better ask some of your old soldiers as to what happens when a country goes to war. The war is not very far off. It may reach the Indian shores even before six months are out. Do not rely on your treaties of friendship with your neighbours. No one is going to respect those scraps of paper when the prize is going to be your vast agricultural country. My submission is that at the present moment rich and poor alike should help their Government in the prosecution of war. The rich should give away a part of their wealth and the poor people should offer their lives. Every Government servant should keep at the most Rs. 50 for the maintenance of his family, contribute the rest towards war fund. Every lawyer and urbanite should give up all his income excepting a little which should suffice for his household expenses. Likewise all the big landlords should keep the income of two squares of land for themselves and hand over the rest to the Government. There is no question of ruralite or urbanite in this matter. It is only a question of rich and poor. My submission to the Government is that the legislation should be such that crores of rupees could be realized by enforcing it. If you will not heed my words you will remember them on the day when bombs will rain from the skies. I may or may not be alive then but you will at that moment say, 'it would have been better if we had parted with a portion of our wealth than that we should lose the whole of it now'. I again beg to submit that when you are already paying something by way of tax why not pay a little more.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General, Rural): I support the remarks of the honourable member for Southern Towns, Khawaja Ghulam Samad that this is not the time for placing before this House controversial measures of such vast and far-reaching character, measures which are based on assumptions which have not been demonstrated to be correct by any report of experts or by any official or non-official investigation. It would have been better if the Honourable Premier had left this controversial measure for better times when acrimonious controversy on such a vast scale may not be raised. He has unfortunately chosen to act otherwise and has, in my opinion, given room for the uncharitable statement that he wants to exploit the war situation for party and class ends. I know that he is thoroughly for war effort. We also know that

[R. B. Mukand Lal Puri.]

our budget is a balanced budget. Any responsible minister of a popular assembly who wishes to come forward with proposals for taxation of such a vast character should in the first instance point out the necessity for that taxation. Moreover, I put a question to him as to what was the amount that he wished to raise by this taxation. His answer was a mere mum. He did not utter a word. Does he want to raise five lakhs or five crores? Any Finance Minister who brings forward a proposal of this type should tell the House if not the actual, at any rate the approximate, amount which he expects to raise. Neither the Premier nor the Finance Minister took the House into his confidence in this respect. We are, therefore, left in the dark as to what is the amount expected to be raised by this taxation. In the absence of that information how is a responsible Minister justified in asking the House to embark on a speculative measure of taxation? That the Minister has not been careful in dealing with this matter is shown by the Statement of Objects and Reasons. The Finance Minister who was himself the chairman of the Resources Sub-Committee says that the Resources Committee has recommended this tax. (*An honourable member*: It has been corrected. It is a misprint.) Evidently the mistake must have been committed by some clerk in the office because the Finance Minister who was himself the chairman of that Committee could not have made that mistake. I have glanced through the whole report of the Committee and there is not a word in it on this subject. It only shows that unfortunately guided by perhaps the Minister for Development whose regard for the town people is well known, they start on wrong assumptions and build castles in the air.

Three reasons have been given for the proposal of this taxation. First is the one which I pointed out just now and which has been mistakenly put in in the statement of objects and reasons. The second is that such a tax exists in the Bombay Presidency. In regard to this point one of the previous speakers pointed out that there is no such universal tax as urban property tax in the Bombay Presidency. It is confined to two distinct towns which are the richest towns. Objection was taken in Bombay as to why the tax was being proposed. It was answered that Bombay and Ahmedabad are towns which in their prosperity and in their advantages resemble towns in western countries and might therefore be legitimately taxed. Further, the tax was levied for a special purpose, namely, for raising the moral issue of prohibition. If I may be permitted to quote the speech of the Finance Minister of Bombay, this is what he said on 14th February, 1939—

I have heard it said that the level of wealthiness in the west being much higher than here, the scale of taxation in this country cannot be as high as there. On the whole, this is true. But in so far as our industrial cities like Bombay and Ahmedabad are concerned, this objection does not apply to the same extent and at least in so far as immovable property in these and similar cities is concerned the proposed tax cannot be seriously objected to. I do not deny that the proposed measures constitute a big jump. But in view of the urgent need of the times, this sacrifice should be cheerfully accepted by the public concerned at least till the Congress Party are in a position to replace it in some other way, as they hope to be when they get a more complete control over the finances of the country.

This is about the second reason. The third reason given in the statement of objects and reasons is the equalisation of taxation between the country and the town, between the rural and the urban areas. In this connection I may say that mere assertion is no proof. Malik Barkat Ali has challenged our friends on the Treasury Benches to quote facts and figures to prove that the urban population is not more heavily taxed at present than the rural population. Has the Premier got any facts to substantiate his assertion? Has he got any expert reports? Did he ever appoint a committee of officials and non-officials to go into this important question of incidence of taxation on the urban and rural people and come to a conclusion? I respectfully submit that there is absolutely no basis for his assumptions except the antipathy of the Minister of Development for cities which he wants to be razed to the ground. The Minister for Development and the Premier also, I am sorry to say, have been going round the province creating this impression and also ill-will towards the residents of towns without any basis for their remarks. What is the basis, I respectfully ask again, for the assertion that in the pageant of taxation which is local, provincial and imperial, the urban people pay in any way less than the rural people, by whatever standard you may judge? If you make out a case that the urban

4 p. m.

people pay less in taxation, I for one would be the first person—I repeat it—I for one would be the first person to equalize that taxation. It is proper that taxation should be equalized. But you cannot base your argument on untruth and falsehood. I respectfully submit that there is no earthly reason to make that assertion. I shall demonstrate this to you presently by quoting a few instances as to the incidence of urban taxation. Malik Barkat Ali quoted facts and figures from the budget of 1937-38. There was a Taxation Inquiry Committee appointed by the Government of India in 1924-25 and one of the main duties with which that committee was entrusted was to find out the incidence of taxation of each class of people and the committee went into this matter thoroughly. Their conclusions were not that the rural people were heavily taxed and the urban people were less heavily taxed. They made certain recommendations with respect to the limiting of revenue demand to 25 per cent, with respect to the levying of hasiyat-tax and with respect to the grading of income-tax and all these recommendations have been carried. Their conclusions are well worth being placed before this House. Here is an expert committee of the Government of India going into this question and yet they do not in any way state what the Honourable Premier and others have been pleased to state. They point out :

The problem bristles with difficulties, for, as Professor Seligman has pointed out, the incidence of taxation is one of the most complicated subjects in economic science, and it is rendered more so in India owing to the lack of any reliable statistical material on which conclusions can be based. . . .

In applying these considerations to their terms of reference, the first point which the committee have to determine is what are the classes of the population that need be separately considered from the point of view of the incidence of taxation.

Then they take each class one by one, both in the urban and rural areas and they say :

[R. B. Mukand Lal Puri.]

Beginning from the bottom they take, first, the two classes of daily labourers, namely :—

- (a) the urban labourers, including the lower grades of urban artisans,
- (b) the landless agricultural labourers and the lower grades of village artisans,

and their conclusion is that the incidence of taxation per head of the population paid by the urban labourer is Rs. 8-7-7, whereas that paid by the agricultural labourer is Rs. 1-10-11. (*Khan Bahadur Mian Mushtaq Ahmed Gurmani*: What is the earning capacity of each of these two classes? Have they said anything about it?) Yes.

These figures indicate a total burden of Rs. 1-11-0 per head, but it is probable that it will not exceed half this amount in the numerous villages which are remote from liquor shops and the inhabitants of which pay neither capitation tax nor chowkidari and consume hand-woven cotton goods and indigenous sugar.

So their inference is that the actual incidence will not be more than half of Rs. 1-11-0, whereas in the other case it is Rs. 8-7-7. Then they take the case of the peasant proprietor and with respect to the peasant proprietor of the Punjab they make these observations :

The case of the peasant proprietor with a substantial holding is very different, inasmuch as the land revenue, being imposed at a flat rate, takes a smaller proportion of his surplus than it does of that of the smaller man \* \* \* \* \*

His condition in the case of the Punjab peasant, for instance, has often been shown to compare very favourably with that of the small farmer in Southern Europe. So long as he resists the temptation to abandon farming and become a rent-receiver, and does not become addicted to drink, he is a comparatively prosperous member of the community.

Then comes the large landholder :

Although there are individual cases in which the burden on the largest landholder is by no means light, in the majority it rests more lightly than on other classes. The income of a member of this class, in so far as it consists of rent, is all surplus after his standard of living has been allowed for. He pays a fair share of the customs duties on luxuries, as well as court-fees for causes that are often matters for regret, but he pays no income-tax on his income from land and nothing in the shape of succession duty except in fairly rare cases in Bengal. Even in the case of cesses the burden as between himself and his tenant is not proportionate to the income derived from the land. The above considerations have led to one of the most important of the recommendations in the report, namely, that some element of progression should be introduced into the contribution of this class.

This is, Sir, with respect to the rural population. Now with respect to the larger trader generally in towns they recommend a certain gradation of income-tax which has already been carried out by the Government.

The larger trader with an income below the super-tax limit becomes liable to the income-tax, but still escapes with a comparatively light burden, as compared with the landlord over there. Then comes the big merchant.

The big merchant class includes the proprietors, partners and managers of large business, who are found almost entirely in the towns. These people, together with the highest classes of professional men and a few officials, contribute between them 66 per cent of the total collections of the income-tax, the bulk of the probate duties, the bulk of the customs taxation on luxuries, which amounts to 31 per cent of the whole, and a large proportion of the fees and taxes on transactions. These classes have borne the brunt of the many new burdens that have been imposed since the War, which landowners have to a great extent escaped.

Then again:

The lower professional class is one which has undoubtedly suffered under recent developments, more by reason of their comparatively high standard of living and of the fact that their earnings have not responded as closely as those of the manual workers to the increase in prices, than by reason of any increase in the burden of taxation.

Then, Sir—

The professional classes—the higher grades. The case of the most prosperous members of the professions has already been mentioned in considering that of the largest merchants and business firms. Generally speaking, the members of this class pay the same taxes and enjoy almost the same standard of living, a standard which, in their case, has improved very considerably within the last two generations.

Thus, Sir, you will observe that the suggestion now put forward is nowhere contained in this report. You will be pleased to observe that since this report was written, the incidence of land revenue has gone down. You know that the incidence of land revenue for a number of years used to be 50 per cent of the net assets and in 1928 it was laid down by section 48-A of the Punjab Land Revenue Act that the land revenue shall not exceed 25 per cent of the net assets. Therefore, before you start swearing at the urban classes, before you start with legislation of such a partial character, you must justify the basis on which you proceed. To start with the assumption—which is an absolutely wrong and fallacious assumption—that the urban classes in this country are lightly taxed as compared with the rural classes, is not right. What is your justification for such an assumption? Of course the justification lurks in the ignorant mind. Here there are a number of persons sitting on these benches and I overheard one gentleman, for whom I have the greatest respect, say, “look at the amount you pay to the provincial exchequer”. As my honourable friend, Malik Barkat Ali, has pointed out, what does it matter whether you pay to the provincial exchequer or the central exchequer? The population of the country is taxed, some by way of local taxation and others by way of imperial taxation. We should be jolly glad if they can induce the Imperial Government to part with some of the taxes they take. For instance, let them take our share of the income-tax. But is that a justification for this measure? These are some of the fallacies under which some of these gentlemen are suffering. But I am very glad to find that the Honourable Premier did not place his case on that ground. He mentioned the facts in the course of his speech which had some justification for it and he said “I am introducing this legislation because I find that a certain class of persons escapes taxation and as a person entrusted with the finances of the province, my duty is to, see that no person unjustly escapes taxation, because if he escapes, his burden will be shared by others.” This is his argument “why is it that I want to levy tax on house property? The reason is this that I want that a person who owns a house whether he gets a rent from it or he lives in it and pays income-tax on it, he must be taxed. I know that in all hill municipalities house tax is levied and I know of 25 to 30 municipalities which levy such a tax, but here is a man who does not pay income-tax and here is a man who does not pay house tax. Therefore this is the man I want to catch.” I say, if as a result of inquiry you find that in payment of customs duty, or in payment of terminal tax or octroi,

[B. B. Mukand Lal Puri.]

he is not paying his share of taxation equal to the share which comes to the house tax, tax him by all means, because you have found out a loophole and that loophole must be covered. The Honourable Premier gave a very good reason, he said "look here in the villages even a person who owns a small bit of land, a marla of land, he is paying land revenue, why should this person who is not assessed to income-tax and is not assessed to house-tax, why should he escape." Quite right, if this is your reason then you must confine your activities to this extent. Tax the man who does not pay income-tax. Why use this argument for going much beyond the scope of your argument for taxing people who, as I shall presently show are already taxed much higher than landlords or any other person. There are sitting on the benches of this House people who own property both in towns and in villages. Fortunately most of the representatives in this House own land in villages as well as houses in towns. Compare my own case, for instance, who happens to be in that unfortunate position or compare the cases of so many friends of mine who need not be mentioned by name. You will find that my property in the town at present pays an additional burden of tax much higher than land revenue on my land. I have pointed out to you that land revenue on land cannot exceed 25 per cent. This is the maximum and you may add local rates at the rate of two or three per cent, three per cent is the maximum, therefore the maximum that the state takes away from a land owner in the countryside is the maximum that the Government should take, it will usually take less, is 28 per cent. Now I want to ask you, Sir, if on my piece of property in the town I am already paying 28 per cent what justification in equity, what justification in justice, what justification in the name of equalization of taxes has this Government to say that you who are already paying 28 per cent shall pay more. Take your own case, Sir. You are one of the most illustrious members of this House, do you know what you are already paying on the house which you have not let out but the house which you are privileged to live in?

**Premier :** The Chair as such does not hold any property.

**Rai Bahadur Mukand Lal Puri :** You are paying 20 per cent of the rental value already on your house. These gentlemen who are in the fortunate position of never having to pay any income tax, do not know that the house in which we live and from which we do not earn any rent are assessed to income-tax and do pay income-tax. I calculated that you pay exactly 19 per cent income-tax. I have taken your income at the smallest figure consistent with the information that is with me. Then, is Sir Sikander or the Honourable Minister of Development justified in saying that you should pay 19 per cent income-tax on the rental value of your house, you should pay ten per cent to the Lahore municipality and you should also pay this house tax? Is he justified in asking you to contribute 5 per cent for the general revenues and 2½ per cent over that for war more than his own kith and kin are paying in the countryside? But yours is not an exceptional case. I am placed in the same position. On my house on Fane Road, I am paying much more than I am paying on my land.

**Chaudhri Ram Sarup :** You take more fees when you get a case on appeal.



**Rai Bahadur Mukand Lal Puri :** My honourable friend has suggested a very good thing. He says if I get a case in appeal I ask for additional fee. That brings me to the second portion of my argument. I will ask those who have any room for equitable understanding of things to remember in olden times or in the present times in the rural areas nobody is taxed who does not earn anything. But just kindly see. If a man brings you Rs. 100 the State might come forward and say look here, we will take away Rs. 75 as they did in the olden times or take away Rs. 50 as they did about 20 or 25 years ago. In the villages villagers are not taxed at all. A person may own ten houses in a village but they are not taxed. (*Interruption*). My honourable friend has correctly stated the argument which I was placing before the House that ten houses of villagers in the village are not taxed, because they fetch no rent. This is perfectly correct and I think this is an equitable way of dealing with the matter. If you have income, if you have profits, you may allow the State whether represented by Sir Sikander or Nadir Shah or Raja Ranjit Singh to take away a portion of it, small or large, but if nothing comes to your house, how are you going to give anything? Supposing I own ten houses here in one of which I am living and nine bring me rent. You can take away any share of it but, how in the name of decency are you justified to demand from me a share small or large as a taxation for provincial purposes from income which has never come to my pockets? If therefore the Honourable Premier has any regard for a fair and equitable distribution of taxation in the province, he will see that one house of every person in the province in which he lives is exempt from such taxation. I see that the Honourable Minister for Development is smiling. I am trying to pay a compliment to him by this argument because it has been his boast that I have seen that in this province no person shall be deprived of his residential house because of any possible attachment and he has been going throughout the province from place to place and naming some very important persons of this province who had been placed in such a predicament. Having created that situation I ask him, is there any justification for a demand for provincial taxation from a person who is living in that house and who is not letting it out? Khawaja Ghulam Samad very rightly pointed out the case of some old families, very likely he had in view Panipat and other old towns where descendants of erstwhile better ancestors now in unfortunate circumstances are living. Now you are paying Rs. 100 per month as tax perhaps I am paying Rs. 80. Now as long as I am earning and it is possible for me to earn this money, I will pay Rs. 80, but supposing, Sir, I depart and leave dependents who have got no livelihood—I want to especially make this appeal to the Honourable Premier—would it be possible for my dependents after my departure to live in my house, to continue to live in their own house and to pay Rs. 80 or Rs. 70 or Rs. 60 for living in their own house? Is this the condition to which the Honourable Premier wants to reduce the dwellers of towns and city dwellers of this province? If you exclude all those persons who pay Rs. 5, why do you not exclude the persons who pay income-tax? The analogy of tax is that you must only tax the income which comes into one's hand, but you must not tax the house in which a man lives and which brings him no income. If he lets half of his house, let him pay the tax only for that portion of the house which he has let. If a man has got two

[R. B. Mukand Lal Puri.]

houses, and he lives in one house, let the other house be taxed, but not the house in which he is living and which gives him no income. You may tax the house which fetches rent. Tax the income of Rs. 70 if you please, tax the income of Rs. 80 if you please, but do not tax the no income. There are large areas which are not agricultural lands, which are *chhappars*, just as there are open areas or sites in villages, they might be worth twenty thousand or thirty thousand, but they do not bring any income to the owners, but because they happen to own that property, you are going to tax them. Sir, the Honourable Premier said in his opening speech that he wanted to tax the persons, who have not already been taxed. So, let him confine this measure only to those persons who have not already been taxed and who derive income from their properties. Let them pay something out of their income to the State.

Now, much is made of the fact that people in this country are starving. I have got every sympathy for any person who is poor, for any person who pays tax. Now, I want to tell my honourable friends especially Mr. Harnam Singh and the gentleman from Rawalpindi, what the incidence of urban tax is. Do they not realize that in the income-tax the higher limit which a person pays in this province is Rs. 62 per cent of his entire income or the whole earning? The average man pays this. The income-tax, surcharge, super-tax and surcharge on super-tax are calculated at 62 per cent at the present time. Therefore that gentleman is paying 62 on the rent of the house or the rent of the shop which he owns or the rent of the *kothi* in which he lives. If the *kothi* in which he lives is of a rental value of Rs. 500 he has to pay 62 per cent of that Rs. 500 that comes to about Rs. 300. Only about Rs. 200 is left. He is already paying Rs. 300 as income-tax. Now by adding 5 per cent to it are you attempting to equalize taxation or are you attempting to make his burden more heavy? Do you say that you want to do it in the interest of equalization or you want to tax the poor man, because you have power to do so? But do not bring the mentality of the Honourable the Minister for Development to your aid. Do not bring to your aid the theory of equalization of taxes of Sir Chhotu Ram.

Therefore, I request that all the people, professional people, who pay tax on their houses, who pay income-tax should not be taxed. Kindly see that double tax is avoided. We have got to pay tax here, five times more than the land revenue, which you, Sir, including myself pay on our houses in the civil station. This land revenue is several times more than the land revenue paid on agricultural land. Then, Sir, we have to pay about 20 per cent to the Imperial Government and then 10 per cent we pay as house tax and then again we will have to pay this tax, and then again the war gift. Is not this robbing the people of their property? What else is this? Any Government howsoever tyrannical it may be will not treat the urban population in this way. You want to exploit a particular class of people. This is purely a class measure. Why is it that the gentlemen who do not understand the A. B. C. of taxation are allowed in this province to pass this legislation? Why is it that the Government is not circulating this Bill for public opinion? Why is Government not placing the facts and figures before the public who will be affected by this legislation?

Next, I want to bring to the notice of the Government that while attempting to equalize the taxes, they must take into consideration this fact also. You must put your tax in such a way, that one property is not discriminated from another. Suppose, I possess ten thousand rupees and I put that money into a bank and get Rs. 200 as interest, but later for the sake of providing a room for my children I invest that money in a house. While that money was in the bank I paid income-tax only, but now when I have provided a house for my children I will have to pay including income-tax, house tax to the municipality and property tax to this present Government and also land revenue which is five times more than the land revenue on agricultural land.

I ask this Government, if it is a trustee for the good and well-being of this province and for seeing that good laws and good legislation is passed in this province, what justification there is for introducing such a measure? You are well aware, Sir, of the housing scheme which is being financed by the local bodies and which is being encouraged by provincial Governments in other provinces.

*At this stage the Assembly adjourned till 12 noon on Tuesday, 3rd December, 1940.*



# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

*Tuesday, 3rd December, 1940.*

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

### STARRED QUESTIONS AND ANSWERS.

#### DUTIES OF CIVIC GUARDS.

**\*7187. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state the duties allotted or proposed to be allotted to the civic guards ?

**Parliamentary Secretary (Shaikh Faiz Mohammad) :** These duties are shown in rule 18 of the Civic Guard Rules which were notified in the *Punjab Government Gazette* on 23rd August, 1940.

**Khan Sahib Khawaja Ghulam Samad :** Will the Parliamentary Secretary be pleased to state if the civic guards get any pay at the time of training and thereafter ?

**Parliamentary Secretary :** All the information is given in the rules.

#### KISAN MORCHA PRISONERS.

**\*7275. Shrimati Raghbir Kaur :** Will the Honourable the Premier be pleased to state the number of those of the Kisan Morcha prisoners who were again arrested under the Defence of India Rules immediately on their release with the specific charges for which they were so arrested and detained ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** One, for reasons connected with the maintenance of public order.

#### COMPLAINTS OF CORRUPTION AGAINST SUBORDINATE OFFICIALS.

**\*7280. Mian Sultan Mahmood Hotiana :** Will the Honourable Premier be pleased to state—

- (a) the total number of applications signed by five or more than five respectable persons which were submitted during 1939-40 to the heads of various Government departments in the different districts of the province alleging corruption against subordinate officials ;
- (b) the number of cases in which the complaints were inquired into and the subordinates mentioned in (a) above punished, together with the nature of the punishment awarded in each case ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) and (b) The required information is given in the attached statement.

[Sayed Amjad Ali Shah.]

STATEMENT OF ACTION TAKEN DURING 1939-40 AGAINST CORRUPT OFFICIALS ON THE APPLICATIONS SIGNED BY  
FIVE OR MORE THAN FIVE RESPECTABLE PERSONS SUBMITTED AGAINST THEM.

Serial No.	Heads of Departments.	Number of applications signed by five or more than five respectable persons which were submitted against corrupt officials.	Districts.	Number of cases inquired into.	Number of cases in which punishments were awarded.	Nature of punishment awarded.	REMARKS.
1	Director of Public Instruction, Punjab.	1	Jhelum	1	..	..	Allegations were found baseless.
2	Inspector-General of Civil Hospitals, Punjab.	3	Sheikhpura, Jullundur and Jhelum.	3	..	..	Ditto.
3	Director of Civil Veterinary Department, Punjab.	1	..	1	..	..	Ditto.
4	Financial Commissioners, Punjab.— Registrar, Co-operative Societies, Punjab. Settlement Officer, Gurgaon. Deputy Commissioner, Rohtak. Deputy Commissioner, Ambala.	1 13 3 1	Ferozepore Gurgaon Rohtak Ambala	1 13 3 1	.. .. 1 1	.. .. Suspension Suspension and increment stopped.	The matter is still under consideration. Applications found frivolous. In the other two cases the officials were transferred as the applications were based on enmity.

5	Deputy Commissioner, Jullundur.	6	Jullundur	..	6	2	Fine	..	Four applications were filed for want of proof.
	Deputy Commissioner, Gurdaspur.	1	Gurdaspur	..	1	..	..	..	Pétition was found not to be genuine.
	Deputy Commissioner, Ferozepore.	3	Ferozepore	..	3	..	Two officials suspended.	Two officials suspended.	Inquiries in progress.
	Inspector-General of Police, Punjab.	12	2 Hissar	..	12	5	<i>Ferozepore.</i> (1) One foot constable dismissed. (2) One Sub-Inspector's probation period extended; and (3) One head constable reduced to foot constable.	<i>Jhang.</i> (4) One foot constable dismissed.	
			1 Karnal	..					
			1 Jullundur	..					
			1 Ferozepore	..					
			1 Lahore	..					
			1 Gujranwala	..					
			2 Montgomery	..					
			1 Lyallpur	..					
			1 Jhang	..					
			1 Multan	..			<i>Multan.</i> (5) One foot constable removed from traffic duty and reverted to Police lines.		

## SERVICE BOOKS OF GOVERNMENT SERVANTS.

**\*7285. Mian Sultan Mahmood Hotiana :** Will the Honourable Premier be pleased to state—

- (a) whether the heads of various Government departments in the different districts of the province keep any service books or records to indicate whether a particular subordinate under them is honest or corrupt ;
- (b) whether at the time of promotion the remarks made against a particular officer in his service book are taken into account ;
- (c) if such records or service books are not maintained in the offices by the heads of Government departments, the reasons therefor ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah) : (a) Yes.

(b) Yes.

(c) Does not arise.

---

 EXTERNEES.

**\*7302. Sardar Lal Singh :** Will the Honourable the Premier be pleased to state—

- (a) the total number of the Punjabees externed so far by other Provincial Governments and forced to return to the Punjab under the Defence of India Rules ;
- (b) the number of non-Punjabees externed so far by the Punjab Government and sent over to their provinces under these Rules ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah) : (a) Four. They have been ordered not to be within the area of the province which passed the order, but no restrictions have been imposed as to residence in their own province.

(b) One.

---

 SUBSIDY TO VERNACULAR NEWSPAPERS FOR WAR PROPAGANDA.

**\*7313. Malik Barkat Ai :** Will the Honourable Premier be pleased to lay a statement on the table of the House containing as full information as is possible in regard to the following matter :—

- (a) the arrangement under which the Punjab Government purchases or subscribes to weekly or daily editions of certain vernacular newspapers in the province for purposes of War propaganda ;
- (b) the names of these vernacular papers ;
- (c) the respective amounts paid or due to be paid by Government during a year to each paper and the date or dates from which this arrangement has come into force with regard to each paper and how long it will last ?



**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): The attention of the honourable member is invited to the statement made by the Honourable Premier in this House on 25th November, of which a copy is laid on the table. I have nothing to add to it.

**Khan Sahib Khawaja Ghulam Samad**: I invite the attention of the Parliamentary Private Secretary to part (c) of the question, the information about which was not given beforehand. Will he please give information about it now?

**Parliamentary Private Secretary**: Sir, I have stated that I have nothing to add to the statement made by the Honourable Premier.

**Mian Muhammad Nurullah**: Is there any newspaper independent of this arrangement so far?

**Parliamentary Private Secretary**: In the statement the Honourable Premier said that there were certain newspapers which did not accept the Government proposal on account of the rates being not remunerative.

**Mian Muhammad Nurullah**: Will he kindly name them?

**Parliamentary Private Secretary**: I want notice.

**Khan Sahib Khawaja Ghulam Samad**: Part (c) can be divided into two parts. The information about the first part was given no doubt. The other part is, the date or dates from which this arrangement has come into force with regard to each paper and how long it will last. No information to that effect was given beforehand. So Malik Barkat Ali wants information about it.

---

*The following statement was made by the Premier in the Punjab Legislative Assembly on 25th November, 1940.*

1. Government's appeal to the publishers and editors of all Indian language daily newspapers of Lahore was that they should help in the interests of the province without seeking profits for themselves and, therefore, give Government special weekly editions conforming to a suggested design, at cost price.

2. The question of cost was discussed in detail in a conference attended by the Joint Chief Secretary, the Director, Information Bureau, and the publishers or representatives of all Indian language daily newspapers of Lahore.

3. One of the objects of holding the conference was to remove certain misunderstandings which seemed to have arisen, regarding Government's intentions. One or two newspapers appeared to suspect that Government desired to interfere with their policy or to turn them into instruments of Government propaganda. (This suspicion was expressed, for instance, in the letter of the "Partap" dated 17th February, 1940, read out by Mr. Deeshbandhu Gupta in the Assembly on Friday). In the conference which was held on 21st February, 1940, it was clearly explained that there was absolutely no intention of interfering with the policy or political complexion of the ordinary issues of individual newspapers, and that they were only being asked to give Government for the use of a particular class of readers a weekly edition of their pages containing War news minus their communal and political controversies. Newspapers were to have perfect liberty even to add to this edition extra pages of whatever communal or political stuff they liked and sell the enlarged editions to their ordinary subscribers.

4. Some newspapers were unable to accept the appeal not because there was any objection on principle either to doing business with Government or producing special war editions free from communal controversies and party politics, but because of practical or business considerations.

[Premier.]

5. Their point of view was that some people would try deliberately to misrepresent their position, necessitating perhaps long and frequent explanations on their part, and that it would not be worth their while to undergo all this worry, particularly as there was little or no margin of profit. But Government could not go beyond cost price.

6. There is on the official files a record of the proceedings of the conference, made by the Joint Chief Secretary in the presence of those who attended. It says :—

“The general scheme was put to them (those who attended) as in Director of Information Bureau's note of 17th February, 1940. The scheme generally was accepted but there was much discussion about price. I explained that if the price of paper rose greatly, Government would of necessity reconsider the position. Meanwhile Government cannot go to a higher figure than the cost price”.

7. No newspaper has ever objected on principle to copies selling to Government, publishing Government advertisements, or doing with Government any other business which it would do with other customers on ordinary business terms. Indeed, Government custom goes to all prominent newspapers, Hindu, Muslim or Sikh and is freely accepted by them. Some newspapers have, however, created an unfortunate position for themselves. Owing to natural trade rivalries among themselves some of them start imputing motives to one another for having accepted Government custom or for taking up a certain attitude towards a certain issue. For instance, the “Pratap” recently published an advertisement of about 40 pages for Government and the “Vir Bharat” has been alleging that this was a price, accepted by the “Pratap” for having rendered some service to the Unionist Ministry or party. This game of imputing motives to one another at times encourages unscrupulous or uncharitable persons to slander the Press as a whole.

8. Government can only sympathise with them in their self-created difficulties, but those newspapers which accepted the appeal of Government and understood the worry of supplying copies of the special editions only for the sake of public good deserve special thanks from Government and the province.

9. Publishers of weeklies were not invited to help because while it was possible for the dailies to give a weekly edition free from communal controversies and party politics, without in any way affecting the policy and complexion of their ordinary issues, it would not have been possible for weeklies to help without losing their political complexion.

10. Congress Governments never saw anything wrong in spending money on purchase of copies of newspapers and journals for free distribution. For instance, in an official publication of the United Provinces Government “Itlaaf” (ਇਤਲਾਫ਼) of January, 1938, an attempt is made to repel the charges that the Congress Ministry was following a hostile policy towards the Urdu language and as a proof it is stated on page 55 that Government had spent about Rs. 57,000 on the purchase of Urdu newspapers, Journals, etc., for distribution among the public. (This was only on Urdu publications). Again, in another official publication of the same Government, “Public Information”, of July, 1938, it is stated that the Congress Government was purchasing copies of 39 daily papers, 151 weeklies and 34 monthlies for village libraries.

#### IRREGULARITIES AND MISAPPROPRIATIONS IN THE ACCOUNTS OF THE FAMINE RELIEF DEPARTMENT, HISSAR.

\*6940. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the auditors pointed out serious irregularities and misappropriations in the accounts of the Famines Relief Department under the Fodder Adviser to Government, Punjab, at Hissar ;

(b) the nature of audit remarks in the accounts of this department and the action taken in the matter ;

(c) for how much time the Fodder Adviser stayed at Hissar after the Famine Relief Work was stopped, and why?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) and (b). The auditors raised 1,275 objections to 1,267 of which replies have been given. Correspondence regarding the remaining 8 objections is in progress.

The honourable member will understand that where fodder had to be purchased from distant centres, transmitted on different railway systems which charge different rates, a portion of which charges under the fodder concession scheme had to be booked to Government, when, further, that fodder had in many cases to be transhipped, carted to dumps, and then distributed in small amounts, the tracing of individual transactions themselves completed under the pressure of grave famine involves careful checking and the expenditure of considerable time.

(c) Famine Relief in Hissar continued throughout September: but it was of course impossible to disperse the whole staff immediately. The Fodder Adviser took over charge at Lyallpur on November 4th.

#### CLASSIFICATION OF KOHLIS OF AMBALA DISTRICT AS AGRICULTURISTS.

**\*7224. Lala Duni Chand:** Will the Honourable Minister of Revenue be pleased to state, whether it is a fact that the Kohlis of fourteen *Bhojas*, situated within Kotaha estate, district Ambala, sometime ago applied to the Government and the local authorities through Lala Ram Chandra, B.A., LL.B., Pleader, Ambala City, for being classified as members of an agricultural tribe in Ambala district; and if so, the action that has been taken on that representation?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): Yes. Kohlis of Ambala district were informed through Lala Ram Chandra that their request for notification as an agricultural tribe could not be granted as they did not satisfy the conditions necessary for such a notification. The conditions are:—

- (i) that the tribe or group as a whole are dependent mainly on agriculture for their livelihood;
- (ii) that they are sufficiently important both as regards numbers and area which they own; and
- (iii) that they are losing land to an extent and at a rate which would justify the extension of protection of the Punjab Alienation of Land Act to them.

#### BENAMI TRANSACTIONS AND RESTORATION OF LAND TO ORIGINAL OWNERS.

**\*7227. Sardar Lal Singh:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of cases instituted in Ludhiana district up-to-date under the new Alienation of Land Amendment Act alleging *benami* transactions and praying for their annulment since its inception;

[S. Lal Singh.]

(b) how many of these cases have been decided and in how many have the transactions been held *benami* and the land restored to original owners ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) 1,508.

(b) 256 and 169 respectively.

#### BENAMI TRANSACTIONS RENDERED INVALID.

**\*7237. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Revenue be pleased to state—

(a) the number of cases of the transfer of land from agriculturists to non-agriculturists (*Benami* transactions) which have been rendered invalid under the Punjab Alienation of Land (Second Amendment) Act, 1938, up-to-date ;

(b) the number of such cases in which land has actually been taken away from the possession of the non-agriculturists ;

(c) the number of such cases of *Benami* transactions which are now pending in courts ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) 6,537.

(b) 2,481.

(c) 47,791.

#### RELIEF WORKS IN HISSAR, ROHTAK AND GURGAON.

**\*7243. Dr. Sant Ram Seth :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Relief Work organised by the Punjab Government for the famine-stricken areas of Hissar, Gurgaon and Rohtak districts has been stopped ; if so, the total amount spent for these 3 districts on relief work during the last 2 years and whether it is or it is not a fact that the people of these 3 districts had sufficient rain during this rainy season and their condition is such as requires no relief now ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): 1st part : Yes.

2nd part : A statement is laid on the table.

3rd part : Rainfall was sufficient during the earlier part of the monsoon but it was, however, deficient in the later part of August and in the month of September in certain parts of the Hissar district. In order to meet the situation there the health organisation is being maintained at its reinforced strength ; and gratuitous relief will be distributed where necessary. The possibility of constructing works of public utility in the neighbourhood is still being explored.

*Statement showing cost of relief measures to alleviate distress in the districts of Hissar, Rohtak and Gurgaon from commencement up to the end of September, 1940.*

## I. DIRECT RELIEF—

## (a) 54—Famine—

	Rs.
1938-39 .. .. .	33,14,189
1939-40 .. .. .	68,70,027
1940-41 (up to end of September) .. .. .	23,44,459
<b>Total</b>	<b>1,26,28,675</b>

(b) Charitable Relief Fund .. .. . 56,156

(c) Indian People's Famine Trust .. .. . 57,286

<b>Total</b>	<b>1,13,422</b>
--------------	-----------------

## II. INDIRECT RELIEF—

## (i) Taccavi—

## (a) Advances under Act XII of 1884—

1938-39 .. .. .	22,78,835
1939-40 .. .. .	30,11,766
1940-41 (up to September) .. .. .	10,88,699
<b>Total</b>	<b>63,79,300</b>

(b) Remissions .. .. . 87,602

(c) Suspensions .. .. . 48,32,224

## (ii) Land Revenue—

(a) Remissions from Kharif 1938 to Rabi 1940 .. 15,64,887

(b) Suspensions from Kharif 1938 to Rabi 1940 .. 47,13,584

## (iii) Abiana—

Remissions (ordinary and special) from Kharif  
1938 to Rabi 1940 .. .. . 13,53,610

<b>GRAND TOTAL</b>	<b>3,16,73,304</b>
--------------------	--------------------

## DAMAGE TO CROPS BY HAILSTORM IN LAHORE AND FIVE OTHER DISTRICTS.

\*7270. **Shrimati Raghubir Kaur** : Will the Honourable Minister of Revenue be pleased to state—

(a) the names of areas and villages in the districts of Lahore, Amritsar, Jullundur, Hoshiarpur, Lyallpur, Sheikhpura and Sialkot where damage was done by the hailstorm during the months of September and October, 1940 ;

(b) whether it is a fact that the Kharif crop sown in the villages mentioned above has been completely destroyed by the hailstorm ;

[Sh. Raghubir Kaur.]

(c) if the answer to part (b) above be in the affirmative, the help rendered or proposed to be rendered by the Government to the zamindars of the above-named area who have suffered thereby;

(d) whether the Government has received any representation from the people of the above-mentioned *ilaga* for help or for the remission of land revenue; if so, the action, if any, taken thereon?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) No damage was done in any village of the Lyallpur district. As regards other districts, a statement is laid on the table.

(b) No, the damage in most of the villages was partial.

(c) *Taccavi* loans have been advanced where necessary. Remissions in land revenue and *abiana* will be granted in due course according to rules.

(d) Some representations were received. As regards relief attention is invited to the answer to part (c).

*Statement showing the damage done by hailstorms to kharif crops, 1940.*

District.	Name of villages affected.
Lahore	1. China Bela Singh. 2. Makhnowala. 3. Nattoki Hithar. 4. Arianwala. 5. Gora Singhwala. 6. Muradke. 7. Dya Singhwala. 8. Fateh Mohammad Kalan 9. Shahbazke. 10. Moher Singhwala. 11. Nabahuwala. 12. Gandhi Rup Singh. 13. Thakra. 14. Dhaman.
Amritsar	1. Bharariwal. 2. Khaila. 3. Bhail Dhairwala. 4. Jamarai. 5. Khan Chabri. 6. Fatehabad. 7. Dhoundha. 8. Manakdeke. 9. Kamirpur. 10. Mahmoodpura. 11. Sourian. 12. Bhuller. 13. Mananwala. 14. Moure.

District.	Name of villages affected.
Jullundur .. .. .	<i>Tahsil Jullundur.</i>
	<ol style="list-style-type: none"> <li>1. Jalpot.</li> <li>2. Kandola.</li> <li>3. Dharal.</li> <li>4. Khunkhun.</li> <li>5. Miranpur.</li> <li>6. Chittewan.</li> <li>7. Ali Chak.</li> <li>8. Cadianwali.</li> <li>9. Hamiri Khara.</li> <li>10. Durrulli.</li> <li>11. Khurdpur.</li> <li>12. Dumundha.</li> <li>13. Kalra.</li> <li>14. Arjanwal.</li> <li>15. Jalphe.</li> <li>16. Dhepur.</li> <li>17. Chhutowali.</li> <li>18. Manke.</li> <li>19. Kariyans.</li> <li>20. Talwara.</li> <li>21. Durha.</li> <li>22. Laroi.</li> <li>23. Pandori Nijran.</li> <li>24. Shaffipur.</li> <li>25. Sarobad.</li> <li>26. Bhogpur.</li> <li>27. Bhatnara Labana.</li> <li>28. Banpalke Mangal.</li> <li>29. Nangal Khurd.</li> <li>30. Dalli.</li> <li>31. Dhirowal.</li> <li>32. Najka.</li> <li>33. Mahaddipur.</li> <li>34. Bhundian.</li> <li>35. Laroya.</li> <li>36. Kukar Pind.</li> <li>37. Jandir.</li> <li>38. Manak Rai.</li> </ol>
	<p><i>Tahsil Nauashahr.</i></p> <ol style="list-style-type: none"> <li>1. Hussain Chak.</li> <li>2. Phull Makori.</li> <li>3. Sadpur.</li> <li>4. Kanun.</li> <li>5. Rahon.</li> <li>6. Dharām Kot.</li> <li>7. Hayala.</li> <li>8. Nangal Chhanga.</li> <li>9. Thathiala.</li> <li>10. Sultanpur.</li> <li>11. Nilowal.</li> <li>12. Chhokran.</li> <li>13. Kot Ranjha.</li> <li>14. Bairsian.</li> <li>15. Palian Khurd.</li> <li>16. Mahaddipur.</li> </ol>

[Raja Ghazanfar Ali Khan.]

District.	Name of villages affected.
Jullundur—conold. .. ..	17. Bahhur Khurd. 18. Zaffarpur. 19. Sheikhpur. 20. Niamatpur. 21. Sandhawan. 22. Bharoli. 23. Khatkar Khurd. 24. Muzari. 25. Kariam. 26. Begampur. 27. Kajla.
Hoshiarpur .. ..	1. Ghul. 2. Jhana. 3. Nangal Kunga. 4. Dhadiala. 5. Tanda. 6. Mohan. 7. Khokhar. 8. Raipur. 9. Jaura. 10. Khari Khurd. 11. Khakh. 12. Bassi Jalal Khan. 13. Darya. 14. Niana. 15. Nanowal. 16. Chakli Kasib. 17. Sakandarpur. 18. Khoja. 19. Theh Fathrali <i>alias</i> Todarpur. 20. Jalvehra. 21. Thandal. 22. Nangal. 23. Kamalpur.
Sheikhpura .. ..	1. Hardev. 2. Bawre. 3. Baira. 4. Kharopur-Malian. 5. Malian Kalan. 6. Chak Santa. 7. Sakhawan. 8. Bawre Akalian. 9. Phillo Devta. 10. Qila Gian Singh. 11. Jawar Chab. 12. Kuthiala. 13. Gagrana. 14. Sidhuwan. 15. Baidadpur. 16. Nangal Bhuchar. 17. Baggake. 18. Canduwala. 19. Kot Bhuchh. 20. Gharyal Khurd. 21. Salimpur. 22. Bhaggian. 23. Akberian.



District.	Name of villages affected.
Sheikhupura— <i>conold</i> .. ..	24. Bhuchh. 25. Ghariāl Kalan. 26. Shamke. 27. Kalar. 28. Wandala Nasir. 29. Khushalpura. 30. Kot Pindi Dass. 31. Momanpura. 32. Malu. 33. Bhatianwala. 34. Mandiali. 35. Missan. 36. Chak Chohan. 37. Wahgra. 38. Rana Bhatti. 39. Batarwala. 40. Begiarwala. 41. Bansi Nagar. 42. Sagian Khurd. 43. Bulle Androon. 44. Moranwala. 45. Wadala Dyal Shah. 46. Sharakpur Khurd. 47. Khaki. 48. Abul-ul-Kher. 49. Rangian Jhangian. 50. Chak No. 38. 51. Feroz Wala. 52. Nangal Waras Khan. 53. Mardana. 54. Malkpur. 55. Mukimpur. 56. Kot Mirza. 57. Chak Ali. 58. Mirowal. 59. Khanpur. 60. Hadiala. 61. Qila Satar Shah. 62. Kala.
Sialkot .. ..	1. Bathanwala. 2. Shor Kot. 3. Kot Shah. 4. Gil.

## CULTIVATED AREA ON RAJBHAH, FEROZEPORE.

**\*7279. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

- whether it is a fact that the tail of Rajbaha, Ferozepore, has completely failed this time and the zamindars have not been able to sow any *kharij* crop on it this year ;
- the reasons for the failure of the tail of Rajbaha, Ferozepore, this year and the officer responsible therefor ;
- the nature of the action taken against the officer mentioned in (b), if no action has been taken, the reasons therefor ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) It is not a fact that the tail Rajbaha Ferozepore completely failed during Kharif 1940.

(b) The tail suffered to some extent during the early part of Kharif on account of breaches at a depression. The Kharif irrigation this year, however, exceeds last years. There is steady improvement during the last three years.

(c) Does not arise.

#### PUNJAB UNEMPLOYMENT COMMITTEE REPORT.

**\*7027. Sardar Sampuran Singh:** Will the Honourable Minister of Development be pleased to state whether the discussion on the Punjab Unemployment Committee Report (1937—39) will be resumed; if so, when; if not, why not?

**Parliamentary Secretary** (Chaudhri Tikka Ram): The examination of the recommendations contained in the Report of the Punjab Unemployment Committee by the Heads of Departments concerned is almost complete, and Government now propose to consider the recommendations for final orders in the light of criticisms of the Heads of Departments. In the circumstances, it was not the intention to resume the discussion on the Report in the House; but if the House so desires and the state of business permits, Government would be prepared to allot a day for further discussion on the Report during the present Session.

#### REPRESENTATION OF GROWERS AND CONSUMERS ON TARIFF BOARD.

**\*7052. Sardar Sampuran Singh:** Will the Honourable Minister of Development be pleased to state whether any reply has so far been received from the Government of India with regard to the due representation of growers and consumers on the Tariff Board while the Assembly desired the Government to attempt to secure as expressed in its resolution passed in a meeting held on 1st July, 1938, and if so, whether he will be pleased to place a copy of that reply on the table of the House?

**Parliamentary Secretary** (Chaudhri Tikka Ram): Yes; a copy of the Government of India, Department of Commerce, letter No. 28-T (28)/38, dated the 19th November, 1938, is placed on the table.

*Letter from the Government of India, Department of Commerce, to the Secretary to the Government of the Punjab, Electricity and Industries Departments, No. 28-T. (28)/38, dated 19th November, 1938.*

I am directed to acknowledge the receipt of your letter No. 4625/1466-S.-I & L. 38/7139-S., dated the 21st September, 1938, forwarding a copy of the Resolution adopted by the Punjab Legislative Assembly on the 1st July, 1938, on the above subject, and to say that the views of the Assembly have been noted by the Government of India.

#### INDUSTRIAL SURVEY OF PROVINCE.

**\*7059. Sardar Sampuran Singh:** Will the Honourable Minister of Development be pleased to state—

(a) whether any systematic industrial survey of the province, industry-wise, and district-wise, has been taken in hand;

(b) if so, what industries and which districts have so far been surveyed and whether the survey reports have been made public ; if not, why not ?

(c) what industries and which districts are under survey at present and when their survey is likely to be completed ;

(d) the steps taken or proposed to be taken by the Government to give a practical shape to the results of these surveys ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (a) Yes.

(b) The survey of the following industries and districts has been completed :—

*Industries.*

(i) Oilseeds,

(ii) Ceramics, raw materials and pottery, and

(iii) Tanning.

*Districts.*

Ludhiana,

Lahore,

Amritsar,

Sialkot,

Multan, and

Muzaffargarh.

The survey reports are still under preparation.

(c) The survey of the textile industry has been taken up recently. It is likely to take about nine months for completion.

Some more district surveys will be started as soon as the reports of the districts already surveyed are complete.

The steps to be taken as a result of these surveys will naturally be determined after the survey reports have been completed and considered by Government.

**Mian Muhammad Nurullah :** With reference to the answer to part (b) of the question, may I know when those reports would be made available to the public ?

**Parliamentary Secretary :** I require notice for that.

**Mian Muhammad Nurullah :** The notice is already there.

**Parliamentary Secretary :** No time can be specified.

**Mian Muhammad Nurullah :** Any likely time ? Two years ? Four years ? Five years ?

HOLDING OF THE COURT BY THE DISTRICT AND SESSIONS JUDGE, DELHI,  
AT HISSAR, AND BY THE SESSIONS JUDGE, HISSAR,  
AT GURGAON.

**\*7123. Pandit Shri Ram Sharma :** Will the Honourable Minister of Finance be pleased to state whether it is a fact that the District and Sessions Judge, Delhi, was and is still required to do work at Hissar a few days

[Pt. Shri Ram Sharma.]

per month, while the District and Sessions Judge, Hissar, is required to hold court at Gurgaon, which is near to Delhi, for ten days per month; if so, the reasons for this costly arrangement?

**Parliamentary Secretary** (Rai Sahib Thakur Ripudaman Singh): There is no standing order that the District and Sessions Judge, Delhi, shall work at Hissar for some days in every month. The position is that Hissar and Gurgaon form a single Sessions Division. As two full time Sessions Judges are not required, the employment of one Judge for the two revenue districts is an obvious economy. The alternative of combining Gurgaon with Delhi in a single Sessions Division is impracticable for several reasons, the most obvious of which is that Delhi is a separate province under the control of the Central Government. It is, however, correct that on some occasions when administrative exigencies have required the District and Sessions Judge at Delhi has been asked to do some days' work at Hissar, while the District and Sessions Judge of Hissar and Gurgaon has worked at Gurgaon. When the state of the pending file allows, the District and Sessions Judge, Delhi, is asked to work at Gurgaon, in preference to Hissar.

**Khan Sahib Chaudhri Sahib Dad Khan:** Will the honourable parliamentary secretary please state the amount of travelling allowance drawn by the District Judge, Hissar? Is it a fact that the said officer spends the major portion of his time outside Hissar in order to draw more travelling allowance?

**Mr. Speaker:** Disallowed.

**Khan Sahib Khawaja Ghulam Samad:** Is Delhi not under the Punjab Government for the purpose of judicial work?

**Parliamentary Secretary:** I have no knowledge.

**Khan Sahib Chaudhri Sahib Dad Khan:** Is it a fact that three judges were working at Hissar in last August, i.e., the District Judge Delhi, the Additional District Judge, Ferozepore and the District Judge, Hissar?

**Parliamentary Secretary:** It may be so.

CHAUDHRI AFZAL HAQ.

**\*7314. Malik Barkat Ali:** Will the Honourable Minister of Finance be pleased to state—

- (a) the date on which Chaudhri Afzal Haq is likely to be released after expiry of the sentence he is undergoing at present;
- (b) the present state of his health;
- (c) whether it is proposed to release him in the near future.

**Parliamentary Secretary** (Rai Sahib Thakur Ripudaman Singh): The prisoner has been released.

#### REPORT OF THE SELECT COMMITTEE ON THE LAHORE CORPORATION BILL.

**\*6816. Mr. Dev Raj Sethi:** Will the Honourable Minister of Public Works be pleased to state when it is intended to place the report of the

Select Committee on the Lahore Corporation Bill before the Assembly for consideration ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : The report has already been presented to the Assembly.

SUSPENSION AND DISMISSAL OF CORRUPT POLICE OFFICERS.

**\*6890. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of corrupt police officers who have been suspended or dismissed so far since 1st April, 1939 ;
- (b) the number of police officers who have been re-instated in their posts during the same period ;
- (c) the names and number of such assistant sub-inspectors, sub-inspectors and inspectors of police in the Punjab as have been granted promotion over the head of their seniors since April, 1939 ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) 93.

(b) 36.

(c) In accordance with the instructions contained in Police Rule 13-1 (1) promotions in the Police Department are made by selection tempered by seniority. It is not in the public interest to give the required information.

CASES OF CATTLE-LIFTING IN JHANG DISTRICT.

**\*6891. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of cases of cattle-lifting registered with the police between 1st April, 1939, and 31st March, 1940, in the Jhang district ;
- (b) the special measures, if any, the Government proposes to take to reduce cases of cattle-lifting in the said district ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) 272.

(b) The question of cattle theft is receiving careful attention. Special burglary and cattle theft investigating staffs have been organised to deal with this crime.

TONGA CHAUDHRIS.

**\*7107. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that in several districts of the Panjab men who are known as tonga chaudhris charge one pice per trip from every tonga driver on the authority of a written permit from the Deputy Commissioner of the district ;

[L. Duni Chand.]

(b) whether it is also a fact that there is a great resentment against this levy ;

(c) the authority for this levy ?

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

(b) Government have no information.

(c) Government propose to investigate.

#### SPREAD OF EDUCATION IN LAHORE MUNICIPALITY.

**\*7108. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that on a request made by the General Secretary, Lahore Central Rate Payers' Association, to the Secretary, Municipality, Lahore, to supply information to the Association regarding efforts of the Municipality in the matter of spread of education, the Association was required to deposit Rs. 40 as the pay of a clerk for a month to collect the information asked for ; if so, the reasons therefor ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : Yes ; as the collection of the information would have involved considerable clerical labour.

#### REMOVAL OF MEMBERS OF MUNICIPAL COMMITTEES.

**\*7240. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of municipal commissioners removed and disqualified from 1st April, 1940, to 12th October, 1940, in the Punjab,  
 (ii) the cause for the removal of such municipal commissioners,  
 (iii) the period for which they have been debarred to stand election, (iv) the name of such municipal committees to which they belonged ;

(b) whether it is also a fact that Shaikh Hissam-ud-Din, B.A., member of the Amritsar Municipal Committee, has been removed and disqualified to stand for municipal election for a period of 5 years ; if so, why ?

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

(b) Yes. The offence of which he was convicted implied a defect of character which unfitted him to be a member.

## Statement.

Serial No.	Name of Municipal Committee.	Number of members.	Date of removal.	Reasons for removal.	Period of disqualification.	Remarks if any.
1	Nakodar	One	6th May, 1940	..	One year.	
2	Ludhiana	Four	7th June, 1940	..	Five years.	
3	Auricear	One	18th June, 1940	..	Ditto.	
4	Paupat	Two	26th April, 1940	..	Ditto.	
5	Babadurgarh	One	23rd July, 1940	..	Ditto.	
6	Hoshiarpur	One	26th June, 1940	..	Ditto.	
7	Urmar Tanda	One	13th August, 1940	..	Ditto.	

## ROAD BETWEEN KANGANPUR AND CHIMA IN LAHORE DISTRICT.

**\*7269. Shrimati Raghbir Kaur :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that there is no metalled road from Kanganpur to Chima in the Lahore district ;
- (b) whether he is aware of the fact that the inhabitants of the villages Mokhal, Kanganpur, Kot Chhibber and others in tahsil Chunian experience great difficulty in going to the tahsil on business and coming back from there ;
- (c) whether this road is included in the road programme of the Government ; and if so, when it is expected to be metalled ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) ' Chima ' as mentioned in the question is perhaps a misprint for Chunian. There is no metalled road between Kanganpur and Chunian.

(b) No, because Chunian-Kanganpur-Mokhal is a fair weather motorable road.

(c) No. The second part of the question does not therefore arise.

## INSPECTION OF RURAL DISPENSARIES BY THE HOSPITAL VISITING COMMITTEES.

**\*6718. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the Civil Hospitals' Visiting Committees formed in almost all the districts of the province are competent under the rules to inspect all dispensaries in the district in the absence of the medical men in charge of them ;
- (b) whether any instructions on the subject have been issued to the civil surgeons and the medical officers in charge of the various dispensaries ;
- (c) whether his attention has been drawn to a resolution recently passed by the Ludhiana Civil Hospital Visiting Committee, requesting Government to order doctors-in-charge of rural and tahsil dispensaries to allow full facilities to the members of the abovementioned committee to inspect the dispensaries mentioned above and make suggestions ; if so, the action taken thereon ?

**The Honourable Mian Abdul Haye :** (a) Visiting committees have been appointed for provincialized hospitals only. A committee may visit the hospital at any time after giving previous notice to the medical officer in charge.

(b) The rules were published in the *Punjab Gazette* in the form of a notification and copies were supplied to all civil surgeons and medical officers concerned.

(c) A copy of the resolution referred to by the honourable member has not been received either by Government or by the Inspector-General of Civil Hospitals.



INFECTIOUS DISEASES HOSPITAL AT LUDHIANA.

**\*6719. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that Infectious Diseases Hospital at Ludhiana is located on a mound surrounded by populated area and the District Jail ;
- (b) whether it is also a fact that the residents of the Wakefield Gunj have on several occasions expressed resentment against the location of the hospital in question at the present site ;
- (c) if answer to (a) and (b) above be in the affirmative, whether, in order to remove the grievances of the people of these localities, Government intends to shift the said hospital to some other suitable place ; and if so, when ?

**The Honourable Mian Abdul Haye :** (a) The hospital is 100 yards away from the District Jail. The nearest *abadi* is at a distance of about 200 yards from the hospital. But several houses have recently sprung up under the collective name of Islam Gunj, the nearest of which is 85 yards away from the mound on which the hospital is situated. These houses are outside the municipal limits and the municipal committee has no control over the erection of buildings in this area.

(b) A complaint was made to me when I visited Ludhiana.

(c) The hospital has been in existence for the past eight years. It is not a source of danger. The question of removing it to another site does not arise.

ADULTERATION OF GHEE.

**\*7143. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the fact that *Banaspati* ghee is mixed with pure ghee and sold as unadulterated ghee in the province ;
- (b) the measures ; if any, which have been so far adopted by Government for the prevention of adulteration of pure ghee in the province ?

**The Honourable Mian Abdul Haye :** (a) I am aware of the alleged adulteration.

(b) As the honourable member knows, the Punjab Pure Food Act was amended in the last session with a view to prohibiting the sale of artificial ghee unless it was given a colour prescribed by rules made under the Act. The draft of a rule which Government propose to make in this respect was published in notification No. 4274-M.-40/39147, dated the 2nd October, 1940, for inviting objections and suggestions.

**Rai Bahadur Lala Gopal Das :** When will these rules come into force ?

**Minister :** As soon as the objections have been disposed of.

**Chaudhri Sumer Singh :** May I know whether the Act has been made applicable throughout the province?

**Minister :** This question does not arise.

**Rai Bahadur Lala Gopal Das :** What is the period in which these objections are to be received by the Government?

**Minister :** They were to be received by the 1st of this month.

**Rai Bahadur Lala Gopal Das :** And to-day is the 3rd.

**Minister :** They have been received.

**Chaudhri Sumer Singh :** May I know whether the question of colour has been permanently decided?

**Minister :** The colour has been proposed and objections have been invited which would be considered and disposed of.

**Chaudhri Sumer Singh :** Is the Government satisfied with the colour that has been proposed?

**Mr. Speaker :** Disallowed.

**Rai Bahadur Lala Gopal Das :** How long will the Government take to dispose off those objections?

**Minister :** It is very difficult for me to answer this question without knowing the nature of the objections and their number. I can only say that the Government would try to expedite the matter.

**Chaudhri Sumer Singh :** Has the Government deputed some special officer to deal with the case?

**Minister :** No special officer has been deputed.

**Chaudhri Sumer Singh :** How long will it take to decide this question?

**Minister :** I have already replied to that.

**Sir William Roberts :** Have Government any proposal of insisting on colourisation of all fats that may be used for mixing with ghee?

**Minister :** This question does not arise.

#### DISAFFILIATION OF CHRISTIAN MEDICAL COLLEGE FOR WOMEN, LUDHIANA.

\*7225. **Sardar Lal Singh :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the Christian Medical College for Women at Ludhiana has recently been disaffiliated by the Medical Faculty; if so, for what reasons;

(b) what provision is the Government contemplating to make to accommodate the students of the said college in other institutions affiliated with the University?

**The Honourable Mian Abdul Haye :** (a) The question of disaffiliation for the M.B.,B.S. degree is under the consideration of the Punjab University.

(b) Government are not responsible for any inconvenience that may be caused to students by disaffiliation. Efforts will however be made to secure admission in the Lady Harding Medical College, Delhi, if possible, for any student who may apply to the Inspector-General of Civil Hospitals, Punjab.

ADMISSION TO THE FIRST YEAR CLASS OF THE STRATFORD COLLEGE FOR  
WOMEN AT AMRITSAR.

\*7248. **Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of students admitted to the first year class in the Stratford College for Women at Amritsar in the month of May and June, 1940 ;
- (b) the number of students who applied for admission and who were not admitted to the first year class by the Principal of the said college in 1940 with the reasons why these students were rejected ?

**The Honourable Mian Abdul Haye :** (a) May, 1940—25.  
June, 1940—29.

(b) None.

PANEL OF CHAIRMEN.

**Mr. Speaker :** For the current session I nominate the following members to be panel of Chairmen :

Mian Abdul Aziz,  
Sardar Bahadur Sardar Gurbachan Singh,  
Rai Bahadur Lala Sohan Lal and  
Shaikh Sadiq Hassan.

URBAN IMMOVABLE PROPERTY TAX BILL.

**Mr. Speaker :** The House will now resume discussion of the motion that the Punjab Urban Property Tax Bill be circulated for opinion.

**Begum Rashida Latif Baji** (Inner Lahore, Muhammadan Women; Urban) (*Urdu*) : Sir, the Honourable the Premier has proposed that the Bill under discussion, that is, the Immovable Property Tax Bill be referred to a select committee while the other side has moved for its circulation to elicit public opinion. I have risen to support the motion for circulation. One of my reasons for supporting this motion is that the statement of objects and reasons attached to this Bill does not tell us for what purpose the proceeds from this tax are going to be utilized. Had the Bill been moved by the Honourable Mr. Manohar Lal whose name appears as the Minister incharge, he would have told us how this money will be spent. But the Honourable the Premier has, while moving this Bill, made certain remarks which go to show that, perhaps he has not studied this Bill carefully and has read it only here in the House. He was pleased to remark that if any other such means of augmenting the income were suggested as would bring in the same

[Begum Rashida Latif Baji.]

amount as is likely to accrue from this tax he would withdraw this Bill. Again, he said that he wanted to levy only  $\frac{1}{4}$  of the proposed rate of the tax. When such is the case, why not obtain the opinion of the public on this measure so that every aspect of the matter may be thoroughly considered and if any better proposal comes forth from the public we may take advantage of it?

Another reason for the imposition of the tax mentioned in the Statement of Objects and Reasons is that such a tax exists in Bombay. I do not think that is a good reason. First of all, Bombay being a big port happens to be a rich city inhabited by wealthy people with incomes rising to crores of rupees. On the other hand the people of the Punjab are very poor and their income is very small. Again, the tax in Bombay was imposed for a particular purpose. It was levied to make up the loss sustained by the provincial Exchequer on account of the introduction of prohibition. Moreover, the tax was imposed only on the cities of Bombay and Ahmadabad and their suburbs. But here it is proposed without any particular reason to impose this tax on 276 cities and towns. I know that the Honourable the Premier has declared, and it is also mentioned in the Bill that if the proceeds from the tax from a certain town do not exceed, or are less than, the expenses of its collections that place will be exempted from the levy of the tax. But my submission is that only a few small officials or at the most a naib-tahsildar will have to be appointed for the purposes of assessment and collection in the towns. Then, how can you expect the income at any place to fall below the expenses? I am therefore sure that no town will be exempted. You have before you the example of Lahore house-tax. It was declared at that time that poor people would be exempted and an assurance was held out to the effect that if a man received Rs. 5 or less as the rent of his house, or if he himself resided in it and the estimated rent did not exceed Rs. 5 he would be exempted from the payment of the house-tax. Now, Sir, you live in Lahore and you know the conditions obtaining here. You can, therefore, judge the situation very well. Do you think there can be any house here the rent of which would be Rs. 5 only? Lahore is the seat of the provincial Government. Then how can you expect such low rents here? Again, although they declared that the poor people would be exempted yet the assessment was made in a very haphazard manner. The rental value of a house fetching Rs. 20 per mensem was estimated at Rs. 30. Similarly a house worth Rs. 5 as rent was assessed at Rs. 10 and one worth Rs. 10 was assessed at Rs. 15. Thus not a single house has been exempted in the whole city. Further you know how the tax was collected. Clerks went to different houses, knocked the door and threw in the notice chits demanding a certain amount to be paid before a certain date. If the tax was not paid by a certain date, there was a penalty and in case anybody failed to make the payment attachments and auctions would follow. If the Honourable Minister of Public Works has any doubts with regard to this statement, he can go and verify on the spot, and if he has some hesitation to go to the city openly, let him put on a *burqa* and go with me. (*Laughter.*) He will find that nobody has been exempted. Again, if you were to make enquiries at the Town Hall you will find that wealthy people are deferring the payment of the tax on one ground or another but the poor are afraid and, therefore, they

are paying before the due dates. They know that nobody will care for what they may have to say in the matter as the poet has said :

کوی سہارا ہے نغان درویش

تہر درویش دیکھان درویش

Thus a similar assessment will be made in the case of this measure.

Then again, under this Bill houses up to the capital value of Rs. 6,000 in Lahore and Simla and Rs. 3,000 in other places have been exempted. But my submission is that the estimate of the capital value will also depend on the whims of the assessing authorities. They will declare a house worth Rs. 6,000 as worth Rs. 7,000 and one worth Rs. 3,000 as worth Rs. 4,000 and thus make such building subject to the tax. Let me ask a question. If a certain person says that the value of his house as assessed by the Government is too high and that he is prepared to sell his house at that value, will the Government undertake to purchase that house and pay him the price assessed by its own assessing authority? If you add such a clause to this Bill I shall be prepared to support it.

Then, what will happen to those who are just carrying on existence in the houses built by their forefathers and earning a little rent by letting small portions thereof to keep body and soul together? You should have considered their case also. The poor urbanites have lost their trade. The doors of Government services have been closed on them. They had only this one means of making both ends meet and you are going to deprive them of that also. My rural brethren sitting behind me are making some remarks. These simple credulous people do not know that these taxes are being levied not for their benefit but to enrich the coffers of big capitalists. If it were provided in this Bill that the proceeds from this tax would be utilized to exempt from the payment of land revenue those poor zamindars who pay Rs. 5 or less a year as land revenue I would not have raised any objection against this Bill. On the other hand I would have supported it wholeheartedly. But :

ایں خیال است و محال است و جزو

The Government simply bamboozles them by insincere wails on their poverty and misery. I wish it had given an assurance that the proceeds from this tax would be utilized for the benefit of poor villagers and town-dwellers. Sir, the gulf that the Ministers are creating between the urban and rural population is very dangerous. To me they are all alike. I place Hindus, Muslims and Sikhs on the same footing as human beings, because my religion teaches me that God is the creator of the whole Universe and not of Muslims alone. You go on demanding that the urban population should be burdened with more and more taxes. That is not right. You cannot realise what heavy expenditure the urbanites have to incur. Not to speak of other expenses you cannot imagine what we have to spend on the education of our children. Then you should also take note of how hard the townspeople have to work to make both ends meet. The shopkeepers have to sit till late at night to adjust their accounts. Clerks drawing Rs. 25 or so a month work in their offices all the day long but the work is still not finished and they have to finish it at home. There must be many employees in the Assembly office itself who have to take files to their places and work at them

[Begum Rashida Latif Baji.]

at night. But the people in the rural areas have nothing particular to do for almost six months in the year. You only go on saying that the ruralites are very poor but no attention is paid to the cause of their poverty. There is no member in the House who may be paying Rs. 5 only a year as land revenue. They are all well-to-do people. But if they really feel for the poor, let me tell them that we are not responsible for the poverty of the zamindars. The fault lies with the big landlords. (*Interruptions.*) These big landlords are doing nothing for the benefit of the poor zamindars. On the other hand, the wealthy people in the cities have established a good many charitable institutions for the benefit of the general public. So many hospitals and schools have been established by private persons. So far as female education is concerned, in Lahore alone you have only one Government college while there is a large number of private institutions like the Kinnaird College, the Mahila Mahavidyala, the Khalsa College, Jinnah College, Fateh Chand College, Sushila College, Islamia College, Saraswati College and many others. May I ask how many such institutions have been established by the Government? There is only one Government hospital for women, but there are many such hospitals which owe their existence to private philanthropy. Again, it is not known when the Government will be able to establish a hospital for the treatment of tuberculosis, but the Gulab Devi Hospital has been in existence for so many years. Now let me ask, how many institutions have been established by big landlords for the benefit of their poor brethren? They only care for themselves and their main desire is that the poor zamindars should continue to serve them as their slaves. Just for the sake of making a show, they go on crying that zamindars are being crushed or undergoing untold miseries, but they do not raise their little finger to help them. The fact is that these big landlords do not allow the poor zamindars to lead a respectable life. They do not want the rural population even to get proper education lest that should undermine their despotism. Thus it is neither we nor the Government who are crushing the poor zamindars. The responsibility for their miseries lies with the big landlords.

Great stress has been laid on the amenities of life enjoyed by the urban population. An honourable member was pleased to remark that the townspeople have got such nice roads. But may I ask whom these roads belong to? They have been constructed by the municipality with our own money. You have not contributed a single penny towards the cost of their construction. On the other hand, nobody cares to mention any one of the facilities provided for the rural population. Take, for instance, the expenses of education. Not only in primary schools but even in colleges they enjoy certain concessions and exemptions with regard to fees, etc. (*Voices : No, no.*). There is no Principal of a college in this House, otherwise he would have borne me out. (*An honourable member : But the Minister of Education is there.*) Yes, but he happens to be asleep. (*Laughter.*) Then the zamindars and other ruralites are deriving much benefit from the hospitals, etc., situated in big cities. Go to the Mayo Hospital and see their proportion among the patients. I do not say for a moment that they should not be allowed to benefit from these institutions. I have no such prejudice against them. I want all Hindus, Muslims, Sikhs and Christians to benefit from them, no

matter whether these people belong to urban or rural areas. Only those people try to create the gulf of hatred between the urban and rural population who want to serve their personal ends by raising such doubts and prejudices. I consider the urbanites and ruralites the children of the same motherland. Thus the townspeople do not grab your money. Nor are they responsible for your poverty. It is these big landlords who are responsible for your poverty and other miseries. Ask them what they have done for public weal. The townspeople spend money for the benefit of their poor brethren. They open schools and hospitals. They establish factories where so many clerks and labourers get employment. But what are the achievements of these big landlords, except that they increase the area of their holdings by purchasing the lands of poor zamindars at nominal prices? If the townspeople have got amenities of life or have augmented their income or if they are advanced in education, it is all due to their helping each other. My rural brethren should follow their example. Mere jealousy would not do.

Now, Sir, if the Government wants to impose this tax it should not levy it on the poor people. Let them impose it on big capitalists, whether they belong to urban or to rural areas. It has been said that the ruralites have to pay land revenue. True. But have we not to pay this and many other such taxes? I do not want to go into details but one honourable member has proved with the help of facts and figures that we townspeople are much more heavily taxed than the rural population. If the incidence of taxation *per capita* in the case of ruralites is five rupees and some annas, it is nineteen rupees and odd annas in the case of the townspeople. (*Interruption.*) Please do not interrupt me. When your turn comes you can try to disprove it by quoting relevant facts and figures. Besides, the small capital in possession of urbanites is spent on industries which provide employment for thousands of unemployed persons. If this Government had been real sympathisers of the poor zamindars, they would have purchased, some land on reasonable terms from those people who have purchased hundreds of pieces of land near canals and given to the poor zamindars. But they have not done so. I, therefore, submit that if you are to realise taxes from urban money-lenders you should not spare rural money-lenders too. Why do you shut your eyes from rural money-lenders? Your treatment of the rural and urban money-lenders should be alike. It is sheer injustice that in Lahore land revenue is paid on the one hand and house tax and property tax are paid on the other hand. What excess can be more than this that no tax is realised from a thousand bighas of land which is in possession of rural money-lenders, while tax is realised from two marlas of land which fetches no income to the urbanite owner? It has been said on the Government side that land revenue and such other taxes are paid by the rural people to the Exchequer and no tax is paid by the urbanites. As some of my honourable brothers have stated, urbanites do not lag behind in paying taxes to the Government, they have to pay income-tax and other taxes of this type to the Central Government. (*Interruptions.*) My honourable brothers must have patience to hear what I say and controvert by giving facts and not by mere shouting. I may point out that the Government have provoked the honourable members sitting on these benches to support every measure carried out against urbanites. And if this taxation would have relieved

[Begum Rashida Latif Baji.]

by even an iota the rural classes who have been misled to believe that the Punjab Government is their only friend, I would not have objected at all. But it is my conviction that no relief would be given to the poor and the present Government is not their real friend. The rural classes and their representatives sitting here in this House may take it from me that not even a pie from the tax realised from the urbanites would be spent on the zamindars but new provisions will be made for its expenditure. If the Government give us a definite assurance that as a result of this taxation the zamindars would be exempted from paying land revenue to the Government treasury, I shall be one with the Government. But no mention of this kind has been made in the Statement of Objects and Reasons given in this Bill. If the Honourable Premier tells us in clear words as to how this money will be spent, we will not oppose this measure at all.

As regards surcharge, it has been said that it will be 50 per cent of the tax and will be spent exclusively on war purposes. I think the Government have levied this surcharge under this impression that urbanites are not taking part in the contribution to war fund. If the Government hold this opinion I would say they are labouring under a very serious misapprehension. As a matter of fact urbanites are as keen and generous in contributing for war funds as anybody can be. If the Government consider this point dispassionately they will realise that urbanites have taken much interest in contributions for war funds. I have been doing knitting work myself for soldiers and my husband has contributed a considerable amount of money in war fund. I think if people are convinced and told that on winning the war we will stand to gain and if the Honourable Premier and Sir Chhotu Ram visit people themselves and demand money for war purposes I do not see any reason why people should hesitate to give subscription to the Government. Under these circumstances, therefore it is not fair and just on the part of the Government to levy a separate tax for war purposes.

I would also point out that it would have been better if the assessment of the tax had been made on the income of a property. For instance, you would have seen many big houses whose owners are unemployed. Now imposition of tax on them tantamounts to depriving them of their bread. As you are aware, Lahore area has been extended to 11 square miles and several villages have been included in it which have to pay land revenue on the one hand and property tax on the other. Now it has been made clear that land revenue is paid even on two marlas of land situated out of Lahore city. And the people are living under ghastly conditions in the city and I have no word to express their pitiable plight. The Government instead of showing any sympathy to them is saddling them with greater burdens of taxation. I would point out to you as to how those people will have to pay the tax who cannot afford to do so. For instance, if the tax is not paid by a person who is unable to do so, he will be heavily fined. A clause has been provided in the Bill according to which the limit of fine can go up to Rs. 1,000 and in case a person does not pay the fine he will have to pay Rs. 50 daily as *ta'wan*. It is, therefore, obvious that certain people would be deprived of their property in the long run. For instance, there is a big *haveli* whose owners are not employed anywhere. As they have a limited



source of income they will not afford to pay heavy taxes. What will happen? The owners will have to part with their *haveli* in order to pay the tax and the heavy fine.

Sir, if the tax is to be levied on urbanites it should be levied on the income of capitalists. This much we know that the Government will get this Bill passed on the strength of their majority and that in the select committee a few nominal changes will be made. But if this Bill is circulated for eliciting public opinion we will be in a position to know its defects and remove them forthwith. In this way considerable changes can be made in the Bill for the good of the tax-payers. I again submit that if the Government feel it necessary to levy this tax, it ought to be levied on the income of the capitalists whether they be ruralites or urbanites. They should not levy a tax on every property without taking in view the fact whether that property fetches any income to the owner.

My second appeal to the Government is this. They have provided to exempt a house whose capital value is Rs. 6,000 or less. I may tell them that as the price of gold is high nowadays, most of the women after having sold their ornaments and jewellery have built houses. Their brothers and sons are not employed anywhere and the source of income to these women is the rent of these houses. My request is that such houses should be exempted and the vacant land with these houses which fetches no income to the owner should also be exempted from the tax. And the Government in this way can have the good will of poor women.

With these few words, Sir, I support the circulation motion for the obvious reason that we will be in a position to obtain the opinions of certain experts on this matter and the Government may accept them for the benefit of the people. The period suggested for circulation is only one month and I do not think that heaven will fall in one month if this motion is accepted.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Muzaffargarh, North, Muhammadan, Rural) (*Urdu*): Sir, the withdrawal of the Opposition from the House, particularly at a time when a measure of first class importance to the province is being considered, is to say the least most unfortunate. This is the first taxation measure brought forward by this Government since the inception of Provincial Autonomy. The decisions of this House on this measure will determine the future taxation policy of the Government in the province. The members of the Congress Party have done great injustice to their constituents by absenting themselves from the House at this particular time. They could have postponed their demonstration to a later date. It is said that they are doing *satyagraha* for a sacred right, namely, the liberty of speech—a right which the Congress denies to its own followers. When a Congress member expresses any views which are not agreeable to the Congress High Command he is condemned on the plea of discipline, but the Congress High Command wants full freedom in carrying on fifth column activities in this country during the war. It is a great pity that we shall be deprived of the views and criticism of the Congress Party on this important measure. In the absence of the official opposition from the House, the responsibility of the Government and of other sections of the House has greatly increased. We should, therefore, consider this important measure with greater care and in a more dispassionate manner. Let us not look at this question from a party point of view but from a broader outlook. We should

[K. B. Mian Mushtaq Ahmad Gurmani.]

not allow personal or sectional considerations to weigh more than the best interests of the province. Let us all combine in making a sincere effort to remove the defects and shortcomings of this measure, if any, and try to lay the foundations of a sound, just and equitable policy of taxation for the province. I must regretfully say that the speeches made from those benches so far have disappointed me. My honourable friends over there have made no constructive suggestions for the improvement of the Bill. They have merely indulged in destructive criticism and have contented themselves by using catch phrases and cheap slogans in their speeches. They have utilized this opportunity merely to criticise and condemn the Government. In their zeal to excel each other in this respect they even forgot the rule of relevancy. In order to side-track the real issues they introduced the controversy of urban and rural division, and did not even hesitate to enunciate wrong, flimsy, unsound and absurd ideas as the basis of taxation. My honourable friend the learned lawyer from Lahore quoted a long series of statistics to show that the incidence of taxation was higher on the urban population than on the rural population, but he conveniently forgot to compare their respective earning capacity. (*Interruptions.*) I fully realise why my honourable friends over there are getting restive. They find it rather difficult to face the realities. But let them realise that one has to subordinate his personal interests to the wider interests of the community, and this principle is the corner-stone of democracy. I would request them to hold themselves in patience and allow me to have my say. I was submitting that my honourable friend, Malik Barkat Ali, while comparing the incidence of taxation per head between the rural and urban population conveniently forgot to compare their respective earning capacity as well. He was pleased to suggest that it was nothing short of tyranny to make the urban population consisting of 80 lakhs of persons, pay the same amount of tax as is paid by the remaining two crores of persons living in rural areas. He also suggested that the burden of taxation should be distributed between the urban and rural population in proportion to their population. In other words, he suggested that the taxes should be based on the counting of heads, like the grazing cess which is charged per head of cattle and not based on the paying capacity of persons. This is, indeed, a new principle of taxation which the fertile brain of my honourable friend alone can originate. My honourable friend further remarked that the representation of urban population in the legislature and in public services of the province is much less than that of the rural population, and then asked, why should they be expected to pay a sum equal to that paid by the rural population? This tantamounts to saying that the representation of persons and classes in the legislature and in the administration of the country should be based on the payment of tax or that only those who pay tax should have a right of vote or a share in the administration of the country. This again is a novel theory of political representation. Perhaps my honourable friend does not realise that he is advocating a principle of representation which is diametrically opposed to the creed of the Muslim League to which political party he owes his allegiance. He should remember that the Muslim League has always advocated the principle of adult franchise in the matter of political representation. It seems he is forced by the affinity of economic interests to support the Hindu Mahasabha and Sikh League theory of "representation on the

basis of taxation" as against the avowed policy of the Muslim League. Malik Sahib claims to be a staunch Muslim Leaguer but his views belie his professions.

**Begum Rashida Latif Baji :** May I enquire of the honourable member as to which party he belongs.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Why should the honourable lady member worry about my party label when she has not got one herself. She does not believe in political parties and is a party by herself. Let me, however, tell her, to satisfy her curiosity, if she does not know it already, that I am a member of the Unionist Party. (*A voice : Are you not a member of the Muslim League ?*) Yes, as a Musalman, I am proud to belong to that great organization which is the only representative all-India political organization of the Musalmans of India. But under the Jinnah-Sikander Pact I am not prevented from remaining a member of the Unionist Party which is a provincial party confined to the Punjab. (*Voice from the opposition benches : Sailing in two boats.*) If my honourable friends can remain members of the Hindu Mahasabha and the Congress or the Akali Party and the Congress at one and the same time, I see no harm in remaining a member of the Unionist Party the programme of which does not in any way come into conflict with the programme of the All-India Muslim League. Both stand for the uplift of the backward and oppressed classes.

**An honourable member :** There is no Congressman here.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** That is why my honourable friend is waxing eloquent. I was submitting that the foundations on which my honourable friends have built their case are unsound and shaky. Now let me say a few words with regard to the statistics which have been quoted from the other side. I challenge their accuracy as the very basis of my honourable friends on which they have distributed the taxation between the urban and the rural classes is wrong.

It is incorrect and misleading to suggest that the Government wants to recover from the urban population of the Punjab through this measure, an amount equal to that paid by the rural population. The Honourable Premier has told us that the revenue which this tax is expected to yield will not be more than a crore of rupees. The urban population contributes a share towards the provincial revenues under the heads of revenue, namely, excise, stamps and registration. Their total contribution towards these heads of provincial revenues does not exceed 73 lakhs out of the total provincial revenue of Rs. 11,74,00,000. My honourable friend Malik Barkat Ali and other honourable members sitting opposite have taken their figures from a brochure entitled "Rural and Urban Taxation and Expenditure" by Prakasha Nanda, M.A. The figures contained in the brochure are based on certain suppositions. The author of the brochure has simply twisted the figures in order to get certain desired results. For instance, he has shown 17 per cent of the total land revenue as paid by the urban population without realising that land revenue is a tax on agricultural land. I agree that lands in towns are also assessed to land revenue but the yield of revenue from such lands is hardly one per cent of the total land revenue. In the case of indirect taxes such as customs duties including central excise duties, he has credited 60 per cent of the total share of the province to the urban

[K. B. Mian Mushtaq Ahmad Gurmani.]

classes for which he has no definite basis, but if it is presumed to be correct it shows that 30 lakhs of urban population has a greater purchasing power than the two crores of rural population. Then again he has mixed up the provincial and local taxation in calculating the incidence of taxation, without realizing that local taxes are paid in lieu of certain benefits and advantages received by the local population. Such taxes should not be mixed up with provincial taxes in calculating the incidence of taxation. As regards the indirect taxes which are imposed upon certain commodities the burden is shifted to consumers through higher prices. So, the rural population contributes even towards the municipal taxes in the shape of octroi duty and terminal taxes. The burden of indirect taxation is distributed between all classes of population in proportion to their purchasing power. In fact the poorer classes are more hard hit by indirect taxes. The two important direct taxes are the income-tax and the land revenue and water rates. I consider water rate as a tax because the net profits on the irrigation works in the Punjab are almost four times greater than the net returns from railways, post offices and other Government commercial departments. The total land revenue of the province is Rs. 4,67,19,000 and net profits from irrigation amount to Rs. 2,62,15,000. The total comes to Rs. 7,29,34,000, while the income-tax and super tax paid by the province in 1937-38 was Rs. 1,11,43,983. The proportion of land revenue to the total gross value of agricultural produce of the province works out to about 9 per cent and the proportion of water rates to the value of agricultural produce in canal irrigated area works out to 25 per cent. This means that the classes dependent on agriculture pay over 33 per cent of their gross earnings to the State in the shape of land revenue and water rates. Let us also remember that an income of Rs. 5 per annum from agricultural land does not enjoy exemption from land revenue or water rates; while there is an exemption limit of Rs. 2,000 in the case of income-tax. No one can deny that the burden of taxation on agricultural land is much heavier than that on other property. It is only fair that the burden of taxation should be more evenly distributed. I feel that it would be more logical and equitable if land tax is fused with the income-tax. The burden of taxation will thus be equally distributed between various classes of our population. I recognize that fusion will take time. In the meanwhile a beginning might be made by gradually exempting uneconomic holdings from the land revenue. It must be recognized that land tax is indefensible upon the meagre income of a farmer upon which it is imposed. The pressure on agricultural land in this province is perhaps the heaviest in India if not in the world. The principle of taxation should apply without any variation to all sections of the population bearing in mind that net income is the sole and immediate source of tax whether it is derived from land or trade or from industry. Poorer sections of society whether they are dependent on agriculture or on any other occupation or profession should enjoy exemption from taxation up to a certain limit. The taxes should be on a progressive scale on income above the exemption limit.

**An honourable member :** Ask Sayed Amjad Ali.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** My honourable friend need not worry about Sayed Amjad Ali. He should rather take care

of himself. I can assure him that Sayed Amjad Ali would meet the demands of the province with a smiling face in a sportsmanlike spirit. Some honourable members have made very interesting suggestions. For instance, the honourable lady member from Lahore asked why, instead of imposing this tax which amounted to expropriation, the Government did not decide to take away the lands of the big zamindars. I must confess that I have not been able to follow the logic of her argument. On the one hand, she opposes this tax because according to her it amounts to expropriation which she considers a great evil; but, on the other hand, she advises the Government to expropriate the big zamindars. Perhaps the honourable lady member does not know that we have only 13 zamindars in the province who could be styled as big zamindars and I am sure this unlucky number will soon be reduced on account of the law of inheritance in vogue in this province; and it is not improbable that after a few generations the successors of these big zamindars may become peasant proprietors owning uneconomic holdings.

**Begum Rashida Latif Baji:** The honourable member has misunderstood me. I never said that the lands of the landlords should be confiscated by the State. I only said that in the areas where new canal has been dug, the big landowners had bought the lands of poor peasants at a very cheap rate and now the prices of those lands have suddenly increased on account of canal irrigation. These lands should be purchased at reasonable rates from the big landlords and sold at moderate rates to the original owners who are poor and landless. That is what I said.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani:** I am grateful to the honourable lady member for correction. Perhaps she is referring to the Thal area which is proposed to be irrigated by the Thal Canal. The House has already passed a Bill to impose a tax of Rs. 30 per acre on private lands which will receive canal irrigation; so the State has already got a share in the increased value of such lands. I can make a further offer to the lady member if she would accept it. The offer is that I and other large landowners in the district would be prepared to add our lands into the pool if she could turn all the uneconomic holdings in my district into economic holdings.

**Begum Rashida Latif Baji:** All right, I will bring a Bill to that effect.

**Rai Bahadur Mukand Lal Puri:** Is the Parliamentary Secretary prepared to agree to this?

**Khan Bahadur Mian Mushtaq Ahmad Gurmani:** I stand by my offer but let me tell both my honourable friends, Mr. Mukand Lal Puri and the honourable lady member, that the problem will not be solved by bringing in a Bill. They will have to find some more land for the zamindars of Muzaffargarh district in order to make their holdings economic. If they could give us more land for the purpose I shall be only too glad to add my humble share into the pool. The honourable lady member from Lahore has accused the Government of taxing the poor people of the towns. It seems that she has not read the provisions of the Bill carefully. The Bill exempts the poorer classes from this tax. I hope she does not consider the people of her own class poor. If she does then no one in the province could be taxed. The Government wants to tax the rich people for the benefit of the poor. It is only fair that a rich person who dresses well, lives in a com-

[K. B. Mian Mushtaq Ahmed Gurmani.]

fortable house and enjoys amenities of life should contribute to the State a portion of his income which he derives under the protection of that State. For instance, why should the honourable lady member, wearing a silk *burqa*, not pay a higher rate of tax for the benefit of those poor women who do not even possess sufficient garments to cover their bodies.

**Begum Rashida Latif Baji :** Sir, I protest against these remarks of the honourable member.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, I am sorry if I have offended the lady member. I can assure her that I never meant any offence to her. I was merely saying that richer people who wear expensive and fancy clothes and lead a life of comfort and ease should be prepared to contribute to the exchequer so that it may be possible to give relief to the poorer classes. Why should the honourable lady member take offence when I say that she must pay the price of wearing a silk *burqa*?

**Begum Rashida Latif Baji :** Sir, I want to protest against these insulting remarks of the honourable member. He has insulted me and attacked my *burqa*.

**Mr. Speaker :** How?

**Begum Rashida Latif Baji :** The honourable member has made disparaging remarks against me. If he had compared my simplicity with my status in life and if he had asked the views of the dwellers of the city about my simple living as compared with my social position, he could not have dared to make such remarks against me. He has attacked the *burqa*.

**Mr. Speaker :** I do not think so.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, the honourable lady member seems to be over sensitive over this point and I do not wish to pursue the point any further. I would only hope and pray that it may be possible for all the women in the Punjab to adopt my honourable sister's standard of simplicity. I shall give a different example to illustrate my point. Let us take the case of a man who lives in a first class hotel. Would he be reasonable in demanding that he should be charged at the same rate at which a poor labourer feeds himself at a wayside shop or at a *tandoor*? The charges in each case must be different.

As I have already said the decisions of the House on this Bill will perhaps lay the foundations of our future taxation policy in the province. We must therefore base our decisions on sound principles. I suppose that when the principles of taxation are referred to, one thinks instantly of the famous four canons of Adam Smith summarized under the headings ability, certainty, convenience and economy. I think it would not be out of place to repeat Adam Smith's maxims.

- (1) The subjects of every state ought to contribute towards the support of the Government as nearly as possible in proportion to their respective abilities, i.e., in proportion to the revenues which they respectively enjoy under the protection of the State;

- (2) The tax which each individual is bound to pay ought to be certain and not arbitrary. The time of payment, the manner of payment, the quantity to be paid, ought all to be clear to the contributor and to every other person ;
- (3) Every tax ought to be so contrived as both to take out and keep out of the pockets of the people as little as possible over and above what it brings into the public treasury of the State.

These are the broad principles which even to-day form the basis of taxation in all civilized countries of the world. The tax on building sites and buildings is based upon a principle which is far more fundamental than "ability to pay". It is based upon benefit received from the community in the shape of a value which is altogether created by "community causes". It has been argued that it is unfair to introduce this measure because property owners in towns have acquired land under the existing system and in the expectation that it would continue—in other words, they have acquired certain vested rights. If this argument were accepted it would destroy all possibility of reform of any kind. The line of argument adopted by my honourable friends opposite has complicated the issues. The urban and rural controversy has unnecessarily been introduced. I do not for a moment believe that all the rural population is poor or that all the urban population is rich. There are poor people both in urban and rural areas, and similarly there are rich people in towns as well as in the villages. The rich classes should be taxed for the benefit of the poor. It is not very unreasonable that the rich should contribute to the exchequer not in proportion to their numbers but in proportion to their revenues which they get under the protection and security of the State.

Now coming to the Bill itself, I would submit that the Bill aims at taxing property, other than agricultural lands, which does not pay any direct tax to the State. The Bill does not introduce any innovation. In almost all civilized countries of the world buildings and building sites in the towns pay one kind of tax or the other. Some other provinces of India have already imposed this tax. The Congress Governments took a lead in this direction. The Bill exempts the poorer classes from the payment of tax which is a very salutary provision. Buildings and lands, the capital value of which does not exceed Rs. 6,000 in Lahore and Simla and Rs. 3,000 in other towns, are exempted from the payment of tax ; or, in other words, buildings and lands to the annual value of Rs. 300 in Lahore and Simla and Rs. 150 in other rating areas will enjoy exemption. I am of the opinion that the limit of exemption should be raised to Rs. 600 and Rs. 300 respectively in case of those owners who have no other property or any other source of income. The loss in revenue on this account may be made good by imposing a higher rate of tax on annual incomes from the urban immovable property above Rs. 6,000 per annum. I am in favour of progressive rate of taxation as in the case of income-tax. If the rate of tax is uniform on all incomes the poor man usually pays a much larger fraction of his income in tax than the richer man and the tax forms a proportionately heavier burden in the one case than in the other. It must not be forgotten moreover that progressive taxation has been justified on the 'production' side by reference to the fact that the larger the income the greater its power on being focussed or being grouped for the production of income and therefore the more it can be tapped without

[K. B. Mian Mushtaq Ahmed Gurmani.]

hurt. The principle of progressive taxation of income is now well nigh universal and more equitable. The Bill proposes to tax the capital value of lands and buildings. The assessment of capital value will present many difficulties. It would be easier to assess the tax on the annual income of the property which could be more easily ascertained. The annual income from vacant lands will have to be assessed according to their situation and value. By value I mean the annual income which the land would fetch as a building site on the basis of a long lease. If the unused sites or badly used sites are assessed on their appropriate and full value it will stimulate the owners of such sites to develop or redevelop them in order that they may earn full value which they are capable of earning. This will also provide remunerative employment of labour and capital which fact is of the highest importance and should outweigh even fiscal benefits of the new measure. The land value rate will also tend to reduce the price of land. This will facilitate the acquisition of land both for public and private purposes. It will ensure more rapid and intensive development of the building sites. Where the land is most valuable it should be most intensely utilised. The Bill omits one important thing. It does not make it clear as to who will pay the tax in the case of a mortgage or a long lease. Provision should be made in the case of lands held under a long lease or a mortgage where the economic rent is in excess of the ground rent payable under the lease for the ground landlord to pay a portion of the land value rate corresponding to the proportion of the economic rent which he receives. The residue should be paid by the lessee or the mortgagee as the case may be. The tax should be collected from the lessee or from the mortgagee in the first place and he should be empowered to deduct from his next payment of ground rent the proportion payable by the lessor or the mortgagor. It may be argued that such a provision would be inequitable because it would interfere with private contracts obliging the lessee to pay extra rates on the property. The fallacy of this argument is easily made evident. It falls to the ground so soon as it is conceded that the State has a right to impose new taxes. It is a fundamental principle of law that the power of the State to determine the manner in which persons shall contribute to taxation cannot be limited by private contracts made between its citizens. The Bill does not provide for the exemption of town sites from the payment of land revenue. In the absence of any other direct tax on such lands they were assessed to land revenue. It was no doubt a fallacy to impose land revenue on town sites because land revenue is a tax on the agricultural produce from land. Town sites which are not used for agricultural purposes and which do not give any agricultural income should not be assessed to land revenue and now that a new tax is being imposed on such property it is only fair that they should be exempted from the payment of land revenue. It is a question of principle and I hope the Government will give their fullest consideration to this suggestion. Such building sites which cannot be built upon on account of restrictions imposed by improvement trusts or by by-laws of a local body should be exempted from the payment of tax. The Bill does not make any provision of that effect. I hope the select committee will try to correct this omission. Residential houses occupied by the owners themselves and not let on hire, should also be exempted to the value of Rs. 20,000 in the case of Lahore



and Simla and Rs. 10,000 in the case of other rating areas. In the case of owners, the value of whose houses is above this limit, it will cause them no hardship if they pay a tax for the luxury of living in a palatial house. The Bill provides that "buildings" or lands in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes or purposes of public charity shall not enjoy exemption under clause 4. It is not uncommon that a large number of mosques, dharamsalas, gurdwaras and other places of worship have a certain property attached to them which is let on hire and the rent derived from such property is utilised for the maintenance of these places of worship. If the property for the maintenance of such places of worship or public charitable institutions are taxed it will cause great hardship in a large number of cases. I hope the select committee will go into this question and will exempt from taxation income from such properties which are exclusively used for religious purposes or for purposes of public charity.

The Bill does not lay down definite time and manner of payment of the tax which is left to the rule-making powers of the Government. This is a question of fundamental importance and should be made clear in the body of the Bill. I would suggest that the tax should be paid quarterly like the motor tax and if a building remains vacant throughout the quarter the owner may be allowed exemption from tax for that quarter. We find a long list of rating areas mentioned in the schedule. Some of the rating areas are hardly more than a village. For instance, a number of areas in the Muzaffargarh district which have been included in the schedule are purely rural areas and their population does not exceed 2,000. These areas have been included in the schedule merely because some Minister of Local Self-Government or some district officer got them notified as notified areas. For instance, Daira Din Panah, Khairpur Sadaat and Jatoi are only villages. The inhabitants of these areas do not enjoy any facilities of a town life. The population of each of these notified areas does not exceed 2,000 souls. In fact in the whole of the district there is only one town with a population of over 5,000. It would be wrong to include such areas in the schedule. If a tax is levied in these areas, it will seriously affect their development and prove uneconomical. The cost of assessment and collection will exceed the amount of tax realised from such areas.

I have already taken a considerable time of the House and I do not propose to go into further details at this stage. I hope the select committee will try to remove the defects that I have already pointed out and will further examine the Bill critically and suggest improvements.

With these words, Sir, I support the motion for the reference of this Bill to select committee.

**Sardar Dasaundha Singh** (Jagraon, Sikh, Rural): No tax has ever been welcomed. All taxation is opposed. Nobody likes to pay taxes. Nobody wants to pay part of his income willingly. Therefore when some tax is to be imposed there are two things which require careful consideration. The first is, what is the object of taxation which is to be levied? In this connection, so far as the present measure of taxation is concerned, the object is.....

**Lala Sita Ram :** On a point of order. Can the Deputy Speaker give his opinion because I think under the law the Speaker and the Deputy Speaker should be neutral and should not express any opinion. Now is it legal that he should express his opinion? It is just possible that he might have to sit in the chair in your absence and give his casting vote on this very motion. If he has expressed an opinion it may not be possible for him to give his vote independently.

**Sardar Dasaundha Singh :** I am not a non-party man. (*An honourable member :* Who are you?) I belong to one party. I am not expected to be as disinterested as the Speaker unless I am in the chair. I have a right to vote and I do vote. I belong to the party in power and I am entitled to speak on any motion that is before the House when I am not in the chair.

**Rai Bahadur Mukand Lal Puri :** The Deputy Speaker may vote when he is not in the chair. But can he, when he has got the right and when he may very likely occupy the chair, try to influence the votes of this House, occupying the official position as he does, by a speech made on one side? (*Chaudhri Tikka Ram :* Quote the rule.) Our rules are not in the 38 pages of the book we have but are based on May's Parliamentary Practice and are based on fundamental principles of legislation.)

**Sardar Dasaundha Singh :** The first thing for the House to see is, what is the object of this taxation? The object is to relieve the poor peasant of the heavy burden under which he is being crushed.

**Raja Ghazanfar Ali Khan :** Who has said that?

**An honourable member :** Nobody says so.

**Sardar Dasaundha Singh :** At any rate that is really the object because hitherto the burden of taxation is so very unequally imposed. (*An honourable member :* Question.) (*Interruption.*) So far as the rural people are concerned, so far as the agriculturists are concerned, even the poorest of them have to pay land tax. They have to pay water rate. But so far as the urban people are concerned, they have to pay income-tax only above a certain level of income. Below income-tax level people pay no other tax and even the income-tax is very low as compared with the land tax. (*Interruption.*) Then so far as the people in the urban area are concerned they derive the greatest benefit from the public exchequer and most of the money that is collected from the poor peasants in the rural areas is spent on providing amenities to the people in the urban area. (*An honourable member :* No.) (*Interruption.*) So far as the object is concerned, if it would not go directly to relieve the burden of the poor peasant, at any rate a part of that burden will be lessened. Besides the money may be spent on beneficent objects out of which the people in the rural area might derive some advantage. (*An honourable member :* What are those beneficent objects?)

Then so far as the justification of this tax is concerned, I have already submitted that it is absolutely necessary that the one-sided imposition of tax on the rural people should be equi-balanced by imposition of tax in the urban areas. So far as the question of taxation is concerned, as to what property should be taxed, in the villages land is taxed and in the urban area,

the only property that can properly be taxed as against the land in the villages, is the house property; and so far as this taxation is concerned, it can be imposed equitably and with justification in urban areas. So far as the distribution of this tax is concerned, in the villages there is no exemption, not even the smallest area is exempted, while so far as the proposed tax is concerned in the urban area houses worth Rs. 3,000 to Rs. 6,000 in value are exempted. This is something which makes the taxation in the urban areas much more lenient than in the rural areas. So far as the amount of tax is concerned, the rate at which it is to be imposed comes to about one-fifth of the annual rent. (*Interruption.*) The capital value so far as it is given in the Bill is deduced by multiplying the annual rent by 20. One per cent of this capital value comes to about one-fifth of the annual rent. This is the highest limit but the highest limit is never reached in taxation. So far as the amount of taxation is concerned, we might make an effort to lessen it and make it suit the condition of the people. But so far as the justification of the Bill is concerned, it is fully established. With these words I oppose the circulation motion.

**Sardar Sahib Sardar Santokh Singh :** Sir, there can be no two opinions that this Bill is the most revolutionary taxation measure. The Honourable Premier, realising the seriousness of this measure, was on his legs for about  $1\frac{1}{4}$  hours to explain its salient points. But one hardly finds a word in the speech of the Honourable Premier to justify this taxation on capital value. This point is being discussed by the House since yesterday and I repeat that not a word is to be found in the speech of the Honourable Premier which lasted for over  $1\frac{1}{4}$  hours, or that of any other member sitting on ministerial benches, to show the justification or the necessity of this measure.

**Rai Bahadur Mukand Lal Puri :** I raise the point which was raised yesterday by Malik Barkat Ali that this Bill as framed is outside the competence of this legislature and I respectfully ask you to give your ruling on this point.

**Mr. Speaker :** Please state your reasons.

**Rai Bahadur Mukand Lal Puri :** If you take the Government of India Act you will find that the tax on capital falls under item 55 of the Federal List. There is a section in the Government of India Act which lays down that nothing which occurs in the Federal List shall be within the competence of the provincial legislatures.

**Khan Bahadur Nawab Muzaffar Khan :** Is that a point of order or a speech ?

**Rai Bahadur Mukand Lal Puri :** Mr. Speaker has asked me to give reasons.

**Mr. Speaker :** It would be better if the honourable member raises his point in the Honourable Premier's presence.

**Rai Bahadur Mukand Lal Puri :** This is a matter within your competence. I had no intention of raising it but I thought if the Government does not take any legal advice, the matter might be raised in a court of law after the House has spent its time. That is why I did not deliberately raise it earlier, but Malik Barkat Ali thought that the time of the House should not be

[R. B. Mukand Lal Puri.]

wasted if it is really outside the scope and competence of the House. The point having been raised I ask you to give your ruling, before we waste any further time on it.

**Mr. Speaker :** I have not been able to understand the honourable member's arguments.

**Rai Bahadur Mukand Lal Puri :** I have already submitted that the taxation of capital value is an item in the exclusive cognizance of the Federal Legislature as is to be found in the 7th Schedule, item 55, list I, of the Government of India Act.

**Mr. Speaker :** May I ask under which clause of the Bill under consideration it is proposed to impose a tax on capital values? Please note I want to know under which clause of the Bill is tax proposed to be imposed on capital value of property. The whole capital value or a fraction of it might be either the basis of calculation or the basis of assessment, but no tax, so far as I have gone through the Bill, has been proposed to be imposed on capital value. It is proposed, no doubt, that tax will be imposed on land as well but its capital value will only be the method of calculation.

**Rai Bahadur Mukand Lal Puri :** That is not being imposed on the annual value, it is not a certain percentage of annual value, it is one per cent of the capital value of the immovable property in towns.

**Mr. Speaker :** That is the method of calculation.

**Rai Bahadur Mukand Lal Puri :** If you take from the people not any portion of their income but a portion of the capital what else is it? Section 3 reads—

There shall be charged, levied and paid an annual tax on buildings and lands situated in the rating areas shown in the first column of the Schedule to this Act at such rate not exceeding one per centum of the capital value of such buildings and lands...

**Mr. Speaker :** That is the method of fixing the rate. No tax is proposed to be imposed on capital value.

**Rai Bahadur Mukand Lal Puri :** If you take one per cent of the capital value, what else is it?

**Mr. Speaker :** It is a tax on the annual income.

**Rai Bahadur Mukand Lal Puri :** Permit me to make my position clear. A tax may be on property or may be on persons. This is not a tax on persons. A tax may be again on movable or immovable property. This is not a tax on movable property. A tax again may be on immovable property, land or houses. This is a tax on land and houses. But is it a tax on the capital value of the house or is of a tax on the profits that are to be made out of the property? It is certainly a tax not on any income that might accrue. The method of calculation might be anything if the principle of the Bill was that here is a property which brings so much income, we want to take so much of that income, that will certainly be a tax on income or profit or annual value but we find that irrespective of the fact whether the property brings in any income or not we are going to have an estimate made of the value of this property through your surveyors and if it is found that the capital value of this house or this piece of land which is not within a

town and which does not bring in any rent is one lakh we are going to take one per cent of that capital value. I think this clause leaves absolutely no room for doubt that this is a tax on capital value and this would necessarily be that of a house in this case.

**Premier :** It is with a considerable diffidence that I speak on a matter which is purely a legal and technical one, but I might inform my honourable friend that we had our own doubts with regard to that particular point and we took legal advice with regard to this particular matter and we came to the conclusion that the contention which my honourable friend has now put forward will not stand if it is examined carefully from the purely technical and legal point of view. Sir, my honourable friend's contention is that this is a levy on capital. My contention is that even if it be treated as a tax based on capital value of building it does not come within the mischief of item 55 of the Federal List; the provincial Government is perfectly entitled to impose such a tax. There is no difference of opinion with regard to the point that item 55 does not preclude the provincial Government from taxing capital provided it does not come under item 54 or does not fall within the capital value of the assets of an individual or a company. That is my first contention but that is not the point we are discussing at the moment. My honourable friend says this is a tax on capital value. I submit it is not. It is merely a tax on buildings based on their annual rental value or letting value as they call it in Bombay. As you have pointed out, it is a method of calculation and if my honourable friend considers that this legal hitch or this legal objection might be valid, I am perfectly prepared to meet him by stating some other basis instead of using the word capital as a measuring rod for the amount which we will assess and say merely on the rateable value as Bombay has done.

**Rai Bahadur Mukand Lal Puri :** Bring in a new measure.

**Premier :** My contention is that it is perfectly valid even if it is an assessment on capital value. I go further and say that it would have been perfectly valid provided it does not fall within the category mentioned in item 55.

Again, the point raised by my honourable friend is that since capital value of the property is being assessed, therefore it is a levy on capital. I have already said, that our intention is merely to tax the buildings and lands on their rateable capacity. Some people think that I deliberately put this method of assessing this particular tax on lands and buildings. My honourable friends know that we are going to tax the property within certain areas which are scheduled and which may be notified later on. If we adopt my honourable friend's method, then we will have to use some arbitrary method for finding out the market value. In the case of buildings and lands on which we cannot assess rental value or of which we cannot easily find out the annual rental value, arbitrary assessment would have to be made. In order to avoid that difficulty we have adopted this method. If Rs. 5 is declared as the rental value of a plot of land, it should be definitely proved that the rental value of the land is Rs. 5 and the tax will be assessed on the basis of Rs. 5. If my honourable friends want me to take the market value, the land may be worth a crore of rupees, and therefore, if we take the market value of land, then the owner of that

2 P. M.

[Premier.]

land will have to pay about one thousand rupees as tax. If my honourable friend suggests that we should adopt the method which was adopted by Bombay, I am quite willing to meet him. We will also assess the tax on annual rental value and not on capital value. If he will read the Bill carefully, he will find that the assessment, or rather the assessment of the capital value, is based on nothing but on rental value. If he wants that the tax should be assessed on rental value, I am perfectly willing to do so. Our main objects in bringing forward this measure are two. First, to tax the buildings and lands and, secondly, to tax unearned increments with regard to properties in urban areas. But if my honourable friend says that we should go actually to the annual rental value, instead of the capital value, then in the case of all those buildings of which annual rental value cannot be assessed, we will have to take arbitrary figures. If that is the wish of my honourable friends, I am quite prepared to meet them and we will make the necessary changes in the Bill in the select committee to this effect if this is the sense of the House. But in that case we will have to raise the figure of 1 per cent to 10 or 15 per cent or 20 per cent. It is immaterial to me, so far as I am concerned. If my honourable friend, as a learned lawyer, and my friend the Advocate General consider that this is the legal position, I would be perfectly willing to meet them. But I may point out that there is a higher authority, which I think my honourable friends will also admit is in a better position to judge this question than my honourable friends, and that is the Full Bench ruling of the Bombay High Court. I may for your information point out that this Full Bench was presided over by the Chief Justice himself. Sir Byramjee Jeejeebhoy was the plaintiff in this case. This case was with regard to the urban property tax in Bombay. I may also point out that eminent counsel appeared for both parties in this case. I may inform the House that eminent lawyers like Sir Chiman Lal Setalvad, Sir Jamshedji Kanga and Mr. N. P. Engineer appeared for the plaintiff and Mr. M. C. Setalvad, Advocate General, Mr. F. J. Coltman, Mr. B. J. Desai, Mr. M. C. Chagla and Mr. G. N. Joshi, appeared for the defendants. These were all the eminent counsel in Bombay, and they argued this case on both sides. I may also read out, with your permission, some of the relevant portions of this Full Bench judgment. The question of capital value did not arise, but there is an *obiter dictum* with regard to this also in this judgment. The objection was that the tax fell within the purview of item 54, regarding taxes on income other than agricultural income, and that was the main contention of the plaintiff. It was contended that it was *ultra vires* of the provincial Government to levy this tax. Incidentally, item 55 also came into purview and they have referred to it. They also further discussed various items in the various lists of the legislatures and then they referred to the recent ruling of our own Federal Court, and said—

The Court held that although the tax would have come within the general words "duties of excise" if not restricted by the context, nevertheless it could not have been intended that the tax on sales included in the Provincial List should have no effect, and in order to reconcile the two Lists the Court gave a more restricted meaning to "duties of excise" than that which the words would have borne unaided by context. The Court adopted the principle—

That is the main point—

The Court adopted the principle which has been laid down in many cases in the Privy Council in relation to the construction of the British North America Act, 1876,

that the Court must, if possible, reconcile conflicting items in the Central and Provincial Lists before falling back upon the non-obstante clause in S. 100 Government of India Act, and in applying that principle the Court restricted the general words of the Federal List so as not to nullify a particular power contained in the Provincial List.

That is our own Federal Court, and with regard to this again they said:—

‘The Privy Council and the Federal Court have laid down that in considering a question of this character, the Court must have regard to the pith and substance of the tax which is attacked and not merely to the form in which it may have been imposed.’

As I have mentioned, the main contention in this plaint was that item 54 of the Federal List had been infringed. Then they went on further and quoted Lord Macnaghten who said:—

Income-Tax, if I may be pardoned for saying so, is a tax on income. It is not meant to be a tax on anything else. It is one tax, not a collection of taxes essentially distinct. There is no difference in kind between the duties of income-tax assessed under Schedule D and those assessed under Schedule A or any of the other Schedule of charge. One man has fixed property, another lives by his wits; each contributes to the tax if his income is above the prescribed limit. The standard of assessment varies according to the nature of the source from which taxable income is derived.

Then they quoted Lord Davey, who said:—

The truth is that the income-tax is intended to be a tax upon a person's income or annual profits, and although (for conceivable and no doubt good reasons) it is imposed in respect of the annual value of land, that arrangement is but the means or machinery devised by the Legislature for getting at the profits.

This is with regard to tax in England. There, you see, the land is also taxed and the same machinery is adopted. Then further they said:—

But it does not follow from that proposition that every statute which charges a tax in relation to annual value of land is charging a tax on income—

This is with regard to income-tax—

The question to be determined comes back to the short one, whether the impugned tax is a tax on income. I am of opinion that it is not. The charging section 22 imposes the tax on lands and buildings, and not on income, and the basis of the tax is annual value. This is an arbitrary basis which might be applied as well for ascertaining capital value, as for ascertaining income. The fact that some concession is allowed to the small owner, a concession which may be based as much on political, as on economic considerations and that an allowance may be made where the property is shown to produce no income, a fact which may be taken to show that the estimated value was found to be erroneous, cannot alter the nature of the tax.

It is a tax on buildings and not on income. Further on they said:—

If the tax is not a tax on income the further question remains whether it is tax on the capital value of the assets of the plaintiff within item 55. The Advocate General submits that item 55 is directed only to a tax on the whole of the assets other than agricultural land of individuals and companies, and that it is directed to what is known as a capital levy. An analysis of the language employed in items 54 and 55 respectively affords scope for this argument but whether the contention be sound or not, in my opinion, it is impossible to say that this tax, although it is a tax on lands and buildings is a tax on the capital value of the lands and buildings. It is imposed without any relation to the capital value except so far as such value can be ascertained by reference to rateable value.

That is the position which Bombay took. It is after very carefully considering all points that we adopted this method. We have satisfied ourselves that we are perfectly within our jurisdiction and rights in passing legislation on these lines. But as I have already said, if my honourable friend considers that this method of assessment may be open to question, I am prepared to accept the other method, which merely means that the

[Premier.]

actual incidence will have to be raised on rental value and I will cut out the word "capital". This judgment was also endorsed by two other judges and they also practically said the same thing as the Chief Justice. They were Mr. Justice Broomfield and Mr. Justice Kania. In view of these facts, it would be a sheer waste of the time of this House to go into the question. If there is any doubt, it is not for this House to decide. My honourable friend will have ample opportunity to put forward that plea before the court if he thinks that there is any case. I hope I have conclusively proved that so far as we are concerned, we have satisfied ourselves fully before bringing in this legislation. There is no point whatever in trying to raise a technical hare at this stage. If my honourable friend and his friends on those benches consider that the other method would be better from a technical point of view I am prepared to accept that contention.

**Rai Bahadur Mukand Lal Puri :** Sir, may I just, with your permission, reply to the arguments advanced by the Honourable Premier? You will be pleased to observe that we are placing very respectfully the observations for your consideration. The Bombay Government definitely and consciously saved themselves from the ditch into which the Punjab Government has made itself fall by adopting entirely a different phraseology from that which finds its place in the Bombay Act. I have got the Bombay Act here. Section 22 of that Act deals with urban immovable property tax and runs as follows:—

There shall, subject to the provisions of section 23, be levied and paid to the provincial Government a tax on buildings and lands hereinafter called the urban immovable property tax at 10 per cent of the annual letting value of such building or land.

**Premier :** We also mean rental value.

**Rai Bahadur Mukand Lal Puri :** But you do not say so. So that the Bombay tax was not the tax on capital value at all. It was a tax on annual letting value and it was within the cognizance of the provincial legislature. Therefore, the analogy of the Bombay Act is not the analogy at all because it definitely was not a capital levy. It was definitely a tax on annual letting value. I do not know whether under the advice of the Advocate General or otherwise, the Honourable Premier has referred to the Full Bench ruling of the Bombay High Court. An objection was raised in Bombay that 10 times annual letting value infringed another item in the Federal list which deals with income-tax. The question before the Bombay Legislature was not whether this 10 times annual letting value was a capital levy. The Honourable Premier has practically conceded that this objection is unanswerable and he says that he will try to meet it if we want him to do so. We do not want that at all. Let him go on with his Bill as he wishes. He says that he will substitute a tax on annual letting value instead of a tax on capital value as is to be found in the present Act. Kindly look at the present Bill, how it deals with the method of assessing annual value. Section 3 definitely deals with the question of levying of tax and it lays down that the tax shall not exceed one per cent of the capital value of such building. Again, turn to section 5. Its marginal head note is 'ascertainment of capital value', that is, how is the capital value, which is the subject-matter of taxation, to be ascertained. Is it to be by a committee of experts, is it to be 10 times so much, is it to be based on land revenue or is it to be based



on any enquiry? What methods of ascertainment of capital value are detailed there? It is said that in certain cases it will be 20 times the annual rental value and in other cases, where the annual rental value does not afford an appropriate basis for assessing what we want to assess, that is, the capital value, we shall adopt another method, that is, it will be open to the Honourable Premier to appoint a committee to assess the capital value of that property for which the annual letting value affords no basis. Therefore, *ex hypothesi* this purports to be a levy of tax on capital value. Why should the capital value be ascertained if it is not a tax on capital value? If this is a tax on the annual rental value, then you should lay down the methods of ascertaining the annual letting value. But because you mean it to be a tax on capital value, you have in that sub-section laid down the various means of finding out the capital value on which you wish to levy a tax. The Schedule which covers about three pages gives illustrations of how that capital value is to be assessed. It is therefore clear that here is a definite tax on capital which is in the Federal List and with respect to which section 100 of the Government of India Act lays down—

Notwithstanding anything in the two next succeeding subsections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act.

The Honourable Premier says that 'if you want to do it in a different way, I have no objection'. I am not at this stage raising the question of propriety or impropriety of this particular measure; nor am I objecting to the harshness or injustice of this piece of legislation. I am objecting to it only on one consideration and that consideration which you, as the interpreter of the Constitution, have to decide is as to whether on the face of it, it is or is not a tax on the capital value which is specified in item 55 of the Federal Legislative List. How can this tax possibly be a tax on annual letting value or on rent or on income when you levy it on the properties that do not bring in any income? Is it or is it not included within the purview of the specific provision of the Government of India Act which I have quoted, as such properties will also be taxed on their capital value which shall be assessed by the Government itself? There can be no two opinions on this point. An experienced lawyer, as you are, you can decide this matter in the light of what I have stated. It is, however, open to you to arm yourself with the legal opinions which you might otherwise obtain. To me, the matter admits of no doubt whatsoever.

**Premier:** If my honourable friend thinks that his opinion is the only sound opinion then, of course, he is entitled to say what he likes. But he is arguing like a layman. I am a layman myself, but he is also talking like a layman. I have pointed out that this question was raised in the Bombay High Court and this is how they dealt with it—

It is impossible to say that this tax although it is a tax on lands and buildings, is a tax on the capital value of the lands and buildings. It is imposed without any relation to the capital value except so far as such value can be ascertained by reference to rateable value.

The difference is only this that they call it rateable value and we call it rental value.

**Rai Bahadur Mukand Lal Puri:** The language of the Bombay Act is different.

**Premier :** Yes, the language is different.

**Rai Bahadur Mukand Lal Puri :** No, the Act itself.

**Mr. Speaker :** I request the Honourable Premier or the Advocate General to throw some light on one point. Broadly speaking property may be divided into two classes, property which brings in some income in the shape of rent or produce and property which does not yield any income or profit—it may be very valuable property otherwise. In clause 5 of this Bill provision is made that where there is no annual value, it will be determined on the sale price of the building or land as the case may be.

**Premier :** The Bombay Government has done exactly like that.

**Mr. Speaker :** But the proposal is that tax on property which does not yield any income or profit shall be determined on its market value. Cannot such a tax be called a tax on its capital value? (*Hear, hear, from the Opposition benches*). No doubt the Bombay ruling refers to items 54 and 55 and says that we should not restrict them inordinately, but what about item 42 of the Provincial Legislative List which relates to—

Taxes on lands and buildings, hearths and windows.

This is of course within the jurisdiction of a provincial legislature, but the tax to which I have taken exception, is tax on the capital value of land. *Prima facie* it is a tax upon capital value. Therefore, unless I am satisfied that this view is wrong, I shall have to throw out the Bill.

**Premier :** I submit, Sir, that it will not be proper to throw out the Bill. In my opinion we can even put a levy upon the capital and it is for the legal authorities to contend—

**Mr. Speaker :** I differ.

**Premier :** But that is the view accepted by all the courts. My point is, as I have said already, that we have a right to tax land and buildings. Item 55 of the Federal List says—Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies. You will see that agricultural lands have been specifically excluded from the jurisdiction of the Federal Legislature. Under item 41 taxes on agricultural income have been specifically reserved for the provincial legislature. Thus an agriculturist may have an income of Rs. 50,000 from his land. But the central legislature is prohibited from touching that income. Moreover the Federal Court has decided that where there is a doubt about the matter the provincial sphere should not be restricted. (*Rai Bahadur Mukand Lal Puri :* It is *ultra*). No, not at all. That court has clearly laid down that section 100 will come into operation only if there was a clear proof that the province was barred. In cases of doubt it has been clearly laid down that the powers of the provincial legislature should not be restricted.

**Mr. Speaker :** The benefit of doubt should be given to the objector.

**Premier :** The public do not come into the picture. We are only considering the question of jurisdiction. If your contention is to be upheld, then neither the local Government nor the central Government will be able to tap a particular source of income. You would be barring the State exchequer from tapping any source. Therefore my point is that the question

is not so simple that it should be arbitrarily dealt with. I should like to point out that we must in the first place go on the plain and simple meaning of the words 'taxes on lands and buildings'. I contend that we have every right to tax lands and buildings. My contention is that we have every right to tax capital barring the items referred to in item 55 of the Federal List.

**Mr. Speaker :** Please let me state my view once more. Item 55 clearly says 'taxes on the capital value of the assets'. 'Assets' means property—movable and immovable and every other class of property. Therefore to impose a tax on the capital value of a property is within the jurisdiction of the central legislature. Item 41 of the Provincial List refers to tax on lands and buildings and not on their capital value. (*Hear, hear*). So I would like to know how the opposite view is correct.

**Premier :** I respectfully submit that you are reading in that item words which do not exist. You are trying to define capital value of assets as capital value itself. If you go into the history of this Act, if you read the debates on this Act, though they are not relevant before a court of law, you will find that when the lists were demarcated it was decided that income-tax and certain other taxes like the inheritance tax excluding again land tax should go to the centre. For the central legislature they retained income-tax in any form, whether in the form of capital levy on the total assets or in the form of income-tax on individuals or income-tax on companies or supertax or surcharge and so on. They also did not want to trench on the provincial sphere and so they left it absolutely to the provincial legislature to tax land and buildings and other things not specifically provided for in the Federal List. Income-tax was exclusively reserved for the central Government. You may also remember that when the United Provinces Government levied a graded tax called the professional tax, it was contended that it was of the nature of income-tax and therefore it should not be levied. But before the case could go to the Federal Court for adjudication, the Act was amended. In spite of the contention that the tax was rightly levied on the salaries of officers, there was some doubt and so the Act was amended. Thereafter the matter did not go to the Federal Court. My contention is that the framers of the Government of India Act deliberately gave the fullest possible power to the provinces to tax everything except with regard to the specific items which they reserved for the central Government. I shall read out another item to make the point clear. Item 54 of the Federal List says 'Taxes on income other than agricultural income'. Here also it is a tax on capital value of assets of individuals and companies and not with regard to property. If it were held that no tax can be levied on income, then it would mean that professional tax and such other taxes by local bodies will become *ultra vires*. Yet local bodies are levying them. Professional tax is calculated on the income, thus the tax on income between Rs. 400 and Rs. 1,000 is Rs. 5, between Rs. 1,000 and Rs. 2,000 it is Rs. 10 and so on. They do not come within the purview of income-tax. My point is that where there is any doubt the benefit of the doubt must go to the provinces concerned and not to the central Government. Our business is to see that the rights of this House are not trenched and it is your business to see that the powers of the legislature which the Parliament sought to confer on the provinces are not curtailed or restricted.

**Mr. Speaker :** This is my position.

**Premier :** That is your position and it is your particular privilege to safeguard the rights and privileges of this House and of the province itself. Because if Parliament had given us some power it would not behove this House of its own accord to restrict that power. Our duty is to see that we do not trench on the power specifically given to the centre nor should we allow our own power to be trenched. In this particular respect take another item—duties in respect of succession to property other than agricultural land. There again they have excluded agricultural land specifically. Duty in respect of succession to property is also levied on the same basis. We cannot do it. You will find that we can levy a tax in respect of agricultural land. The Central legislature are specially denied the right to tax agricultural land. Here there is no restriction imposed with regard to the method, with regard to the way, with regard to the measure which we adopt so long as it is a tax on land and building and it is not a tax on anything else. My contention is that if it was not *ultra vires* of the Bombay legislature to put on that tax on income—their contention was that it was a tax on income—it is not *ultra vires* of this legislature also. Mr. Puri's contention is that as this tax is one per cent on the capital value of the building, therefore it comes under item 55 of the Federal List. My contention is that it does not, simply because it is a tax on buildings and houses.

**Mr. Speaker :** Suppose the Punjab Government wanted to impose a tax on the capital value of any piece of land or any house which is occupied by the owner himself and is not given on rent.

**Rai Bahadur Mukand Lal Puri :** In this connection may I draw your attention to the words of section 5 in addition to section 3? Sub-clause (2) reads :

If in the opinion of the assessing authority the annual value of any building or land—

(a) cannot be ascertained ; or

(b) does not constitute a correct basis for calculating the capital value.

The Government is out to calculate the capital value of property in this province on certain basis. It definitely assumes to itself the power of calculating the capital value under section 5, sub-clause (2).

**Mr. Speaker :** Please read sub-clause (3) which is more important.

**Rai Bahadur Mukand Lal Puri :** Nothing could be more definite. This legislature is being invited to give power to the Cabinet to find out the capital value of our houses. They do not say that capital value is the method by which we want to assess the houses. Not at all. There are some buildings whose capital value is perfectly clear. A man purchases a house for Rs. 20,000. It is easy to find out the capital value of it, but still there may be property in this province the value of which cannot be ascertained.

**Premier :** I agree that so far as sub-clause (2) (b) is concerned, the language will have to be altered.

**Mr. Speaker :** What is the Honourable Premier's considered opinion ?

**Premier :** This tax is not a levy on capital assets, it is merely a measure of ascertaining that value on which we can put on this tax.

**Mr. Speaker :** Provincial Government's authority or jurisdiction to levy the proposed tax is based upon item 42.

**Premier :** Also upon item 55 of the List itself. The value of the assets is something quite different from the value of the property.

**Mr. Speaker :** The question is a very difficult one, and I must candidly confess that I have not yet formed a considered and final opinion. I must admit that I have not studied the point. The reason is that this point of order was not raised yesterday, though it was mentioned by the way. I would request the lawyer members of the House to throw further light on the point, if possible.

**Malik Barkat Ali :** You will be pleased to remember that in the course of my speech yesterday I drew the attention of Government to the legal difficulties as I saw them in the way of this legislation. You are quite right when you say that no point of order was raised yesterday. I think I owe an explanation to you for not having raised that point of order yesterday. My reason for not having raised the point of order yesterday was simply this, that in view of the fact that when points of order, similar points of order on questions which were not so difficult as the present question, were raised, the Honourable Speaker ruled that as the courts of the land were open and legislation was in course of progress, the matter would be finally dealt with by the courts. But I accept the position that this matter should have been specifically brought to your notice in the shape of a point of order. Now that this question has been specifically raised and the learned Advocate General representing the legal talent of the Crown is sitting at this moment in this House, it is necessary that I should again clearly express the position, so that there may be no mistake about it. The legal position as I clarified it yesterday was that the Federal Legislative List, item 55 clearly shows that "taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies" are matters on which the Provincial Legislature has not the power to make laws (*Interruption*). I shall not enter into this side-talk of the Premier. I shall express my point of view. I was submitting yesterday that the matter being within the scope of the Federal Legislature, section 100 of the Government of India Act clearly lays down that all matters which are entered in the Federal Legislative List shall be legislated upon only by the Federal Legislature and the Provincial Legislature shall not legislate in regard to them. I also drew the attention of the Treasury benches to item 42 in the Provincial List which speaks of "taxes on lands and buildings, hearths and windows", and I explained to the House with the little knowledge that I possess and with my experience at the Bar that whenever the courts will be called upon to interpret item 55 and item 42 of the Federal and the Provincial Legislative lists respectively, the accepted rule of interpretation which they will have to follow will be that matters which fall within the Federal List must be the primary concern of the Federal Legislature and therefore taxes on the capital value of lands and buildings can only be imposed by the Central Government, while all *other* taxes relating to "lands and buildings, hearths and windows", all other matters which affect lands and buildings shall have to be relegated as the concern of the Provincial Legislature. The Honourable Premier seems to think that because in this Bill he has laid down a certain multiple of the annual value for determining the capital or market

[M. Barkat Ali.]

value therefore this Bill is not really a Bill for taxing the capital value of immovable property, it is really a Bill for taxing what he calls the multiple of annual income. I am only trying to clear the confusion from which he appears to me to suffer. One has only to read through the clauses of this Bill, to come to the inescapable conclusion that this is a Bill which is designed and intended expressly to tax the capital value of immovable property situate in urban areas. It is only for the purpose of finding out and determining the capital value that the Government has hit upon a very convenient formula in regard to those properties which have an annual rental value. But the Bill clearly lays down that if the Government thinks that this value is not a true and correct basis for calculating the capital value, then it will be open to the Government to assess the capital value at the market rate. Therefore whether the property yields annual rental value or is capable of yielding annual rental value or is incapable of yielding annual rental value, in any case, it is the capital value of the property, whether calculated on the basis of this measure or calculated on the market value—which is to be the taxable basis, the taxable material on which this Bill is going to operate. Therefore, my respectful submission is that whatever the view of Government in respect of any supposed conflict between the two lists, I see no conflict between item 55 and item 42. However, in view of the fact that the matter was suddenly sprung upon you yesterday and in view of the further fact that up till now, the honourable the Advocate General has not been pleased to throw any light—I am not sure, I do not know whether the Government has consulted any of its law officers or not and we do not know what instructions they have given in the matter—we shall with great interest listen to his exposition of the law and if he is of the opinion that he has not yet made up his mind and wants to study further—it is only natural, it is a very important question which you have been asked to tackle, further time may be allowed, so that in the light of the expression of opinion on the subject by the Advocate General and such other honourable members who want to take part and also in the light of that profound knowledge that you possess not only of the details but of the fundamental principles of law—and you have great experience in these matters—this House may have a very well considered ruling from you.

**Rao Pohop Singh:** This Bill purports to refer to immovable property, that is land and buildings in towns. Land and buildings as such cannot be taxed. There must be some standard of measure by which tax can be levied on land and buildings. In Bombay the method was the letting value of the property. It can be taxed on actual rent at which it was let or on rent at which it can be let. (*An honourable member.* That is wrong). We have adopted the method of 20 times the rent of the building or the land—(*An honourable member:* For what purpose?) as a measure or standard by which to tax the house or the land. That is the standard on which we want to tax the land. There in Bombay it is ten times the rent or the letting value, here it is twenty times the annual rent. Now the question arises, suppose there is land which does not yield any rent, would anything be levied on that? I submit that there it is the standard and not the capital value that is to be taken into consideration. To illustrate that, suppose there is a piece of land. The owner may say that no rent is paid. Now

how would you find out the value of that? The value of that would be found out by taking into consideration all the circumstances, for instance the rent at which the building and the piece of land could be let and 20 times that would be the value on which tax is levied.

**Mr. Speaker :** I understand you when you say that 20 times the annual rental value, where the rent can be ascertained, is the market value a property fetches, but what have you to say when there is no rent at all and the tax is levied on it at a certain per centage on its market value?

**Premier :** Supposing a house is not let. They can assess the letting value. In some cases the land is vacant; it may be worth a lakh of rupees and if it is let out, it may fetch Rs. 1,000 as rent, but the owner does not want any rent. But the letting value of it can be ascertained.

**Mr. Speaker :** No, that is not the case. Please see section 5 (3).

'The annual value of any land or building shall be ascertained by estimating the gross annual rent at which such land or building together with its appurtenances and any furniture that may be let for use or enjoyment with such building might reasonably be expected to let from year to year'.

3 P. M.

But where this is not the case?

**Premier :** I agree that section 5 (2) (b) is in conflict with section 5(3). That can be suitably amended.

**Mr. Speaker :** I am very glad that the Honourable Premier agrees with my view.

**Premier :** I agree that it is absolutely in conflict with the objection raised.

**Rao Pohop Singh :** I would submit that taxes can be levied on 20 times the rental value. There are some pieces of land which are let out but the rent of which cannot be ascertained, the owners do not say what the rent is or they refuse to say. Then their value is to be found by the circumstances of the place. There is another question. There is a piece of land which is not capable of yielding any rent and if that is taxed that will be on capital value. I would submit that here the standard is 20 times the annual rent at which a land is rented or can be let out. If there is a property that is not capable of being let on any rent at all that land cannot be taxed because we cannot know 20 times value of its rent.

**Mr. Speaker :** Is there any provision to that effect in the Bill?

**Rao Pophop Singh :** People will go and find it out.

**Mr. Speaker :** There are many plots of land in Lahore, which do not bring even Rs. 10 per plot per annum, but the value of each of which is more than a lakh or more.

**Rao Pohop Singh :** If they can be let out on any rent, that will be taken into consideration.

**Mr. Speaker :** I hope the Honourable Premier will make such changes as he is prepared to make.

**Premier :** This will be done by the select committee.

**Mr. Speaker :** Letting value should be determined where no rent is charged.

**Premier :** I quoted the proviso to the Bombay Act; there also they mentioned capital value, but merely as a proviso. Exactly the same thing has been done here except that the wording is a bit loose.

**Malik Barkat Ali :** I just wanted to draw your attention and also of the Honourable Premier to the Schedule to the Bill itself. If you will be pleased to refer to the heading of the Schedule, it is 'Ascertainment of Capital Value'. The heading of the Schedule forms part of the Bill.

**Premier :** Cut it out.

**Mr. Speaker :** If there is no annual or rental value that schedule is useless.

**Malik Barkat Ali :** You are quite right. My point is this that the Government cannot escape the situation in which it finds itself by merely verbal changes here and there.

**Mr. Speaker :** I hope the select committee will make all necessary changes.

**Rai Bahadur Mukand Lal Puri :** You cannot refer it to the select committee if it is defective.

**Malik Barkat Ali :** The point of order must be decided before this Bill is referred to the select committee. There can be no reference to the select committee of a Bill which is not in order.

**Mr. Speaker :** Practically I have given my ruling.

**Malik Barkat Ali :** Then let the Bill be dropped and let the Government come out with another Bill.

**Mr. Speaker :** Cannot the Honourable Premier or the Government member in charge withdraw the Bill today and introduce another to-morrow ?

**Honourable Member :** Yes, he can do so.

**Rai Bahadur Mukand Lal Puri :** If this is your opinion and you as the responsible officer and trustee entrusted with the important duty—

*At this stage (Mr. Speaker called upon the Advocate General to speak).*

**Khan Sahib Khawaja Ghulam Samad :** My submission is that the Bill is purely a fiscal measure; so I would request that before the learned Advocate-General gives his own opinion regarding the point, the Honourable Finance Minister may be requested to express his opinion on this point and thereafter the Advocate-General may state his view.

**Minister for Finance (The Honourable Mr. Manohar Lal :** Since you wish it, I will express my opinion very briefly. I also agree with Malik Barkat Ali in saying this that there is no conflict at all between paragraph 55 of the Federal List and paragraph 42 of the Provincial List. Kindly read carefully first paragraph 42 of the Provincial List which confers appropriate jurisdiction on this legislature ; the words are these—

“ Taxes on lands and buildings, hearths and windows ”.

If these words alone had been there, it would never have occurred to any one even remotely that the tax of the kind which is proposed in this Bill



offends against anything whatsoever. There is no terror in the words 'tax on capital value'. What we are allowed to do is to impose taxes on lands and buildings. It is not said that if the tax is on the capital value of lands or buildings, the tax lies outside our jurisdiction. If the matter stood there, there would be no difficulty at all. Therefore let us not be frightened by any appeal to this argument that in the body of this Bill methods are suggested to find out the capital value of land and buildings on which any particular tax is imposed. All these objections are directed against the tax on capital value. I am prepared to go the whole length and say that a tax on capital value of land and buildings would be open to no objection at all or would in any manner be hit by the Government of India Act. Now turning to item 55 of the Federal List, I fail to see where that hits against a tax by a provincial legislature on the capital value of any given asset whether it be land or building. The words are very carefully selected and in this I am supported by the ruling of the Full Bench of the Bombay High Court, "Tax on the capital value of the assets of individuals and companies". It does not mean that if the provincial Government were considering a tax on the capital value of any given asset of an individual such as land or building it cannot do so, as the learned Advocate-General of Bombay suggested very definitely, and I see no reason to differ from him in this respect. He says, that a provincial Government might not, because of the existence of this paragraph impose a "capital levy". Capital levy is a technical term of well-known import and significance, because of what happened in England during the course of the last war, and was regarded in addition to various economies the only method of financing. I am quite sure my Honourable Leader, the Premier, who is, if I may say so, mainly responsible for the actual drafting, apart from the technical side of this Bill, was not contemplating any capital value in that strict sense. The Honourable Premier quoted words from the Advocate-General of Bombay when he said that these words in paragraph 55 refer to capital levy, a well-known technical term.

**Malik Barkat Ali :** Will you explain the term "capital levy?"

**Minister for Finance :** It depends on the estimate of what a person is worth. Supposing the total value of the assets of a person is 5 millions, then in case of emergency, like war, the Parliament says: We are going to take a 3rd, or a 4th or a 5th by imposition, or it may be a single imposition, of one million, out of your total assets of 5 millions. That would constitute a capital levy. Here we have no such power.

The Honourable Premier quoted from the Full Bench ruling of the Bombay High Court. It may be said that it is merely an *obiter dictum* of the Bombay High Court. But they should not forget that very eminent lawyers of this country appeared in that case from both sides and it was a Full Bench ruling. The Full Bench was presided over by the learned Chief Justice and assisted by two distinguished Judges. It may be an *obiter dictum*, but it deserves the highest measure of respect. This *obiter dictum* of the Bombay High Court was with regard to the annual income that one may derive from a house and they held that it is open to the provincial Government to impose a duty on that annual income. They were definitely of the opinion that if taxes were of the other kind, they would think that it would be well within the competence of the provincial Legislature. So,

[Minister for Finance.]

if I may express my own opinion and it is after having heard both sides of the House, I say that the Central Legislature has a defined sphere for imposing a particular tax. On its very face the capital levy is also a tax, because a tax in the strict economic sense is an imposition and obligatory imposition by the Government and not a voluntary contribution or a fee paid for a particular service. That is the definition of a tax. The capital levy is in the fullest measure a tax; while the capital levy would not be within the competence of the Punjab Government as it would not be within the competence of any provincial Government, but only the Central Legislature could sanction it. But we have the fullest liberty to tax lands and buildings, as the words are unrestricted "land and buildings". What reason is there for any one to say that while the Provincial Legislature has the power of imposing tax on lands and buildings, it shall be done only in a particular manner that may please some one and that it shall not be done by another method which may not please certain people? I go the whole length of saying that the tax imposed on the capital value of lands and buildings is well within the competence of this provincial legislature. But, of course, it is a matter in the discretion of the Honourable Premier—because with the number of amendments he has to take many considerations into account and he may not consider any given course appropriate or not, but for myself I see nothing objectionable in clause 5 (2) (b) of the Bill in view of the actual language of the Government of India Act. In interpreting the language of the Government of India Act one thing is perfectly clear, and it will be with- in the recollection of most of us that it was a matter of keen controversy where exactly to delimit the powers of provincial legislatures. As you have been pleased to remark, Sir, and as has been stated by the Honourable Premier, when a measure is before the provincial legislature, unless the direction contained in the Government of India Act is perfectly clear and definitely restrictive leaving no doubt, the matter is within the jurisdiction of the provincial legislature, the jurisdiction is implicit. The other branch of the argument is, why call it capital levy and so on? These are merely the methods to be adopted. The argument both in substance and procedure is that these are merely the methods in which the Punjab Government wishes to carry forward its legitimate power of imposing tax on lands and buildings. So far as the provisions in the Government of India Act go, I see nothing in the least militating against this right of the Punjab Government. I am not speaking on the politics of the question whether it is a correct or appropriate method of taxing or not; if it were necessary, I could address the House on that point. But so far as the question of power is concerned, it is given to us in unfettered language and in unlimited words, the words of the largest possible import, "taxes on lands and buildings" apart from taxes on 'hearth and windows'.

**Mr. Speaker :** How can you impose a tax on land except by area, by length or by locality, etc.? When you impose a tax upon the market value, it is not a tax upon land but a tax upon market value. That is the point.

**Minister for Finance :** This argument, I say with all respect is not correct.

**Mr. Speaker :** I may be wrong.

**Minister for Finance :** I am afraid you are. A tax in the last analysis is not a tax on any thing but the person who pays it. These are only the methods of saying that a person pays a particular tax by virtue of the fact that he owns a particular land or building. You cannot extract tax out of a land or building. You can get it only from the person because he possesses that land or building and therefore, it is that the economists speak of the 'taxable capacity' of a person. It is by virtue of having that taxable capacity that a person pays a tax. May I here emphasise a simple and straight-forward argument, we must respect the express words of the Statute? What are the words of the Statute? 'Tax on lands and buildings'. I do not see why the Honourable Premier need feel shy of the whole import of these words.

**Premier :** So far as I am concerned I am not.

**Minister for Finance :** The word 'assets' does not refer to any particular asset but 'the whole' of his assets.

**Mr. Speaker :** Does not the singular include the plural and *vice versa*?

**Minister for Finance :** It is for this reason that I tried to seek some support from the ruling of the Full Bench of the Bombay High Court. The capital levy is quite distinct. I can quite understand that a Premier of any province should not be allowed to make capital levy because that is beyond the competence of provincial Governments. It is not open to a provincial Government to say to a person, "You are worth 2 millions and we shall take away a million out of it." That will not be open to our Government. But while it is not open to our Government, every other kind of tax on land or buildings—you may call it a tax on capital, you may call it by whatever term you like—every kind of tax on buildings and lands is open to be imposed by the provincial legislature by virtue of a specific provision in the Statute. That is our position. (*Prolonged cheers*).

**Mr. Speaker :** But instead of ascertaining market value of any piece of land or building, why not ascertain its letting value?

**Minister for Finance :** That is a matter for the Honourable Premier to decide. I was asked to address you merely on the legal aspect of the question.

**Premier :** Sir, I only wanted to put a tax on rental value. But the conflict was with regard to clause 5 (2) (b) and it is where you and I disagree. I may merely point out that this does not in its present language convey the actual sense which the Government wanted to convey and therefore it is not in consonance with the view of the Government; otherwise I entirely agree with you. As a matter of fact, as I have said at the very beginning, we can impose capital levy, not a capital levy in the sense in which he has described on any building. We should not curtail our jurisdiction. The language is quite clear and it should be left to somebody else to do.

**Advocate-General (Mr. M. Sleem) :** Sir, the items that we are considering are (i) item 42 of the provincial list, and (ii) item 55 of the Federal list. I take it that if there was no such item as 55, in the Federal list, the point would not have arisen. I take, it that it would not then have been contended that under item 42, the provincial government could not levy this tax or that the method of determining the tax was not in accordance

[Advocate-General.]

with the provisions of this Act. By reason of item 55, you are being asked to examine the precise nature of the tax. In other words, you are being asked to consider whether it is a tax on the capital value of a land or building, and if it is so determined to consider whether this is within the competence of the provincial legislature. Now, Sir, in connection with this, the only provision according to which the capital value of a land or building has to come in is the provision contained in clause 5 (2) (b). If clause (2) (b) were not there, then it would stand on exactly the same footing as the Bombay Act. But in so far as those cases are concerned, namely, where the value of a building or land cannot be ascertained or does not constitute a correct basis, the assessing authority shall assess it at a figure representing the price at which such building or land may reasonably be expected to sell; that would certainly be a tax on the capital value. But now comes the further question. What is the foundation for the argument that the moment you levy a tax with reference to the capital value of a land or building, it is not within the competence of the provincial legislature?

**Mr. Speaker :** Because it is a tax upon the capital value and not upon land.

**Advocate-General :** May I explain this? Suppose an Act says that the tax on a building shall be according to the income received from it. One would say that it was not a tax on the building but a tax on income. That point has never been accepted and nowhere is it said that you can never put this tax because it is not a tax on a building at all. This is not a question of a conflict with item 55. You cannot ask a piece of land and say, 'please pay us so much'. The tax is always upon a person who pays it. In that sense there can never be a tax on land. For instance, take item No. 47. It says: "Taxes on animals and boats". In case of animals, there may be the intention to tax domestic animals. You cannot let them out on hire but they will be taxed according to their value. (*An honourable member :* Or number per head). Therefore, the argument narrows down to this that inasmuch as you are taxing the capital value of a land and inasmuch as that can only be done by the Federal Legislature under item 55, it is not within the competence of the provincial legislature to do so.

It has not been contended that the Federal Legislature can bring in a measure of this kind. I ask you to consider this point whether if the Federal Legislature merely said 'we are going to tax lands and buildings in the Punjab', they could do so. It would follow from the argument that is urged, and if that argument is correct, that this would not be within the competence of a provincial legislature but would be within the competence of the Federal Legislature. I would request you to bear that in mind. If you will kindly look at item 55 it says—

Taxes on capital value of the assets, exclusive of agricultural land.....

Now 'exclusive of agricultural land' means that in calculating the total assets of a person you shall not calculate in that the capital value of agricultural land. There is no provision that no tax can ever be imposed on the capital value of agricultural land. Item 42 that we are dealing with is not limited to agricultural land but includes it. It cannot, therefore, be argued that when agricultural land has been excluded from item 55, it was

intended that there could never be a tax in the nature of a tax on the capital value of agricultural land, but there could be on every other property or commodity. The Honourable Minister for Finance pointed out the meaning of capital value of the assets as the total property of a person how much that person is worth.

Dealing with the word 'assets' you were pleased to make a remark that singular includes plural and *vice versa*. There is no such thing as 'asset'; it is meaningless. The legal expression is 'assets'. It does not mean one item of property but means the whole of the property and the only thing excluded is agricultural land. I, therefore, submit that it cannot be said that because the Federal Legislature can levy a tax on assets, you cannot levy a tax on lands and buildings. The foundation of the argument should be that it is a tax on the assets of a person and not only on lands and buildings. Tomorrow the provincial legislature may under item 47 bring in a tax on animals. The same argument will arise: You cannot do it since you levy it according to the value of the dog. Why not? Because under item 55, the Federal Legislature alone can tax the assets of individuals!

Lastly, I would submit, that the least that you can say is that this point is doubtful. If in a matter like this which may be within the competence of a provincial legislature, you rule it out of order, there is no redress. If, on the other hand, it goes through, there is the Federal Court and therefore, if you are at all doubtful, it should be allowed, but if you are clear that it is not within the competence of the provincial legislature it is your duty to throw it out. As you have been pleased to remark that the point is a difficult one and is not very clear one way or the other, I would submit that it may be allowed to go through. (*Hear, hear*).

**Mr. Speaker :** I am exceedingly grateful to the honourable lawyer members, who have taken the trouble of throwing light on this difficult point of order raised by Rai Bahadur Mukand Lal Puri. The question is both difficult and important. Opinions always differ; even the judges of High Courts differ amongst themselves. In view of the fact that the point is a difficult one and at least not free from doubt, I propose to go a step further. So long as I have been in this chair I have never curtailed the jurisdiction of this House, if possible. In this case the Honourable Premier has expressed his willingness to look into the matter and do all he can to make the Bill more definite, clear and understandable. Under these circumstances, I hold—

**Malik Barkat Ali :** Kindly listen to the other side also before giving your final ruling.

**Mr. Speaker :** I have already stated that opinions always differ. As pointed out by the learned Advocate-General, if I throw out the Bill, the result will be that either the Government shall have to introduce a new Bill or give up the legislation. On the other hand if I allow it to be proceeded with, the aggrieved party or persons can go to the Federal Court and have it declared void.

**Rai Bahadur Lala Gopal Das :** They cannot go to the Federal Court. It is only the Government that can move in the matter.

**Mr. Speaker :** I have not studied that point. Now taking into consideration all the pros and cons of the question, I rule that the House can proceed to consider the Bill. (*Hear, hear and cheers*).

**Sardar Sahib Sardar Santokh Singh :** I was submitting when this point of order was raised that the Honourable Premier in his speech did not tell us why he has not given effect to the recommendations of the Resources and Retrenchment Committee instead of coming post haste with this measure to this House. This Resources and Retrenchment Committee, as all of us are aware, was formed soon after the present Government came into power. It was, as was to be expected, dominated mostly by members of the Ministerial Party and it had on it such statesmen of the Ministerial Party as Khan Bahadur Nawab Muzaffar Khan, Khan Bahadur Mian Mushtaq Ahmad Gurmani and others. I need not name others, but will simply content myself by saying that most of the important members of the Ministerial Party were on this committee and it was presided over by no other a person than the Finance Minister himself.

**An Honourable Member :** But Rai Bahadur Binda Saran was not a Ministerialist.

**Sardar Sahib Sardar Santokh Singh :** He was at that time a member of the Ministerial Party.

**An Honourable member :** What about Rao Bahadur Balbir Singh ?

**Sardar Sahib Sardar Santokh Singh :** He was not a member originally, but was given the place of some one who resigned. As I was saying, the committee was presided over by no other a person than the Finance Minister himself. Now what do we find ? What we do find is that such an important committee which gave a lot of its time and thought to all matters regarding resources and retrenchments in the province does not say a word about this property tax that has now been suddenly thrown at us. May I enquire of the chairman of this committee and of the other members who were members of that committee as to whether they at the time thought that this was not within their scope or are they now only new converts to the dictum that has been over and again in season and out of season with reason or without reason, laid by the Minister of Development ? That is the first point, that needs an answer from the chairman and other members of this committee. The committee said a word about this tax in their report, and it is strange how the Honourable Premier and the Finance Minister under whose signature this Bill appeared in the Gazette of the province could so erroneously say—although that mistake has since been corrected—that this measure was recommended by the Retrenchment and Resources Committee. They never cared to verify this fact and without looking at the report they come forward and say that this measure was recommended by the Resources and Retrenchment Committee, whilst this was not the case at all. The mistake has since been corrected and rectified by Government, but what I say is that it could not have been a clerical mistake; it was either wishful thinking or else the Government were so careless that without taking the least trouble to look into the matter they came forward making this misstatement of fact and attributing the measure to the recommendation of the Resources and Retrenchment Committee, a recommendation which they had never made.

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

The second thing that one finds in the statement of objects and reasons is that this measure is not without precedent. I join issue and assert, that this measure is absolutely without precedent. There has been no such measure anywhere else in any other province, in so far as the present measure seeks to levy a capital tax. We have heard a good deal of discussion on this matter as to whether or not this is a capital tax or a capital levy. Leading members of the Bar have differed on this question, but the fact remains that the Bombay Act, which was enacted to meet a special situation is entirely different from the measure that our Ministry has introduced in this House. The Bombay Act is based only on the rental value. In Bombay itself the tax varies from 5 to 10 per cent. Buildings which earn a rent of Rs. 2,000 a year—Rs. 2,000 a year in a city like Bombay—have to pay only a tax of 5 per cent; on buildings yielding a rent of more than Rs. 2,000 a year the tax of 10 per cent is levied. Even vacancies have been provided for. Where a house remains vacant in Bombay for more than sixty days at a stretch, no tax is levied on the unearned income. This is very significant and must be taken note of by the authorities here. Then they will not have the audacity to come forward and say that they were enacting this measure just after the Bombay Act.

It was pointed out fully by members on this side of the House that the Bombay legislation was undertaken simply because there was a deficit of two crores of rupees owing to a very laudable object of introducing prohibition. I will not cover those grounds over again, but the fact remains that the situation arose in Bombay which made the special taxation necessary. I submit that no such situation has arisen in this province. The Honourable the Premier and the other speakers who have spoken from the ministerial benches have not said a word as to whether any such situation has arisen in this province to necessitate the levying of such a tax and a tax which, as the Deputy Speaker admitted, came to as much as 20 per cent of the rental value. With the 10 per cent surcharge it amounts, according to the Deputy Speaker of the Assembly who cannot be accused of exaggerating matters, to a tax of something like 30 per cent of the rental value. As to the harshness of the measure I will come later, but I do argue at this stage that there is no such urgency and no such situation has arisen in the province to necessitate the levying of this revolutionary taxation as outlined in this Bill and the rushing of this measure through this House.

It has been repeatedly asserted by members sitting on the ministerial benches that this and other such taxation was being levied just to reduce the burden of taxation of the rural population. There is nothing in the Statement of Objects and Reasons to say that, and there is no guarantee that the proceeds of this tax if levied (and levied it will be because of the numbers at the back of the ministerial party in this House) will be earmarked for relieving the burden of the poor peasants. In the first place, it was necessary for the authorities to tell us by giving facts and figures how the rural population in this province is over-taxed as compared with the other provinces. The division of population as rural and urban does not exist in this province alone. There is rural population and there is urban population in all the other provinces of this vast country, and we did expect to know

[S. S. Sardar Santokh Singh]

from the Premier when he rushed in to this House with this measure as to whether the rural population in this province was over-taxed as compared with the rural population in other provinces and by how much. Did he tell us what the incidence of taxation on rural population in other provinces is, and what it is in the Punjab and how it is considered in the Punjab to be heavy? Not a word. On the other hand, we are grateful to Mr. Prakash Anand, M.A., who has very elaborately dealt with this matter in a book that I understand is in the hands of all the members including those of the Ministerial Party. He has very elaborately dealt with the matter and arrived at the conclusion by giving facts and figures from Government reports that incidence of taxation on rural and urban population per head is very much in favour of the rural population and against the urban population. According to him the total incidence of the central, provincial and local taxation per head on the urban population is Rs. 19-14-6 and on the rural population only Rs. 5-8-10. We need facts and figures from the ministerial benches to refute this argument. It would not be enough to say, as it has been asserted several times without reason in the past that the rural people pay fifteen out of the sixteen annas of the revenue. If the income-tax and the other taxes which the urbanites pay, go to the coffers of the central Government and not to that of the provincial Government it is not the fault of the urbanites. There is no denying the fact that the urban population in this province is only 18 per cent; and taking the total revenues of the province at 11½ crores, the item of income-tax alone that the urbanites pay would bear a corresponding proportion if not more considering the fact that they form only 18 per cent of the total population.

**Premier :** The book from which the honourable member has quoted his figures is absolutely nonsense. The figures are hopelessly wrong.

**Sardar Sahib Sardar Santokh Singh :** The urbanites pay one crore and 23 lacs to the Income-tax Department alone.

**Premier :** It is utter nonsense.

**Sardar Sahib Sardar Santokh Singh :** Are not these figures taken from official records? I say that the urbanites according to this book pay one crore and 23 lakhs.

**Premier :** I say the book is utter nonsense. Why do you waste the time of the House by quoting figures from it?

**Rai Bahadur Mukand Lal Puri :** On a point of order. What I want to emphasise is this: if there is that difference of opinion on the fundamental issue, why does not the Government appoint an expert committee to find out the incidence of taxation on the urban and rural classes? Why should not the Government accept that suggestion even now?

**Mr. Deputy Speaker :** It is no point of order. The Honourable Member is making a speech.

**Sardar Sahib Sardar Santokh Singh :** Perhaps the Honourable Premier was very busy with his private conversation and did not hear what I said. For his benefit I shall repeat it. We expect the ministerial party to tell us in what way the rural population of this province is over-taxed as compared with other provinces. It is no use going about the country at



public expense and saying without any basis for it, that all the revenues of the province are contributed by the rural population who do not derive any advantage therefrom while the urbanites do not pay anything and derive all the benefits. This is sheer nonsense and I am not going to take the Ministers at their word unless they produce facts and figures to substantiate their contention. I should say that they have carried this fallacious argument too far so as to sow bitterness and class hatred between the two classes of His Majesty's subjects, urban and rural. This problem of urban and rural has suddenly arisen since the advent of provincial autonomy and the matter has been carried so far by responsible Ministers travelling all over the province at public expense that I feel sure that if anybody else had preached the same class hatred which one of the Ministers is especially doing he might by this time have been behind prison bars. If the Honourable Minister has escaped, it is because he happens to be in the position of a Minister.

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

**Sardar Sahib Sardar Santokh Singh :** I am saying that this class hatred and these imaginary differences between urban and rural people have been given so much importance to by interested parties for their own ends, and I think I am perfectly justified to say that things in this House every minute are looked at not from the point of view of the interests of the public in general but from the point of view of rural and urban interests.

**Begum Rashida Latif Baji :** There is no quorum at present.

**Mr. Deputy Speaker :** There is quorum.

**Sardar Sahib Sardar Santokh Singh :** Coming to the principles of the Bill, it is really very strange that the Minister has not given the estimate of probable income that he hopes to make by this measure. He has not said whether this revenue will be earmarked for any particular purpose. The object of a fiscal measure such as this is generally to balance the budget. So far as we know our budget is a balanced one. There is no deficit. Why then this hurry in proceeding with this measure? Why not accept the circulation motion which asks for the circulation of the Bill only for one month? Will the heavens fall if the passage of the Bill is delayed by one month? Why should the Government feel shy of informing the public what it intends to do? It is said that tax-payers never like taxes. Very well, you may not consult them. But why should you not be benefited by the opinions you may receive from people other than the tax-payers? It is not that only the tax-payers will have something to say. Those not paying the taxes may also have something to say from which you may benefit. After all, what is this period of one month? It is well known that a special session of the Assembly was convened to pass certain special legislation and yet the measures have not been brought into force for more than 1½ years. When the marketing legislation was brought before this House the Premier and the Minister for Development said that the poor zamindars were losing lakhs and even crores for want of this Marketing Act. It is now more than a year and a half and the measure is still hanging in the air because the rules under the Act have not yet been made. It is said that the rules have been framed and that objections are being called for. It may take another three or four months before the rules can be enforced as also the Act. If it is really a fact that crores of rupees of zamindars were being lost, why should not the Minister and his staff have sat late hours and framed the rules earlier?

[S. S. Sardar Santokh Singh.]

Is it that the Minister now realises that these measures instead of helping the zamindars will work to their detriment ?

Well, Sir, this is why I would request the ministry not to proceed post-haste with this measure. They lose absolutely nothing by waiting for a month. This measure, as I have pointed out, was not at all recommended by the Resources and Retrenchment Committee, although they gave a good deal of thought and time to the various aspects of the situation and to the various aspects of this question that confronted this province both as regards resources and retrenchment. Now, Sir, I take you to the recommendations of that committee so far as retrenchment is concerned. They have made many recommendations wherein they say that they could save lakhs of rupees of the province, for instance, if the extra and superfluous staff were done away with. I will not weary the House by reading out all those recommendations in respect to retrenchment which were made by this committee but certain recommendations of outstanding importance, where according to this committee lakhs of rupees could be saved, are well worth perusal. On page 245 of their report they recommend abolition or reduction of several special pays and compensatory allowances with an estimated saving of Rs. 6,25,000. I am not touching any of the recommendations that involve a saving of less than one lakh. Now I would in all seriousness ask the Ministers to kindly tell us if they have taken any step whatsoever to act according to this recommendation by which they could save Rs. 6,25,000. This committee presided over, I would repeat again, by no other than the Honourable Finance Minister himself, had recommended that the post of financial commissioner should be abolished and they have said in so many words that it will bring to the province a saving of Rs. 40,000. But what do we see in effect ? Instead of abolishing this post of one financial commissioner, the Government have created another post of financial commissioner adding to the already topheavy expenditure further to the tune of Rs. 40,000 per annum. The Honourable Premier was pleased to tell us the other day that the creation of this additional post did not actually mean an expenditure of Rs. 40,000 but only Rs. 250 to 500 a month. If I may be permitted to say so, it was just throwing dust into the eyes of the public.

**Premier :** Certainly not.

**Sardar Sahib Sardar Santokh Singh :** The Honourable Premier must know, if it has escaped his notice, that extensions were given to these gentlemen. If these extensions had not been given, there would have been a saving and because these extensions were given the province was saddled with extra expenditure.

**Premier :** How ?

**Sardar Sahib Sardar Santokh Singh :** Otherwise they would have gone for good.

**Premier :** They belong to a particular cadre and if they go somebody else at the bottom would come in their place. We are not going to recruit anybody else. Therefore the figures I gave are perfectly correct.

**Sardar Sahib Sardar Santokh Singh :** Do I understand then that the recommendation of the Resources and Retrenchment Committee was a mere farce, wherein they said that by abolishing this post of financial commissioner, there would be a saving of Rs. 40,000 to the province? Did they or did they not say this.

**Premier :**—If you abolish it, it is a different thing.

**Sardar Sahib Sardar Santokh Singh :** But you have added one more post of financial commissioner. That is my point.

**Premier :** That is within the cadre. The cadre has got certain posts a certain number of superior posts and a certain number of inferior posts. We have not increased the number of superior posts. If that officer had retired somebody else would have been appointed. We do not say that the report of the Retrenchment Committee is not correct. It is correct. If we altogether do away with the post of the financial commissioner, we can save that amount or even more.

*(At this stage Mr. Speaker resumed the chair.)*

**Sardar Sahib Sardar Santokh Singh :** There were two financial commissioners then and a saving of Rs. 40,000 could have been effected by the abolition of one of them. Again my objection is that these gentlemen were due to retire. They were not allowed to retire and instead, extensions were given to them.

**Premier :** My point is that retirement does not make any difference. If you come to the conclusion that that post is necessary—and I venture to suggest that I made it quite clear that it was necessary—then whether a particular gentleman retires or not does not make any difference, because we have not increased the cadre. It might have retarded the promotion of some of the junior officers and they may have a grievance. That is a different thing.

**Sardar Sahib Sardar Santokh Singh :** My point is this. There were two financial commissioners at that time and after taking into consideration the increase in work (as the committee themselves mention it) as a result of the agrarian legislation—the Retrenchment Committee definitely said that one post could be retrenched.

**Dr. Shaikh Muhammad Alam :** Perhaps the Honourable Premier has not made the point clear.

**Sardar Sahib Sardar Santokh Singh :** The honourable member need not explain.

**Dr. Shaikh Muhammad Alam :** My question was to the Premier if he would make it still clearer.

**Sardar Sahib Sardar Santokh Singh :** I can understand the nature of your question.

**Dr. Shaikh Muhammad Alam :** Then you could have understood the Premier also.

**Sardar Sahib Sardar Santokh Singh :** As I have said I will not take up the time of the House by repeating every item of retrenchment that they have recommended. I shall content myself with the items involving a saving of a lakh or more and I would ask the Government whether

[S. S. Sardar Santokh Singh.]

it has taken any steps to act in accordance with the recommendations of that committee and what retrenchment has been brought about so far. Another question which I would put to the honourable Premier, who is now busy with private conversation, is as to why he did not tackle other sources of income that were urged by this committee and instead of touching any one of those items, why does he come post-haste with this measure which was not at all recommended by that committee? Then there is the other question, reduction of the various forms of allowances, resulting according to this committee, in a saving of Rs. 6,75,000. I want to know whether instructions are given to the departments concerned to effect economies as recommended by this committee. It will be well worth knowing it. We have not got the same resources as the Government. We are not in their confidence but it will be very interesting if any one of the official members gets up and tells us what has been done to give effect to these recommendations, because unless you have exhausted all sources of retrenchment as recommended by this committee, I for one believe that you have no business to come to us for additional and further taxation and mind you these recommendations are not from members of the Opposition. These are from men of your own party and above all they are recommendations of a committee presided over by a gentleman who is no other than the Honourable Finance Minister himself.

**Premier :** All these recommendations are under consideration. We have not decided yet. Each department is considering them. The House will be informed in due course.

**Sardar Sahib Sardar Santokh Singh :** Do I understand then that so far no recommendation of this committee relating to retrenchment has been given effect to and that everything is still under consideration?

**Premier :** I could not tell you off-hand.

**Sardar Sahib Sardar Santokh Singh :** Even one item?

**Premier :** I say the whole thing is being considered and we have not yet come to any decision.

**Sardar Sahib Sardar Santokh Singh :** I was referring to those items which related to a saving of more than one lakh of rupees. Since you tell us that none of these have passed the consideration stage, I must stop at this, but cannot help feeling surprised that whilst such a legislation regarding taxation is being hurriedly pushed through, nothing whatsoever has been done beyond consideration stage with regard to the various recommendations made by this important committee regarding retrenchments. I will say no more but leave it to the members of this House and to the public outside to judge as to how our present ministry are acting and how they are playing with our money. We are all aware of the money that has been raised since the advent of provincial autonomy by various legislative measures. Those measures are Entertainment Tax, Petrol Tax, Moneylenders' Registration Act which in the words of the Honourable Minister for Development brings money by licensing people and then the Marketing Act brings money in the same manner by licensing people. Then the Factories Act under which we have to get a certificate when we change a manager. That brings money too and only recently municipal fines have

been provincialized. Now I do want to know with all respect as to what has been done to relieve the burden of the poor classes. Have you lightened their burden? On the contrary I know perfectly well that when a motion for the reduction of abiana was brought in by my friend Mian Nurullah, the Government rejected it and the reply of the Government was that if forty per cent reduction is made it will bring to these poor zamindars only about Rs. 2 per head, I hope I am not mistaken although I speak subject to correction, but I believe I am right in saying that this was the reply of the Honourable Premier himself to the point then raised that if this forty per cent reduction in abiana is made, that will mean a reduction of Rs. 2 only per head to these poor peasants and why need they have it, when it will mean so much less money in the coffers of the Government? This is the way in which the Government treat these poor people for whom they profess so much lip sympathy. I do request the Honourable Premier once again to tell us what has been done towards the reduction of the burden of these poor people in whose interests it is being said in season and out of season that additional taxation is being raised. My complaint is that so far as retrenchment is concerned extensions have been given galore. This should never have been done, if the Government had the least regard for the real interests of the poor zamindars. I have already pointed out in reply to the assertions that have been repeatedly made in this House that the rural population pays almost the whole of the Government revenue, that the item of income-tax alone that the urbanites pay, is more than their due share according to population basis. Coming to Khan Bahadur Mushtaq Ahmad Gurmani's speech, I will just say a few words in reply to what he was kind enough to say. He drew a line of distinction between the village dwellers and the city dwellers. He said that the small relief that was to be given according to the recommendations of the resources and retrenchment committee was no relief at all. He further said that that relief was inadequate and anti-dated. This was the relief that was proposed to be given to the poor rural population by the committee of which Mr. Gurmani was a prominent member and I ask him why he was a party to that recommendation.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** On a point of order. The honourable member is repeating his own arguments and also the arguments of others.

**Mr. Speaker :** I will request him not to do so.

**Sardar Sahib Sardar Santokh Singh :** Did I say any word before this about him? My honourable friend had said this morning that a small relief was promised according to this report to the zamindars. This is what he said and I do not know if he has forgotten it now. I ask him, why he did not express his dissent from the report, when he was a prominent member of this committee.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** I was not.

**Sardar Sahib Sardar Santokh Singh :** Did you leave the committee at a later stage?

**Raja Ghazanfar Ali Khan :** At an earlier stage.

**Sardar Sahib Sardar Santokh Singh :** Do I take it that this report is wrong, and that his name has been added by mistake? His name is clearly shown there.

**Raja Ghazanfar Ali Khan:** Read the next page.

**Sardar Sahib Sardar Santokh Singh :** I am sorry, this escaped me and that he was not on the committee. I would not therefore go into this matter any further. As to the measure itself, I may point out that not only the tax proposed to be levied is unprecedented, it will go to 30 per cent of the rental value and yet there are other taxes that we have to pay, the house tax in Lahore, the income-tax, although that goes to the Central Government, but it is no fault of the tax-payer. The rate of tax in Bombay is 5 per cent on the rental value, for properties which earn two thousand rupees and ten per cent on properties which earn more than two thousand rupees per annum. We all know that in a city like Bombay the gain through investment in properties is much more than what can possibly be in towns in this province. In Bombay the annual yield through investment on property is according to my personal experience not less than 7 or 8 per cent whereas in this province that yield is hardly more than three per cent, in some of the smaller towns it is still lower. The Unionist Party themselves are divided in this matter. They do not seem to be of one mind. Most of the speeches that have been made from that side according to what I understand show that they were not in favour of this capital levy. Even my honourable friend, Mr. Gurmani, this morning said that it will be worth-while to consider whether we should not revert to rental value. To this point I would request the Honourable Premier to give very serious consideration, because in the Bombay Act even vacancies are provided for. But here you are going to tax even the land which yields nothing. It means that in 10 years' time, the Government will become the sole proprietor of that land—the land which does not bring any income to its owner. It is really very unjust. Government have brought this measure and plead for its passage in the name of poor peasants, like Mian Mushtaq Ahmad Gurmani, who is wearing a suit worth about Rs. 200. The Government include such people in the category of poor peasants and when their mention is made, they take shelter and say that there are only 13 of them in the whole province, and that they would not differentiate between them and the poor peasant. They do not know that some of us are paying as much as 62 per cent as income-tax alone. There is surcharge, super tax, house tax and other taxes, besides the tax which Government are now levying. I do not know where all this will lead to. In spite of all this you come forward and say that we are lightly taxed and that rural population is heavily taxed. I think Government must have some regard for facts.

**Premier :** The honourable member has repeated this argument more than ten times. Unless he finishes his speech we cannot move the closure. There is very little time left for me to give a reply to the misstatements and arguments advanced by the other side.

**Sardar Sahib Sardar Santokh Singh :** To sum up, Sir, I should say that this tax must be levied on the annual rental value and not on capital value. Let not everybody be taxed. You are making the exemption of six thousand rupees in the case of Lahore and Simla and in the case of other places you have fixed it at 3,000 rupees. Some other places, commercial towns like Amritsar, Lyallpur, Multan are as important as Lahore and

Simla. The exemption of Rs. 3,000 is too low for these places. Government should also take into consideration the deserving cases of widows and orphans, whose sole subsistence may be the small income from a house. With these words I support the motion for circulation.

**Mr. Speaker :** The question is—

That the question be now put.

*The motion was carried.*

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : I should like to give a very brief reply ; if I am not interrupted, I will be very brief, otherwise I am afraid I will have to make a long speech.

Sir, several criticisms have been offered with regard to this measure, most of which I met in anticipation in the speech with which I introduced this Bill in the House. But there are one or two rather important misstatements made in this House, which I think it is my duty to correct, in order to avoid any erroneous impressions outside, and I find that some have been published in the papers. I should like, with your permission, to give a little information to the House with regard to a question that was put to me the other day, as to how much we expect from this source, if this Bill is passed into law. As I said the other day, we have no reliable data on which to form any real correct estimate.

**Rai Bahadur Lala Sohan Lal :** How much do you want ?

**Premier :** That I will tell you later on. What I am submitting is that I have made a rough calculation and according to this calculation, which has been made by our Economic Officer, who has been appointed to advise the Government in this matter, the total estimate from urban tax at the rate of 1-4 per cent on the capital value may be about 24 lakhs, of which 17½ lakhs is on account of 15 municipalities, namely, Lahore, Simla, Amritsar, Sialkot, Rawalpindi, Jullundur, Multan, Ludhiana, Gujranwala, Lyallpur, Ambala City, Sadar Bazar Ambala Cantonment, Ferozepore, Sargodha and Montgomery, Rs. 2½ lakhs on account of other municipalities, 2 lakhs on account of cantonments and 1½ lakhs, on account of small towns and notified areas. That is the whole income and is included in 24 lakhs. But this is an approximate estimate and it is a mere guess work based on certain factors in municipalities, where house-tax is levied on the rental value, and they have applied this formula of 20 per cent to it, and the rest has been calculated on *per capita* basis. I think the other towns included in the Schedule will bring half of 24 lakhs. If you assess it at full rate of one per cent, it will bring about 96 lakhs. That of course is not in accordance with the estimate that I had in my mind, which I wanted this tax to yield. But of course that is neither here nor there. I pointed out to the House that this is the approximate figure which we can give you at the moment.

Now, Sir, my honourable friend, Sardar Santokh Singh, said : Why do the Government not proceed with the proposals of the Resources and Retrenchment Committee, and why have they not retrenched all the various posts which the Resources and Retrenchment Committee has already recommended to be retrenched ? I have already told my honourable friend

[Premiar.]

that all those various items are being considered by the departments concerned. We have asked the departments to consider them as expeditiously as possible, to decide the points raised by the Retrenchment and Resources Committee. But my honourable friend should remember that so far as retrenchment is concerned, the War has made quite a different position to-day then when that Report was written. The war has increased the work in several directions. In several cases, where we should have retrenched the posts, now we find it very difficult to retrench or reduce. On the contrary we have had to increase posts in some departments. For instance, take the police. There instead of decreasing the strength of the police, we have had to increase the cadre with the sanction of the House because after all, law and order is much more important than the recommendations of the Retrenchment and Resources Committee. At the present moment we cannot take any risks. Therefore, several recommendations of that committee are impracticable on account of the changed conditions. When these conditions again come to normal, we shall consider those recommendations. My honourable friends are very anxious to give effect to those recommendations. I submit that they are being considered. We are not only considering them, but some of the other Bills are already matured to the extent that they might be introduced in this very session. My honourable friend has merely anticipated the other measures which we want to bring forward. So far as we are concerned, according to the behest of my honourable friend, we are trying to get all those measures as quickly as possible through this House, because it would be in the interest of the province. I may also tell him that we do not want to rush through all those measures. We must take our time to consider the pros and cons of those measures and also their details. And that is why this Bill, instead of being brought 12 months ago, has been brought now, and I may tell my honourable friend that three drafts had to be rejected before this final draft was accepted. Of course, during the course of discussion there will be several matters which would require modification or alteration or deletion or omission in the select committee, because, after all, in matters like this, where legislation is concerned, every precaution is to be taken and Government takes every precaution before bringing forward any measure. My honourable friend again asked, why is the Government shy, and why does it not circulate this Bill? I gave the answer in my original speech and said that where taxation measures are concerned they are not circulated as they are purely fiscal measures. No purpose would be served because, as I have said, we have not got the data on which you can base criticism. My honourable friends are speaking merely on general grounds. I have, to-day, given the figures and as I have said, they are not reliable, they are mere guess work. (*An honourable member*: Bombay gave all the data.) Because Bombay had house-tax. Here you have got no house-tax. Did my honourable friend, Sardar Santokh Singh, who has been the President of the Amritsar Municipality, dare to levy house-tax? No. If he had done so he would have been ousted from office and from the committee. In Lahore, you will find that the elected members of the committee passed a resolution that house tax be imposed, but they had not the courage and they did not dare put it. Eventually we had to appoint an Administrator to put the house in order for them. That



is the difference between Bombay and here. Then, my honourable friend, I think Malik Barkat Ali, said that in Bombay it was a temporary measure, and that because they wanted to do a great nation-building drive, they imposed a tax in Bombay. That nation-building drive has gone and it has been held *ultra vires* by the court, but that tax still remains. That nation-building drive is weaning away 6 per cent population by taxing the other 94 per cent. Unfortunately that nation-building drive is also gone but the tax remains and I doubt very much whether it is going to be a temporary measure; because when the Government finds that it is a just imposition of tax in accordance with income, then it is very loathe to give it away and if it does so it is not in the interests of the State or the Exchequer or the people. My honourable friend, while referring to Bombay, forgot altogether that in Bombay when this 10 per cent tax was imposed, Bombay was paying 16½ per cent in house tax and other rates, which means that Bombay property was paying 26½ per cent after the imposition of this tax. What is Amritsar paying? May I ask my honourable friend Sardar Santokh Singh, how much he is paying? (*Sardar Sahib Sardar Santokh Singh*: Much more.) I pay incometax just as he does. There is no difference between him and me in that respect. I am paying land revenue, he is paying nothing. I am paying local rates, he is paying nothing to his municipality, yet he has got all the amenities. He has got colleges, he has got Government schools, he has got electric light produced by Hydro-electric scheme, Mandi, he has got drainage, he has got a canal running near his bungalow in civil lines, he has got tarred roads, but he does not pay a penny. Yet he gets all the amenities, at the expense of whom? This poor milch cow like me from rural areas. That is the reason why now we want to share that burden or put a portion of that burden on other shoulders. Our predecessors in office failed to do so because they were afraid of the consequences in the shape of big headlines in the press. Apart from that, their expert specialists gave them a very convenient method of adding to the burden of that milch cow, because one sentence from the headquarters, "put two pice more local rate" was sufficient. The agency was there and they, instead of collecting 1-4-0 as land revenue, collected 1-4-6 and nobody knew about that agency. That was the easiest method. If they had done what we are trying to do, that is, the appointment of a special agency for assessing the value of houses, it would cost money, but apart from that, it would have brought forward that volume of vehement, unjustified and unwarranted criticism of which they were afraid and of which we are not afraid. (*Hear, hear.*) One of our basic creeds and one of the principles on which this party is based is to serve the poor people and give them relief as far as possible and to adjust the burden of taxation in such a manner that everybody shares it equally and equitably. We want to put that burden on both shoulders so that they may bear it without much difficulty and trouble. Another fallacious argument, from data based on very erroneous information, was put forward by Malik Barkat Ali when he was speaking yesterday and he was dealing with certain facts and figures and so on, which I will presently prove were not facts but misstatement of facts. I thought that he had taken the trouble to do research.

**Begum Rashida Latif Baji**: Sir, the time is up.

**Mr. Speaker :** Please see rule 12.

(*Begum Rashida Latif Baji continued interrupting.*)

**Premier :** Do not interrupt me. Let me go on with my speech. I was submitting that I thought that my honourable friend had taken the trouble to do research and that he had gone to the length of consulting various budgets and reports to collect these figures and I was very glad that he had taken that trouble because it would give us some data which some of the members have been asking the Government to collect for years. I thought that Malik Barkat Ali was going to help us in this matter. This pamphlet came into my hands and as I turned these pages I found that my honourable friend was merely reading from this pamphlet and it was not his research work nor was he quoting from any authenticated document. Had he quoted his facts and figures from any Government report or from any other reliable and authenticated document, it would have served a very useful purpose as we wanted to have such facts and figures collected. This pamphlet is "Rural and Urban Taxation and Expenditure" written by Prakasha Nanda, M.A., with a foreword by Diwan Bahadur Raja Narendra Nath. I have every respect for Raja Sahib. I respect him for his age, for his vast experience, for his social position and culture. Raja Sahib throughout his public career has been trying to get figures that would prove according to him that the urban people were in no way less heavily taxed than the rural people. That has been his object and this gentleman, Parkasha Nanda, who I understand has been Raja Sahib's private secretary for some time, has written these articles. Let us look at this very authenticated document which was quoted by Malik Barkat Ali, who did not give this gentleman any credit, but took the trouble of mis-stating facts and made us believe that he was quoting his own findings. One of the fallacies on which he based his conclusions is this :—

	Rs. A. P.
	<i>Per head.</i>
1. Incidence of taxation in municipalities in the Punjab .. .. .	3 8 6
2. Incidence of taxation in notified areas in the Punjab .. .. .	5 5 5
3. Incidence of taxation in small towns in the Punjab .. .. .	0 12 3
4. Incidence of taxation in District Boards in the Punjab .. .. .	0 5 4

I do not think it will serve any useful purpose to quote these figures any further. But the writer goes on to say—

Average incidence of taxation in the urban local bodies in the Punjab is Rs. 3-2-6 per head.

On the face of it these figures are absurd, because the writer has taken certain factors into consideration and ignored all the others. He has forgotten this important principle that the burden of taxation is not based on the amount actually taxed, but on the taxable capacity of the people.

If my income is Rs. 100 and I am required to pay ten rupees, it will not cause me any inconvenience. But if the income of my friend, Chhotu Ram, is Rs. 15 and he is also required to pay Rs. 10 he will die under the burden. Hence the fallacy of these figures. So this argument that the urban people are paying more and the rural people are paying only Rs. 0-5-4 is fallacious for the simple reason that the taxation has to be worked out on the taxable capacity of the people. My honourable friend, Malik Barkat Ali, if he were here, would also have agreed with me that the rural people have been paying far beyond their capacity while the urban people have been paying far less than their taxable capacity.

I will quote a few sentences from this rather valuable document which this M. A. has written. He says—

The consumption per head of foreign goods, fine cloth, toilet goods, etc., in the Punjab is greater than the consumption of foreign goods in some of the other provinces of India (Punjab has been recognised as the greatest buyer of fine cloth in India).

Agreed—

Therefore, it may be assumed firstly, that the *per capita* contribution to Customs Revenue of a resident of British territory is greater than that of an inhabitant of an Indian Native State and secondly, that the *per capita* contribution of a Punjabi to the Customs Revenue is greater than the *per capita* contribution of a resident of some of the other provinces in India.

Let us assume that this assumption is correct—

That being so, in order to calculate the real share of the British Punjab in Customs Revenue some weightage has to be given to the share calculated on a population basis alone. A number of persons with whom I discussed this question were prepared to give a weightage of 25 to 40 per cent. To be on the safe side we may give a weightage of 25 per cent only. We thus get the following figures."

	Rs.
Share of the British Punjab on population basis. . .	3,38,97,474
Add another 25 per cent . . . . .	84,74,368
Total share of the British Punjab in Customs . . . . .	4,23,71,842

And now comes the most important thing. He goes on to say—

"A careful examination of the list of articles on which Customs and Excise duties are levied will show that a large majority of these goods are used almost entirely by the urban classes. The articles in that list which are used by the villagers to some extent are kersene oil, sugar, matches, cheap Japanese cloth, toys, etc."

That is all which the rural people consume and the rest is consumed, according to him, by the urban people. This gentleman forgets that textiles which are the largest import into this country are mostly consumed by the rural population. And even if for the sake of argument we accept his contention that the urban people buy more cloth and more expensive cloth, this also goes to prove that their income is greater as compared to the income of a poor villager. He says that only cheap Japanese cloth is consumed by the rural population and he has not taken into account the poor man's commodity, salt. Six crores of rupees are paid to the Government of India on salt. My point is that everybody pays; my honourable friend may pay directly while others pay indirectly, rural or urban and the taxable capacity of the rural people in no way compares with the taxable capacity of the urban people, and if my honourable friends would satisfy me that I am wrong, I will be only too glad to fall in line with them.

[Premier.]

There are several other points, which if time permitted, I would have dealt with, but I will bring them forward later on at the consideration stage. There is only one observation which I want to make in regard to the speech of my honourable friend, Malik Barkat Ali. Unfortunately, he is not in the House; he comes, fires off a speech and goes away. Some confusion has arisen in the minds of honourable members opposite that we wanted to incorporate the proposal of the Retrenchment and Resources Committee with regard to unearned income in this Bill. That is why a mistake crept in the Statement of Objects and Reasons appended to this Bill and before the Bill came before my honourable friends a correction was circulated. I wonder why they have not taken notice of it.

There is one more point in the speech of Malik Barkat Ali to which I take strong exception and that is an attempt, a very mischievous attempt, on the part of certain people to create bad blood between the executive and the judiciary. He made certain remarks and I again say that I take very strong exception to those remarks. He said that the High Court will be replaced by the Panchayats in the Punjab. Now, can any responsible person make such a suggestion? I say that it is sheer mischief and nothing else and an attempt to create bad blood between the Executive Government and the High Court. I have seen this tendency in certain other quarters as well. I want to say openly and frankly in this House that so far as the Government are concerned we have the fullest possible confidence in the High Court. But it does not necessarily mean that I have confidence in each and every judicial officer in this province. I say so openly and I have said so on several occasions that there is a general impression amongst the people that certain subordinate judicial officers are not sympathetic towards the poor rural classes and I repeat that assertion here again. Apart from that this Government have full confidence in the judiciary and the High Court, and such mischievous attempts, such deliberately mischievous attempts, to create bad blood between the executive and the judiciary are most unbecoming and most unwarranted.

**Mr. Speaker :** Do not attribute motives please.

**Premier :** He said so and I repeat that I take strong exception to it. Now, my honourable friend said that the urban people paid a huge share of income-tax and he quoted certain figures from this "valuable" document as if it were a gospel. I may point out that the income-tax figures for 1939-40 for the Punjab is 67½ lakhs and not three crores as my honourable friend would have it.

**Sardar Sahib Sardar Santokh Singh :** I quoted the figures for 1937-38. The figures for 1939-40 were not available to me.

**Premier :** Does the honourable member then mean to say that there has been a drop in the figures since 1937-38? The Finance Secretary has taken the figures from the Report of the Income Tax Department and has informed me that 67½ lakhs are the figures for 1939-40.

**Sardar Sahib Sardar Santokh Singh :** What are the figures. 1937-38?

**Premier :** Here I have not got the figures for 1937-38. I have got only for 1939-40.

**Sardar Sahib Sardar Santokh Singh :** But the figures for 1939-40 were not available to us.

**Premier :** Then the super-tax comes to 5½ lakhs. Thus seventy-three lakhs is the sum the urban people contribute to the central revenues. The figures for 1937-38 must have been less. Here I have got figures showing the Punjab share of the income-tax :—

	Lakhs.
1937-38 .. .. .	10
1938-39 .. .. .	12
1939-40 under the new agreement	22,32,000
1940-41 .. .. .	24 under the Niemeyer Award.

**Sardar Sahib Sardar Santokh Singh :** There might be progressive increase in the share of the Punjab according to Niemeyer award. About the figures for 1937-38 I am as definite as anybody else.

**Premier :** I have stated that the Punjab share of the income-tax revenue for 1937-38 is 10 lakhs. The increase in the subsequent years is not due to any increase in the income-tax rates, but is due to the increase according to the Niemeyer award.

**Sardar Sahib Sardar Santokh Singh :** I am sure about my figures. The Honourable Premier may consult Sardar Bahadur Sardar Ujjal Singh about the figures if he likes.

**Premier :** This year the amount is 67½ lakhs and that is the amount that the urban population is contributing to the central revenues. As compared with that the rural people contribute to the provincial revenue 9 crores. You can see the difference between 67½ lakhs and 9 crores. The latter figure is derived by direct taxation not including local rate, chaukidara tax and such other direct taxes. If you take indirect taxation, the amount contributed by the rural people must be much more. Anyhow the rural people who have hitherto been the milch cow cannot be milked any more on account of their limited capacity. (Cheers.)

**Mian Muhammad Nurullah :** Have I a right of reply ?

**Mr. Speaker :** No, as the honourable member has only moved an amendment. The question is—

That the Punjab Urban Immovable Property Tax Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1941.

*The Assembly divided : Ayes 10, Noes 42.*

### AYES.

Ghulam Samad, Khan Sahib Khawaja.	Muhammad Raza Shah Jeelani, Mukhdumzada Haji Sayed.
Gopal Das, Rai Bahadur Lala.	Muhammad Wilayat Hussain Jeelani, Mukhdumzada Haji Sayed.
Jalal-ud-Din Amber, Chaudhri.	Rashida Latif Baji, Begum.
Muhammad Abdul Rahman Khan, Chaudhri.	Santokh Singh, Sardar Sahib Sardar.
Muhammad Nurullah, Mian.	Sita Ram, Lala.

### NOES.

Abdul Haye, The Honourable Mian.	Muhammad Faiyaz Ali Khan Nawabzada.
Abdul Rab, Mian.	Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Abdul Rahim, Chaudhri (Gurgaon).	Muhammad Nawaz Khan, Major Sardar Sir.
Ahmad Yar Khan, Chaudhri.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Allah Yar Khan Daulatana, Mian.	Muhammad Sarfaraz Khan, Chaudhri.
Amjad Ali Shah, Sayed.	Muhammad Yasin Khan, Chaudhri.
Anant Ram, Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Ashiq Husain, Major.	Nasir-ud-Din, Chaudhri.
Chhotu Ram, The Honourable Chaudhri Sir.	Nur Ahmad Khan, Khan Bahadur Mian.
Dasaundha Singh, Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Faiz Muhammad, Shaikh.	Pohop Singh, Rao.
Faqir Hussain Khan, Chaudhri.	Ram Sarup, Chaudhri.
Fateh Muhammad, Mian.	Ripudaman Singh, Rai Sahib Thakur.
Fazal Karim Bakhsh, Mian.	Roberts, Sir William.
Ghazanfar Ali Khan, Raja.	Sikander Hyat-Khan, The Honourable Major Sir.
Jafar Ali Khan, M.	Suraj Mal, Chaudhri.
Jagit Singh Man, Sardar.	Talib Hussain Khan, Khan.
Karamat Ali, Shaikh.	Tikka Ram, Chaudhri.
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.	

**Mr. Speaker :** The question is—

That the Punjab Urban Immovable Property Tax Bill be referred to a select committee,

*The motion was carried.*

**Mr. Speaker :** The question is—

That the select committee do consist of more than fifteen members.

*The motion was carried.*

**Mr. Speaker :** The question is—

That the select committee consist of the following members—

Honourable Finance Minister.

Shaikh Sadiq Hassan.

Mian Fazl Karim Bakhsh.

Captain Sodhi Harnam Singh.

Rao Pohop Singh.

Sardar Gopal Singh.

Chaudhri Muhammad Yasin Khan.

Shaikh Karamat Ali.

Khan Sahib Rai Shahadat Khan.

Mr. P. H. Guest.

Khan Bahadur Mian Mushatq Ahmad Gurmani.

Rai Bahadur Lala Sohan Lal.

Sardar Sahib Sardar Santokh Singh.

Rai Bahadur Mukand Lal Puri.

Khan Sahib Khawaja Ghulam Samad.

**Sardar Sahib Sardar Santokh Singh :** I beg to withdraw my name from the select committee in favour of Rai Bahadur Lala Gopal Das.

**Mr. Speaker :** The question is—

That the name of Rai Bahadur Lala Gopal Das be substituted for the name of Sardar Sahib Sardar Santokh Singh.

*The motion was carried.*

**Sardar Sahib Sardar Santokh Singh :** I am authorised to say that Rai Bahadur Mukand Lal Puri withdraws his name in favour of Malik Barkat Ali.

**Premier :** But Rai Bahadur Mukand Lal Puri has given his consent to serve on the select committee.

**Sardar Sahib Sardar Santokh Singh :** He has now authorised me to say that he withdraws his name in favour of Malik Barkat Ali.

**Premier :** I cannot accept that. We must stick to the understanding. If he does not want to serve on the select committee, that is a different matter. But it is not for him to suggest any other name. It is my select committee and it is for me to select any other name in his place. I asked Rai Bahadur Mukand Lal Puri if he would serve on the select committee and he agreed. He also suggested the name of Malik Barkat Ali, but I said "No." If he now wants to go back on that understanding it is not fair.

**Sardar Sahib Sardar Santokh Singh :** As a matter of fact two names were left for us to choose from our party. Mr. Mukand Lal Puri now wants that Malik Barkat Ali's name should be substituted for his own. It is for the House to accept the suggestion or not.

**Premier :** Does Malik Barkat Ali belong to your party ?

**Sardar Sahib Sardar Santokh Singh :** No.

**Premier :** Where then is your responsibility ? I only wanted two names from your party.

**Sardar Sahib Sardar Santokh Singh :** If Mr. Mukand Lal Puri wants to retire in favour of Malik Barkat Ali ?

**Premier :** If Mr. Mukand Lal Puri wants to retire, then you may suggest another name from your party in his place. But you cannot select somebody from any other party.

**Sardar Sahib Sardar Santokh Singh :** That was not my suggestion.

**Mr. Speaker :** The question is—

That the select committee consist of the following members—

Honourable Finance Minister.

Shaikh Sadiq Hassan.

Mian Fazl Karim Bakhsh.

Captain Sodhi. Harnam Singh.

Rao Phop Singh.

Sardar Gopal Singh.

Chaudhri Muhammad Yasin Khan.

Shaikh Karamat Ali.

Khan Sahib Rai Shehadat Khan.

Mr. P. H. Guest.

Khan Bahadur Mian Mushtaq Ahmad Gurmani.

Rai Bahadur Lala Sohan Lal.

Rai Bahadur Lala Gopal Das.

Rai Bahadur Mukand Lal Puri.

Khan Sahib Khawaja Ghulam Samad.

*The motion was carried.*

**Mr. Speaker :** The question is—

That the quorum of the select committee shall be five.

*The motion was carried.*

---

*The Assembly then adjourned till 12 noon on Thursday, 5th December, 1940.*



# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 5th December, 1940.

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

### STARRED QUESTIONS AND ANSWERS.

#### BANNING OF CINEMA FILMS IN THE PROVINCE.

**\*7039. Sardar Sampuran Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of cinema films banned in the province since April, 1937 ;
- (b) the names of each of such films and the reasons for their being banned ;
- (c) in how many of these cases action was taken on public representation ;
- (d) in how many cases the action was taken on Government initiative ?

**Parliamentary Private Secretary (Sayad Amjad Ali Shah) :** (a) Nine.

(b) A statement is laid on the table.

(c) Two.

(d) In the remaining seven cases orders were passed on the recommendation of the Punjab Board of Film Censors more than half the membership of which is non-official.

Serial No.	Name of the film.	Reasons.
1	The Drum .. ..	Strong representations were made by the public that the film depicted Pathans in dark colours.
2	Kamla Jat .. ..	Low moral tone of the film.
3	Sohni Kumharan ..	The distributors of the film disregarded the provisions of the law on the subject. A fresh certificate was granted when they promised to abide by the law.
4	Ganga Din .. ..	The tone of the film was considered to be anti-Indian and adversely affected the relations between the Army and the public. It was resented by the public.
5	Gangsters or Dorangiya Daku	Low moral tone of the film.
6	All Quiet on the Western Front.	The film was considered to be unsuitable for display in time of war.
7	Baghi .. ..	The film was calculated to inculcate lawlessness.
8	History of the World Crisis..	The Punjab Board of Film Censors refused to grant a certificate as the film contains enemy propaganda.
9	March of Time—Volume 10 (5th year) Crisis in the Pacific.	The Punjab Board of Film Censors refused to grant a certificate as the film contains anti-Japanese propaganda.

## INTERNEES AND EXTERNEES.

**\*7189. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state the number and names of persons interned and externed respectively since the outbreak of war ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah) : Four persons were restricted to certain areas in the Punjab and two externed from the province between 3rd September, 1939, and 23rd November, 1940. There are now only three persons restricted to certain areas and one externed from the Punjab under the Defence of India Rules. It is not in the public interest to give names.

## CLAIMS OF DIFFERENT CASTES FOR GOVERNMENT SERVICE.

**\*7254. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state whether the Government recognize any claims of different castes such as Jats, Rajputs, Brahmins, Arains, etc., in the services, and take into consideration the proportion of such sections or subsections while making appointments and nominations ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah) : No.

## ENGLISH BOY EVACUEES COMING TO PUNJAB.

**\*7255. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) the arrangements, if any, which have been made by the Punjab Government for the English boys coming to the Punjab after being evacuated from various parts of England ;

(b) the number of such boys, and the expenditure incurred or proposed to be incurred by the Government in this connexion ?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah) : (a) No arrangements have been made by the Punjab Government.

(b) Does not arise.

**Mian Muhammad Nurullah :** Are there any boys coming into the Punjab ?

**Parliamentary Private Secretary :** As far as I am aware, there are some boys.

**Mian Muhammad Nurullah :** Will the honourable member kindly give me the number ?

**Parliamentary Secretary :** I want notice for that.

## ARRESTS UNDER DEFENCE OF INDIA RULES.

**\*7271. Shrimati Raghbir Kaur :** Will the Honourable Minister for Public Works be pleased to state—

(a) the total number of arrests made by the Punjab Government till the end of September of 1940 under the Defence of India Rules ;

- (b) how many out of the persons so arrested have been tried in open courts and the nature of the punishment awarded to each;
- (c) how many out of the above number have been interned;
- (d) how many out of the above number have been sent for imprisonment in the Deoli camp;
- (e) how many out of the above number have been deprived of their freedom of speech;
- (f) whether the Government has given any allowance for maintenance to the families of those who have been so imprisoned or detained;
- (g) whether the Government has received any representations in connexion with the point raised in part (f); if so, action, if any, taken thereon?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): (a) 848.

(b) (i) 686.

(ii) 519 were convicted during the period specified; 420 got imprisonment only, 47 others imprisonment and fine, 12 were fined, 22 persons were required to give bonds under section 562, Criminal Procedure Code, 15 were sent to Borstal Institute for imprisonment, 2 persons were sent to Reformatory School, Delhi, and 1 was released after warning on his tendering apology.

(c) 54 persons were detained under rule 129 for periods not exceeding 2 months.

86 persons were detained under rule 26 under the orders of the Punjab Government.

(d) 73.

(e) One.

(f) No.

(g) (i) Yes.

(ii) After due consideration it has been decided not to pay maintenance allowances.

#### SUB-DIVISIONAL OFFICERS AND MAGISTRATES POSTED AT PAKPATTAN.

**\*7286. Mian Sultan Mahmood Hotiana:** Will the Honourable Premier be pleased to state—

- (a) the number of sub-divisional officers (civil) and the additional magistrates posted from time to time to Pakpattan so far since 1st April, 1937;
- (b) the period of the stay of each of the above-mentioned officers at Pakpattan?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): (a) and (b) A statement giving the required information is laid on the table.

*Sub-Divisional Officers.*

1. Mr. M. S. A. Baig, I.C.S. .. From 1st April, 1937, to 23rd March, 1938.
2. Rai Sahib Lala Nand Lal, Man- .. From 24th March, 1938, to 30th April, 1938.  
chanda, P.C.S.
3. Mr. M. Ayub, I.C.S. .. From 1st May, 1938, to 29th November, 1938.
4. Mr. B. K. Nehru, I.C.S. .. From 30th November, 1938, to 13th May, 1939.
5. Mr. M. A. Husain, I.C.S. .. From 14th May, 1939, to 14th December, 1939.
6. Qazi Muhammad Rahmat Ullah, .. From 15th December, 1939, to 12th January, 1940.  
P.C.S.
7. Rai Sahib Lala Wazir Chand, .. From 13th January, 1940, to 17th May, 1940.  
P.C.S.
8. Qazi Muhammad Rahmat Ullah, .. From 18th May, 1940, to 25th May, 1940.  
P.C.S.
9. S. Said Zaman Khan, P.C.S. .. From 26th May, 1940, to 2nd November, 1940.
10. Mr. J. D. Hardy, I.C.S. .. From 3rd November, 1940, to date.

*Additional Magistrates.*

1. Lala Kanwal Nain .. From 1st April, 1937, to 24th June, 1937.
2. Pandit Chand Narain .. From 25th June, 1937, to 10th March, 1938.
3. Shaikh Abdul Aziz .. From 11th March, 1938, to 8th August, 1938.
4. Sardar Gurdial Singh .. From 9th August, 1938, to 28th March, 1939.
5. Qazi Muhammad Rahmat Ullah .. From 29th March, 1939, to 29th February, 1940.
6. Lala Ganga Bishan, P.C.S. .. From 1st March, 1940, to 22nd August, 1940.  
(Subordinate Judge).
7. Pandit Prabhu Dayal Sharma, .. From 23rd August, 1940, to date.  
P.C.S. (Subordinate Judge).
8. Shaikh Abdul Ali .. From 12th November, 1940, to date.

DAMAGE TO CROPS IN SHEIKHUPURA AND GUJRANWALA DISTRICTS.

\*7245. **Dr. Sant Ram Seth** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the districts of Sheikhupura and Gujranwala were visited by a hailstorm in the month of September, 1940, if so, the extent of damage done to the standing crops of rice and *chari* and whether he has paid a visit to the affected area ?

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

*Second part.*—

<i>District.</i>		<i>Area damaged in acres.</i>
Gujranwala	..	16,424
Sheikhupura	..	8,626

No damage has been done to *chari* crop.

*Third part.*—No, but the damaged area has been inspected by the officers of the Irrigation and Revenue departments.

**THAL PROJECT AND RETRENCHMENT OF OFFICERS.**

**\*7247. Dr. Sant Ram Seth:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the work on the Thal Project has been stopped; if so, why;
- (b) the number of subordinates, sub-divisional officers, executive engineers and other officers working on this project who have been retrenched?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a) The work on the Thal Project has been slowed up and expenditure reduced as a measure of retrenchment caused by the war.

(b) The number of temporary staff which has been or will be retrenched in the Thal Circle, is as follows:—

Overseers ..	..	..	..	7
Clerks ..	..	..	..	16
Draftsmen..	..	..	..	4
Tracers ..	..	..	..	4

A considerable number of the permanent staff has been transferred to other circles.

**WADH WATTAR.**

**\*7282. Mian Sultan Mahmood Hotiana:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the area of land which has been entered as 'wadh wattar' during the last four years in the Khadar Canal Branch in the circle of tahsil Pakpattan;
- (b) the area of land which has been entered as 'wadh wattar' in the above-named circle this year;
- (c) whether it is a fact that the area entered as 'wadh wattar' this year is very small;
- (d) whether a circular has been issued by the Canal Department this year warning the canal patwaris to take great care in showing areas of land as 'wadh wattar' in the revenue records?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a) The figures of wadh wattar areas on the Khadar Branch (including Bhatti and Rehmaniki Distributaries of Pakpattan Canal) in the Pakpattan tahsil were:—

			Acres.
1986-87 ..	..	..	576
1987-88 ..	..	..	358
1988-89 ..	..	..	529
1989-90 ..	..	..	557

(b) 557 acres.

(c) No.

(d) No.

DAMAGE TO AMERICAN COTTON BY *TIRRAK*.

**\*7284. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that the American cotton crop has been generally damaged by *tirrak* this year in the province ;
- (b) whether he is aware of the fact that the American cotton crop in the Montgomery district has been especially damaged by *tirrak* ;
- (c) the steps Government propose to take in the matter of giving relief to the sufferers in this respect ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) No. Serious damage is confined to a few districts only.

(b) It is true that American cotton has been affected more than Desi in certain parts of the Montgomery district.

(c) Remissions of land revenue and *abiana* will be granted in due course according to rules after the exact extent of damage has been ascertained.

I may add that as regards the present crop it is too early to forecast final results ; but field to field inquiries are being made and the scientific problems involved are being investigated both by the Director, Irrigation Research and by the Director of Agriculture.

**Mian Muhammad Nurullah :** Will the honourable member kindly give the names of the districts in which serious damage has been done ?

**Parliamentary Secretary :** I am afraid I cannot give them without fresh notice.

CONSTRUCTION OF A BRIDGE OVER A WATERCOURSE NEAR  
VILLAGE MANHALA JAI SINGH, TAHSIL KASUR.

**\*7303. Dr. Sant Ram Seth :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the amount referred to in answer to starred question No. 2504, printed at page xeviii in Appendix to Debates, volumes I to V, part A, 1938, has not so far been refunded to the zamindars of village Manhala Jai Singh, tahsil Kasur, in full so far ; if so, the grounds for the delay ;
- (b) when the Government proposes to refund the amount to the persons concerned ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) Yes, the delay has been due to the staff having remained busy in settlement operations.

(b) Orders have been issued to disburse the amount, without further delay.

## OVERFLOW OF WESTERN JUMNA CANAL.

**\*7308. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that owing to the construction of a bridge with gates at village Indri, Karnal district, the Western

Jumna Canal overflows its banks and floods the lands of the village Damla and other adjoining villages in Ambala district thereby rendering the lands of these villages uncultivable ;

- (b) whether the question of the remission of land revenue of those lands or that of granting any other relief to the owners of these lands has been considered by the Government or the local authorities ; if so, its nature ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a) No.

- (b) Does not arise.

#### GRAZING IN SHIVALIK HILLS.

**\*7309. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that recently the Government has issued a notification prohibiting the villagers of the two tahsils of Kharar and Narayangarh, Ambala district, from keeping and grazing camels in the areas of Shivalik hills ;
- (b) whether it is also a fact that they have been already deprived of the right to keep and graze sheep and goats in the said area ;
- (c) whether the Government has given any consideration to the representations submitted by the people in this connection ; if so, action Government propose to take in the matter ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a) The honourable member presumably refers to Punjab Government notification No. 2040-Ft., dated the 6th November, 1939, issued under section 5 of the Land Preservation (Chos) Act, 1900, prohibiting the admission, browsing and retention of camels in those areas of the Rupar and Kharar tahsils only, which have already been notified under section 8 of that Act in Punjab Government notification No. 458, dated the 23rd September, 1914.

(b) The admission, herding, pasturing or retention of sheep and goats has been prohibited, under section 4 of the Land Preservation (Chos) Act, by Punjab Government notification No. 459, dated the 23rd September, 1914, in the same areas mentioned in part (a).

- (c) Only 184 persons owning 212 camels are affected by this order.

The Land Preservation (Chos) Act provides for the payment of compensation, due notice of which was given to the villagers affected, under section 7 of that Act. Further, notice was simultaneously given that camels would be permitted to enter the notified area for the purpose of transporting grain and merchandise.

Government consider those concessions to be adequate and are not prepared to continue to expose the province to the dangers of deforestation and erosion for the convenience of a few villagers. The closure will actually benefit the villagers themselves more than any one else by the increased production of grass and fodder.

## WESTERN JUMNA CANAL.

**\*7310. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether in connection with the extension scheme of the Western Jumna Canal it is proposed to deepen any portion of the canal lying in Ambala district and for that purpose the water is to be diverted into new channels ;
- (b) if so, whether such diversion of the water is likely to damage the adjoining lands and whether on that ground objections have been raised by the villages affected in Ambala district ; if so, the action Government intends to take in the matter ?

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

(b) Only one complaint has been received in this connection, and the wishes of the zamindars in that case have been met by changing the alignment of the diversion channel as desired by them.

The course of the diversion channel has been fixed in consultation with and according to the wishes of the zamindars concerned. No damage to land or crops is apprehended but if there is any damage done to land or crops on running the diversion channel, due compensation for it will be paid.

## DAMAGE TO COTTON CROP IN JHANG DISTRICT.

**\*7315. Sayed Mubarik Ali Shah :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government is aware that the cotton crop in Jhang district has been damaged by a crop disease and also by hail-storm which has struck some parts of the district ;
- (b) if the answer to the above be in the affirmative, the steps which the Government intend taking to help the poor zamindars concerned ?

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

(b) Remissions of land revenue and *abiana*, where due, will be granted in due course according to rules.

## ROSIN FACTORY AT JALLO.

**\*7072. Sardar Sampuran Singh :** Will the Honourable Minister of Development be pleased to refer to starred Assembly question No. 4540 asked on 11th April, 1939 (pages 400-1, Volume IX), and supplementaries thereon and state the reasons for the discrepancy in the total cost of the factory as mentioned in part (c) and the amount paid to the previous owner or part owners as mentioned in (d) ?

**Parliamentary Secretary** (Chaudhri Tikka Ram) : The sum paid to the former partner in the Jallo Rosin Factory represented the market value of his share in the concern which Government were bound to pay under the agreement. The concern is a prosperous one and therefore the market



value of a share in it is worth considerably more than the actual cost of the land, plant and machinery, buildings and broad gauge siding amount to Rs. 4,20,329-15-0 as given in answer to part (c) of starred question No. 4540, referred to by the honourable member as the cost of the factory.

**SENIOR MEDICAL OFFICER IN CHARGE OF DETENUS IN MUZAFFARGARH JAIL.**

**\*7289. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) the qualifications, experience and the period of service already put in by the senior medical officer placed in charge of the detenus in Muzaffargarh Jail during the months of June to September, 1940 ;
- (b) the name of the officer in charge of the hospital ward of the said jail during the same period ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) The Medical Officer of the Muzaffargarh Subsidiary Jail is an M.B.,B.S. (Punjab) and D.M.R.E. (Cantab). He entered the P. C. M. S. on the 17th July, 1915, and was then placed on deputation in the Persian Gulf from the 24th July, 1915, to the 9th September, 1916. From January, 1917, to the end of August, 1925, he was on military duty. Thereafter, he has been Demonstrator of Anatomy in the King Edward Medical College, Lahore (October, 1926, to October, 1931), and Lecturer in Anatomy, Medical School, Amritsar, (October, 1931, to June, 1940). Since then he has been Civil Surgeon, Muzaffargarh and Medical Officer of the Jail.

(b) A sub-assistant surgeon is in charge of the hospital ward of the jail. It is not the practice to disclose names in such cases.

**HAZURA SINGH.**

**\*7290. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) the weight of Hazura Singh, deceased, a prisoner in Muzaffargarh jail when he was admitted to the jail and also when he was admitted to the hospital of the jail as an in-dopr patient ;
- (b) the name of the medical officers who treated the said Hazura Singh during the term of his imprisonment before and after his admission to the hospital ;
- (c) whether there were any grounds on which the said prisoner was suspected of having contracted cholera and the circumstances which led the medical authorities of the jail to examine his stools ;
- (d) the immediate cause of his death ;

[S. Lal Singh.]

(e) whether there is a daily record of his illness and whether he is prepared to place it on the table?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): (a) The weight of the deceased prisoner Hazura Singh on admission to the Muzaffargarh Sub-Jail was 136 lbs. His weight was not taken on admission to the hospital.

(b) A Sub-Assistant Surgeon and the Civil Surgeon, Muzaffargarh, attended him.

(c) He was diagnosed as a case of malaria with an intestinal crisis. That the additional precaution of examining his stools for cholera or other germs was taken as a tribute to the thoroughness of the medical authorities. The examination, however, revealed no signs of cholera.

(d) Death was due to an intestinal crisis of malaria;

(e) The usual medical history sheet was maintained while the prisoner was in hospital, but I do not think that any useful purpose would be served by laying it before the House. If, however, the honourable member is very anxious to see it, I will make further inquiries from the medical authorities.

#### ASSOCIATION OF PUNJAB PRISONS OFFICERS.

\*7321. **Munshi Hari Lal**: Will the Honourable Minister of Finance be pleased to state—

(a) whether an association of Punjab Prisons Officers has been formed with the sanction of the Government; if so, the aims and objects of this association;

(b) if answer to (a) be in the affirmative, whether any representations have been made by the association; if so, whether they have been looked into by him and the action, if any, which has been taken thereon?

**The Honourable Mr. Manohar Lal**: (a) Yes. The aims given in Article 1·8 of the Association are:—

(i) to promote and protect by constitutional means the rights and interests of the Deputy and Assistant Superintendents of the Punjab Jail Department;

(ii) to inculcate in members idea of unity, mutual help and *esprit de corps*;

(iii) to suggest ways and means of improving the present system of penal reform.

(b) Representations by the Association are made, not to Government but to the Inspector-General of Prisons, who takes appropriate action on them.

OFFICIATING ASSISTANT SUPERINTENDENTS OF JAILS.

**\*7322. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state whether any persons are working at present as Assistant Superintendents in an officiating capacity in the Jail Department; if so, the maximum period for which an incumbent has been allowed to work in that capacity?

**The Honourable Mr. Manohar Lal :** A number of Assistant Superintendent candidates are working in an officiating capacity, the senior most among them being continuously employed since 1930.

DEPUTY SUPERINTENDENTS OF JAILS.

**\*7323. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether any Deputy Superintendents of Jails were promoted to the office of the Superintendents of Jail in 1940; if so, the number of those who were thus promoted;
- (b) the total number of the posts of Superintendents of Jails which fell vacant in 1940?

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

(b) Six.

POISONING CASES.

**\*6923. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of poisoning cases which occurred in the province during the years 1937, 1938 and 1939 specifying those which proved fatal;
- (b) the number of poisoning cases which were referred to the Chemical Examiners for analysis;
- (c) the number of poisoning cases in which qualitative examination alone was made and no quantitative examination was carried out;
- (d) whether the Honourable Chief Justice has ever drawn the attention of the Punjab Government towards the necessity and desirability of quantitative analysis in all poisoning cases; if so, when and with what results?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :** (a), (b) and (c) A statement is laid on the table.

(d) Yes, in 1936. The Chemical Examiner to Government, Punjab, was consulted and his views were communicated to High Court for the information of the Honourable the Chief Justice.

*Statement.*

Year.	Number of poisoning cases.	Number of cases which proved fatal.	Number of cases referred to the Chemical Examiner.	Number of cases in which qualitative examination was carried out.	Number of cases in which quantitative examination was carried out.
1937 ..	1,548	301	469	313	12
1938 ..	1,632	302	414	363	15
1939 ..	1,883	362	443	371*	90†

\*In 77 cases both qualitative and quantitative examinations were carried out.

†This includes 77 cases in which both qualitative and quantitative examinations were carried out.

#### NUISANCE BY GOONDAS IN LAWRENCE GARDENS, LAHORE.

**\*7038. Sardar Sampuran Singh :** Will the Honourable the Premier be pleased to state—

(a) if the activities in the Lawrence Gardens, Lahore, of the so-called “gentlemen goondas” have been brought to the notice of Government through Press as well as by public representations ;

(b) if so, what special steps have been taken or are proposed to be taken by the Government to prevent the recurrence of this public nuisance ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :

(a) No representation was received by Government. A few months back an account of an Indian lady having been insulted in the early hours of the morning appeared in the papers. The incident, it was alleged, was witnessed by some gentlemen who administered a thrashing to the individual concerned. No report was, however, made to the police.

(b) In the circumstances no special steps have been taken, nor are they considered necessary. The usual police patrols appear to be sufficient.

#### PUNITIVE POLICE POSTS IN LUDHIANA AND FERROZPORE DISTRICTS.

**\*7226. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to lay on the table of the House a statement showing—

(a) the total amount of punitive police tax levied from each village of Ludhiana and Ferozepore districts in the years 1938, 1939 and 1940 up to date ;

(b) the total strength of foot and mounted punitive police in these periods in these two districts ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) The attached statement gives the required information.

Name of the village in which additional police post is located.	Cost.	Period for which sanctioned.	Sub-Inspector.	STRENGTH— (a) FOOT. (b) MOUNTED.		
				Assistant Sub-Inspector.	Head Constables.	Constables.
Ferozepore.						
(1) Gholia Kalan .. ..	Rs. A. P. 2,545 0 0	Two years from 15th December, 1938, to 14th December, 1940.	(a) 1 (b) ..	..	2	12
Gholia Khurd .. ..	1,841 4 6					
Phulewala .. ..	716 0 0					
Manoke .. ..	3,035 0 0					
(2) Gholia Kalan .. ..	4,054 0 8	One year from 15th December, 1940, to 14th December, 1941.	(a) ..	1	1	6
Gholia Khurd .. ..						
(3) Chuhar Chak .. ..	4,275 0 0	Three years from 1st September, 1938, to 30th August, 1941.	(a) 1	..	2	12
Dhudike .. ..	3,862 4 6					
(4) Abdul Kharana .. ..	6,091 6 9	Two years from 6th September, 1939, to 5th September, 1941.	(a) 1	..	1	8
(5) Bareke .. ..	3,438 8 5	One year from 1st October, 1940, to 30th September, 1941.	(a) ..	1	..	5
Ludhiana.						
(1) Atinana .. ..	22,490 13 4-A	Two years from 10th May, 1940, to 9th May, 1942. From 8th October, 1938, to 31st January, 1940. From 1st February, 1940, to 8th October, 1940.	(a) 1 (b) ..	..	2	23-A 14-B
9 other villages .. ..	26,815 0 0-B					
Jodhpur .. ..	4,729 0 6					
Chitwa .. ..	9,335 11 9					
Chananwal .. ..	7,730 4 7		(a) .. (b) ..	1 ..	1 1	19 6
Chitwa .. ..	2,255 11 0		(a) ..	1	1	13
Chananwal .. ..	1,867 10 2					

**LYALLPUR-JHANG ROAD.**

**\*7316. Sayed Mubarik Ali Shah :** Will the Honourable Minister of Public Works be pleased to state the following about the road running between Lyallpur and Jhang—

- (a) whether it is a scheduled road ;
- (b) whether a specific number of buses is allowed to ply on that road ;
- (c) the number of such buses owned by the North-Western Railway and by members of the public, respectively ;
- (d) the number of such buses allotted to Jhang and Lyallpur districts, respectively ;
- (e) the number of such buses owned by Hindus, Sikhs and Muslims, respectively ;
- (f) the number of such buses owned by members of the statutory agriculturist tribes and by others ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) The road was scheduled under the Punjab Motor Vehicles Rules, 1931.

(b) Yes.

(c) Ten buses are owned by the North-Western Railway and ten by members of the public.

(d) Lyallpur—Six.

Jhang—Four.

(e) Hindus—Three.

Sikhs—Four.

Muslims—Three.

(f) Members of the statutory agriculturists tribes—Four.

Others—Six.

**METALLING OF ROAD BETWEEN JHANG AND HEAD-WORKS OF THE  
HAVELI PROJECT.**

**\*7318. Sayed Mubarik Ali Shah :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether there is a proposal under the consideration of Government to metal the road between Jhang and Head-works of the Haveli Project Canal at Trimmu ;

(b) when the metalling of this road is likely to be completed ?

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

(b) The progress on the work depends on the availability of funds.

**LITERACY.**

**\*6922. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state—

(a) the percentage of literacy in each division of the province as on 1st April, 1937, and on 1st April, 1940 ;

- (b) whether Government intends to take any special measures to encourage education in the divisions where the percentage is comparatively low?

**The Honourable Mian Abdul Haye :** (a) Figures are not available.

(b) Does not arise.

#### TOTAL NUMBER OF STUDENTS IN PROVINCE.

**\*6929. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to give the following figures about the province as on (i) 1st April, 1937 and on (ii) 1st April, 1940 ;

- (a) the total number of students in primary schools of all types in the province ;  
 (b) the total number of students in all the secondary schools in the province ;  
 (c) the total number of students in all the colleges in the province ?

**The Honourable Mian Abdul Haye :** Figures for the 31st March, 1937 and 1940 only are available and are placed on the table.

	<i>Institutions for males.</i>		<i>Institutions for females.</i>	
	1937	1940.	1937.	1940.
(a)	376,687	396,044	108,481	131,212
(b)	568,608	596,871	55,671	66,621
(c)	13,132	16,783	648	745

#### ANTI-RABIO TREATMENT.

**\*7144. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of persons given anti-rabic treatment in various centres of the Punjab during the last four years ;  
 (b) the proportion of those cured to the number of those admitted for treatment in the various centres ?

**The Honourable Mian Abdul Haye :** A statement giving the required information is laid on the table :

Year.	Number of persons given anti-rabic treatment.	Number of persons cured.	Number of deaths reported.
1936	5,382	5,378	4
1937	6,077	6,071	6
1938	9,892	9,883	9
1939	9,871	9,871	17

**Mian Muhammad Nurullah :** May I know the proportion of those cured to the number of those admitted ?

**Minister :** Out of thirty thousand patients admitted in these four years only 19 died.

#### LUNATICS ADMITTED INTO THE MENTAL HOSPITAL, LAHORE.

**\*7145. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state the number of lunatics admitted into the Mental Hospital, Lahore, during each of the last four years classifying them as agriculturists and non-agriculturists ?

**The Honourable Mian Abdul Haye :** A statement showing the total number of mental patients admitted to the Punjab Mental Hospital, Lahore, during the last four years is placed on the table. The hospital authorities are not required to maintain separate statistics in regard to agriculturists and non-agriculturists. The information cannot now be collected without enormous labour which will be entirely incommensurate with its possible utility.

#### Statement.

Year.						Number of patients.
1936	..	..	..	..	..	149
1937	..	..	..	..	..	162
1938	..	..	..	..	..	254
1939	..	..	..	..	..	262

#### GOVERNMENT COLLEGES AND SCHOOLS.

**\*7146. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state the number of Government high schools and colleges closed during the last four years in the province ?

**The Honourable Mian Abdul Haye :** With the exception of Government Intermediate College, Gujrat which was closed with effect from the 15th May, 1939, no other Government high school or college has been closed during the last four years.

#### SHORT NOTICE QUESTION AND ANSWER.

**Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state whether he has recently received any complaints from the zamindars of the Ganji Bar and Nili Bar Colonies regarding universal damage to American cotton by the disease called *tirrak* ; if so, what action has he taken or proposes to take in the matter ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** *First part.*—Complaints have been received.



*Second part.*—Harvesting is still in progress and no one can tell to what extent the damage reported up to date is irretrievable. The facts are under investigation, and when the final situation is clear what measures of relief are appropriate will be taken.

### THE SIKH GURDWARAS (AMENDMENT) BILL.

**Tikka Jagjit Singh Bedi** (Montgomery East, Sikh, Rural): Sir, I beg to move—

That leave be granted to introduce the Sikh Gurdwaras Amendment Bill.

*The motion was carried.*

**Tikka Jagjit Singh Bedi**: I beg to introduce the Sikh Gurdwaras (Amendment) Bill.

### SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL.

**Khan Muhammad Yusuf Khan** (Rawalpindi Sadar, Muhammadan, Rural): Sir, I beg to move—

That leave be granted to introduce the Punjab Suppression of Immoral Traffic (Amendment) Bill.

*The motion was carried.*

**Khan Muhammad Yusuf Khan**: Sir, I introduce the Punjab Suppression of Immoral Traffic (Amendment) Bill.

### COLONIZATION OF GOVERNMENT LANDS (PUNJAB AMENDMENT) BILL.

**Tikka Jagjit Singh Bedi** (Montgomery East, Sikh, Rural): Sir, I beg to move—

That leave be granted to introduce the Colonization of Government Lands (Punjab Amendment) Bill.

*The motion was carried.*

**Tikka Jagjit Singh Bedi**: Sir, I beg to introduce the Colonization of Government Lands (Punjab Amendment) Bill.

### HINDU CHARITABLE AND RELIGIOUS ENDOWMENTS BILL.

**Rai Bahadur Lala Gopal Das** (Kangra North, General, Rural): Sir, I beg to move—

That the Punjab Hindu Charitable and Religious Endowments Bill be referred to a select committee.

The names of the members of the select committee I shall give presently.

Sir, this Bill was introduced by my very worthy friend the late Rai Bahadur Binda Saran in the summer session of 1938 in Simla and since then this measure has been pending. Luckily it has come on the agenda to-day. Sir, there is a misunderstanding amongst a certain section of the public that I want to restrict the religious and social activities of the *mahants*.

[R. B. Lala Gopal Das.]

I dare say that is not my object. No straightforward or honest *mahant* or trustee should have any fear from this measure and I believe that all would welcome it. The object of this Bill is merely to provide a machinery for avoiding waste in religious funds and as far as possible to root out corruption, immorality and idleness from the trustees of our religious institutions. And as far as possible I have tried to see that this Bill should achieve these ends. Sir, my main object is to restore the position of temples, *dharamsalas* and places of pilgrimage to the position of the old glorious days which used to prevail during the time of the Hindu Kings. I believe there is nobody in this House who would like to continue the conditions of temples, *dharamsalas* and *maths*, in which they are at present. If this Bill is referred to a select committee, the committee shall be fully prepared to consider all the points of view that may be presented by the various *mahants* or other communities or fraternities. And in no way will any hardship be placed on the religious activities of the *mahants*. After having given this assurance I feel confident that I shall receive the full support from the honourable members sitting here and I hope they will withdraw their dilatory motions. If the Government so wish and if my honourable brother members here wish that I should take the views of the public also, I would not be opposed to that idea.

**Mr. Speaker :** The motion moved is—

That the Punjab Hindu Charitable and Religious Endowments Bill be referred to a select committee.

**Sardar Bahadur Sardar Gurbachan Singh** (Jullundur West, Sikh, Rural): Sir, I beg to move—

That the Punjab Hindu Charitable and Religious Endowments Bill be circulated for eliciting opinion thereon by the end of October, 1941.

Sir, this does not require any lengthy speech. The Bill is a very controversial one. There are many *dharamsalas* and *gurdwaras* which according to Sikh Gurdwaras Act are declared as Sikh *gurdwaras*, but they are also included in the schedule of this Bill. Thus this Bill comes in direct conflict with the Sikh Gurdwaras Act. Again the Udasi sect mostly believe in Sikh religion and their *dharamsalas* have been declared as Sikh *gurdwaras*. They too are affected by this Bill. Therefore, I request that the Bill be circulated for eliciting public opinion.

**Mr. Speaker :** The question is—

That the Punjab Hindu Charitable and Religious Endowments Bill be circulated for eliciting opinion thereon by the end of October, 1941.

*The motion was carried.*

## FEMALE SINGERS' PROHIBITING BILL.

**Khan Muhammad Yusuf Khan** (Rawalpindi Sadar, Muhammadan, Rural) (*Urdu*): Sir, I want, with your permission, to substitute the following motion for the one standing against my name, namely :

That the Female Singers' Prohibiting Bill be referred to a select committee consisting of....

**Mr. Speaker :** The honourable member may move the first part of his motion. The personnel of the select committee may be proposed afterwards.

**Khan Muhammad Yusuf Khan :** Very well, Sir. Now the object of this Bill is very simple and clear. It is really unfortunate that on account of continued slavery certain customs and practices have found their way into the Muslim society in the Punjab as well as in some other provinces in India which are wholly against the behests and injunctions of Islam and its Holy Prophet. One of them is singing and dancing by professional female singers at the shrines of religious leaders whom we hold in greatest reverence and whose lives serve as sources of light and inspiration to every Muslim. It is a fact that the Muslim kings of India did not take any step for the advancement of Islam in this country and it is due to the efforts and teachings of these religious leaders that the Muslim population of India numbers 9 crores to-day and may rise to 10 crores at the time of the next census. I am free to admit that music even by men should not be allowed at these holy places but singing and dancing by professional hirelings is highly objectionable and should not be permitted to continue. This is nothing but desecration of the shrines of the great men whom we have the best of reasons to love and honour and to be grateful to.

It is to be regretted that this practice has not been stopped by persuasion and that all the efforts of the reformers have failed to bring about the desired result. I do not wish to go into details but it is a fact that no shrine in the Punjab is immune from this objectionable practice. Take for instance the shrine of Barri Latif at Nurpur Shahan in the Rawalpindi district. Thousands of people visit that place in the month of April every year and lakhs of rupees are spent. Now it is not only singing and dancing that takes place at that shrine but there are certain other things which one would blush even to mention in this House. That is why I have felt it necessary to bring forward this Bill.

I may make it quite clear at this very stage that if any non-Muslim has any doubts whether this Bill aims at putting a stop to singing or music altogether and whether it will adversely affect any legitimate social or religious right of non-Muslims he should rest assured that nothing is farther from my mind. I will be prepared to accept any amendments by which they may wish to safeguard their legitimate rights and interests. I would welcome such amendments in the select committee as well as at the time when the Bill is taken into consideration. Similarly, if the radius of three miles is considered to be too much I shall be prepared to the operation of the measure being confined to a smaller radius or even to the precincts of the shrine if such a suitable definition of the word "shrine" is forthcoming as does not defeat the purpose of the Bill. With these words I commend my motion to the acceptance of the House.

**Mr. Speaker :** Motion moved is—

That the Female Singers' Prohibiting Bill be referred to a select committee.


**Pir Akbar Ali (Fazilka, Muhammadan, Rural), (Urdu) :** Mr. Speaker, I have very carefully listened to the speech made by the honourable mover of the motion for referring the Female Singers' Prohibiting Bill to a select committee. I quite understand and appreciate the intention underlying

[P. Akbar Ali.]

this Bill but I have to oppose it on account of the far reaching results that will ensue from it. It is the principle of intervention in the domain of religion by the State which is highly objectionable.

In the first place the Bill attempts to apply a corrective to the morals of the people by compulsion which in itself is an effort of very doubtful value. Secondly, the shrines, where this Bill seeks to prohibit singing and dancing by female singers, do not exist in the Punjab alone. There are shrines of far greater sanctity and importance in Delhi and Ajmer. It is, therefore, necessary that if there is to be any such legislation at all it should be of an All-India character. It is not only the Punjab where such a practice prevails, that the Government can feel any justification for interfering in a religious matter. So far as such practices and bad morals are concerned there is no one here who would not like to have them eradicated. Now there are certain types of morals of which the Government or the State can have cognizance and which it ought to control but there are others which have mainly to do with one's religious convictions and as such cannot come under the purview of the State. If the present Assembly were to set an example, by legislating upon such matters, other Assemblies may follow suit by legislating on matters directly interfering in the beliefs of the people. Even a female singer adheres to some sort of belief and faith for her salvation and according to that belief she wants to go and sing at a shrine. Moreover, it is up to the *mutwalli* of that shrine to permit or to prohibit her from doing so, but you want to take upon yourself the duties of a *mutwalli* and want to prohibit such singing. Again, what right has this Government to prohibit a certain act which had always been performed in the days of Muslim kings? Is it because you have a majority at your back? Suppose some other Government takes your place to-morrow. Would you like that acting on the precedent set up by you, it should start interfering in your religion? Why should you do a thing for which you will have to feel sorry to-morrow? It is just possible that another Government which finds your *Azan* (call to prayers) disturbing may wish to prohibit its being said at a high pitch and may be they will fix a radius of six miles instead of three that you have prescribed.

**Nawab Sir Shah Nawaz Khan :** Do you place *Azan* and music on the same footing?

**Pir Akbar Ali :** I am submitting that you are interfering in religion by undertaking this legislation. I do not place music and *Azan* on equal footing. But you will agree that there can be different opinions in regard to *Azan*, the sanctity of religious places, and morals, and if your legislation is to follow these lines it is probable that it would give rise to numerous factions. There might be people who would want only male singers to go and sing at the shrines. There might be others who would even object to the Holy Quran being recited in cadence. In this connection I would like to quote a Hadith that the Holy Prophet once said "He who does not recite the Quran with  (in melodious voice) is not from among us".

**An honourable member :** Do the female singers go to recite the Quran at the shrines?

My opposition to this Bill is because of the principle involved in it, otherwise neither have I a taste for music nor have I ever had an occasion to hear it that I should feel the pinch. The principle that the Punjab Legislative Assembly has the right to legislate upon matters connected with Islam, is a wrong principle.

Moreover, the motion that has been moved is for referring the Bill to a select committee and not a motion for its circulation to elicit public opinion. Had it been the latter case I may not have opposed it at this stage and would have favoured the idea of obtaining the opinion of other provinces also. When you are trying to enact a law concerning the Muslims of the whole of India why should you not get the opinions of its adherents even in other provinces? I am at a loss to understand as to who is a *mufti* among the members of the Government on whose *fatwa* they are thus interfering in the liberties of people in the matter of religion. I know it will be said that a certain member introduced a measure with the best of intentions but so and so opposed it. But as it is a matter which vitally concerns one's religious liberties I have to oppose it unmindful of any fame or notoriety that might come in its wake.

**Khan Sahib Raja Fateh Khan** (Rawalpindi East, Muhammadan Rural), (Urdu): Sir, I rise to support the original motion and to express my views against the arguments advanced by my honourable friend Pir Akbar Ali. It is to be regretted that in spite of his claims to know and understand the teachings of Islam the Pir Sahib has not touched any of the arguments put forward by the mover and has thought fit to advance such arguments as cannot but be called frivolous. He was pleased to say that the Government has no right to legislate in respect of moral reforms and that such reforms should be left to the people themselves. My submission is that if Islam has a claim to governing the whole world its object cannot be anything but reform and service of humanity. It cannot have as its object dacoity or providing the means of lust and debauchery. The Pir Sahib has said that this is a religious matter and any legislation in respect of it will constitute interference with the religious beliefs of the people. My contention is that if there was any difference of opinion or interpretation with regard to the teachings of Islam on the point he would have been justified in putting forward such an argument. But there is no section of Muslims that would favour indecent music and other nonsense of that sort at the holy shrines.

[K. S. Raja Fateh Khan.]

This Bill aims at putting a stop to this objectionable practice and, as such, it deserves the fullest support.

Probably my honourable friend is not aware of the fact that in Japan, which is not governed by the Muslim Law, they have placed restrictions on indecent music, gramophone records, films, and such other things as are likely to excite passion and lust and to affect the morals of the people adversely. Is it not a pity that while the Government of a country like Japan is adopting Islamic standards of morality a religious man like the Pir Sahib should have thought it fit to oppose this Bill? It was also not reasonable on his part to try to place reciting the Holy Quran and singing indecent songs in a shrine on the same footing. When he admits that this practice is objectionable he should have refrained from advancing such arguments. He should not have raised his voice in support of what is admittedly a sin. I hold that if an objectionable thing is being done in the name of religion there is no harm in a law being made by the legislature to put a stop to it. With these remarks I support the motion for referring the Bill to a select committee.

**Pir Akbar Ali:** May I know, Sir, how the honourable member is entitled to pronounce a *fatwa* whether or not a certain act is a sin?

**Mr. Speaker:** Order, order. I cannot allow a second speech.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban), (Urdu): Sir, I had expected that this Bill would not meet with any opposition from any quarter, but I have been surprised and pained to hear the speech of my honourable friend Pir Akbar Ali. I admit that it is very unfortunate that we are compelled by force of circumstances to seek the help of the Government in matters relating to our religion. But who is to blame? I submit that we, the Mussalmans, have turned our back to the behests and injunctions of Islam and that is why my honourable friend Khan Muhammad Yusuf Khan has felt it necessary to bring forward this Bill so that female singers may be prohibited by law to lead the people astray and excite their passions by singing and dancing at holy shrines. I think the objection raised by my honourable friend, Pir Akbar Ali, has no legs to stand upon. He has asked, if to-morrow a man comes and says that his feelings are injured by *Azan*, will the Government manage to stop it? It has pained me much that my learned friend has compared *Azan* with singing of a prostitute. May I point out to him that *Azan* has nothing to do with singing? *Azan* is something divine and sublime. It is a call in which oneness of God is taught and by which Mussalmans are reminded to gather in a mosque and discharge their duties to God. But I doubt whether my learned friend can find this call in the singing of a prostitute. It is nothing but our misfortune that gentlemen who are called *Pirs* by the public outside should bring *Azan* and singing of a prostitute on the same level. Besides, there was another remark which pained me more than this. My friend has said that to sing hymns of Holy Quran, God forbid me, is 'Zina'.

**Pir Akbar Ali:** No, no. It is absolutely wrong. I never said so. What I said was that the Holy Prophet desired to recite Quran in melodious voice the word used being "G".

**Khan Sahib Khawaja Ghulam Samad :** Yes, my friend said, 'Gunah'. It is also equally bad and I object to it.

**Pir Akbar Ali :** Oh God ! My honourable friend does not know a word of Arabic though he keeps a scholarly appearance. How can a man on the face of earth utter such words about Holy Quran ? I said 'Ghina'.

**Khan Sahib Khawaja Ghulam Samad :** Oh ! I am sorry. I misunderstood the word. It is my fault and I regret for that. Then, Sir, it has been remarked by my honourable friend Pir Akbar Ali that *mutwallis* of holy shrines can be held responsible for allowing prostitutes to sing there. I do not agree with my honourable friend. Perhaps he does not know that nobody takes permission from *mutwallis*. Public do it of their own accord and *mutwallis* willy nilly give them permission by the force of circumstances. And in order to check this tendency of the people at large the Bill has been moved in this House. I may again assert that our province is really in need of this measure and I appeal to the House that this Bill should be passed unopposed and at this moment it should be referred to a select committee so that its defects may be removed.

**Raja Ghazanfar Ali Khan (Parliamentary Secretary), (Urdu) :** Sir, I have heard the speech made by my honourable friend Pir Akbar Ali. It has shocked me much and reminded me of a Persian couplet :—

چو کفر از کعبه بی خبرد کجا ماند مسلمانى

So far as propositions relating to Islam are concerned my honourable friend Pir Sahib has always been speaking well but his speech of to-day in regard to Shariat is very disappointing. He has brought forward a principle on which I beg to differ with him. He says that it is not the business of the legislature to take care of the morals of the people. If my honourable friend is really of this opinion I would say he is simply labouring under a misapprehension. I may therefore point out to him that this is not a new measure in this respect but 90 per cent. of the laws passed by this legislature are related to the improvement of the morals of the people. For instance, if a man moves about naked on the Mall he will be arrested by the police and action will be taken against him. Does my honourable friend want that the police should not arrest that man ? Is my honourable friend not aware of the fact that every film is examined by a Board of Censors before it is allowed to be released for the public ? Does he not know that indecent films disapproved by the censors are banned by the Government ? Besides, a Bill was brought forward in this House with regard to the division of inherited property and I remember a Dargah Bill was also passed in this Assembly and then the Sikh Gurdwaras Bill was brought forward and the Hindu Endowments Bill was also circulated for public opinion by this very House. How can my honourable friend say that this legislature is not entitled to look after the morals of the people ? I think now it has been made quite clear to my honourable friend that whenever a necessity has arisen to improve the morals of the people belonging to a certain class the well wishers of that class have sought the help of the Government in achieving their object. If Pir Sahib considers this Bill as an attack on his supposed belief he may take objection to it. But I may tell him that it has always been the duty

[R. Ghazanfar Ali Khan.]

of this House to make laws with regard to matters on which there is little difference of opinion. I can positively say that it is religiously prohibitive to dance and sing at sacred shrines and Shariat does not allow us to celebrate anniversaries of holy saints with all that is immoral and disgraceful. But if the religion of my honourable friend Pir Sahib is in favour of dancing and singing on *Dargahs* then I would say that my friend is justified in opposing this measure.

If my honourable friend studies the Bill more carefully he will realize that it aims at social reform and does not imply any interference with Islam. In this connection I may draw the attention of my honourable friend to various sacred shrines of Muslim saints, for instance Dargah Data Gunj Bakhsh, Dargah Ajmer Sharif and Dargah Kalia Sharif where on the occasions of 'Urse' sermons were preached openly and religious speeches were made in public gathering with a view to improve the morals of the people. But later on the celebration of these anniversaries went on demoralizing gradually and now they have degenerated into 'Melas' which are lacking all those good things of good olden days.

The mover of the Bill has provided therein that if a person permits any singer to sing or dance or any person who sings or dances within the radius of 3 miles of a sacred shrine shall be given punishment. The limit 3 miles should be amended and I think it will be amended in select committee. The reasons are obvious. If there is a house situated at a distance of two hundred yards from the shrine I do not think the Government should force the owner of that house not to enjoy singing in the premises of his own house, if he so desires. But the Government should see to it that no singing and dancing performance is given within the premises of the shrine so that the morals of the people at large may not be spoiled.

Then my honourable friend has remarked that the legislature should not touch a religious proposition on which there is difference of opinion. I do not agree with him. In this connection I would like to cite the examples of Islamic countries like Turkey and Iran where special provisions have been made to regulate social life. In Iran instructions are given to 'Shias' under the order of the Government to hold their 'Majalis' and celebrate Mubarram in a certain manner as specified by the Government.

My honourable friend should bear in mind that there is no Muslim rule in the Punjab. Here the Government is being carried on by all the communities including Hindus, Sikhs and Muslims. It is obvious that the Government is bound to look after the morals of all the people. Besides, I cannot see my way to agree to the suggestion that no measure should be passed by this House in respect of a matter on which there exists a difference of opinion among the Muslims. I am, strongly of the opinion that this is an innocuous measure and the honourable members should have no objection to its being referred to a select committee for consideration. But at the same time I vehemently oppose the contention put forward by my honourable friend Pir Akbar Ali that this House is not empowered to improve and better the morals of the people. With these words I support the motion now before the House.



**Minister for Public Works** (The Honourable Malik Khizar Hayat Tiwana): I have nothing to say against the principles of the Bill and I think we have unnecessarily taken the time of the House. The Bill does not seek to interfere with religion at all. It is merely a social reform measure as has been pointed out. The only objectionable feature of the Bill is that it is sought that the restriction to female singers should apply within a radius of  $8\frac{1}{2}$  miles. That might to a certain extent interfere with the rights of non-Muslims and others. The honourable mover has agreed to drop this particular clause and is agreeable to limit it merely to shrines and property pertaining to such shrines. As such I do not see any objection to the Bill being referred to a select committee. If there is still any difference of opinion, that can be thrashed out in the select committee and I hope we can come to some amicable settlement in regard to the reform which my honourable friends are anxious about. I have made the position of the Government clear that it only accepts the principle of this Bill so far as shrines and property pertaining to shrines are concerned and no other area round about. With this explanation I do not object to the Bill being referred to a select committee.

**Mr. Speaker :** Motion moved is—

That the Female Singers' Prohibiting Bill be referred to a select committee.

*The motion was carried.*

**Khan Muhammad Yusuf Khan :** I beg to move—

That the select committee do consist of the following members :—

Raja Ghazanfar Ali Khan.  
Khan Sahib Raja Fateh Khan.  
Chaudhri Muhammad Yasin Khan.  
Mian Abdul Rab.  
Shaikh Faiz Muhammad.  
Tikka Jagjit Singh Bedi.  
Rao Pohop Singh.  
Seth Kishan Das.  
Mahant Girdhari Das.

*The motion was carried.*

**Khan Muhammad Yusuf Khan :** I beg to move—

That the quorum of the select committee be five.

*The motion was carried.*

## ANTI-DOWRY BILL.

**Rai Bahadur Lala Gopal Das** (Kangra North, General, Rural) : Sir, I had a mind to move the motion standing in my name but as I understand there is a great controversy amongst my friends here, I would not like to move it but move instead :

That the Punjab Anti-Dowry Bill be circulated for the purpose of eliciting public opinion thereon by the end of January, 1941.

This is an urgently needed social reform and I think it should not be thrown away simply because there is a little trouble between some of the members here. I would welcome the criticism of my friends here and that of the

[R. B. Lala Gopal Das.]

public outside and in the light of the opinions received, we can proceed with the Bill later on.

**Mr. Speaker :** Motion moved is :

That the Punjab Anti-Dowry Bill be circulated for the purpose of eliciting public opinion thereon by the end of January, 1941.

**Khan Sahib Raja Fateh Khan** (Rawalpindi East, Muhammadan, Rural), (*Urdu*) : Sir, the Bill put forward by my honourable friend Rai Bahadur Gopal Das appears to be on all fours with a similar Act passed by the Sind Legislature. It is almost a copy of that Act. Besides, I find from the newspapers that this Act has not proved to be a great success in that province. I may point out that there is another Bill on this very subject, which was sponsored by my honourable friend Tikka Jagjit Singh and has already been referred to a select committee for consideration. That Bill is simple, but more comprehensive and much better drafted than the one now before the House. I am of the opinion that no useful purpose would be served by circulating this Bill for public opinion. Rai Bahadur Lala Gopal Das would be well advised not to press his circulation motion. I would rather suggest to him to submit his valuable suggestions to the select committee for effecting improvements in Tikka Jagjit Singh's Bill. I am sure his suggestions would be accepted and incorporated in that measure. I, therefore, think that in view of a perfect Bill already with the select committee the Bill in question should not be circulated for eliciting public opinion.

**Mian Muhammad Nurullah :** Does the other Bill apply to all communities ?

**Tikka Jagjit Singh Bedi :** Yes.

**Mr. Speaker :** Question is :

That the Punjab Anti-Dowry Bill be circulated for the purpose of eliciting public opinion thereon by the end of January, 1941.

*The motion was lost.*

#### REMOVAL OF CIVIL DISABILITIES AMONG HARIJANS BILL.

**Chaudhri Jugal Kishore** (Ambala and Simla, General, Reserved Seat, Rural) : Sir, I beg to move—

That the Removal of Civil Disabilities among Harijans Bill be taken into consideration at once.

*The motion was lost.*

*The Assembly then adjourned till 2-30 p.m. on Friday, 6th December, 1940.*

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 6th December, 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.

#### PROSECUTIONS UNDER SECTION 153-A, INDIAN PENAL CODE AND UNDER DEFENCE OF INDIA RULES.

**\*7053. Sardar Sampuran Singh :** Will the Honourable the Premier be pleased to state—

- (a) the total number of prosecutions launched since April, 1937, under section 124-A, and 153-A, Indian Penal Code, with regard to Kisan Movements regarding Lahore settlement and Defence of India Rules up-to-date respectively ;
- (b) the number of cases among them in which the accused were discharged, acquitted, acquitted on appeal in sessions court, and the number of cases still pending ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** If the honourable member will state more precisely the points on which information is required by him, Government will consider whether the collection of statistics is commensurate with the labour involved.

#### AGREEMENT WITH NORTH-WEST FRONTIER PROVINCE REGARD- ING THE JOINT PUBLIC SERVICE COMMISSION.

**\*7071. Sardar Sampuran Singh :** Will the Honourable the Premier be pleased to state—

- (a) the terms of the new agreement with the North-West Frontier Province Government regarding the appointment of the Joint Public Service Commission for the Punjab and North-West Frontier Province ;
- (b) the date on which the new agreement came into force ;
- (c) whether whole or part of the expenses incurred on the said commission for serving the needs of the North-West Frontier Province are realised from that Government and if only a part of the expenses is realised what part of it and the reasons for this concession ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) A copy of the agreement is laid on the table.

[Parliamentary Private Secretary.]

(b) 1st May, 1940.

(c) The attention of the honourable member is drawn to clause 7 of the agreement. The question of revising the shares of the two provinces was taken up this year, but it was eventually agreed that the revision should be deferred until the tenure of the present members expires.

AGREEMENT UNDER SUBSECTION (2) OF SECTION 264 OF THE  
GOVERNMENT OF INDIA ACT, 1935.

*An agreement under subsection (2) of section 264 of the Government of India Act, 1935, made this ninth day of May, 1940, between the Governors of the Punjab and the North-West Frontier Province (hereinafter called the Contracting Provinces).*

WHEREAS by an Agreement executed on the 29th day of April, 1937, in pursuance of subsection (2) of section 264 of the Government of India Act, 1935, and continued for an extended period by a further agreement executed on the 2nd day of August, 1939, the Contracting Provinces did agree that there should be one Public Service Commission to serve the needs of both provinces :

AND WHEREAS the Contracting Provinces have agreed that the arrangement then made shall continue for a further period :

AND WHEREAS it is necessary to make certain incidental and consequential provisions for giving effect to the purposes of the agreement :

IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the Contracting Provinces as follows, that is to say :—

- (1) This agreement shall come into force on the execution of these presents.
- (2) The Punjab and North-West Frontier Province Joint Public Service Commission (hereafter called the Commission) shall for all the purposes of Chapter III of Part X of the Government of India Act, 1935, be deemed to be the Public Service Commission for the Punjab and the North-West Frontier Province.
- (3) The Commission shall consist of six Members, of whom four shall be appointed by the Governor of the Punjab and two by the Governor of the North-West Frontier Province. The Chairman shall be appointed by the Governor of the Punjab.
- (4) The Governor who shall discharge the functions described in section 265 of the Government of India Act, 1935, shall in respect of any Member be the Governor who under clause 3 has appointed such Member, and in respect of the staff of the Commission shall be the Governor of the Punjab.
- (5) The Governor who shall make regulations under subsection (3) of section 266 and shall refer matters for advice under subsection (4) of the said section shall be in respect of the affairs of the Punjab the Governor of the Punjab and in respect of affairs of the North-West Frontier Province the Governor of the North-West Frontier Province.
- (6) The Governor whose previous sanction is necessary under the provisions of section 267 to the introduction of a bill or to the moving of an amendment providing for the exercise of additional functions by the Commission shall be in respect of matters relating to the Punjab the Governor of the Punjab and in respect of matters relating to the North-West Frontier Province the Governor of the North-West Frontier Province.
- (7) The total cost of the commission shall be borne by the contracting parties in the following proportions—
 

Punjab	..	..	Five-sixths.
North-West Frontier Province	..	..	One-sixth.

Provided that all expenditure shall, in the first instance, be met from the revenues of the Punjab, the share of the costs payable by the North-West Frontier Province being recovered in accordance with such terms as may be agreed upon between the Contracting Provinces in respect of inter-provincial adjustments.

(8) The headquarters of the Commission shall be in Lahore : Provided that the Governor of the Punjab may permit the headquarters of the Commission to be removed, for such period or periods between the 15th May and the 30th September in any year as may seem to him suitable, to any hill station in one or other of the Contracting Provinces.

(9) This agreement shall remain in force up to the 30th day of April, 1941.

IN WITNESS WHEREOF—

The Chief Secretary to the Government of each Contracting Province has by the order and direction of the Governor of the Province, hereunto set his hand.

(Sd.) J. D. PENNY,

*Chief Secretary to Government, Punjab.*

(Sd.) A. D. F. DUNDAS,

*Chief Secretary to Government,  
North-West Frontier Province.*

Signed by the Chief Secretary to the Punjab Government in the presence of the Secretary to Government, Punjab, Home Department.

(Sd.) A. V. ASKWITH,

Signed by the Chief Secretary to the Government of the North-West Frontier Province in the presence of the Secretary to Government, North-West Frontier Province, Home Department.

(Sd.) V. M. H. COX.

**Mian Muhammad Nurullah :** Is the share determined according to the appointments made in the two provinces ?

**Parliamentary Private Secretary :** I have invited the attention of the honourable member to clause 7 of the agreement a copy of which I have laid on the table and if my honourable friend takes the trouble of reading it he will find the information that he asks.

#### ELECTORAL ROLL OF PUNJAB LEGISLATIVE ASSEMBLY.

\*722. **Pandit Shri Ram Sharma :** Will the Honourable the Premier be pleased to state—

(a) whether it is a fact that by the end of March, 1941, the final electoral rolls of the Punjab Legislative Assembly will be ready ;

(b) whether these rolls are intended for the next general elections irrespective of whether they are held at the proper time or after an extension has been given to the present legislature ;

(c) the expenditure incurred so far by the Government in the preparation of these rolls ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) By the end of March, 1941, or early summer 1941.

(b) The period of validity of the electoral roll is five years, from the date of its final publication. A general election or bye-election will be held on the roll in force at the time it is held ;

(c) Approximately Rs. 8,61,000 till the end of November, 1940.

**Rai Bahadur Lala Gopal Das :** What about the extension ? In case the life of the present Assembly is extended, will these rolls hold good ?

**Minister for Education :** Yes.

**Rai Bahadur Lala Gopal Das :** Will any additions or alterations be made in case of the life of the Assembly being extended ?

**Mian Muhammad Nurullah :** May I enquire whether the necessary publicity was done by the authorities to persuade people to apply for registering their names as voters ?

**Parliamentary Private Secretary :** May I enquire from which part of the answer this supplementary question arises ?

**Mian Muhammad Nurullah :** From (c) about the expenditure incurred. Had you incurred more expenditure, probably there would have been more voters.

**Parliamentary Private Secretary :** That is a question of opinion.

#### AIR RAID PRECAUTIONS IN PUNJAB.

**\*7294. Pandit Shri Ram Sharma :** Will the Honourable the Premier be pleased to state—

- (a) the details of the scheme of and the estimated expenditure to be incurred on the Air Raid Precautions to be adopted by the Punjab Government ;
- (b) the number of men so far recruited in this connection, the arrangement made for their training in the different aspects of the work and the machines and material so far purchased by the Punjab Government ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** Air Raid Precautions schemes are being prepared for all such towns of the province as are considered likely to be the objects of an air attack, should such attacks be made. Fire engines and equipment have already been purchased for the majority of these towns, and fire brigades are being trained. I do not think it would be advisable to make public the names and all details for obvious military reasons ; such information as was considered advisable to give has been published in the press from time to time, and I have no doubt that my honourable friend must have seen it, as it was widely published. I may, however, add that about five thousand wardens and volunteers have been recruited so far and are undergoing training in first aid, fire fighting and Air Raid Precautions generally.

#### AIR WARDENS.

**\*7298. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of the local bodies where members have been compulsorily made air wardens ;
- (b) the number and names of members of the local bodies who have resigned as a result of their being made air wardens ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) There has been no such case.

(b) Does not arise.

## ARRESTS AND CONVICTIONS UNDER DEFENCE OF INDIA ACT.

**\*7334. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable the Premier be pleased to state—

- (a) the number of persons arrested so far under the provisions of the Defence of India Act in the province ;
- (b) whether all such persons were tried in open courts ;
- (c) the number of those among them who were convicted after trial and punished for various terms of imprisonment ;
- (d) the number of persons among them who were acquitted either by the lower court or on appeal ;
- (e) whether any of the so arrested and tried persons were awarded any other punishment than that of imprisonment ; if so, the nature of such punishment ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) Up to and including the 8th November, 1940—852.

(b) No.

(c) and (d) The honourable member has only asked for convictions and acquittals in trials and the difference between the total figures given for arrests in part (a) and for convictions and acquittals in these two parts do not of course imply detentions without trial in all cases. Four hundred and seventy-seven persons were convicted after trial, and of these 60 were given punishments other than imprisonment and the details are given in reply to part (e) below. Eighty-five persons were convicted either by the lower court or on appeal.

(e) (i) Yes, 94.

(ii) Thirty-four were fined as well as imprisoned, 13 were fined, 29 were required to give bonds and 18 were given miscellaneous punishments such as warning and sending to reformatories.

## KHAKSARS.

**\*7335. Khan Sahib Khawaja Ghulam Samad :** Will the honourable Premier be pleased to state—

- (a) the total number of *Khaksars* arrested so far ;
- (b) out of the total number of *Khaksars* arrested how many were accused of violence ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** Information is being collected and will be communicated to the honourable member when ready.

## DETENUS, EXTERNEES AND INTERNEES UNDER THE DEFENCE OF INDIA ACT.

**\*7347. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the number of detenus, externees and internees under the Defence of India Act in the Punjab ;

[L. Duni Chand.]

- (b) whether any arrangements apart from the ordinary departmental agency have been made to deal with the complaints made by them from time to time?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): (a) 30, 4 and 3, respectively (information received up to 25th November, 1940).

(b) It is not clear what the honourable member means by the words 'ordinary departmental agency'. All communications to and from the persons detained under the Defence of India Rules are disposed of in accordance with the rules specially framed by the Punjab Government for the treatment of such persons.

#### REFORMS IN THE LAND REVENUE SYSTEM.

**\*7026. Sardar Sampuran Singh:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the reforms made or proposed to be made in the land revenue system of the province as a result of the recommendations of the Darling Committee and the discussion by the Punjab Legislative Assembly thereon;
- (b) the permanent relief that has been given or is proposed to be given to small holders or tenants in the province as recommended by the said committee in their report?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) and (b) The various recommendations of the Land Revenue Committee that were also discussed by the Punjab Legislative Assembly are still under the consideration of Government.

#### HAQI ABPASHI ON LOWER JHELM CANAL.

**\*7317. Sayed Mubarik Ali Shah:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that there are two classes of "Haqi Abpashi" on the Lower Jhelum Canal;
- (b) whether in recent years the "Haqi Abpashi" of certain tracts irrigated by the said canal was increased to the maximum class applicable;
- (c) if the answer to the above be in the affirmative whether the Government proposes to raise the "Haqi Abpashi" of the remaining areas also?

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

(b) No.

(c) Does not arise.

#### ADMISSION TO THE TANNING FACTORIES OF SHAHDARA AND JULLUNDUR.

**\*7213. Chaudhri Muhammad Hasan:** Will the Honourable Minister of Development be pleased to state whether there is any special arrangement for admission of or concession to the boys of the zamindars in the leather-tanning factories of Shahdara and Jullundur?



**Parliamentary Secretary** (Chaudhri Tikka Ram): There is no leather tanning factory owned by Government either at Shahdara or at Jullundur. A Government Tanning Institute exists at Jullundur. But no special concessions are afforded to the boys of the zamindars for admission to this Institute.

CENTRAL CONTRIBUTIONS TOWARDS DEVELOPMENT OF INDUSTRIES.

**\*7214. Chaudhri Muhammad Hasan:** Will the Honourable Minister for Development be pleased to state—

(a) the surplus amount which remains unspent from the budget of 1940-41 from the central contributions towards development of industries in the Punjab;

(b) if there is any surplus, how Government propose to spend it?

**Parliamentary Secretary** (Chaudhri Tikka Ram): (a) No surplus has yet been reported by the officers concerned out of the amount of grant-in-aid sanctioned by the Government of India during 1940-41 for the development of handloom, sericulture and woollen industries in the Punjab.

(b) The surplus, if any, is, according to the procedure approved by the Government of India, carried over to the accounts of the next financial year.

VISITS OF THE DIRECTOR OF INDUSTRIES TO THE INDUSTRIAL CENTRES OF PUNJAB.

**\*7215. Chaudhri Muhammad Hasan:** Will the Honourable Minister of Development be pleased to state the number of visits paid by the Director of Industries to various Industrial Centres of Punjab since his assumption of office with a view to acquainting himself with different industries in the province?

**Parliamentary Secretary** (Chaudhri Tikka Ram): The Director of Industries assumed charge of his office on the 17th August, 1940, forenoon and has since visited Palampur once, and Amritsar and Rawalpindi twice, each.

PROMOTIONS OF JUDICIARY.

**\*7312. Lala Duni Chand:** Will the Honourable Premier be pleased to state whether any tests as to fitness have been laid down by the Government or the High Court before the following promotions are made—

(i) when a second class subordinate judge is promoted as first class subordinate judge;

(ii) when a first class subordinate judge is promoted as senior subordinate judge;

(iii) when a senior subordinate judge is promoted as district judge?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): No special test is imposed for determining the fitness of a subordinate judge to exercise first class powers, or the enhanced powers of a senior subordinate judge or the powers of a district and sessions judge.

[Sayad Amjad Ali Shah.]

All subordinate judges with two years approved service as second class subordinate judges are qualified to exercise the powers of a first class subordinate judge. A committee of Judges decides once a year which subordinate judges are qualified for higher powers. This committee considers the case of all subordinate judges qualified by length of service for powers higher than those which they are exercising.

#### SUPERINTENDENTS OF JAIL.

**\*7324. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state the number of members of the Provincial Civil Service who were taken as Superintendents of Jails in 1940 ?

**Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :**  
Two:—

1. Sardar Ram Singh, P.C.S.
2. Chaudhri Muhammad Afzal, P.C.S.

Sardar Harkishan Singh Minhas was also selected but has since reverted after undergoing training in the Lahore Central Jail.

#### INCREASE IN LORRY FARES IN KANGRA DISTRICT.

**\*6784. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that lorry fares in Kangra district have been recently revised and increased by the Deputy Commissioner, Kangra ; if so, the increased percentage and the reasons therefor ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :**  
Yes ; there has been an increase in the fares on pacca roads of 25 percent and on kachha roads of 16·7 per cent. This increase in the rates is due to the rise in the price of vehicles and running and maintenance costs.

The transport authorities are anxious that fares be such as to ensure to the lorry services, and particularly to the personnel, the driver and cleaners, adequate wages and controlled work and to the public safe, comfortable and punctual travelling.

#### PUNJAB MOTOR UNION, LAHORE.

**\*6820. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that the Secretary, Punjab Motor Union, Lahore, produced before the Assistant Inspector-General, (Traffic), Lahore, a receipt-cum-intimation Form number 9421 issued by a Sub-Inspector of Police, Batala, district Gurdaspur ;
- (b) whether it is a fact that under the receipt mentioned in part (a) above, one Ghulam Muhammad, son of Nur Khan, driver lorry No. P. 5940-B., was challaned for carrying two passenger in excess ;

- (c) whether it is a fact that the receipt mentioned in parts (a) and (b) above was afterwards altered by the above-named Sub-Inspector of Police, and he challaned one Gul Khan, son of Sarwar Khan, driver, lorry No. P. 6940-C., for carrying 4 passengers in excess ;
- (d) if the answers to parts (a), (b) and (c) above be in the affirmative, whether any inquiry was made into the matter ; if so, with what result ; and if not, the reasons therefor ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : I regret that the answer to this question is not yet ready.

COMPLAINTS OF CORRUPTION AGAINST POLICE OFFICERS  
IN JHANG DISTRICT.

**\*6896. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works.] be pleased to state—

- (a) how many complaints of corruption against police officers have been received or have come to the notice of the present Superintendent of Police, Jhang, since he took over charge of the district and what action, if any, has been taken by him in each case ;
- (b) how many out of these complaints have been proved to be true and how the offenders have been dealt with whether judicially or departmentally and with what result ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : (a) One.

- (b) A Departmental enquiry is proceeding.

PANCHAYATS IN LYALLPUR AND JHANG DISTRICTS.

**\*6897. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of panchayats in the districts of Lyallpur and Jhang at present ;
- (b) whether the Government intends to establish new panchayats in these districts ; if so, when and where ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) 130 in Lyallpur and 10 in Jhang.

- (b) Yes, shortly. As regards the areas where panchayats should be established, the recommendations of local officers are under the consideration of Government.

THANAS INSPECTED BY SUPERINTENDENT OF POLICE, JHANG.

**\*6898. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of the thanas in the Jhang district inspected by the Superintendent of Police, Jhang, during the last six months with the dates of inspection of each of them ;

[Mr. Dev Raj Sethi.]

- (b) the names of the thanas among them which the said Superintendent of Police has earmarked as those to be supervised by himself ;
- (c) whether the said Superintendent of Police has paid any surprise visits to any of these thanas for the purpose of detection of corruption ;
- (d) if the reply to (c) above be in the affirmative, the names of the thanas to which the surprise visits have been paid ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :

(a) The following police stations were inspected by the Superintendent of Police, Jhang, during the last 6 months:—

*By Mr. B. S. Bindra, I. P.*

1. Shorkot	..	..	1-4-40 to	11-4-40
2. Barana	..	..	12-5-40 to	16-5-40
3. Atharan Hazari	..	..	19-6-40 to	24-6-40
4. City Maghiana	..	..	26-6-40 to	3-7-40
5. Massan	..	..	7-7-40 to	13-7-40
6. Lalian	..	..	25-7-40 to	30-7-40

*By Khan Bahadur Syed Nur Hussain Shah.*

7. Mochiwala	..	..	22-10-40 to	29-10-40
--------------	----	----	-------------	----------

(b) Nil.

(c) Nil.

(d) Does not arise.

#### BURGLARIES IN AMBALA DISTRICT.

**\*7111. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that in recent months quite a number of burglaries have been committed in the village Mullanpur Gharibdar, tahsil Kharar, district Ambala ;
- (b) the number of burglaries committed in this village during the last six months and the value of the property stolen ;
- (c) the number of the cases traced in this connection, if any ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :

(a) and (b) Out of 5 burglaries committed in village Mullanpur Gharibdar during the current year, 4 have occurred during the last six months, involving theft of property valued at Rs. 496-12-0.

(c) Nil.

INCREASE IN STRENGTH OF PUNJAB, POLICE.

**\*7230. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is the intention of the Government to increase the strength of the Punjab Police force by enlisting constables in the permanent cadre ;
- (b) if so, will preference be given to those who are at present serving in the additional police force ;
- (c) if the strength of the police force is going to be increased whether due regard will be paid to the fact that representation of the minority communities is very much below what it should be, how is that going to be done ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :**

- (a) The matter is under consideration of Government ;
- (b) If additions are made to the permanent strength, preference will be given to those serving in the additional police.
- (c) Efforts are continually being made to enroll representatives of the minority communities and these efforts will not be relaxed.

INCREASE IN CRIMES.

**\*7231. Sardar Lal Singh :** Will the Honourable the Minister for Public Works be pleased to state—

- (a) whether he has considered the latest report of the Police Administration in the province and whether it has been brought to his notice that the state of criminal investigation has deteriorated badly and that as a direct result of this crime is alarmingly on the increase ; if so, what steps are contemplated to be taken to remedy this state of affairs ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :** The honourable member is referred to the proceedings of the Punjab Government in the Home (Police Department, No. 40/37819, dated the 20th September, 1940, which contains the review of the Provincial Government on the Police administration in the Punjab for the year 1939.

**Sardar Lal Singh :** Will the Parliamentary Secretary please state whether the attention of the Government has been drawn to the fact that there is a preponderance of a certain class in the police force ? When is this preponderance of a certain class going to be done away with, as the increase in crime is due to this ?

**Parliamentary Secretary :** This supplementary question does not arise from the answer given to this question.

**Sardar Lal Singh :** The increase in crimes is partially due to the fact that there is preponderance of certain community in the police force.

**Premier :** No.

**Sardar Lal Singh :** How can this denial be taken as absolutely correct ? Is not the Honourable Premier aware of the fact that there is an agitation against this preponderance of a certain community in the police force ?

**Premier :** May be in the mind of communal-minded persons like my honourable friend.

**Sardar Lal Singh :** Is that a justification? I want to know when that preponderance is going to be removed.

**Premier :** This preponderance cannot be removed simply for the reason that a proportion has been laid down for each community.

**Sardar Lal Singh :** Is this preponderance going to continue for ever? Is it fair that the present state should continue for ever?

**Premier :** Nothing can continue for ever, except Providence.

**Sardar Lal Singh :** Yes, that goes without saying. I wanted to know whether this preponderance of a certain community in the police force is going to be ended or not.

**Premier :** Every attempt is made to give every community its adequate share according to the proportion laid down.

**Sardar Lal Singh :** This is not the answer to my question. I wanted to know the reason for not ending this.

**Premier :** That can only be done if the candidates of other communities come forward.

**Sardar Lal Singh :** Is that the position that no candidates are forthcoming?

**Premier :** In some cases, yes.

**Sardar Lal Singh :** What about the other cases?

**Premier :** Other cases are being enquired into.

#### ELECTION OF HAKIM SIKANDAR KHIZAR AS EXECUTIVE OFFICER, LYALLPUR MUNICIPALITY.

**\*7242. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that Hakim Sikandar Khizar was elected by the Municipal Committee, Lyallpur, as an Executive Officer of the Committee in July or August, 1940, but so far the approval of the Government to his appointment as such has not been given; if so, why the appointment has not been approved by the Punjab Government?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** Yes. Government were unable to accord their approval as the person selected by the committee was in their opinion not suitable for the post.

**Mian Muhammad Nurullah :** Did he get the requisite majority of votes?

**Parliamentary Secretary :** I have already replied a question on this subject *ad nauseum* during this very session. I think the honourable member was then present. I do not wish to repeat what I said before.

**Mian Muhammad Nurullah :** I want to know whether one of the reasons was that he did not get the requisite number of votes.

#### METER RENT IN AMRITSAR.

**\*7244. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state the rate of meter rent per month in the city of Amritsar, Lahore, rural Lahore, Gurdaspur and Batala?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): Lahore.—  
Licensee The Lahore Electric Supply Company Limited.

Per mensem.

Low Pressure	..	..	..	0	5	0
Medium Pressure	..	..	..	0	10	0
High Pressure	..	..	..	5	0	0

Amritsar.—Licensee The Municipal Committee, Amritsar.

Per mensem.

Low Pressure	..	..	..	0	8	0
Medium Pressure	..	..	..	1	0	0

Rural Lahore, Gurdaspur and Batala.

These areas are served by the Punjab, Public Works Department, Electricity Branch. Relevant extract from the Electricity Branch's Schedule of Service charges is laid on the table.

*Extract from the Schedule of Service charges of the Punjab Public Works Department, Electricity Branch.*

Item No.	Description of item.	Amount of charge.
1	230-volt service connection of capacity up to 5kW. (complete with service line, service equipment and meter)—	
	(a) When length of service line is 250 feet or less.	(a) Monthly rental— (i) of service .. .. Annas. 4 (ii) of meter .. .. 4
	(b) When length of service line exceeds 250 feet but not 500 feet.	(b) Monthly rental— (i) of service .. .. Annas. 12 (ii) of meter .. .. 4
	(c) When length of service line exceeds 500 feet.	(c) (i) Additional monthly rental of service over and above that under (b) above at the rate of 6 pies for every 10 feet in excess of 500 feet. (ii) Monthly rental for meter annas 4.

Item No.	Description of item.	Amount of charges.		
2	400 volt overhead service connection irrespective of locality— (a) For service lines of length up to 1,500 feet and of capacity in kilowatts as below :—	Monthly rentals for—		
Above.	Up to.	SERVICE LINE PER FOOT RUN (PIES).	SERVICE EQUIP- MENT PER SER- VICE (ANNAS).	METER EACH (ANNAS).
		Rate 1.	Rate 2.	Rate 3.
kW.	kW.			
(i) .. .. . 5	5	1½	4	12
(ii) 5 .. .. . 10	10	1½	5	12
(iii) 10 .. .. . 15	15	1½	6	12
(iv) 15 .. .. . 20	20	2	7	12
(v) 20 .. .. . 30	30	2½	8	16
	(b) For service lines of length above 1,500 feet and/or of capacity above 30 kilowatts.	(i) Cost (including departmental charges) of service line and equipment and of installing the same and of installing the meter or meters (but excluding the cost of meter or meters), plus meter rent at two-and-a-half pies per month per rupee of cost of meter or meters installed by the Branches, or alternatively.  (ii) A monthly rental of one-and-a-half pies per month per rupee of estimated cost (excluding departmental charges) of service line and equipment and meter or meters, and of installing the same.		
3	Service connections for pressures higher than 400 volts.	Same as for item 2 (b) above.		
4	Service connection having underground service lines.	Same as for item 2 (b) above.		



ELECTION OF MR. EJAZ HUSAIN AS EXECUTIVE OFFICER, MUNICIPAL COMMITTEE, GUJRANWALA.

**\*7246. Dr. Sant Ram Seth :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that Mr. Ejaz Husain was elected unanimously by the Municipal Committee as Executive Officer of that committee in February last but the approval of the Government to the appointment has not been received so far; if so, the reasons for the same?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** The honourable member's attention is invited to the reply given to question No. 6998<sup>1</sup> asked by Lala Duni Chand in this session.

RULES GOVERNING RECRUITMENT OF PANCHAYAT OFFICERS.

**\*7349. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister for Public Works be pleased to state if the Government has framed any rules for the recruitment of the panchayat officers; if so, whether he will kindly lay them on the table of the House?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** No rules have yet been made, but the matter is under consideration.

EXECUTIVE OFFICERS.

**\*7350. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the names of the persons who have since 1st April, 1937, been appointed by the Government as Executive Officers of the various Municipalities stating the Municipality to which each of them has been posted along with the salary on which he has been appointed;
- (b) those among them who were not in Government service before appointment as such and the special qualifications which such persons possessed for election as Executive Officers?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** A statement containing the information is laid on the table.

## Statement.

Serial No.	Name of Executive Officer appointed by Government.	Name of Municipality.	Salary on which appointed.	Whether in Government service or not before appointment.	Special qualification in case of persons who were not in Government service before appointment.	REMARKS.
1	2	3	4	5	6	7
1	M. Muhammad Said, P.C.S.	Gujranwala	Grade pay plus Rs. 100 per mensem as deputation allowance and Rs. 40 per mensem as conveyance allowance.	Yes.	..	He has since reverted to the general line.
2	Mr. V. S. K. Fazal, P.C.S.	Do.	Grade pay plus 25 per cent of his pay as deputation allowance subject to a maximum of Rs. 150 per mensem together with Rs. 40 per mensem as conveyance allowance.	Yes.	..	
3	Sheikh Muhammad Yakub, P. C. S.	Rawalpindi..	Grade pay plus Rs. 150 per mensem as deputation allowance and Rs. 40 per mensem as conveyance allowance.	Yes	..	He has since reverted to the general line.
4	Sheikh Alaud Din Arshad, P.C.S.	Do.	Ditto ditto	Yes	..	
5	M. Masud-ul-Hassan	Campbellpur	Rs. 125—5—150	Yes	..	
6	Mr. E. J. Benjamin, P.C.S.	Multan	Grade pay plus Rs. 150 per mensem as deputation allowance and Rs. 40 per mensem as conveyance allowance.	Yes	..	

7	Raj Shree Muhammad Bhatti, P.C.S.	Sargodha ..	Grade pay plus a deputation allowance of 25 per cent of his pay subject to a maximum of Rs. 150 per mensem and a conveyance allowance of Rs. 40 per mensem.	Yes	..	..
8	Pandit Bachpal Singh, M.A., I.L.B.	Ambala City	Rs. 300—25—500 plus Rs. 37-8-0 per mensem as conveyance allowance.	No.	..	..
9	*Chandhri Raghu Nath Singh, B.A., I.L.B.	Bhiwani ..	Rs. 120—10—160 (The grade has subsequently been revised to Rs. 275—16—350).	No.	..	..
10	Chandhri Muzaffar Khan ..	Jalalpur Jattan.	Rs. 100—5—110	No.	..	..
11	Sheikh Muhammad Akram, B.A., I.L.B.	Gujrat ..	Rs. 200—20—300 plus Rs. 25 per mensem as conveyance allowance subsequently changed into horse allowance.	No.	..	..
12	Mr. Mahbub Ali Malik, B.A., I.L.B.	Jhang ..	Rs. 150—15—210 plus Rs. 30 per mensem as conveyance allowance.	No.	..	..
13	Sheikh Shafiq Akram B.A., I.L.B.	Kasur ..	Rs. 100—15—130 plus Rs. 20 per mensem as conveyance allowance.	No.	..	..
14	Sayed Hasan Jafri, M.A., M.O.L., H.A., H.P., I.L.B.	Wazirabad ..	Rs. 150—10—200	No.	..	..
15	Khweja Ghulam Hussain ..	Lyallpur ..	Rs. 700—30—850	No.	..	..

\*He has since been removed.

No special qualifications are prescribed for appointment to the post of Executive Officer. Government selected the candidate who in their opinion was the most suitable for the duties to be performed by him.

## CLOSING DOWN OF PUBLIC HIGH SCHOOL AT SUJANPUR.

**\*6829. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Education be pleased to state whether it is a fact that the Public High School at Sujampur, Tahsil Pathankot, in District Gurdaspur, has been recently ordered by the Punjab Government to be closed; if so, the reasons for the same and the date by which it has been ordered to be closed?

**The Honourable Mian Abdul Haye :** The Inspector of Schools, Lahore Division, or the Government never 'ordered' the school to be closed down. It was merely declared unnecessary by the Inspector under a circular issued by the Department.

## PLAYGROUNDS AND GAMES IN SCHOOLS.

**\*7325. Mr. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of primary and secondary Government and aided schools in the province which possess playgrounds;
- (b) the number of those out of them where out-door organised games are compulsory?

**The Honourable Mian Abdul Haye :** I regret that I am unable to answer the question as the amount of labour and time which will be spent on collecting the necessary information will be incommensurate with the value thereof.

**Sardar Lal Singh :** Does the Honourable Minister mean that he does not attach any importance at all to playgrounds for schools?

**Minister :** Government attaches very great importance to the playgrounds, but we could not collect these statistics.

**Sardar Lal Singh :** Is the Honourable Minister aware that some schools have no playgrounds at all?

**Minister :** The honourable member wants information as regards private schools as well; it is not possible to collect that information.

**Sardar Lal Singh :** Do you not give them aid and when giving the aid do you not take into consideration the question of playgrounds?

**Minister :** This is considered by the Inspector, when he inspects the school.

## TEACHING OF ECONOMICS IN AN INDIAN LANGUAGE.

**\*7326. Mr. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware that teachers of Economics of the various colleges affiliated to the Punjab University held a conference in April, 1940, and passed a resolution recommending to the University to allow students of Economics the option to answer questions in the University Examinations in any of the modern Indian languages;
- (b) if so, whether any action has been taken by the Senate in the matter?

**The Honourable Mian Abdul Haye :** (a) Yes.

(b) The matter is under consideration by the University.

TUITION WORK BY TEACHERS.

\*7327. **Mr. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the Education Department of the Government has received complaints that many teachers both in Government and Government aided secondary schools undertake paid private tuition work of students studying in the classes which these teachers teach ;
- (b) whether the Education Department has taken steps to put a stop to this vicious practice ;
- (c) whether any disciplinary measures have been taken against the teachers who indulge in the practice mentioned in part (a)?

**The Honourable Mian Abdul Haye :** (a) No.

(b) Attention is invited to Article 196, Punjab Education Code, paragraph 3 of C. M. No. 16057-E., dated the 29th July, 1938, copy laid on the table and Rule 10 of the Rules of Service (appendix xxvii, Punjab Education Code).

(c) Does not arise.

*Copy of paragraph 3 of C. M. No. 16057-E., dated the 29th July, 1938, from the Director of Public Instruction, Punjab to all Inspectors, Inspectresses and Heads of Government Educational Institutions in the Punjab.*

*Private tuition by Government servants.*

*As a general practice the giving of private tuition by a teacher to a boy in his own class is undesirable, and should be discouraged, since the assistance required to bring a backward pupil up to the level of his class fellows is the ordinary function of the teacher. In colleges, however, a teacher may give private tuition to a student in his own class, though it would be preferable to have another man to do the work.*

INTRODUCTION OF HINDI AS MEDIUM OF INSTRUCTION IN  
MIDDLE SCHOOLS IN GURGAON DISTRICT.

\*7342. **Khan Sahib Khawaja Ghulam Samad :** With reference to the answer to question No. 5141 (starred)<sup>1</sup> asked by Pandit Shri Ram Sharma on 11th January, 1940, will the Honourable Minister of Education be pleased to state—

- (a) whether Hindi was introduced as the medium of instruction in all the Middle Schools of Gurgaon district under orders of the Government or whether the District Inspector of Schools, Gurgaon, in consultation with the Head Masters of various Middle Schools in that district fixed Hindi as the medium of instruction in those schools of their own accord ;
- (b) the action Government have taken or propose to take in the latter case ?

**The Honourable Mian Abdul Haye :** (a) No. Neither Government nor the District Inspector of Schools, Gurgaon, sanctioned the introduction of Hindi as the medium of instruction in the middle departments of any school in Gurgaon district.

(b) Does not arise.

## SHORT NOTICE QUESTION AND ANSWER.

TRANSFER OF QAZI AHSAN AHMAD FROM RAWALPINDI TO  
MULTAN JAIL.

**Dr. Satya Pal :** Will the Honourable Minister of Finance be pleased to state whether he has recently received a representation from the mother of Qazi Ahsan Ahmad, a political prisoner now confined in Rawalpindi Jail, requesting therein that her son be transferred to the Multan Jail thereby making it convenient for the mother to interview her son ; if so, the action he proposes to take on that petition.

**The Honourable Mr. Manohar Lal :** Yes. Prisoner Qazi Ahsan Ahmad has been transferred to the Multan District Jail.

URBAN IMMOVABLE PROPERTY TAX BILL AND PROGRAMME  
OF BUSINESS.

**Premier :** I beg to present the Report of the select committee on the Punjab Urban Immovable Property Tax Bill. I may, for the information of the House, point out that printed copies of the Report will be in their hands this evening or, at the latest, by to-morrow morning. Since we have to adjourn sometime about the middle of this month, I am going to suggest that we should take up consideration of this Bill on Wednesday next. That will mean that we shall have to sit on Wednesday and go on to Thursday and if we finish the consideration of the Bill by Thursday evening, then the next Friday can be set apart for non-official business if the members so desire ; otherwise we go on till Friday evening, that is, Friday, the 13th and if we finish the Bill by then, I propose that the House should recess for Christmas and meet in January, but I shall inform you of it later. At the present moment, I merely want to point out this position to the members so that they may arrange their programme accordingly. Next Friday will be used for Government business if Government business is not finished by Thursday and if we finish the Government business by Thursday, Friday will be set apart for non-official business. As I said, if we do not finish on Thursday, then we shall have to go on with this Bill till Friday evening also.

**Mian Muhammad Nurullah :** Is it not a fact that non-official business has been balloted for Thursday next ?

**Premier :** Yes.

**Mian Muhammad Nurullah :** And notices have been issued about it ?

**Premier :** If we finish on Thursday evening, we can take up non-official business on Friday.

## GENERAL SALES TAX BILL.

**Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) :** I introduce the Punjab General Sales Tax Bill. I may intimate to the Assembly that it is being introduced on the recommendation of the

Governor as required by subsection (1) of section 82 of the Government of India Act.

I beg to move—

That the Punjab General Sales Tax Bill be referred to a select committee consisting of the following members :—

Khan Sahib Chaudhri Pir Muhammad,  
Chaudhri Prem Singh,  
Sardar Inder Singh,  
Chaudhri Ram Sarup,  
Rai Sahib Rai Hari Chand,  
Khan Sahib Chaudhri Shafi Ali Khan,  
Shaikh Faiz Muhammad,  
Subedar-Major Raja Farman Ali Khan,  
Sir William Roberts,  
Sardar Lal Singh,  
Dr. Sir Gokul Chand Narang, and  
Sardar Sahib Sardar Santokh Singh,

and that the quorum be five.

In making this motion, I may be allowed to make a few brief observations on the Bill itself. This Bill is modelled on the General Sales Tax Act in the Madras Province. Except in some minor respects, it follows very closely the lines which were adopted by a Congress province in 1938. The main features of the Bill are, the exemption of all those dealers whose annual turnover does not exceed five thousand rupees and the exemption of all those persons who sell their own agricultural or horticultural produce grown on land in which they have interest either as owners or as usufructuary mortgagees or as tenants or otherwise. The third main feature of the Bill is that we pitch the scale of the tax on a graduated basis. Those who are lower in the scale pay a smaller scale of tax, and those whose turnover exceeds ten thousand rupees in value pay a higher tax, while those whose turnover exceeds twenty thousand rupees pay on a scale higher still. From these features it will be plain to everybody that this Bill proceeds exactly on the principles and policy which were adopted by the Unionist Party at the time when they launched upon the last elections. They made it quite clear in their manifesto that they would always be for the protection of the smaller people and also that they would do whatever could be done to equalise the burden of taxation between agriculturists on the one hand and other classes on the other. One Bill was introduced by the Honourable Premier. It has already passed through the select committee stage. To-day the report of the select committee was presented. I have introduced another taxation Bill to-day and the general principle is the same, that is, entirely to exempt those who are very poor, place a lower burden on those who earn a limited income only and place a higher burden on those whose incomes are high, and also to exempt those who have borne the brunt of taxation so far. These last are classes who are interested in land either as tenants or as owners.

A glance at the Statement of Objects and Reasons will further show that the object of imposing this tax is to widen the scope of the services which are calculated to advance the welfare of the general public. Everybody

[Minister for Development.]

is well aware that our annual receipts are a little less than twelve crores. The whole of these proceeds are already committed to the maintenance of certain services. Those services cannot possibly be curtailed. Therefore, the question arises as to how we are to finance the services, which are so urgently needed to promote the welfare of rural classes. With our present proceeds we cannot initiate fresh services designed to promote the welfare of rural classes. Therefore, new means should be found to tap fresh sources

3 p. m.

of revenue. It has been suggested in certain quarters that if we pursue the course of retrenchment earnestly and vigorously sufficient funds can be released for the purpose of both giving relief to the burden of agricultural classes and also initiating fresh services to promote the general weal of rural classes. I beg to differ from those who hold this view. I do not deny that there is room for retrenchment, and I can assure the House that every reasonable effort will be made to secure retrenchments and economies where retrenchments and economies are desirable and practicable. But whatever the amount of funds released in this way, it will not be sufficient either to give the requisite relief to agricultural classes or to initiate any fresh schemes of rural welfare. In any case there is an urgent demand on behalf of rural classes that as they have been neglected in the past they should now receive more attention than urban classes. The only alternative therefore is to impose fresh taxes. I have introduced this General Sales Tax Bill because, as stated already there is a precedent in Madras where a similar measure was introduced in 1938 and passed in 1939 without being circulated for eliciting public opinion. The Madras measure has already been in force for more than a year. Here also we should adopt the same lines. I am seeking to refer my Bill to a select committee to-day. Let us hope that the select committee will finish its labours as soon as possible and the Bill will become law before this present winter is over. (Cheers.)

**Mr. Speaker :** Motion moved is—

That the Punjab General Sales Tax Bill be referred to a select committee consisting of the following members :—

Khan Sahib Chaudhri Pir Muhammad,  
Chaudhri Prem Singh,  
Sardar Inder Singh,  
Chaudhri Ram Sarup,  
Rai Sahib Rai Hari Chand,  
Khan Sahib Chaudhri Shafi Ali Khan,  
Shaikh Faiz Muhammad,  
Subedar-Major Raja Farman Ali Khan,  
Sir William Roberts,  
Sardar Lal Singh,  
Dr. Sir Gokul Chand Narang,  
Sardar Sahib Sardar Santokh Singh,

and that the quorum be 5.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (Urdu): Sir, I beg to move—

That the Punjab General Sales Tax Bill be circulated for eliciting opinion thereon by the 1st January, 1941.



Before I advance any arguments in support of my motion I feel it necessary to make a few observations in regard to the speech of the Honourable Minister for Development which he has made while referring the Bill to a select committee. During the course of his speech he was pleased to remark that this Bill had been drafted on the lines of the Madras General Sales Tax Act, 1939, which was introduced and enacted by the Congress Government. No doubt the Madras General Sales Tax Act has been passed and enforced in that province but I think the measure now before the House has not been prepared on its lines.

**Premier :** That measure is much more stringent than the one now before the House.

**Khan Sahib Khawaja Ghulam Samad :** I beg to differ. That measure is a mild one.

**Premier :** It appears that my honourable friend has not carefully studied that measure.

**Khan Sahib Khawaja Ghulam Samad :** In order to prove the authenticity of my statement I would like to quote a passage from the report of the Resources and Retrenchment Committee. It is stated therein :—

The only example of a general sales tax so far levied in an Indian province is furnished by Madras. The Madras General Sales Tax Act, 1939, provides for a sales tax of one-half per cent or roughly one pie in the rupee on the gross value of sales of business with an annual turnover of over Rs. 20,000 and a tax at a consolidated fixed rate of Rs. 5 per mensem on traders with annual turnover of between Rs. 10,000 and Rs. 20,000. Traders with a turnover of below Rs. 10,000 are exempted.

Now, Sir, it is provided in the Madras General Sales Tax Act that the traders whose turnover is below Rs. 10,000 would be exempted from the operation of that Act. But in the Bill now before the House exemption has been provided only for those traders whose annual turnover will be below Rs. 5,000. (A voice : This is a small province.) That is why it is all the more necessary that in a province where neither trade flourishes nor industries are encouraged more facilities should be provided to traders of this province. In fact as compared to other provinces the trading classes of this province are passing their lives in great misery. With all this my honourable friends dare compare the conditions of the traders of this province with those of Madras which is a port and which is a province of big traders and businessmen. This fact is sufficient to open the eyes of my honourable friends that even in that province traders with a turnover of below Rs. 10,000 have been exempted from the operation of that Act. Against this here in this province only those traders will be exempted from the operation of this Bill whose turnover is below Rs. 5,000. In other words any retail dealer whose turnover comes to Rs. 416 per month or Rs. 13 or Rs. 14 per diem would be required to pay this tax. Assuming that he earns one anna in a rupee as profit, his net income daily would come to annas fourteen only. From this he will have to pay one-tenth by way of this tax. In addition to this he has to pay the rent of his shop, the pay of his servants and also he has to support his family as well. In view of these hard facts I fail to understand how my honourable friends dare say that this is a very mild measure.

Besides, the Honourable Minister observed that the tax in question is not a drastic one, which in my opinion is really so, but it has been introduced

[K. S. Khawaja Ghulam Samad.]

for giving relief to the needy zamindars and other poor people. No doubt the zamindars would be given some relief by the money which the two measures, that is, the Punjab Urban Immovable Property Tax Bill and the Punjab General Sales Tax Bill will bring in, but so far as the poor people living in the urban areas are concerned I do not think that they would be given any relief whatsoever. I think instead of getting any relief they would have to face fresh troubles.

During the course of his speech the Honourable Minister of Development stated that the recommendations made by the Retrenchment and Resources Committee in regard to retrenchment were being considered by the Government and that they would take action on them in due course. Heaven knows when such a time will come. It appears to me that the Government will avoid any such action, because it will affect the salaries of the highly placed and heavily paid officers whom they dare not displease.

Before launching upon these taxation measures it was the foremost duty of the Government to see what they could save by retrenchment. If after that it were felt necessary to supplement their income by further taxation they could impose a tax upon those who had the capacity to pay. But in the present case they have adopted a very unfair method of taxation which seeks to tax even those who cannot afford to pay. It has been clearly stated in Schedule A of the Retrenchment and Resources Committee's report as to where a saving can be made in the services and how. The Honourable Minister was pleased to remark that it was not within their power to touch the salaries of the Civil Service Officers. True, but you could very easily curtail the allowances and other special pays that you are giving to these officers. There are, no doubt a number of things in which retrenchment would not be wise but there are many others in which the Government can make a considerable saving. (*Interruptions.*) I have not been able to add up and get the total, you can find it out for yourself. If the Government were to undertake retrenchment as recommended by the Committee, I am confident that they would not have to face the agitation that they have caused among the general public. It is very regrettable that they did not see their way to act in accordance with those recommendations and have, instead, brought forward these measures which tend to ruin the urban population. According to a calculation made by expert economists, the average income *per capita* in the Punjab is Rs. 2-4-0 per month.

**Minister for Education :** Whereas you are getting Rs. 22-8-0 per day.

**Khan Sahib Khawaja Ghulam Samad :** And what about you who are getting five times as much as I do ? Again it has been said that such Acts exist in European countries. The comparison is not only odious, but very ridiculous. It is strange that our Government should quote the precedent of those countries where the average income *per capita* is no less than Rs. 750 per mensem.

**Premier :** Where did the honourable member get these figures ?

**Khan Sahib Khawaja Ghulam Samad :** They have been worked out by experts.

**Mr. Speaker :** No interruptions please.

**Khan Sahib Khawaja Ghulam Samad :** Mr. Speaker, let them interrupt me, God-willing I shall be able to meet their objections fully. I know that they have introduced these new Bills with the avowed intention of ruining the urban population, and they would get them passed in spite of our opposition.

During the discussion on the previous Bill I had submitted that in view of the absence of the Congress members who form the opposition in this House, the responsibility of the Government had increased and, therefore, the Government should act in a more responsible manner. But it seems that my counsel has fallen on deaf ears as is evident from the way they have rushed the Urban Property Tax Bill through the select committee. My name was also included in that select committee.

**Minister for Education :** And you did not turn up.

**Khan Sahib Khawaja Ghulam Samad :** How could I come? The notice was such a short one that I could not cancel my pre-arranged programme.

**Premier :** All the other members were called at equally short notice and if the honourable member had realized his duty he would not have taken advantage of Wednesday and gone home instead of attending the meeting.

**Khan Sahib Khawaja Ghulam Samad :** I had not gone home. I had been on a visit to my constituency, where I was invited by my constituents who wanted to acquaint me with their views on these Bills. You should have praised my undertaking this tour in spite of my old age to ascertain the reaction of the people whom I represent, to your taxation measures. To know their views was more important for me than attending the meeting of the select committee. Moreover, I did not know that you could finish your deliberations in the incredibly short period of 8 hours. I thought I would be in time for the discussion on more important clauses.

**Premier :** Do you mean to say that we should go on getting our fees and doing nothing? Let me inform my honourable friend that when I am the Chairman of such a committee, I will even sit late in the night if need be.

**Khan Sahib Khawaja Ghulam Samad :** Very good, be that as you like but so far as I know such a thing has never happened before in any committee.

**Mr. Speaker :** Please speak to the motion.

**Khan Sahib Khawaja Ghulam Samad :** Sir, the Honourable Premier interrupted me and I had to make a reply.

Again the Honourable Minister has remarked that the zamindars will get relief from the proceeds of the tax. That is very good, but my submission is that he should have sympathetically considered the case of the other side as well. Let me inform the Honourable Minister that the measures which he seeks to enact will tend to worsen the plight of the province rather than to improve it, because it is a wrong assumption on which they have been based, namely, that the people dwelling in towns are more prosperous than those living in rural areas. The standard of living in the urban areas is

[K. S. Khawaja Ghulam Samad.]

about the same as is found in villages. The only difference is that whereas people in towns are willing to do all sorts of hard work to earn their living the people living in villages think it below themselves to do anything except tilling the land. In towns people work day and night. (*Interruptions.*) I know how much hard work you can do.

Moreover this Bill will prove very harmful for trade and industry. When the tradespeople who are already living a hand to mouth existence will find that the Government takes away a major portion of their income, they will be compelled to abandon trade as the means of subsistence. The result will be that they will starve. Similarly, the proposed taxation will adversely affect industries. The tax will in the first instance be imposed on the manufacturers and then on the transfer of those goods to the wholesale dealer, the tax will be realized from him. Thirdly the tax will be realized from the retailer. It means that the same tax will be imposed on one and the same commodity over and over again, which is a very iniquitous and ruinous method of taxation. Now it is up to the House to find out if this Bill is going to benefit the province or tend to bring about its destruction. Besides this the tax will not be without its repercussions on the consumer. The dealers will naturally be trying to shift their burden on to the consumers and this is how the general public will be affected. (*An honourable member :* Which includes the zamindars.) Of course there will be zamindars as well as non-zamindars.

Mr. Speaker, I beg to submit, although I am afraid you might rule it as irrelevant, that these Bills are differential measures and a differential treatment is being meted out to the urban population. The Honourable Premier is laughing but probably he does not know that such measures will put him in a very awkward position. The Honourable Minister of Development comes from rural areas and it is natural for him to work against the urbanites. But this policy will be very detrimental to the interests of the Honourable Premier. I would make a submission to him that he should not follow the behests of others but should consider his position in the eyes of the Mussalmans.

**Premier :** I am not the Premier of the Mussalmans alone.

**Khan Sahib Khawaja Ghulam Samad :** At least you have been returned from a Muslim constituency.

**Premier :** No, this is not correct.

**Mr. Speaker :** The honourable member may proceed with his speech.

**Khan Sahib Khawaja Ghulam Samad :** My submission is that this Bill be circulated to elicit public opinion. The Honourable Premier has stated that taxation measures have never been circulated for eliciting public opinion by the British Parliament. May be it is so, but the conditions in England are quite different from those prevailing in India. There the laws are enacted for the community as a whole but here differentiation is made as between urban and rural and the interests of the one are sacrificed for those of the other. This is anything but justice. With these words, I commend the circulation motion for the acceptance of the House.

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

That the Punjab General Sales Tax Bill be circulated for eliciting opinion thereon by the 1st January, 1941.

**Sardar Sahib Sardar Santokh Singh** (Eastern Towns, Sikh, Urban):

Mr. Speaker, the ink with which the motion that the Punjab Urban Immovable Property Tax Bill be referred to a select committee was written had hardly dried when another oppressive and most objectionable measure is brought before this House, within twenty-four hours of the passing of that motion for reference to select committee. The Bill is not as harmless as the Honourable Minister for Development would have us believe. As all of us know, Madras is both commercially and industrially a far more advanced province than the Punjab. Moreover, in Madras this legislation was undertaken with a view to make up the loss of revenue for the laudable object of prohibition. Madras has not got the other measure—the Urban Immoveable Property Tax Bill. Our Government will not be the Punjab Government if they did not have both the measures at one and the same time. Bombay has the Property Tax Act and Madras the General Sales Tax Act, but this Government would not be satisfied unless they had both at one and the same time. That is my first objection to the Bill.

My second objection is that the industries of the province, which are already in an elementary stage and the commerce also which is not very well established in this province as compared with Bombay, Madras and other provinces, will be ruined by this measure. A tax of four annas per hundred may not appear to be very excessive to this Government who understand very little in respect of business and industry, but as things stand the total tax may come up to so much as twelve annas per cent. Four annas is the tax, another four annas when the commodity has passed into the hands of the wholesaler and another four annas when it goes to the hands of the retailer. That means to say that the tax is not only four annas per hundred, but it is  $\frac{1}{3}$  of one per cent that is twelve annas.

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

Now I would put it to those gentlemen on the ministerial benches who have not ceased to think for themselves whether they expect that with the tax of twelve annas per cent commerce and industry can prosper in this province. The tragedy of the whole affair is that the Minister for Development whose duty it is to develop the resources of the province is the person to impose this tax, as if he thinks that it is only taxation that can develop the trade and commerce of this province. That, Sir, is my second objection.

It has been repeated over again on the floor of this House that six crores have got to be raised in this province by means of fresh taxation. The Honourable Minister of Development takes the greatest delight in season and out of season, whenever any measure is discussed on the floor of this House, in raising his six fingers to denote six crores of rupees and my friends on the ministerial benches thump the tables as if they are going to get these six crores of rupees. I venture to say that if these gentlemen had heard

[S. S. Sardar Santokh Singh.]

the speech of the Honourable Minister of Development to-day as carefully as I have heard him, they will feel that no reduction whatsoever is to be made in the taxation of the rural population. To-day the ministry stands on a new and different footing. What does the Minister say? He says that these taxes are being raised in order to extend the services to the rural dwellers. The slogan of reducing taxation and giving relief to the rural population is now being replaced by the promise of further beneficent services that will be given to the rural people. I was careful to note down the exact words used by the Honourable Minister for Development. He says that this new taxation will not only equalise the taxes between the agricultural and non-agricultural classes, but will be used by way of extending the services, beneficent services, to the rural population. I have not been able to understand although I have given a great deal of attention and thought to this matter, as to how this amount of six crores has been arrived at. It is quite true that the revenue of the province is something like 12 crores. Then, does the ministry seriously mean to say that 13 per cent of the population—as the urban population is decidedly not more than 13 per cent of the population—should pay 50 per cent of the taxation? What is the data on which they base this figure? I did expect to hear something from the Honourable Minister for Development to illustrate his point as to how he wants to make the urban population liable for a taxation of six crores of rupees. The other day, when certain figures were quoted, the Honourable Premier got up and said they were incorrect and that the gentleman who was the author of those figures was saying sheer nonsense and so on, without at all caring to verify those figures. Again and again I got up on my legs to tell the Honourable Premier that the figures quoted in that pamphlet regarding the payment of income-tax by urban people were absolutely correct as I had seen them myself, but the Honourable Premier was not satisfied. He went on asserting that the figures of income-tax quoted by us were wrong, without taking any trouble to go into those figures and without verifying them. This is like giving the dog a bad name and then hanging it, and it is exactly how the non-agricultural people in this House are being treated. I had asserted that the amount of income-tax paid by the urban population in 1937-38 was 1,23 lakhs. The Honourable Premier said, 'No, it cannot be that much'. He quoted the figures for 1939-40 and said that the amount of income-tax that was paid by the urban population was only 67 lakhs and he went further and said that the figures for 1937-38 must be less than that. I have before me the two reports of the Income-tax Department, One for the year 1937-38 and the other for the year 1938-39. The figures appearing therein show that the demand for 1937-38 of income-tax in the Punjab was 1,13 lakhs and super-tax 10 lakhs, total 1,23 lakhs. These were just the figures quoted by me and which were in that pamphlet. Now in 1938-39, the figures for income-tax and super-tax were, 1,28 lakhs and Rs. 9,66,000. If anybody has any doubt, he may go through these reports, which I have just got from the Library. My point in referring to them is just to show that even in matters where things can easily be refuted, this ministry has the audacity to get up and say that the figures made by the Opposition are wrong. This was a matter where we could confront them with the reports of the income-tax authorities. The others may be matters of opinion. And yet

they go on repeating year after year and day after day their own theories without their being based on any facts. Now I would ask them again to kindly enlighten us how they have arrived at this six crores of rupees, so that this controversy may be put an end to once for all? Do they really want half of the taxation from 18 per cent of the population? Is that their point and if so, in what way? I did say the other day that the province of the Punjab is not over taxed in respect of rural population as compared with the other provinces of India. (*Interruption.*) If it is contended that the rural population in the Punjab is over taxed as compared with the other provinces, will it not be fair and proper for the Government to give facts and figures in support thereof? This is a pertinent question and I do hope that any one of the Ministers, if not to-day at least on some other occasion, will try to enlighten us. Compared with the other provinces, in what manner is the rural population in the Punjab over-taxed as is urged by them from day to day?

Now coming to the point whether people in the towns are richer as compared with those who live in villages, I must say that the total number of income-tax payers in the urban areas of this province is no more than 50,000; the number of assesses is 49,181 according to the Income-tax Report of 1938-39. That means that out of every 100 persons living in the urban towns, only 1.40 pay income-tax. This is the position. Those who pay super-tax are only 217 in the whole province including corporations, including companies including Hindu joint families and including associations of individuals. The total number of those who pay super-tax on an income of Rs. 30,000 or more is only 217. This speaks about the wealth of the richer people in the towns of the province. This is their financial position, this is their status that only 217 people, and in this are included corporations, companies, and Hindu joint families, earn more than Rs. 30,000 per annum and pay super-tax. This is the position, as I have said, of people living in the towns and it is now to be considered whether these people on whom the burden of this taxation must fall are in a position to keep on paying more and more with the successive taxation legislation that is being enacted by the Government. If the payment of 12 annas per cent or  $\frac{3}{4}$  of one per cent will not kill the commerce and trade and industry of the province, I have yet to learn what else will it do.

**Minister for Education :** You will learn.

**Sardar Sahib Sardar Santokh Singh :** I know more than you about business. It has got to be considered if the business conditions of the province are in a fairly affluent position to be able to pay a tax of 12 annas per cent on this count alone. Let us not forget that people who pay this tax are those who own property, it is these people who have got their business and the cumulative effect of this taxation including income-tax on this class of people who pay income-tax has got to be very seriously considered if you have at heart the interests of the province as a whole and not of the rural population alone. It is quite true that this legislation which is being enacted is on the lines of the Madras Act. I do not deny that except in respect of exemptions. In the Madras Act exemptions of ten thousand rupees is provided for, whereas in the Punjab they have provided only for an exemption of Rs. 5,000. At the same time the Bill that has been presented to us is against

[S. S. Sardar Santokh Singh.]

the recommendations of their own Resources and Retrenchment Committee. According to these recommendations, the maximum tax leviable on any man in the province is Rs. 200, whereas it might now go up to any multiples of 200. This is another matter which may be considered seriously by the Ministry if they really do not want to kill the trade and industry of this province. I would not repeat what I said the other day about retrenchment. This is a very serious question to which the Ministry does not seem to have paid the least attention so far, if I may say so with all respect. The recommendations of the Resources and Retrenchment Committee were made, if I mistake not, about one and a half years ago and I was really surprised to find from the Premier himself that these recommendations are still under consideration. He also threw a slight hint that because of the war, the situation had changed and they might not be able to make any retrenchment at all, as if every question of retrenchment was connected with the war. This I have not been able to understand and I repeat that only the carelessness and neglect on the part of the Ministry is responsible for this. They do not give this important matter the attention that it deserves. May be that they are afraid of the high officials, may be that they want to keep them in good humour, may be that they do not want to displease them, but the question of all questions that remains is that before we proceed with fresh measures of taxation, it will be incumbent upon you to make whatever retrenchment you can possibly make. It is your own committee that is recommending these things and not only you do not accept their recommendations but go everywhere about adding to the burdens of the province and creating new posts as you have done in the case of an additional Financial Commissioner. Further at the time the report of the Resources and Retrenchment Committee was written, prices were rather low, they have now because of the war gone up; this has already increased the burden of the poor man and any further taxation will be very troublesome indeed.

*(At this stage Mr. Speaker resumed the chair.)*

The prices in the Punjab will remain unduly high as compared with other provinces, because of this taxation. After all, let us not forget that all this taxation will eventually go on the shoulders of the consumer and if prices in the province remain higher than other provinces that must give you cause for serious thought as to how far this province will be able to compete with other provinces and get in line with others in matters of trade and industries. This is a matter you cannot lose sight of and I request you in all earnestness to give your thought to it before it becomes too late. Let us not forget one thing, and it is that this levy of 12 annas per cent will have to be paid whether a man makes money in his business or not. He may be actually losing but still he will have to be burdened at every step, at the three successive stages that I have indicated in my speech. One will have to pay this tax every time. I know howsoever reasonable our arguments may be in this House, they can be easily thrown aside as the Ministry does not stand on reason or justice, but on numbers. They are proud of the numbers behind them and they refuse to listen to any serious suggestion or any sound advice that is offered to them, but let them not forget that things have already gone too far. If the figures that were given the other day by the Honourable Premier are to



be any index of the prosperity of the province you will find that in 1939-40 the figures of income-tax have gone down to 67½ lakhs. These are the figures given by the Honourable Premier and not by me. I have not yet seen these figures, because they relate to a period about which the report has not yet been issued, nevertheless the Honourable Premier tells us that the figure for income-tax for the year 1939-40 is 67½ lakhs. He quoted these figures to tell us that those for 1937-38 were still less, but unfortunately for him this was not the case. My point of view, therefore, is that the trade and commerce of the province has been steadily declining for the last three years, as is apparent from the figures of income-tax that have been given to us. In 1937-38 the amount of income-tax was 128 lakhs and now in the year 1939-40 according to the Honourable Premier, the amount has gone down to 67½ lakhs, a reduction of 56 lakhs. Can there be two opinions about this state of affairs? What does this show? All that it shows is that trade, commerce and industry of the province are not on the same good level as was the case three years ago when the provincial autonomy was ushered in. I have no reason to doubt the accuracy of these figures and in the light of this, there is absolutely no justification for the discriminating taxation measures that the Government have been bringing in successively one after another and at short intervals. Nobody can say that the machinery of the Income-Tax Department is any way defective. We business people know to our own cost to what pitch of efficiency this machinery of the Income-tax Department has reached and if with such a machinery, the amount of income-tax has gone down steadily, by 56 lakhs within two years, you can realise for yourself what the state of the province is in regard to business and industry. Even a Government like yours cannot ignore these figures however much you may try to ruin the urban classes. These figures speak for themselves. You even cannot fail to notice them and I request you to go through this matter very thoroughly before you proceed with your rash measures, as they have already done a great deal of harm to the province and may at any time succeed in killing the entire industry and trade of the province and driving it to other provinces. With these words I support the motion for circulation.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban): Sir, this Bill is another link in the chain of that oppressive and vindictive legislation on which this Government has decided to embark to punish the residents of urban areas for what may be called their imaginary sins of omission and commission. Not content with having destroyed that sound and efficient system of credit built up by the labours of generations of enlightened administrators who had no prejudices to nurse and no axes to grind, they are proceeding to attack another institution, another bastion of city life, which not only helped them to keep their body and soul together, but also to obtain that little of material comfort and prosperity which they have enjoyed in the past. They want that every shopkeeper, every dealer—whether retail or wholesale—should first obtain a licence on payment of a certain prescribed licence fee before he can carry on the profession of shopkeeping or that trade which has been carried on for centuries by his forefathers without any let or hindrance or interference on the part of the State. This is a most serious issue and I, therefore, raise my voice in complete and unmitigated condemnation of this measure, which is designed, not only to cripple the resources of the people

[Malik Barkat Ali.]

living in cities, but will immensely add to their worries and troubles, besides aggravating and intensifying that evil of unemployment which has assumed the proportions of a regular menace, and which this Government has done nothing during the last 4 years of its being in power to ameliorate or to relieve. The first thing that strikes me, as I read the clauses of this Bill, is the topsyturvy character of the methods pursued by this Government. You know, Sir, that it is an elementary canon that before any Finance Minister or any Member of the Government comes to the House with a Bill for fresh taxation, he is expected to lay his figures before the House; he is expected to take the House into his confidence; he is expected to tell the House that there has been such a big deficit on the expenditure side and that it is necessary in the interests of an enlightened administration to cover that deficit, and this is how he intends to cover that deficit. But what do we find in regard to this Bill that I have before me? In the Statement of Objects and Reasons, I find that the Honourable Minister in charge of the Bill has been pleased to say as follows :—

Government are in need of fresh sources of revenue to meet the increasing demands for widening the scope of its services .....

We do not know what are those services? We do not know how they propose to widen the scope of those services after having been in office for 4 years. They are conscious that they are in great majority, that somehow or other they have got the backing of this majority, which has certainly no feelings of affection for them. They are with them under the compulsion of certain necessities. They know that they have got this majority. It is on account of this majority that they have not taken this House into confidence for the purpose of enlightening it as to what is going to be the nature of these services the scope of which they want to widen. We are also told that this Bill has been recommended by the Resources and Retrenchment Committee. That is so. It is also said in this Statement of Objects and Reasons that a similar tax on the general sale of goods is already in force in Madras and is working smoothly. This Bill was introduced in Madras in 1939 and what the Leader of the Independent Party has pointed out about the provisions of the Madras Act, I need not repeat now. In Madras they have exempted the annual turnover below Rs. 10,000. But here you have fixed Rs. 5,000. May I ask the Minister in charge of this Bill to let this House know what are the revenue figures of the Madras Presidency as compared with the budgetary figures in regard to the revenues of this province? Is this province of ours richer than the Madras Presidency? If they follow the Madras Act, they should follow it, as they say, with *Ja*. What is the reason for the departure from the Madras model? Why not raise this taxable minimum from Rs. 5,000 to Rs. 10,000 in this province as well? There is no reason forthcoming, except that this arbitrary figure has been fixed by these Lords of the Treasury Benches in the greatness of their wisdom. There was nothing in the speech of the Honourable Minister in charge of the Bill, while introducing it, to let the House know why they fixed Rs. 5,000 as the limit of exemption in this province, while Rs. 10,000 has been fixed by the Madras Government. You will be pleased to see that so far as the provisions of this Bill are concerned, assuming for the sake of argument, that Rs. 5,000 a year is your taxable minimum; if you divide this by 12, you find that about

Rs. 400 will be the monthly turnover of the poor shopkeeper or the trader, who is going to be the victim of this tax. Well, if you divide Rs. 400 again by 30 days, the daily average comes to about Rs. 13-10-0. You are going to tax a person who sells out articles worth Rs. 13-10-0 in the whole day. What will be his profit? If you allow Re. 0-1-0 per rupee, it will come to about Re. 0-13-0 per day. Do you know that for earning Re. 0-13-0 per day, he has put himself into the business, he has put his sons into the business, he has put his whole family into the business? This poor man who earns Re. 0-13-0 a day, and who has put his entire family into the business is expected to keep regular accounts as well, otherwise an arbitrary assessment will be made and the Government will be free to impose upon him any tax they like.

Apart from this aspect of the case, kindly see the provision that they have introduced. I find that clause 15 lays down that any person who, being required by or under this Act to keep and maintain a true and correct account of the value of goods sold or bought by him or to maintain such accounts in the prescribed manner fails so to do, then, on conviction by a magistrate he shall be liable to a fine which may extend to one thousand rupees or double the amount of the tax recoverable, whichever is greater. I really cannot understand the wisdom which has prescribed these penalties. I know of many penal provisions in fiscal measures, but I have never come across a provision of this kind, that is, a penalty of one thousand rupees or double the amount of the tax, *whichever is greater*. It is clear that you really want that poor man to be robbed of one thousand rupees once he is convicted. If the poor man is fined five hundred or one thousand rupees, the whole of his business is wiped away and he will be thrown into the streets to pass his days in hunger and sorrow. Such are the provisions of this Bill—a measure for which the sanction of this House is being sought.

We are told in the Statement of Objects and Reasons that this Bill has to its credit the recommendations of the Resources and Retrenchment Committee. It was pointed out by the Leader of the Opposition that the recommendations of the Resources and Retrenchment Committee were coupled with other recommendations. That Committee was appointed for a twofold purpose, (1) the possibility of tapping fresh sources of revenue, and (2) examining the provincial expenditure with special reference to the Report of the Retrenchment Committee of 1931 with a view to explore the possibility of securing further economies without impairing the efficiency of the administration and to investigate whether there is duplication or overlapping of activities and whether any economy can be effected by reorganisation of the departments concerned. I find in appendix A of the Report of the Resources and Retrenchment Committee a number of recommendations about retrenchment. We are entitled to know what retrenchments they have effected before they come to this House with this Bill. Tell this House what you have done to pursue these recommendations for retrenchment made to you by your own Committee. I trust that the House is aware of these and I will not therefore take the time of the House by going through the various recommendations. I find that even the Speaker of this Assembly has been caught hold of and one of the recommendations is that the Speaker's salary should be reduced from three thousand to two thousand

[Malik Barkat Ali.]

rupees per mensem and so on and so forth. I ask, what have you done since you have had this Report in your hands for a considerable time now ? Before you come to this House with a demand of this character, please tell us whether you have been unable to effect any retrenchment at all or even the extent that you want to realise by means of this Bill. What to say of retrenchment, you have been spending and spending, creating new offices, creating new departments and so on and so forth. And what about yourselves ? I should have expected of the occupants of the Treasury Benches some sacrifice in this grave emergency, in this grave situation when, undoubtedly, the Empire is in the grip of a great life and death struggle. You are possibly introducing this Bill with a view to make greater war effort but I ask you, what have you done so far as your own salaries are concerned ? Are you not aware of the fact that you are the only Government in the country the Ministers of which are deriving such fat salaries ? It is not merely a question of salaries. Rs. 8,500 for the Premier plus 500 for his mansion, three thousand for every Minister plus three hundred for their mansions, and in addition, what do we find ? We find that these honourable members of the Government have been touring about—of course it is for them to tour about, it is their discretion—but when they tour about, they should at least remember that their touring and travelling allowances are going to be met by this unfortunate exchequer.

**Rai Bahadur Mukand Lal Puri :** What is the extent of that expenditure ?

**Malik Barkat Ali :** I have in my hand a statement showing the figures of travelling expenses drawn by our Ministers in the year 1938-39. I request the occupants of Treasury Benches to note down these figures. It will not do merely to say that they are wrong. I want them to give the exact figures to this House if my figures are controverted, so that we may know how far they are doing their duty by this exchequer. I find that the Honourable Minister of Development, in addition to the three thousand that he gets under the statute and the three hundred for his house that he gets also under the statute, got Rs. 8,588-13-0 during the year. (*Ironical cheers.*) The Honourable Minister got out of the exchequer, as a result of his extensive tours in the province with a view to propagate his particular mission, the modest figure of Rs. 8,588-13-0. It is for him now to work the monthly average. I find that the Honourable Finance Minister who I thought was not touring at all, got something like Rs. 4,864-5-0 in the shape of travelling expenses.

**Mr. Speaker :** For what period ?

**Malik Barkat Ali :** For the year 1938-39.

**Mr. Speaker :** One year ?

**Malik Barkat Ali :** Yes, that is why I say that it is too much. The Honourable Premier got for the year 1938-39, Rs. 3,270. The Honourable Minister of Revenue was a little circumspect and therefore lagged behind in this matter.

**Mian Abdul Aziz :** Because he was ill.

**Malik Barkat Ali :** He drew Rs. 895-5-0 in that year and the Honourable Minister for Public Works—quite a young man, very active—got Rs. 8,437-10-0 during the year.

**Shaikh Karamat Ali :** What is this after all ?

**Malik Barkat Ali :** And the Honourable Minister of Education got Rs. 6,326-9-0. The expenditure of their personal assistants is extra. I find that some of these personal assistants were travelling outside the Punjab—I do not know what led them outside the Punjab, probably because their chief was attending some meeting or some conference. I do not know, but I find for instance that the Personal Assistant to the Premier got Rs. 636-14-0 while he toured within the province. And he got Rs. 776-5-0, in addition, for the tours outside the Punjab ; of course, he was in company with his chief. The Personal Assistant to the Honourable Minister for Revenue got Rs. 155-10-0 for the tours within the Punjab, and for the tours outside the Punjab he got nil. (*An honourable member :* Very poor.) Very poor undoubtedly. The Personal Assistant to the Minister of Education got for tours within the Punjab Rs. 607-14-0 and for tours outside the Punjab Rs. 21-7-0. The Personal Assistant to the Honourable Minister for Development got Rs. 724-13-0 for tours within the Punjab and Rs. 169-4-0 for tours outside the Punjab. It is quite out of proportion to the travelling allowance which his chief got for the tours outside the Punjab. The Minister for Development got Rs. 22-8-0 for the tours outside the Punjab. Of course that figure does not compare favourably with the Rs. 8,000 which he got for his tours within the Punjab. While he got Rs. 22-8-0 for the tours outside the Punjab, his Personal Assistant got Rs. 169-4-0 for the tours outside the Punjab. I am not in a position to explain this phenomenon ; it may be that the Personal Assistant was not always in company with his chief. The Personal Assistant to the Honourable Minister of Public Works got Rs. 682-12-0 for tours within the Punjab and Rs. 487-11-0 for tours outside the Punjab. The Personal Assistant to the Honourable Minister of Finance got Rs. 504-13-0 for the tours within the Punjab and Rs. 18 for tours outside the Punjab. I have given these figures to the House, as members of the House are not allowed to know these figures. Of course, so far as salaries of Ministers and members of Government are concerned, the House is already aware of the fat salaries they are getting and the residential allowances they draw under the statute. You have been getting these fat salaries for the last 4 years. Why is it that during the last 4 years and even in this crisis you are not prepared to make a present out of your salaries and your travelling allowances of some substantial share to the exchequer ? You talk of war efforts. What have you done out of your salaries to contribute to the war fund ? You say, 'we are going to give Rs. 200 a month'. What is Rs. 200 a month out of these salaries of nearly Rs. 5,000 and Rs. 4,000 which the Honourable Premier and the Ministers of this Government are drawing ? Are they not aware that to-day, theirs is the only province in British India, the Ministers of which are getting these salaries ? Are you aware that in the Bengal Government, which is functioning and which is much bigger than this province and which is richer than this province,—the maximum salary of the Premier of that Government, since the beginning of this new administration, is Rs. 2,500 a month and other

[Malik Barkat Ali.]

ministers get Rs. 2,000 a month? Why can you not reduce your salaries to Rs. 2,000 a month inclusive of your travelling allowances? That would be some sacrifice.

**Mr. Speaker :** Will the honourable member please revert to the Bill under discussion?

**Malik Barkat Ali :** I am developing the point that before you come to this House, we are entitled to know what are the retrenchments and economies that you have effected. We want you to contribute from your fat salaries a substantial portion towards the exchequer. They say, 'Oh, we mean to widen the scope of services'. We know the services that you have rendered so far and we can well visualise the services that you are likely to render. You are incapable of rendering any service, you are incapable of improving the administration. You have not improved the administration, but the administration has gone from bad to worse from the time that you came into power.

**Khan Sahib Khawaja Ghulam Samad :** Will you kindly give the figures of the travelling allowance drawn by Parliamentary Secretaries?

**Malik Barkat Ali :** I am grateful to the honourable member from Hissar for the valuable suggestion that he has made. Unfortunately I have not got those figures. The difficulty is this. I have placed what figures I had before the House, and let it be remembered that these figures had to be extracted by me after a great deal of trouble and after a great deal of discussion in another place. On the floor of the House questions for eliciting the information have been put but the information was not made available. Why are they ashamed of placing this House in possession of information as to the amount of travelling allowance earned by the Ministers and Parliamentary Secretaries? There is something which they want to conceal and there is something in their inner mind why they do not want to disclose the secret.

**Mr. Speaker :** Please do not make insinuations.

**Malik Barkat Ali :** This is a clear fact that we have asked for these figures on the floor of the House, but they have not given those figures. What justification is there to conceal such information from us and come before the House with such a measure? Of course, they have a right to refuse to answer questions.

**Mr. Speaker :** That matter is not now before the House.

**Malik Barkat Ali :** I am trying to develop my point. We were expecting the present Government to move in the matter of retrenchment before they come to this House to ask their votes on such measures. We want them to tell us if they have ordered any economies in the budget or whether it is a balanced budget. What has happened to the budget, whether any deficit has occurred or not?

**Mr. Speaker :** The Honourable member has exceeded his time limit.

**Mian Abdul Aziz :** These are most important points.

**Malik Barkat Ali :** I submit that this is a most unjust piece of legislation and that there is nothing either in the statement of objects and

reasons or any statement made before the House to justify this demand being made on the floor of this House. I repeat that the Bill is vindictive and that its object is really to crush the people in the towns.

**Chaudhri Ali Akbar** (Gurdaspur East, Muslim, Rural), (*Urdu*): Sir, I do not want to say anything in particular except giving a reply to the unjust and improper attacks made upon the zamindars by my honourable friend Khan Sahib Khawaja Ghulam Samad in the course of his speech. He has remarked that the zamindars are lazy and ease-loving people. I would like to give an illustration in order to refute his argument. Suppose a zamindar owns ten acres of land which is his only source of income. Now, if some calamity befalls him or say his bullocks die, he will require at least a hundred rupees to buy a couple of bullocks in order to till his land. But unless he borrows that sum he cannot buy those bullocks. At present when it is very difficult for a zamindar to obtain a loan, what is the poor man to do? It is evident that he cannot possibly let himself or his family starve. So he will beseech some neighbour to lend him the services of his bullocks whereby he will plough 2 or 3 acres out of his land on the produce of which he may be able to make his ends meet for six months. It is not because he cannot do any other work but because he has to earn his living out of the soil that he has to toil hard on it. Now take the case of an urbanite in comparison to him. If he gets two rupees he can buy eight annas worth of oil and with the remaining money he can get gram-flour, chillies, salt, other spices and fuel and by making *pakauras* can earn at least five rupees by nightfall. Or if he gets Rs. 5 he can buy flour, sugar and ghee for making sweets and in this way he can make Rs. 20, thus earning Rs. 15 as profit in one day. I can wager with any honourable member of the House, that by starting a sweet-meat sellers business with Rs. 5 I can make a profit of Rs. 15 in one day. I have seen people making so much profit in this business. This means that such a person earns Rs. 450 per month. Now if the Government were to tax his income, where is the harm? When the Government realizes land revenue for 10 acres from a zamindars even if his crops fail or his bullocks die, why cannot they tax the urban people who can earn their living even without investing much capital? (*Interruption*).

I would now take the case of a Muslim urbanite about whom my honourable friend over there seems to be so anxious. If a Muslim urbanite cannot get any other work, he can very easily take to carding and get a maund of grain in lieu of carding 20 seers of cotton. Similarly he can weave cloth and can earn his living. But what is a poor zamindar to do?

In view of the considerations I am forced to support the Bill which seems to me to be most proper and just. The Government should lose no time in getting it through. The Government is not aware of the real extent of the income of an urbanite which is far greater than it actually appears to be. The zamindars have to pay land revenue in spite of the death of their bullocks, or their land lying waste and the Government should earn their gratitude and blessings by lessening their burden.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I think that those honourable members who have made speeches against this measure have simply wasted their time and breath. No sane person can deny the fact that the present time is very favourable to the Unionist Party. It is so favourable that they can get not only this Bill but many

[Mian Abdul Aziz.]

other similar measures passed on to the statute Book. I congratulate them on having got this opportunity to do what they like in the absence of the Opposition party which came prepared to corner them at every step. The Government should take advantage of this golden opportunity and make hay while the sun shines. They should not be content to get this measure passed. Let them bring forward 10 or 20 more Bills of the kind. They can now introduce a Bill on one day, refer it to a select committee on the second day, pass it on the third, get the assent of the Governor on the fourth and enforce it on the fifth. It would be still better if, instead of taking the trouble of going through the various stages of different Bills, they come forward with a single consolidated measure to ruin the urban people whose very existence is so galling to the Unionist Party. Is it not strange that even those honourable members and ministers claim to belong to the rural community who have been living in cities and enjoying the various amenities available in urban areas for 16 or 20 years? They are rural only to serve their own ends; otherwise they have nothing in common with the rural population. Anyway, let them introduce a short and simple Bill consisting of only two or three clauses in which it may be provided that the whole of the income of every urbanite should be deposited to the last pie in the banks named by the Government as a tax due to the Unionist Party. At the most they may allow four annas per head for every family to keep body and soul together.

Now, Sir, I am a zamindar myself and, therefore, my sympathies are naturally with the zamindars. But this does not mean that I should be instrumental in ruining the urban population of the province. The Government should remember that the prosperity of the urban population is beneficial to the rural population also, and if you ruin the urbanites the rural section will also suffer. I was not present in the House when the Urban Immovable Property Tax Bill was discussed. I know that my submission and pleadings would have counted for as little as did those of my honourable friends, Malik Barkat Ali and Rai Bahadur Mukand Lal Puri. But I would have advised and even now I do advise the Government to refrain from indecent haste in respect of these measures. It is for their own good that I make this suggestion. Otherwise, so far as my personal view is concerned, I wish the Government to indulge in as many harsh measures and atrocities as they can, so that the people may become fully aware of the blessings of this so-called popular Government.

It has been stated in the Statement of Objects and Reasons attached to the Bill and persistently dinned into our ears that a similar tax is already in force in Madras. But I would submit that out of the eleven provinces of India the Government has been able to find only one precedent, and that too of a big commercial city. May I ask if there is any such tax in any other city of any province? It has been stated that the Punjab Government is only following the example of Madras. They should be ashamed of trying to bamboozle the House as well as the public at large by such statements. They have quoted the example of Madras because in this case it suits them, but have they ever tried to follow the example of Madras or any other province in such matters as go to add to the progress and prosperity of those provinces? The Governments of those provinces have adopted schemes and methods to enhance the wealth and earning capacity of the



people by advancement of trade and industry. They have made their provinces progressive in every respect. But has the Punjab Government done even one-tenth of what has been done in other provinces? This Government has now been in office for well nigh four years. Has it raised even its little finger to help the trade and industry of the province? How many factories have they started? If they had earmarked only fifty lakhs of rupees every year for establishing factories in all the five divisions, our young men would have easily got the industrial education for which they have to go abroad and there would have been much less unemployment in the province.

Let me draw the attention of the Honourable Minister of Development to what has happened in connection of the famine in the districts of Hissar and Rohtak. He has spent nearly three crores of rupees to relieve the people of the famine-stricken area, but a great proportion of this money has been wasted and those people have derived no benefit from it. I do not grudge this money and all that has been done for those people. They are our brethren and deserve all the help rendered to them. But I wish the Government had utilized this money or at least a good bit of it for establishing some factories in that ilaqa. This would have been a permanent blessing to the people and the question of unemployment in that part would have been solved to a great extent. But the Government has squandered this money most carelessly. Let me illustrate this point by an example. The Government had to supply one sack of grams to a certain poor man. The naib-tahsildar or some such official was entrusted with this work. He took a labourer with him and the sack was delivered to the needy person in his village. Now I admit that this poor fellow got relief because he got for Rs. 2 or so what was actually worth Rs. 5. But do you know what the travelling allowance bill of the official and his retinue amounted to? It was thirty or thirty-six rupees and some odd annas including the wages of the labourer. As I have already stated, the poor man got relief to the extent of Rs. 3 only but the Government sustained a loss to the tune of Rs. 40. I assure you that this is no fiction. I can give you even the names of the persons concerned. It is a pity that all the criticism has been directed against one officer alone, while the fact is that the local officers and certain other people have been able to pocket thousands of rupees out of the money which we are told has been spent by our sympathetic and vigilant Government on relief work. Once again I warn the Government against its policy of being penny-wise and pound foolish. Let them start factories which may produce such articles as we have perforce to import from other countries. If, as I have said, they had reserved 50 lakhs of rupees a year for this purpose, every one of the five divisions would have by this time come in for 40 lakhs of rupees. This would have gone a long way to industrialize the province and to provide employment to our graduates and under-graduates. You passed measures like the Marketing of Agricultural Produce Act and other agrarian laws, but what has been the result? The people have been forced to realise that you passed them simply to find means to benefit your relations and supporters.

**Mr. Speaker :** At this stage only the principle of the Bill and its general provisions can be discussed, but the details of the Bill should not be discussed further than may be necessary to explain its principle.

**Mian Abdul Aziz :** I will obey your order, but at the same time I would appeal to you with your great commonsense and experience that when an argument is to be developed, you have to bring in some side things in order to show the correctness of the reasons which you are giving and it is for this reason—

**Mr. Speaker :** I have not objected.

**Mian Abdul Aziz :** I assure you that if it means that the ministerial benches, their parliamentary secretaries, their personal assistants are a unit, then I hold myself guilty, but if they are not and if they are not individuals, then certainly I am not personal in any way. I am criticising the action of the Unionist Government for whatever they have done up to this time.

Sir, I have always been obedient to your rulings and I have never been offensive to anybody in the House. I assure you once again that I will never be personal and offensive.

What I wanted to submit was this. The Honourable Minister for Development has emphatically remarked and also mentioned in the aims and objects of the Bill that this legislation is based upon a Bill passed by the Madras Government. As I have not studied the Madras Bill myself, I cannot say how far the Honourable Minister is correct in saying so. But I would like to draw his attention to one point and that is this. In the Madras Bill the taxable amount of money is ten thousand rupees. You are aware, Sir, that though Lahore is considered to be the biggest city in the Punjab, yet Madras must be ten times bigger than Lahore and therefore the Government of that province should have levied tax on an income of one rupee even. In other words, it means that in Madras, tax can be levied on a shopkeeper whose annual income may be ten thousand rupees. But how can it be justified in case of Lahore, to levy tax on a shopkeeper whose daily income is Rs. 5 only ? Besides, the tax will be charged four times, as my learned friend Sardar Santokh Singh has made it quite clear by saying that if a man after manufacturing an article in a factory passes it over to a middle man who sells it to a big shopkeeper and the big shopkeeper sells it to a small shopkeeper and the small shopkeeper sells it to public, the tax will be charged from them on each sale of the article. Supposing a bicycle is manufactured in a factory, the Government will charge tax on it. Then the bicycle is sold to a wholesale dealer and the tax is again charged by the Government. The whole sale dealer sells it to a retail dealer and the tax is there. The retail dealer sells it to the public, the tax is still again levied. It means that the Government will charge tax four times on one article. I am therefore of the opinion that no sensible man can ever be in support of this Bill, and I wonder how the Government have resorted to such an unreasonable taxation. Generally, Bills are framed with the help of eminent lawyers, so that technical loopholes may not be left in them on which a criticism may arise at the time of discussion. But so far as this Bill is concerned, I think the Government have not taken the trouble of consulting lawyers. They have neither given time to the members of their own party to understand the merits and demerits of the Bill. The haste with which this measure is being rushed through is most objectionable.

Then I would like to ask, as has been asked by my honourable friend Malik Barkat Ali, why have the recommendations of the Resources and Retrenchment Committee not been given effect to? Are we not empowered to discuss the Report of the Resources and Retrenchment Committee on the floor of the House? If we are, then why did the Government not give us time to do so? If it was due to the present war, I may submit that the war broke out last year and even before that we had enough time to discuss that report. May I ask why the Honourable Ministers were sleeping over this matter? Were they afraid of their salaries being affected by it, as has been remarked by Malik Barkat Ali? However, it is a well known fact that a colossal sum of 19 thousand rupees is paid to the Honourable Ministers every month. Besides, another amount of 19 thousand yearly for their house rent is spent on them. Then my honourable friend has said that a large amount of money is spent on the salaries and travelling allowances on the Personal Assistants of the Ministers. Sir, not to speak of the amount of money spent on their Personal Assistants, there is still a large amount of money which is being spent on their stenographers and the clerical staff working under them. If we make a total of all this expenditure it will come to more than a lakh. I may therefore submit that if the salaries of the Honourable Ministers and their Personal Assistants are reduced, the Government can have much money at their disposal even without taxation. As regards the daily allowance given to the honourable members of this House, I may also suggest that the Government should not give this allowance to the members of this Assembly, particularly to those who are living at Lahore. I think the Government should tell the railway authorities to supply first or second class permits to the honourable members of this Assembly to come to Lahore to attend the session, and later on the Government can pay the railway fare to the Railway Department. All that I want to submit is that the Government can make pounds by saving pennies. You might be aware of the facts, Sir, that no travelling allowance has been shown in papers of Honourable Premier for journeys out of the Punjab on official tour. But to our surprise an amount of Rs. 776 as travelling allowance of his Personal Assistant has been shown in papers for his going out of the province. I am at a loss to understand that when the Premier did not spend a pie outside the province how his Personal Assistant could spend Rs. 776 and he spent it on what occasions we do not know. Sir, these are the irregularities which should be stopped at once. And if the Government give attention to such irregularities and extravagances sincerely, they can save lakhs of rupees and hence they will not resort to levy tax on poor shopkeepers who can hardly earn one rupee a day and who have to pay to their servants and other attendants. In this way only the poor shopkeeper whose income is thirteen annas and a half will be saved from bearing the brunt of this taxation.

As I have already stated, I am of the opinion that instead of bringing forward a plethora of Bills separately for taxation purposes, Government should introduce a consolidated measure and issue a general order that henceforth the daily income of all the urbanites would be collected by Government. They would be paid Rs. 10 per mensem out of this income as a subsistence allowance and the rest of the money would go into the coffers of the Government. I think such a measure would serve their purpose much better than squeezing out the urbanites inch by inch, (A voice:

[Mian Abdul Aziz.]

What about the Honourable Ministers). Oh, they can get Rs. 100 per mensem, if you like. (Laughter).

**Mian Sultan Mahmud Hotiana :** Has my honourable friend decreased the amount of fees charged from the zamindars ?

**Mian Abdul Aziz :** He is talking of charging less fees. I may tell him that when people like him come to me and make requests that such and such a person is poor and does not possess the means to pay a lawyer, I represent his case *gratis* in the court. I devote to his case exactly the same amount of attention and care as I do in the case of those who remunerate me for my work. I was submitting that Government always laid stress on the fact that they were levying taxes on the urbanites with a view to equalising the burden of taxation on the people. I cannot help saying that they openly accord a step-motherly treatment to the urban people in matters like this. The reason underlying such measures is quite obvious. The Honourable Ministers and the Parliamentary Secretaries have no stake in the urban areas. Most of them do not possess any property worth the name in the cities and therefore they levy taxes unscrupulously on the urban population. They think that urbanites are not their kith and kin, that is of the zamindars, therefore they need not worry whether or not the urbanites have the capacity to pay that levy. With this mentality working in the background they go on piling taxes upon the urban people. I would appeal to the fair sense of my honourable friends on the treasury benches not to treat the urbanites with such indifference and callousness. Let me tell them that they are no longer benefiting the zamindars by thrusting such harsh measures down the throats of the urbanites. I cite the agrarian legislation as an instance to the point. If the urban people have suffered heavily as a result of those Bills, the position of zamindars too has no whit changed for the better. They are rather worse off. Their credit, the life blood of a business, is gone. If the Government were really sympathetic to them, they ought to have made provision for granting them credit on easy terms. This would have proved their sincerity. But they never cared or bothered themselves about this matter. They think that as a result of any legislation, benefit may or may not accrue to the zamindars, but the urbanites must suffer. What an invidious treatment.

Then, Sir, the Honourable Minister while introducing this Bill, strove hard to stress this point that the urbanites were taxed much less than the rural people. I consider this line of argument fallacious, as I will show later on by quoting facts and figures. Then it is constantly dinned into the ears of the rural people by the members of the Government that the urban people would be made to contribute the same amount to the Exchequer, as is being paid by the former. That is, if an amount of 8 annas is being realised from every person belonging to the rural areas, Government would not take rest till they have squeezed out the same amount from persons belonging to the urban areas.

**Mr. Speaker :** Who said so ?

**Mian Abdul Aziz :** This is being said every day and is found in the papers. I am prepared to give the names even.

**Minister for Development :** I maintain that where a man belonging to a rural area pays eight annas, a man belonging to an urban area who earns a good deal more income ought to pay Rs. 2.

**Mian Abdul Aziz :** This is more than what I said. However I bow before Solomon and whatever the Honourable Minister has stated, I believe it to be correct. But as he is an experienced lawyer as well, I put a simple proposition before him. Supposing he has three sons, out of whom one lives in a town and the other two are country dwellers. May I know what attitude or principle he would adopt if he were to divide his property among them? Will he not accord equal treatment to each of his sons? I therefore draw the pointed attention of Government to the equality of treatment which should be meted out to the people living both in rural and urban areas. Now I would like to quote figures about the population of the Punjab excluding the Indian states. According to the census of 1931, the total population of this province was 23,580,892. Out of this population 20,513,388 persons inhabited the rural areas excluding town and small town committees, municipalities, cantonment boards, etc., and 3,087,464 persons resided in the towns. The percentage of urban and rural population works out to be 13 and 87 per cent respectively. Now what is being contemplated by Government is this. They say that what is being realised from a population consisting of 2 crores of villagers (say a rupee per head), the same amount must be charged from a population of 30 lakhs of urban people. I ask, is this fair and equitable? Is not justice being trampled under foot in the garb of the welfare of the zamindars? After all, you also enjoy and share the amenities of life provided in the urban areas like Lahore. My honourable friends are wielding power while remaining in the cities. Again, my honourable friend the Minister for Development cannot get these facilities and power at Hissar or Rohtak. I may make it clear that I have not the slightest intention to cast any reflection on his personal acumen. I know that he is a person of outstanding ability and by the dint of his character and industry he has succeeded in being elevated to the position of a ministership. But I would appeal to him that he should direct his ability to better channels instead of utilising it in making harsh and iniquitous laws. However what I want to drive at is that he should treat the rural and urban people alike. The Government should not be intoxicated with the comfortable majority which is at their beck and call. I know the followers of the Government are very simple hearted people. They can easily be led by Government. I am fully aware of the fact that Government have managed to secure their votes by doling out small mercies or doing favours to them. But it does not behove the Government to legislate such measures as smack of differential treatment to the urban population. I would explain this by an illustration. If the rural population is the right eye of the Government, then the urban population is its left eye. Let the Government treat them alike. If the trade and commerce flourish in the towns, the whole province will undoubtedly become prosperous. In fact the prosperity of the villages depends upon the prosperity of the towns. The Government, therefore, should not fight shy of helping the development of industries and commerce in the towns. Let us see what happens in other countries of the world. In the European countries great attention is devoted to the upliftment of the trade and commerce of the towns, and the villages.

[Mian Abdul Aziz.]

too benefit by that. Let it be so in India as well. After all the riches of the urban people will be spent on those very products which they have to buy from the villages. In this way the wealth of the towns will ultimately benefit the villages. I would, therefore, submit that if the Government will crush the urban people, the rural population will also be crushed thereby. No mistake should be made with regard to this.

Now I would enumerate the various taxes which the townspeople have already to pay. First and foremost is the income-tax. Then there are the super-tax, the octroi tax, the terminal tax, municipal house-tax, registration fees, the stamp duty, landed property tax, that is land revenue, and the tax on tobacco. I admit that tobacco is exempted under the proposed Bill. But it does exist already. There are very few motor cars in the villages. Most of them are kept by the townspeople, who now pay two rupees per gallon of petrol while they used to pay one rupee and five annas previously. Next comes the motor vehicles tax. In addition to this they have to pay to the Government another tax per seat on their motors. Besides, they pay the entertainment tax. On the top of all these taxes, come two more taxes, viz., urban immovable property tax and the general sales tax. (Pir Akbar Ali: Then you have to pay your tailor as well!) (Laughter) I have great respect for Pir Sahib. I do not want to retaliate. But I put it to him if he honestly thinks that the policy of the Government is correct. I have so often discussed these matters with him and he has occasionally given me the impression that he is at heart quite at one with me. But he dares not say so on the floor of the House for fear of party considerations. In fact he objects to my speech in order to show his loyalty to his party. It is for this reason that he indulges in interruptions. We have in fact, learnt hypocrisy from these Pirs (spiritual leaders). (Laughter).

Adverting to the Bill, I may point out that the Government is rushing through this measure even as it has been rushing through its previous Bills. That is not fair. That is not proper. There will be no harm if this Bill is circulated for eliciting public opinion thereon. May be some *via media* may be suggested by the public. In the light of the public opinion a proper and equitable measure may possibly be brought forward. In that case no one will be justified in opposing the Government. But if the Government thinks that it should strangle the townspeople and benefit the rural population, I am afraid I for one cannot approve of this policy.

One minute more and I have done. My honourable friend Malik Barkat Ali has told the House that the Personal Assistant of the Premier has been going along with him outside the Punjab and charging travelling allowance for those journeys. In this connection the Personal Assistant of the Premier charged Rs. 776 during 1939. I wonder what was the justification for this. In fact he has been charging Rs. 65 per mensem for his tours outside the Punjab. We cannot see any reason for it.

I am sorry that the Honourable Premier was not present in the Chamber during my speech and has only returned now when I am going to end my speech. I regret that I cannot repeat my arguments because that would take another ten minutes. But I wish he had listened to my arguments, so that he could very kindly consider them and modify his opinion in the light of my remarks. I should, however, like to point out that if the Government

will treat all the Punjabis like irrespective of their belonging to towns or villages, then the life of the present Ministry would become longer than it would otherwise be. (*Hear, hear*).

In the end I would urge upon the Government that the Bill under consideration should be circulated for eliciting public opinion thereon. No harm will result from the circulation of this measure. After all four years have elapsed since the Unionist Ministry came to power and the Bill was not introduced in this House. Now if a few months' further delay occurs, heavens will not fall.

With these few words, I support the circulation motion.

**Rao Pohop Singh** (East Punjab landholders) (*Urdu*): Sir, every Government stands in need of funds because it has to carry on its administration and maintain law and order in the territory under its control. But if the Government is a responsible government and not a bureaucracy, its needs are greater than those of the latter because it has to finance works of public utility and satisfy the demands of the public to the greatest possible extent. If a popular Government fails to enjoy the confidence of the public by ignoring the needs and demands of the peoples then it can be overthrown forthwith. Hence a democratic government has to spend more money and on that account needs more funds than an irresponsible government.

The Ministers go out into the rural areas and tell the people that the Government represents them and that it exists for their benefit. They tell them what the Government has done so far to improve their lot and what they intend to do further in the same direction. They tell them that the real power is constituted by them and that they are only their representatives. The tours which are undertaken to tell the people that they are the real masters of the country are beneficial inasmuch as they bring about an awakening among them. The Honourable Sir Chhotu Ram and the Honourable Sir Sikander Hyat-Khan have acquainted the people with their rights and claims. They have informed them how much burden of taxation they bear and what is done for them in return. The speeches they have been delivering during their tours have created an awakening among the people. A representative government always require more funds, for every member who has been returned from a constituency stresses the need of helping his constituents. He draws the attention of the Government to the requirements of his constituency and the Government have to listen to him and find funds to do the needful. One hundred and seventy-five members of this Assembly day and night shake the Government up and draw their attention to the needs of the province. And the Government require funds to meet their demands. The cardinal principle of taxation is that it should be levied according to the paying capacity of the people but it should be spent on these classes which are backward in a way that it may afford relief to the greatest number of the people.

*At this stage Mr. Speaker left the Chair and it was occupied by*

*Mr. Deputy Speaker.*

Now let us see the condition of our finances. The total income of the province is Rs. 11,65,00,000 and according to honourable Malik Barkat Ali Rs. 1,30,00,000 come out of the pockets of the urban classes, and the rest is realised from the rural people. I need not challenge the correctness of these figures though a substantial part of this is paid by ruralites, but I draw

[Rao Pohop Singh.]

your attention to the method by which it is collected from the rural areas as well as from the urban areas. In the case of the rural areas every agriculturist has to pay land revenue and other Government demands. Since 1857 the Government have been charging one-half of the net assets of the agriculturists. In the district of Kangra 46 per cent of the net assets has been the Government demand. Similarly in other districts of the province except Lahore the Government have been realising 40 to 45 per cent of the net agricultural income. Now please consider, if the net agricultural income of a person is Rs. 8 annually, how can he afford to pay annas 4 out of it as land revenue? Even if he is charged one-fourth of the net assets it would mean paying Rs. 2 out of a total net income of Rs. 8. No allowance is made in the case of poor agriculturists with small holdings. Whether rich or poor, all have to pay land revenue according to a uniform rate. For a considerably long time they have been paying 50 per cent of their net income. Only recently the standard of rates has been reduced to 25 per cent of the net income. And 25 per cent land revenue is charged from some districts while there are other districts where the rates are as fixed on the standard of 50 per cent of the net proceeds. In the case of these last mentioned districts 50 per cent rates of land revenue will be continued to be charged up to the time of the next settlement and no one knows when the next settlements of those districts may be undertaken. I refer you to the case of the canal irrigated areas where abiana is at 25 per cent more than the price of water. I may draw your attention to the case of the areas which are irrigated by well water. All chahi areas are assessed 25 per cent chahi rates in addition to the 45 per cent land revenue by a flat rate of Rs. 25 per well. Moreover, they are also charged chowkidara and other rates and cesses. Considering all these Government demands which an agriculturist has to pay to the Government, we find that ordinarily agriculturists pay about 58 per cent of their net income but those whose lands are irrigated whether by canal water or by well water they have to pay about 80 per cent of their net proceeds from agriculture.

Now I come to the paying capacity of the zamindars. We all know that the standard of living prevailing in villages is very low. They do not eat at dinner tables. They have not got costly crockery. Vegetables and other eatables are not available in the villages. What they eat, urban people cannot even swallow. A morsel of their coarse food if taken by an urbanite would stick in his throat. Previously they used to get pure ghee but since the time the banaspati ghee has come into the market, they cannot even get pure ghee. They live in mud huts. Their houses are not as furnished as the houses of the urban people. A village house may not have more than a few rooms, often not more than two, and the whole family has to sleep in a single room. They are not only underfed but also ill clad. Often they go about in rags. In winter when the urban people sit in their shops and houses with electric heaters and fire burning in the hearths, the zamindars go out to water their fields. And in the summer season when the urban people sit under electric fans the zamindars thrash corn in the burning sun.

My submission is that the zamindars of this province or more appropriately those persons who own lands, are actually paying something like



80 per cent of their net assets. (*Rai Bahadur Mukand Lal Puri*: Absolutely wrong). If my statement is incorrect, let the honourable member come forward and enlighten the House as to what per cent of net assets is being realized from the zamindars by way of land revenue and rates and cesses.

**Rai Bahadur Mukand Lal Puri** : A question has been put to me and I will reply with your permission. Under section 48 of the Land Revenue Act, 1928, land revenue cannot be levied more than 25 per cent of the net assets. That is the maximum share of the Government. If, however, any revenue officer or settlement officer ignores this law and levies more than what is laid down under the law, it is the duty of the Government to bring him to book. Anyhow it is incorrect to say that land revenue is assessed more than 25 per cent of the net assets.

**Rao Pohop Singh** : It appears that my honourable friend is labouring under a misconception. It is true to say that land revenue cannot be assessed more than 25 per cent of the net assets under the present Act. But I may tell him that except in the districts of Sheikhupura, Montgomery, Lahore and Lyallpur where settlement operations have been recently held in all other districts, people are paying land revenue assessed under the old Act and more than 40 per cent of the net assets is assessed as the share of Government and with 12½ per cent of net assets as rates and cesses.

**Rai Bahadur Mukand Lal Puri** : May I know whether the Land Revenue Act has not been in force since 1928 ?

**Rao Pohop Singh** : This Act was enacted in 1928, but it has not been enforced so far throughout the length and breadth of the Punjab. I may remind my honourable friend that when one of the honourable members over there inquired from the Parliamentary Secretary, although his object was only to embarrass him, as to when the Land Revenue Act by which the share of the Government has been fixed at 25 per cent of the net assets would be enforced, the Parliamentary Secretary replied that so long as new settlement was not completed in any district, land revenue would be realized according to the old scale, that is 50 per cent of the net assets. Now my honourable friend has stated on the floor of this House that only 25 per cent of the net assets is being realized from the zamindars by way of land revenue. Let me tell him that since the year 1857 zamindars have been paying 50 per cent of their net assets by way of land revenue in spite of the fact that their paying capacity is very low indeed. If my honourable friends take the trouble of studying the Report of the Land Revenue Committee, they would find that the number of zamindars who are paying more than Rs. 5,000 as land revenue to Government does not exceed 13. And the number of those who are paying Rs. 500 as land revenue does not exceed 2,500. The zamindars who pay from Rs. 5 to Rs. 20 as land revenue, are paying something like 70 per cent of the entire land revenue. If we exclude their share of land revenue, the income of the Punjab would come to a few lakhs of rupees. Let us not blink the fact that it is the poor zamindars, that is, who pay from Rs. 5 to 10 as land revenue, who are paying the bulk of the income of the province and they are actually paying one-half of their net assets to Government by way of land revenue. These are the hard facts which my honourable friends cannot controvert, howsoever they may try.

[Rao Pohop Singh.]

Now if we come to the other side, we find that the urban people are not paying even a single pie to the provincial exchequer by way of direct tax. If they are paying anything, let them have the courage to state it on the floor of the House.

**Rai Bahadur Mukand Lal Puri :** Would you allow such statements of far reaching character which are absolutely wrong ?

**Mr. Deputy Speaker :** I would request the honourable member to resume his seat, as the honourable member in possession of the House does not give way.

**Rao Pohop Singh :** Instead of doubting the veracity of my statement, let him come forward and tell us as to what direct taxes the urban people are paying to the provincial exchequer. Let him have the courage to stand up and say that the urban people are paying this and that tax to the provincial exchequer. Surely he cannot say so. I know that he will jump up and say that the urban people are paying income-tax to the Central Government. Granted that they are paying income-tax to the Central Government. But after all what is that tax ? Let me tell him that whereas even the poorest of the zamindars, who owns a *biswa* of land, is not let off without paying his share of land revenue; only those people are required to pay income-tax to the Central exchequer whose incomes are or exceed Rs. 2,000. If any person is earning less than that he is not asked to pay any tax at all. But why ? Because it is said that a person who is earning less than Rs. 2,000 cannot support his family, if he were required to pay income-tax. I ask, have not the zamindars children and families to support, that no one of them is let off without paying his share of the land revenue howsoever small the area of his lands may be ? They have also children, wives and mothers to support. Are they so wooden that they do not require those very amenities which my honourable friends over there are enjoying ? (*Hear hear*). It is a thousand pities that not a pie is remitted to any zamindar. Not one of them enjoys exemption which the urban people enjoy. I can say without any fear of contradiction that if we exempt the poor zamindars paying Rs. 25 land revenue from the payment of land revenue, the whole income of the province would come to a few lakhs of rupees only which will not be sufficient to run the administration of Government. My honourable friends do not pay any attention to these things, but they go on harping on the old theme that Chaudhri Sir Chhotu Ram is out to ruin the urban classes. Before passing any judgment of this nature, let them calmly consider these hard facts. In this connection, I may also point out that my honourable friends daily clamour against the imposition of the house tax in Lahore. But after all what is that tax ? Inside the city proper the proposed tax is levied at the rate of 2 per cent of the annual rental of the houses and outside the city proper it is levied at the rate of 4 per cent only. Against this I may tell my honourable friends that the zamindars are paying two annas in a rupee as local rates and cesses on the whole net assets. That comes to something like 12½ per cent of their net assets. My honourable friends are enjoying the amenities of an up-to-date town ; what is the harm if they pay the proposed tax which is nothing as compared to the local cesses and rates that are charged from the poor zamindars ? (*Interruptions*). Sir, my honourable friend Malik Barkat Ali told us the

other day that the incidence of taxation on the urban population amounts to 8 crores and some lakhs of rupees, but to-day an honourable member has been pleased to reduce it to rupees 1 crore and 23 lakhs and a greater part of this is paid by Government servants. (*Interruption*).

**Mr. Deputy Speaker :** No interruption please.

**Rao Pohop Singh :** One thing which the honourable speakers on that side have conveniently withheld from the House is the paying capacity of the urban population. If you come from Anarkali towards the Mall, you would pass thousands of palatial buildings crammed with goods worth lakhs of rupees. Where have those rows upon rows of buildings sprung from ? It was of course money that made the mare go. Persons such as my honourable friend Sardar Santokh Singh who command an income of lakhs of rupees own these buildings. You cannot find a single building of such grandeur in any village. (*Interruption*). I do not want to go into details and if my honourable friends are willing, I am prepared to exchange country houses of 20 villages for each one of these buildings. If you honestly follow the facts, you will not say that we are jealous of your wealth. When all things are said and done, the fact of your higher earning capacity still remains. Have the zamindars who pay 50 per cent of their net assets no claim on the State ? Sir, my lawyer friends like Mr. Mukand Lal Puri who have practices worth 3,000 to 4,000 rupees at the High Court should always bear it in mind that their incomes as well as the existence of the High Court and even the existence of all the various departments of the Government depends on the zamindars. All the amenities of modern civil life such as schools, hospitals, police stations and courts, which are mainly situated in towns owe their existence to the revenues paid by the poor peasantry of the province. Seven and-a-half crores out of a total of 10½ crores of rupees is paid to the servants of the Government, an overwhelming majority of whom belong to the towns. A casual glance at the records from the year 1857 to the present time will show that out of a total pay bill of 7½ crores of rupees, no less than 6 crores is paid to the townspeople and not to those who live in villages. (*Hear, hear*). A large portion of the remainder is spent on different stores which again are supplied by the contractors who belong to the cities and make thousands out of such contracts. My honourable friend Mr. Mukand Lal Puri complained that on account of the measures already enacted by the Government, people were panic-stricken and were coming to the towns. But I deduce from this that they migrate because they find security in towns which is the one essential for increasing one's wealth. If you see constables on duty everywhere on the Mall and in Anarkali and feel secure in their presence, it is due to that very bare-backed zamindar who is himself denied such security but pays for the police force. It was only the other day that my honourable friends who believe that they will turn the British out of India by non-violence, complained of the depredations of a notorious dacoit Ajaib Singh. This dacoit dared not go to the town of Ludhiana, because the police is stationed there and because the Superintendent of Police and all other district-officers reside there. He chose a village for his raid where there is no security and where he could do what he liked unhampered and unhindered. The towns enjoy every amenity and full security at the expense of the rural areas. It was in the time of the late Mian Sir Fazl-i-Husain of blessed memory that special attention was for the

[Rao Pohop Singh.]

first time paid to rural areas. So far the urban areas had received cent per cent grants and it was only recently that a demand of 40 per cent was made for providing amenities to the rural areas. It seems really very unfair that the towns which already receive so much in the shape of fees by the students and litigants belonging to rural areas should receive further help from the Government for providing amenities to them. The grievance of the rural population is that they pay 15 annas out of a rupee of the provincial income, and only one anna of it is spent in rural areas and the rest in the urban areas.

Again, Sir, the opening up of markets in towns is a further proof of the peace and security available there. But it is on account of that security and peace that a bania can quietly appropriate  $6\frac{1}{2}$  annas out of a rupee from the value of the produce which a zamindar, after toiling for 6 months, brings for disposal in a market. In the first instance, the zamindar is robbed of  $7\frac{1}{2}$  crores of the revenue paid by him for providing peace and security to the town dwellers who relieve him of  $6\frac{1}{2}$  annas in the rupee from his hard-earned income.

**Lala Harnam Das :** On a point of order, Sir. Is the honourable member speaking to the motion ?

**Mr. Deputy Speaker :** He is perfectly relevant.

**Rao Pohop Singh :** After all the zamindars too are God's creatures. They too have a right to exist. But the State created such conditions by providing all sorts of amenities to the urban people that the poor zamindar cannot even get full value of the produce which he gets after a continuous hard work of six months. The State has spent almost nothing for his welfare. I would appeal to those who create misunderstandings by their misrepresentations and raise an urban-rural question to tell me in fairness, who has the capacity to pay. Is it they themselves or the zamindars who have the paying capacity ?

From the land revenue systems of Sawan Mal, Todar Mal, and Maharaja Ranjit Singh till our own times the zamindar has always been the chief tax payer. It is fortunately in the time of the present Government that the land revenue will be assessed at the rate of 25 per cent of a zamindar's net assets. (*Interruptions*). That it has not been so far enforced is due to the fact that there was no way to make up the deficiency of  $2\frac{1}{4}$  crores of rupees which it would cause. The present measures are being introduced in order to reduce that burden.

Wherever the Honourable Sir Chhotu Ram and the Honourable Premier have gone on a tour of the villages, the general cry of the zamindars has always been that the Government should reduce their burden. They have demanded that their earning capacity be increased, and that they should be provided with the means of irrigation. They have asked them to spend something on the zamindars too. Still my honourable friends do not understand why the taxes are levied and the honourable Malik Barkat Ali went so far as to say that Sir Chhotu Ram wants to ruin the towns which instead of being destroyed will destroy the Government. I may assure my honourable friends that there is no urban-rural question.

**Mr. Deputy Speaker :** The honourable member is repeating his arguments.

**Rao Pohop Singh :** Briefly the facts are that where the zamindars—even those who only paid one anna as land revenue—paid as much as 50 per cent of their net assets as land revenue which was to a very large extent spent on increasing the resources and the earning capacity of those who lived in towns, it is now proposed that the urban people should contribute something towards the relief of the rural population. It is, with a view to exempting the poor, that properties of the rental value of less than Rs. 300 in Lahore and properties with a rental value of less than Rs. 200 per annum in other towns have been exempted from the imposition of any tax in the urban Property Tax Bill, while in the General Sales Tax Bill a provision has been made to exempt a turnover of less than Rs. 5,000 per annum. The tax will be levied only upon those who are able to pay but there will be no tax on the poor.

I am reminded here of the words of the late Mian Sir Fazl-i-Husain on the occasion of the opening ceremony of the Unionist Headquarters. He said to this effect that the time had come for informing the richer people that their prestige would not remain for ever. They should better make efforts to raise the status of the poorer and backward classes of the province. They should now serve those in turn who have hitherto been serving them. It is in the best interests of the urban people themselves that something must be done to satisfy the demands of the zamindars. Otherwise there is a danger that they may in a moment of weakness cry out, "They have for centuries been enjoying at our expense, let us now rob them and satisfy our needs." It is for their own security, that the tax is being imposed on the urban property but at the same time let me assure them that this tax is much lighter than the one which has been realized from us, the zamindars. In the end I would appeal to the House to support this measure without demur and to get it through.

**Honourable Members :** Question may now be put.

**Mr. Deputy Speaker :** Question is—

That the question be now put.

**Rai Bahadur Mukand Lal Puri :** Sir, it is a very important Bill and only two hours have been taken so far to discuss the motion. I request that more time should be allowed.

**Mr. Deputy Speaker :** There has been sufficient debate.

**Sardar Sahib Sardar Santokh Singh :** No, the time allowed has been too short.

**Premier :** Sir, there is still an hour and ten minutes. I suggest that 40 minutes may be given to members on those benches and 30 minutes may be given to this side.

**Mr. Deputy Speaker :** I have no objection.

**Lala Sita Ram (Trade Union, Labour) (Urdu) :** Sir, I rise to support the circulation motion and before I advance any arguments I would like to say a word in reply to the speech of my honourable friend Rao Pohop Singh. I quite agree to the main principle of taxation necessitated by the needs of the Government referred to by him in the beginning of his speech, though

[L. Sita Ram.]

I believe that curtailment of expenses and not taxation, is and ought to be the first remedy. My honourable friend should not have lost sight of the common sense fact that whenever a Government like an individual body or a person or a company, aims at increasing its income, it is its foremost duty to see if expenditure can be reduced in any form. You might remember that Resources and Retrenchment Committee was appointed by the Government to see if it could save money by reducing expenditure on any of its items and the Committee made certain recommendations and suggestions in this respect. But to our regret those recommendations have not been given effect to by the Government. When this is the position, you can judge it well as to how far this Government is justified in levying this tax. My honourable friends from this side of the House have given facts and figures to prove that the Government have not taken any practical step to give effect to the recommendations of the said committee and the Honourable Premier has also admitted the charge, though in twisted words. Again if the Government is really in need of money they should adopt reasonable methods to get money. So far as this manner of taxation is concerned I would say that it is unfair, unjust and wholly uncalled for. In the aims and objects of the Bill, the Government have tried to establish that urbanites are richer than rural people and the tax on the former therefore is justified. I am unable to understand this kind of logic which smells of favouritism. Allowing that a few urbanites have a little more money, it would have been proper to take into consideration the expenses which the urban assesseees have to incur. Their obligations are too many and there are no few drains on their income which you are dwindling day by day. Again some of my honourable friends from this side of the House have just pointed out to the Government that urbanites are already paying several taxes and they do not pay less than what is paid by the rural people. It is quite wrong to presume that the urban people pay less tax to the Government and I would say that if the Government will enact this measure on the basis of this presumption the Bill will have no legs to stand upon as a building erected on an unsafe foundation is always insecure and defective. The urbanites have other big taxes to pay to the Central Government. You say that it is not paid to provincial Government. But we are to consider as to how much tax is being paid by the urbanites, no matter whether it is paid to the Central or the provincial Government. It touches our pockets both ways. The second point which I want to raise is that this tax is not being levied on net assets. If it were provided that the tax would be assessed at such and such a proportion of the net income or according to such and such percentage of it, it would not have been cruel. But the tax will be assessed on the aggregate turn-over, no matter whether the profit is less or more or there has been no profit at all. This principle is absolutely incorrect. What the Government wants is that if a shopkeeper is running a shop, whether it is at a profit or loss the Government does not care. If the sale is there and it is up to five thousand rupees the shopkeeper must pay the sales tax and if it exceeds five thousand rupees he will have to pay more and so on. It means that the Government must have its pound of flesh, whether the shopkeeper is making actual profits or not. It is nothing but unjust and unfair. May I ask the Government as to how many shopkeepers are here at Lahore who will escape

this tax? I am sure there will be none. Rupees five thousand divided by 365 days of a year gives Rs. 13-11-0 as the daily sale of a shopkeeper. It means that a shopkeeper whose daily sale is as meagre as Rs. 13-11-0 must pay the sales tax. It is as clear as day that there will be practically no shopkeeper in a city who will escape this tax and it also proves without doubt that this limit of Rs. 5,000 is intentionally fixed to squeeze the last drop of blood from the body of the urban people. This is no tax, but revenge simple and pure.

The Government with all its responsibility, has contented time and again that the rural people pay as much as 80 per cent land revenue to the Government. But this has often been refuted by my honourable friend Mr. Mukand Lal Puri who has also pointed it out that it was finally decided in 1928 that no zamindar would be required to pay more than 25 per cent land revenue. When this is the position, how can the Government have the cheek to say that zamindars are paying land revenue more than 60 or 70 per cent.

Now, I would like to draw the attention of the Government to an important point, and that is that the money spent by a person in acquiring property or building a house has already been taxed. Let me elucidate my point by citing an illustration. Suppose a person saves a sum of Rs. 5,000 or Rs. 10,000. It is crystal clear that he must have paid some tax on it, be it income-tax or some other tax. Now when he builds a house, he would be burdened with another property tax or a house tax. In other words, as I have already stated the same sum is being taxed over again and again. If things are allowed to drift like this, the capital would be dissipated in the payment of taxes alone and then it is bound to disappear in no time. The Honourable Minister for Development must remember that at some time past he very glibly remarked that a residential house worth Rs. 5,000 was immune from attachment. He took pride in saying that he had done this with a view to affording relief of the shelter of a house at least to the debtors or even to those rich persons who had been reduced to poverty due to straitened circumstances. But may I know whether the same house will not be attached by the Government, if the owner of this house is unable to pay the property tax? I think the Government must travel with the moneylenders now in the same boat

Sir, the result of this unjustified levy would be that the poor people, retired from Government or railway service, or belonging to other labouring classes, who after years of hard work have managed to earn and save Rs. 5,000 or Rs. 10,000 or who get loans in order to build a house to live in, would be hard hit by this measure. I fail to understand how they would be able to pay the tax in the absence of any means of income in their retired life. But the Government unmindful of this fact, are proceeding with such measures. Now, to crown all, they have saddled the poor urbanites with sales tax irrespective of the fact whether or not any net profit accrues to them. I ask, is this action on the part of Government justified? I would appeal to the Government to treat ruralites and urbanites alike. There is another point also which requires mention. I quite agree with my honourable friend Rao Pohop Singh that people in cities do sometimes spend much by indulging in extravagance. The sooner the urban people give up this evil habit the better it would be for their existence. But one cannot shut

[L. Sita Ram.]

one's eyes from the fact that in cities the people have to maintain their social position. Their standard of living is higher than that of the villagers. This involves considerable expenditure and there is no help. I, therefore, request the Government that the expenses of urbanites should be taken into consideration while levying new taxes.

Then I am constrained to remark that Government are trying to drive a wedge between two sections of the population of the province and place them into two water-tight compartments. They have already created a class division by passing agrarian measures. Now they have brought forward the mischievous proposition of ruralites *versus* urbanites. In order to win the good will of the zamindars, though it is all sham, they are now doing propaganda that they want to crush the urban people. And to achieve that end they have put forward these measures. I am of the opinion that the Government are doing an unpardonable wrong to the people by this unholy propaganda. I consider the ruralites and urbanites as two wheels of a chariot which would come to a stand-still with the destruction or impairment of any one of them. In other words the existence of ruralites is dependent upon the well-being of the urbanites and *vice versa*. The prosperity of the one depends upon the prosperity of the other. As a matter of fact they are economically so intertwined that none can exist without the other. Then, why create this schism which is not permissible by even canons of economics? I wonder why a renowned economist of the position of the Honourable Finance Minister should keep mum over this highly important matter. He ought to have mustered courage and counselled his colleague that the course followed by him was futile and not commensurate with the accepted principles of economics. He must be aware of the fact that this division tantamounts to creating disaffection among the people. If some one else would have been found spreading bitter hatred between two sections of His Majesty's Government, the long rope of law would have bound him down. But it is a pity that the very Ministers of the Government are doing and preaching it in the open and none can stop them. It shows that law is no law, but the Ministers are the law.

**Mr. Deputy Speaker :** The honourable member is irrelevant. He should speak to the motion.

**Lala Sita Ram :** What I wanted, Sir, to emphasise was that urbanites provided markets for the raw materials of the ruralites. The former catered to the needs of the latter by manufacturing articles of daily use and also by exporting and importing goods. I want to lay stress on the fact that we should find ways and means for bringing the two indivisible sections of the population of the Punjab closer and strengthen their connections and dealings.

Then I would like to refer to the stringent clauses of the Bill. I take up the section dealing with the maintenance of accounts by the dealers. This section is obviously very harsh, because, if a person fails to keep accounts of his sales, he is liable to fine which may extend to Rs. 1,000. Suppose a poor man belonging to labouring classes happens to do a business with a turnover of Rs. 5,000 or more annually. His net income may be very small but a severe punishment in the form of a fine up to the limit of Rs. 1,000



would be inflicted upon him, if he through sheer carelessness or inability to afford to engage an accountant did not keep his accounts. I am of the opinion that the amount of fine or the penalty is disproportionately heavy. I think Government should revise their decision and modify the amount of fine. They would be well advised to adopt some rule of a universal nature applicable to all sections of the population. It is inconceivable to me that Government should, on the one hand exempt agricultural produce and on the other hand levy a sales tax on the urbanites dealing in the same commodities. This invidious treatment is bound to have an adverse effect on the urban population, and they would not be far from truth when they draw the conclusion that the present Government is definitely unjust and selfishly biased against them.

No doubt the name of the Bill is the General Sales Tax Bill. But in reality it aims at crushing the poor shopkeepers and merchants in the towns. The whole urban population will be adversely affected by this measure. This tax is not based on a proper universal principle. The tax will not be on net income, but on the turn-over, simple or pure. Even if a man is running his shop at a loss, he will be taxed under this tax. What justification can there be for such a harsh measure? It is clearly intended to harass and crush the urban people.

As the time is very short and other honourable members have yet to deliver speeches, I conclude my speech by strongly supporting the circulation motion.

**Shaikh Sadiq Hasan** (Amritsar City, Muhammadan Urban) (*Urdu*): Sir, I am one of those who are in favour of taxing the rich in order to benefit the poor. (*Ministerial cheers*). In Islam we have Zakat which is also based on this very principle. That is not, however, a tax on sales. That is a tax on the property of the rich persons, and it goes to benefit the poor classes who cannot maintain themselves. If the object of a certain tax is to ameliorate the conditions of the poor, I am in its favour. But if the object is to arrange for the flush system in the bungalows of the capitalists and only to improve the roads, etc., then I for one have no sympathy with the tax proposed. (*Hear, hear from the Opposition benches*). A general discussion has already taken place on the principles of taxation. I do not want to prolong this discussion. In fact I do not like the conflict between the urban and the rural population. We should not try to drive a wedge between the different classes of people. When as a Muslim my sympathy transcends the boundaries of India and reaches the Turks and the Arabs, it ill becomes any Muslim to spread hatred between urbanites and the rural inhabitants of this very country. (*Cheers*). I, as a Muslim, abhor such a policy and cult of hatred.

I should like now to place certain views before the Honourable Minister of Development so that he may remove some defects in the Bill in the light of my remarks. My object is only to improve the Bill and not to oppose it. With this end in view I wish to point out the defects and shortcomings of the present measure and I hope that the Honourable Minister of Development will sympathetically consider these points.

My first and foremost objection to this Bill is that the Government has not really exempted all the deserving people from the operation of this Bill.

[Shaikh Sadiq Hasan.]

For instance, it is proposed that persons with a gross income of Rs. 5,000 per annum would be exempted from this levy. But I want respectfully to point out that if the profit of such a person is really 10 per cent his net income would be only Rs. 500 per annum. Now an income of Rs. 500 or 600 is not a great sum. In fact it is only a very modest income. How can a person with this meagre income keep all the accounts. Should he employ a clerk? Generally our petty shopkeepers are not educated. They are steeped in illiteracy. Most of the shopkeepers in the towns are half educated and do not keep accounts. Now if they will employ a clerk or a *munshi* on a salary of Rs. 25 per mensem, he will have to spend Rs. 800 out of his whole income of Rs. 500. How will he under these circumstances, manage to make his both ends meet and also to pay the general sales tax? As a matter of fact he will have to wind up his shop.

The second point to which I wish to invite the attention of the Honourable Minister of Development is that while a rebate of one half of the tax on sales of articles for export will be granted, no tax will be imposed on the articles of import into the Punjab. Even in the case of the proposed rebate, the word used is 'may' and not 'shall'. Thus our own industries will remain at a disadvantage as compared with the industries of other provinces. Must I remind the Honourable Ministers that the British had taken very drastic measures in order to create a market in India for their own exports of industrial products? Even our cotton textile was subjected to an excise duty. I hope the Honourable Minister of Development will see to it that full rebate is granted on sales of articles for export.

My third point is that the inhabitants of the Punjab will have to pay  $\frac{1}{2}$  per cent on sales of the imported articles. But the foreigners and industrialists of other provinces will not be required to pay anything unless they have an agent in the Punjab. This is a grave defect to be removed.

My fourth point is that those business men who are running their business at a loss should not be taxed at all. After all what justification can there be for such a taxation? On the one hand the shopkeeper is already faced with a loss in his trade and on the other, the Government demands a share. How can it be? As a matter of fact full rebate should be granted to such shopkeepers as are running their business at a loss.

In the end, I should like to submit that the fine proposed in the measure is Rs. 1,000 or double the amount of tax due, whichever is greater. This is calculated to constitute a great hardship to the poor shopkeepers. In the case of small shopkeepers the amount of fine should be much less than is proposed in the Bill. The maximum amount of fine should be Rs. 20 or 30 in the case of petty shopkeepers and in any case it should not be more than double the amount of tax due from a person. I hope the Honourable Minister of Development will sympathetically consider these humble suggestions of mine and make the necessary changes in the Bill.

**Mr. P. H. Guest** (Punjab Commerce and Industry): Sir, I wish to say a few words on the motion for the circulation of this Bill and I will try to keep to that point. This question should be treated rationally and I propose to avoid all those disastrous arguments which have been put

forward as regards rural and urban taxation. Those I would leave out. Let us consider whether this Bill should not go for circulation. I understand that the reasons for the Bill are rural requests for money. Now the Government has been in office for several years and I cannot see any reason why a few more weeks should not be given to people to consider the implications in this Bill. One can just consider one or two implications. In the first place if the ordinary trader who is going to be hit very severely by this Bill can find any way out of his difficulty forced on him by this Bill, the inevitable result will be that the tax will be passed on to the ultimate buyer and I understand that if you treat the Punjab as a whole a majority of the ultimate buyers are rural people. In other words one of the objects of the Bill will be killed. If that does not happen, and the tax is not passed on to the ultimate buyer, what is going to happen to those necessary servants of the people, the distributors? In some cases, I should say in many cases, the profit which the distributor makes is no more than one per cent. I know of many instances where small businessmen who would come within the limits of this Bill sell for instance a box of soap to the retailer and the only profit they make is the wooden box in which the soap comes. Now if the Bill is going to tax that man one-fourth per cent, assuming his own gross income, amounts to one per cent he has been taxed 25 per cent on his gross proceeds. If you calculate also that he has certain expenses, the tax comes to between 40 or 50 per cent of his actual net income. Now the tax of forty to fifty per cent on the income tax basis represents at least a lakh of rupees of income per annum. So the poor man who perhaps is earning four or five thousands a year is by this tax being mulcted of a sum which is equal to the income-tax which a man with an income of one lakh will have to pay. Now it seems to me that this point of view does indicate that the commercial community would have some little consideration and as a member for Commerce and Trade constituency, I have received many communications from the various commercial people crying out that they should at least have the opportunity to consider the implications of this Bill and I hope that the Honourable Minister for Development will give due consideration to the desire of the commercial community at least in this respect. I can say that the commercial community have just as much regard for the agricultural success and development in this province as any other person. They regard it as axiomatic that the agricultural prosperity is their prosperity and agricultural depression is their depression and there is no reason to assume that the same members of the commercial community would not view this Bill with respect and careful consideration even from the rural persons' point of view and it is for this reason that I feel that I must support this motion for circulation.

**Begum Rashida Latif Baji** (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*): Sir, I have risen to express my views on the motion now before the House. Whenever a Bill is sponsored by the Ministers they try to rush it through. They do not want to circulate it to elicit public opinion thereon. They never give a chance to the public to express their views on the Government Bills. First they brought in a Bill to levy tax on properties situated in towns as well as cities. But they did not circulate it to know the public opinion with regard to it. Now they have brought in this second Bill and are again unwilling to circulate it to elicit public opinion

[Begum Rashida Latif Baji].

on it. For the last hundreds of years there had been no Act imposing a tax on the sale of goods. No one knows what has happened now that the Government has taken into their heads to levy a tax on the sale of goods. Generally poorer classes are exempted from the payment of taxes. But according to this Bill even the poor people will have to pay this new tax. A man whose gross income happens to be Rs. 13-10-0 daily even he will have to pay this tax. If his net income is one anna in the rupee his total daily income would be Re. 0-13-6 only. He has to pay rent of the shop out of this income. And often he has to incur loss instead of earning any profit. Often the shopkeepers make up their loss out of their profits. A man keeps a mutton shop. He sells mutton worth Rs. 20 daily. Out of these Rs. 20 he has to pay the price of goats and also to pay the rent of the shop. What could be his daily net income? Government ought to have taxed the net income. (*Interruption*). You ought to be just. If one man is riding a horse is it just to pull him down simply because others cannot afford to ride horses? The Ministers ought to have tried to improve the lot of the poor people. But you on the other hand are trying to make the rich people also poor. You ought to have reduced your expenditure. What is the necessity of this battalion of parliamentary secretaries? If you had brought this Bill after making every attempt to economise we could have regarded your action justified. But under the circumstances when all the recommendations made in the Report of the Retrenchment and Resources Committee have not been carried out, how can we say that the Government is justified in bringing forward these new Bills with the purpose of levying taxes? How unjust it is that this Bill does not apply to the big landlords when they sell their grain worth thousands of rupees but applies when the same grain is sold by the shopkeepers. (*Interruptions*). My honourable brothers who are interrupting me ought to be ashamed of themselves. I am a purda observing lady member of this House and they have no regard for it. They instead of showing courtesy to me are interrupting me.

**Rai Bahadur Mukand Lal Puri :** I plead for the greater respect for the honourable lady member from the Ministerial Benches. It is most unfair that a lady member should be interrupted in her speech.

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): We have great respect for the honourable lady members.

**Begum Rashida Latif Baji :** Sir, with these words I support the motion now before the House.

**Mr. Deputy Speaker :** The question is—

That the question be now put.

*The motion was carried.*

**Minister for Development** (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, I propose to deal very briefly with the arguments urged by my honourable friends opposite. At the very outset I want to state it explicitly, and let there be no doubt about it, that in this Bill no distinction has been made between the urban and the rural people. The proposed tax will be levied on all those traders whose annual turnover exceeds Rs. 5,000

regardless of the fact whether they are urban or rural traders or whether they are Hindus, Muslims, or Sikhs or whether they are agriculturists or non-agriculturists. However, we cannot blink the fact that mostly large traders carry on their business in towns and it will therefore be the urban traders who will mainly be affected by this measure. But so far as the principle of the Bill is concerned no distinction has been made between the urban and the rural traders as such.

The second point in regard to which I want to make a few observations is my honourable friend Malik Barkat Ali's remark that it was wrong to say that as compared to the urban population rural people were heavily taxed. According to him the fact was that the urban people were paying much more than what the rural people were paying. But the truth is the other way about. My urban friends say that they are paying municipal taxes. Let me tell them that strictly speaking such charges should not be regarded as taxes at all. Because municipal charges, such as they are, are paid for specific services rendered within municipal limits to the population residing within those limits. These charges are not levied for promoting the welfare of the community in general. In fact these charges correspond to the voluntary contributions which now and then are customarily levied in villages for common purposes. For instance, if a well is to be sunk in a village all zamindars contribute their proper share towards that fund. Similarly for other services, such as the digging of tanks, construction of village halls or dharamsalas and engaging of scavengers, funds are collected from the zamindars and everybody pays his share willingly. Anyhow these contributions are not considered to be taxes nor are they counted as such. It therefore stands to reason that municipal taxes which the urban people pay for specific services rendered to them by the municipal committee should not be regarded as taxes.

**Rai Bahadur Mukand Lal Puri :** What about the pay of the executive officer which is charged to the municipal funds ?

**Minister for Development :** Do not be impatient. I will answer that point as well. I was saying that the municipal taxes which the urban people pay are incurred on specific services which are rendered to them by the municipal committee. Now my honourable friend Rai Bahadur Mr. Mukand Lal Puri has raised another question regarding the pay of the executive officer. According to him the expenditure that is incurred on the executive officer by way of his salary cannot be said to have been spent for the good of the residents of the municipal committee. So far as this question is concerned I may tell my honourable friends that the executive officer is the servant of the municipal committee and if anybody serves them and manages their affairs, will it be improper for him to draw his salary from them ? This objection appears to be absurd on the face of it. If he is serving the committee and a salary is paid to him in lieu of his services nobody can say that that sum is being incurred for the welfare of the community in general. In short my submission is that the taxes which the urban people are paying to the municipal committees cannot be considered to be taxes at all.

Let us now see what taxes are being paid by the non-agriculturist urban people. It is an admitted fact that the agriculturists living in the urban

[Minister for Development.]

areas are paying the same taxes which the rural people are paying to Government. But as most of the people residing in the urban areas are non-agriculturists belonging as they do to the trading classes, it is necessary for us to examine as to what taxes are being paid by them to the provincial exchequer. Here are the details. The total revenues of the province come to 11½ crores of rupees. The trading classes contribute something like 24 lakhs of rupees, which sum is returned to the province out of the income-tax paid by the urban people to the central exchequer. Previously we did not get this share. It is only recently that we have been allotted this share. Beyond this the trading classes do not contribute even a single pie to the provincial exchequer by way of direct taxes. If anybody claims that the urban people are paying any direct taxes to the provincial exchequer let him stand up and say so.

**Rai Bahadur Mukand Lal Puri :** These taxes were enumerated by my honourable friend Mian Abdul Aziz. There is for instance a tax, which is a direct tax, tax on the urban property in the form of stamps on leases, gifts, on sales, which according to the calculations, made by the Honourable Finance Member himself, was calculated to bring at least three lakhs. Again, there is another tax, as pointed out by Mian Abdul Aziz ; it is the urban land revenue tax which is imposed in places like Lyallpur and Jaranwala. It is worked out at the rate of Rs. 350 per acre, while the corresponding land revenue on agricultural land is only Rs. 18 per acre. There are other taxes also.

**Minister of Development :** I never made room for the honourable member to make a speech.

**Rai Bahadur Mukand Lal Puri :** You asked a question and I simply replied to that. There are many direct taxes on urban classes which are not paid by the rural classes.

**Minister for Development :** My honourable friend Rai Bahadur Mukand Lal Puri has referred to the statement of Mian Abdul Aziz that the land-owners in the cities also pay land revenue and local rates. I do not deny that. But here the question is that of agriculturists and non-agriculturists.

**Rai Bahadur Mukand Lal Puri :** If the distinction is—

**Mr. Deputy Speaker :** Order order. The honourable Minister does not give way.

**Rai Bahadur Mukand Lal Puri :** Is not more than half of the land revenue in this province paid by the members of non-agriculturists tribes ? I know of it. I also pay land revenue.

**Minister :** The question of urban and rural people resolves itself roughly into that of agriculturists and non-agriculturists. That is nearly if not exactly the case.

**Rai Bahadur Mukand Lal Puri :** May I ask one question ? Do not members of non-agriculturist tribes pay land revenue ? If they do, what is the proportion of that land revenue to that paid by the members of agriculturist tribes ?

**Minister :** I have already made those calculations and you know the result. The land which is not owned by statutory agriculturists in this province is 17 per cent, but the whole of it is not owned by such non-agricultural classes as Khattris, Aroras, Mahajans and the like; a very large percentage of it belongs to agriculturists other than statutory and to *gaddis* like the one occupied by my honourable friends Mahant Girdhari Das. Large areas of land are attached to the gurdwara at Nankana Sahib and many other shrines. There are a good many institutions owning lands. The religious heads of these institutions may be statutory agriculturists, but the institutions as such can be and are counted as non-agriculturists. Thus, it would be wrong to assume that these lands belong to non-agriculturists in the ordinary sense of the word.

**Rai Bahadur Mukand Lal Puri :** Do they belong to agriculturists?

**Minister :** I have stated the correct position to enable you to draw your own conclusions. I have already submitted, Sir, that we are going to get Rs. 24,00,000 from the Central Government as our share in the income-tax derived from this province. There is no other tax worth the name which the provincial Government receives from the urban trading classes. Now the provincial revenues, as you know, amount to Rs. 11,73,00,000 out of which land revenue is responsible for Rs. 4,67,00,000, abiana for Rs. 4,68,00,000, Excise for Rs. 1,04,00,000 and stamps for Rs. 75,00,000. The receipts from two out of these four items, that is, from land revenue and abiana alone amount to Rs. 9,35,00,000 the whole of which is paid by the agriculturists.

**Sardar Sahib Sardar Santokh Singh :** And what is spent on them?

**Minister :** That question does not arise here. Now the total receipts from these four items amount to Rs. 11,14,00,000. On the total of these four principal items the incidence per head on the rural population, including such non-paying classes as Khattris, Aroras, goldsmiths, sweepers, etc., comes to Rs. 5·4 while calculated on the first two items that is, land revenue and abiana it amounts to Rs. 4·56. On the other hand even if the whole amount of income-tax is credited to the urbanites the incidence of taxation per head is barely thirteen annas. Again, if you calculate the incidence on the basis of land owners only who actually bear this burden, their share in the form of land revenue and abiana alone comes to Rs. 26·7 per head and if the *pro rata* receipts from excise and stamps are also included, this incidence will go very much higher.

**Rai Bahadur Mukand Lal Puri :** How much income do you derive from the Hydro-Electric Department for the sale of electricity?

**Minister :** About 7½ crores of rupees out of the good money of poor zamindars were spent on the Hydro-Electric Scheme but zamindars have derived no benefit from it. All the benefits have gone to the urbanites. And this is not the only case where zamindars have paid for your benefit. Take, for instance, the Government College of Lahore. It was established with the money of zamindars but it is your children who are benefited by this institution. They become extra assistant commissioners and get other lucrative jobs after spending only one-fourth of what zamindars spend on their education in this college. Zamindars provide the money and you get the benefit.

[Minister for Development,]

Our honourable friend, Malik Barkat Ali, was pleased to remark that it was not correct to say that the rural population was more heavily taxed than the urban population. He stated that the incidence of taxation per head of the urban population was Rs. 19-14-6 while in the case of the rural population it was no more than Rs. 5-8-0. His calculations are hopelessly wrong. But there is a most welcome gratification for me personally in his observations as well as in the general trend of the debate. One good result of the introduction of these Bills has been that those who professed to be the defenders of Islam and demanded 56 per cent representation for Muslims have been forced to appear in their true colours. In their anxiety for finding friends they have chosen to bewail on the destruction of the old *sahukara* system. Similarly defenders of Hindu *dharam* and the Sikh *panth* have taken up cudgels in support of urban capitalists and against the rural population as if rural Muslims, Hindus and Sikhs were not their brethren. Thus birds of the same feather have flocked together and we find Malik Barkat Ali, Rai Bahadur Mukand Lal Puri, Sardar Sahib Sardar Santokh Singh and Mr. Guest in the same boat, or, shall I say, in the same nest. Their economic interests are identical and this economic bond—which I have always held to be infinitely stronger in the secular field than the religious bond—has brought them together. This is exactly what I have been advocating for the last 28 years as a true basis for political parties. It comforts me to see that Malik Barkat Ali has also been found out like Rai Bahadur Mukand Lal Puri and Sardar Sahib Sardar Santokh Singh.

**Rai Bahadur Mukand Lal Puri :** May I ask one question and that is this. On what principle—

**Mr. Deputy Speaker :** The Honourable Minister does not give way.

**Rai Bahadur Mukand Lal Puri :** I have waited here to listen to his speech. All the benches here are empty but —

**Mr. Deputy Speaker :** That is not in my power. The Honourable Minister does not give way.

**Minister :** The time at my disposal is very short. Otherwise, I would have explained the whole situation with regard to the Central and provincial dues and the share of the rural and the urban population in the receipts of both Governments. I have sent a comprehensive statement to the 'Tribune' which I hope will be published tomorrow. There you will find a reply to all your questions. In short the urbanites pay practically nothing direct to the provincial exchequer. All that they pay goes to the Central Government and even that is precious little.

**Rai Bahadur Mukand Lal Puri :** On what principle do you exclude it ?

**Minister :** This habit of interrupting at every step is very objectionable. My honourable friends should exercise some patience and let me have my say. Now the figures quoted by Malik Barkat Ali have not been taken from any authentic publication. They are contained in a propaganda pamphlet published by one Lala Parkashanand who ought to have been named Andheranand. (*Laughter*). The foreward to that pamphlet has been written by Raja Narendra Nath, the revered uncle of the Unionist Party,



whose whole life has been devoted to proving that the urbanites are more heavily taxed. Thus the author of the pamphlet is Lala Andheranand and the foreward is from the pen of our uncle—

**Rai Bahadur Mukand Lal Puri :** His figures are certainly more reliable than yours.

**Minister :** Let me examine and expose some of his calculations. He says that only 83 per cent. of the land revenue is paid by the rural population which means that in his opinion the land revenue paid in respect of the lands attached to the gaddis of Nankana Sahib, Phuman Shah and others is paid not by the ruralites but by the Aroras, Khattris, etc., of the urban areas.

**Rai Bahadur Mukand Lal Puri :** Is that not so ?

**Minister :** No, it is not. Then, Sir, it has been admitted even by Lala Parkashanand that the whole of abiana is paid by the rural population. But coming to the excise receipts he again makes the ridiculous assertion that 44 per cent of these receipts are to be assigned to the urban population. Any man who knows the real state of affairs must dismiss this assertion as preposterous. The urban population largely consists of much better educated people and has a large element of such classes as believe in amassing wealth, not in spending it. They do not indulge in drinking or mispending their wealth in other ways. How can this population be credited with 44 per cent of the excise receipts ? Excise receipts have been apportioned in a wrong way. For instance all liquor sold by the liquor shops in Lahore and other towns has been assumed to have been consumed in towns. But who would believe that the people whose social codes teach them to live on cheap vegetables will contribute much towards these receipts ? This money also comes from the pockets of happy-go-lucky zamindars of rural areas, specially khalsa Jats.

Again, Lala Parkashanand has assigned no less than 75 per cent of the proceeds of taxes on motor vehicles to urban classes. I am free to admit, Sir, that the urbanites have large numbers of private motor cars but if you examine the buses plying on any road you will find that practically all of them belong to Attar Singhs and Sangara Singhs, all of them rural jats.

**Rai Bahadur Mukand Lal Puri :** Twenty-five per cent of the money paid as taxes in respect of buses goes from our pockets.

**Minister :** That is not correct.

**Rai Bahadur Mukand Lal Puri :** Hold an enquiry and you will be convinced of the correctness of my statement.

**Minister :** That gentleman has also claimed that all the entertainment taxes are paid by urbanites. I agree that a good bit of the proceeds of this tax comes from the urban population but it is absolutely wrong to assign the whole of it to urbanites.

Then the author of the pamphlet has taken up only one central head of revenue, that is, the customs and he has put forward a brazen claim that 60 per cent of the receipts under this head are contributed by the urban classes. It seems that he does not know what goods are subject to customs duty and by what classes of people they are consumed. It is well known

[Minister for Development.]

that rural classes comprise 87 per cent of the population and the bulk of these goods is consumed by these classes. And yet, this gentleman had the cheek to say that 60 per cent of the receipts from customs duty comes from the pockets of the urban classes.

**Rai Bahadur Mukand Lal Puri :** This statement is nothing less than the Government of India report. Unfortunately it was not the Punjab Government.

**Minister :** If according to my friend any Government is responsible for these calculations then it must be under the influence of bania. These calculations have not the authority of the Punjab Government which is the only zamindar Government in India. This, Sir, is the correct position about the customs.

**Rai Bahadur Mukand Lal Puri :** I say it is a flagrantly wrong statement.

**Minister :** How can you say that it is a wrong statement? Is it not a fact that between 85 and 90 per cent of the population of India resides in rural areas and that most of the goods that are imported into this country are consumed by them?

**Rai Bahadur Mukand Lal Puri :** It is flagrantly wrong.

**Mr. Deputy Speaker :** Order, order.

**Rai Bahadur Mukand Lal Puri :** He has put me a question and you are asking me to order. I say that it is flagrantly wrong.

**Mr. Deputy Speaker :** Order, order, please.

**Rai Bahadur Mukand Lal Puri :** The Honourable Minister has put me a question and I am answering it. You should call him to order. Why do you call me to order?

**Sardar Sahib Sardar Santokh Singh :** The Honourable Minister has put a question and Mr. Puri is replying. Ask the Minister not to put such questions.

**Mr. Deputy Speaker :** The Honourable Minister should not put any questions.

**Minister :** Again, although that gentleman was so keen to mention the proceeds from customs duty yet he does not make any reference to railway receipts. This omission is due to the fact that according to the Budget for 1940-41, only about 4½ crores of rupees were received from the upper class passengers while more than 30½ crores of rupees were contributed by third class passengers. He had not the grace to touch this item although the income under it amounts to 35 crores of rupees. This, in short, is the worth of the figures and calculations contained in Mr. Parkashanand's pamphlet and quoted as gospel truth by Malik Barkat Ali.

One thing more. A good many honourable members have laid stress on the point that the Government has not taken the House into confidence as to the necessity for levying this tax and the purpose for which its proceeds will be utilized. "What has happened to your Budget?" they ask. My reply is that a glance at the Budgets of the last three years will show that there was a deficit of 45 lakhs in 1938-39, of 49 lakhs in 1939-40 and of 28 lakhs

in 1940-41. Can any Government look at these successive deficits with equanimity? These figures are the sternest warning to the Government that it should find new sources of income to balance the Budget, unless it is prepared to lose a good deal of its credit in the money market.

Our opponents also ask us to state what we are going to do with the proceeds of this tax for the good of the province. What a pity that they should profess ignorance? However, let me enlighten them. The estimate of the cost of our programme both executed and contemplated is about 30 crores of rupees. I may tell my honourable friends that this large amount of money has been or will be borrowed from the open market and interest will accrue on it. Honourable members must be aware of the fact that loans involve payment of interest and that interest, as you know, is to be paid out of our annual income. Now the burden of interest on this colossal sum of Rs. 30 crores will fall on the income of the province. Then almost daily is it being dinned into our ears that the Government should take the initiative to start factories in the province by itself or in partnership with private capitalists with a view to afford livelihood to the unemployed and help the people specially in times of famine and scarcity. Whether we establish factories by ourselves or in partnership with others, in both cases money will be required. Honourable members of this House have themselves suggested borrowings ranging between one crore and ten crores. My honourable friends may suggest any amount of money but no one is going to lend us even a pie unless our budgetary position is sound. Our credit should be high if we want to raise loans in the open market. Sir, we have estimated that between 30 and 40 crores rupees are required to put different suggestions of our honourable friends into practice, and we shall have to pay about one crore of rupees as interest on that amount at the rate of even 8 per cent. Besides, we have several other schemes including the opening of large scale co-operative commission shops, meeting debt requirements of poorer classes at a low rate of interest and providing facilities for better drinking water in places where there exists acute scarcity of water. My honourable friends opposite should not forget that most valuable amenities of life in the shape of first class colleges, roads, water, medical and sanitary services in Lahore have been provided mainly with the help of zamindars' money. While enjoying these facilities they should not lose sight of the fact that there are districts like Dera Ghazi Khan, Mianwali, Hissar, Rohtak, Kangra and Hoshiarpur where water is not available even at a depth of 200 feet, and women of these districts have to cover five or six miles distance in order to bring water to their houses. In some of these districts water at certain periods is not available even at these distances and has to be brought on camels' back. Is it not, therefore, incumbent on the Government to do something for these unfortunate people? But my honourable friends opposite probably wish that every kind of facility should be provided to the people of Lahore and Amritsar and other big towns alone. But whatever their wishes it is the duty of the Government to treat urban and rural people alike. Perhaps my honourable friends do not know as to how much money is spent on constructing a *baoli* in the district of Kangra where sub-soil water is available only at prohibitive depths and the people have to drink dirty water with which my honourable friends would not care to have even their dogs washed.

## [Minister for Development.]

As regards land revenue, I may submit that under the existing law its maximum limit is 25 per cent and it is just possible that at certain places we may have to reduce the actual pitch still lower. In future we cannot assess land revenue on more than a 25 per cent basis. But the assessment in past settlements was based in a number of cases on a higher pitch. In future settlements we have to reduce the pitch of land revenue where it exceeds 25 per cent of net assets. For instance, in Gurgaon we have to reduce the land revenue which is 42 per cent to 25 per cent. We shall have to do the same in other districts. For instance, in Rohtak settlement was due in 1937-38, in Karnal in 1938-39 and in Ambala it is due in 1940-42. In all these districts the present assessment exceeds 25 per cent and will have to be brought down to that pitch.

One word more. Honourable members opposite have taken objection to the salaries of Ministers. I propose to make no reply to it beyond this that it is well that the salaries of Ministers should continue to rankle in their hearts. But it is most regrettable that my friends have not spared even the Personal Assistants of the Ministers in respect of their travelling allowances. Let me tell them that wherever they go with the Ministers they are considered to be on duty. If a minister goes to Kashmir or Bombay his personal assistant will also accompany him and it is his duty to do so. Therefore they are entitled to receive halting and travelling allowances if they have to accompany their Ministers even outisde the Punjab. (*A voice from the Opposition benches*: Please leave it. It is an ordinary thing). If it was an ordinary thing why did your friends refer to it at all? It was very petty on their part to do so. If they desire to reduce the salaries of Ministers they are welcome to move a censure motion against them. But for decency's sake, let us keep poor Personal Assistants out of such squabbles.

Sir, this is all that I wanted to say.

**Mr. Deputy Speaker :** Question is—

That the Punjab General Sales Tax Bill be circulated for eliciting opinion thereon.

*The motion was lost.*

**Mr. Deputy Speaker :** Question is—

That the Punjab General Sales Tax Bill be referred to a select committee consisting of

Khan Sahib Chaudhri Pir Muhammad.

Chaudhri Prem Singh.

Sardar Inder Singh.

Chaudhri Ram Sarup.

Rai Sahib Rai Hari Chand.

Khan Sahib Chaudhri Shafi Ali Khan.

Sheikh Faiz Muhammad.

Subedar Major Raja Farman Ali Khan.

Sir William Roberts.

Sardar Lal Singh.

Dr. Sir Gokul Chand Narang.

Sardar Sahib Sardar Santokh Singh.

**Rai Bahadur Mukand Lal Puri :** Sir, as the Congress members are absent, I suggest that the name of Lala Sita Ram may be substituted in place of any other member whom the Honourable Minister does not find indispensable.

**Minister for Development :** If any member included in this list does not wish to serve in the select committee, I will substitute Lala Sita Ram's name in his place.

**Rai Bahadur Mukand Lal Puri :** Under no circumstances does the Honourable Minister consider the desirability of making up the deficiency in representation by acceding to my request.

**Mr. Deputy Speaker :** Question is—

That the Punjab General Sales Tax Bill be referred to a select committee consisting of—

Khan Sahib Chaudhri Pir Muhammad,

Chaudhri Prem Singh,

Sardar Inder Singh,

Chaudhri Ram Sarup,

Rai Sahib Rai Hari Chand,

Khan Sahib Chudhri Shafi Ali Khan,

Shaikh Faiz Muhammad,

Subedar Major Raja Farman Ali Khan,

Sir William Roberts,

Sardar Lal Singh,

Dr. Sir Gokul Chand Narang,

Sardar Sahib Sardar Santokh Singh,

and that five members will form the quorum.

*The motion was carried.*

*The Assembly then adjourned till 12 noon on Monday, 9th December, 1940.*

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 9th December, 1940.

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

### STARRED QUESTIONS AND ANSWERS.

#### SIKH AGRICULTURISTS OF FEROZEPUR DISTRICT.

**\*6807. Sardar Pritam Singh Sidhu :** Will the Honourable Premier be pleased to state the total amount paid as revenue and abiana in the Ferozepur district by the Sikh agriculturists, the percentage of their population in the district and their representation among all Government employees belonging to all departments posted to the said district ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** 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.

#### SEA ROUTE TO JADDAH FOR PILGRIMS.

**\*7339. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable the Premier be pleased to state whether the Punjab Government had recently any correspondence with the Central Government on the subject of the sea route to Jaddah being safe and open for pilgrims of Haj ; if so, whether he will be pleased to lay the correspondence on the table of the House ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** The attention of the honourable member is invited to the press *communiqués* issued by the Government of India, Department of Education, Health and Lands, dated the 31st October, 1940, and 19th November, 1940, copies of which are laid on the table.

*Government of India, Department of Education, Health and Lands,  
New Delhi, the 31st October, 1940.*

#### COMMUNIQUE.

##### *Haj Pilgrimage.*

In spite of the many calls on available shipping for purposes arising out of the war, arrangements have been made for sailings during November and December for the forthcoming Haj Pilgrim season and for giving all possible protection to the pilgrims during the sea voyage..

At present arrangements have been made for one sailing from Bombay and Karachi and one from Calcutta. Efforts are being made to arrange a later sailing, from Bombay and Karachi in the second or third week of December but, as it is not certain that this sailing will materialise, those pilgrims who can do so are advised to travel by the sailings already arranged. Every endeavour will be made to provide sufficient shipping on each occasion for the pilgrims who present themselves at the ports by the dates advertised.

2. The sailing from Bombay and Karachi already arranged will be in the 4th week of November and the sailing from Calcutta will be in the first week of December. Owing to war conditions actual sailing dates cannot be given but intending pilgrims should reach pilgrim ports by the dates mentioned below and should come prepared to maintain themselves for a delay which may extend to five days. For the sailing from Bombay and Karachi intending pilgrims should reach these ports by the 22nd November at the latest. For the Calcutta sailing pilgrims should reach Calcutta by the 29th November. If a second sailing from Bombay and Karachi in December is settled an announcement will be made giving the latest dates on which pilgrims should reach the ports.

3. The fares fixed for the present season will be as follows :—

<i>Deck passengers.</i>				<i>Fares including food charges.</i>
				Rs.
Bombay to Jedda (return) .. .. .	..	..	..	195
Karachi to Jedda (return) .. .. .	..	..	..	189
Calcutta to Jedda and back to Bombay .. .. .	..	..	..	226
<i>Second Class.</i>				
Bombay to Jedda (return) .. .. .	..	..	..	518
Karachi to Jedda (return) .. .. .	..	..	..	490
Calcutta to Jedda and back to Bombay .. .. .	..	..	..	561
<i>First Class.</i>				
Bombay to Jedda (return) .. .. .	..	..	..	725
Karachi to Jedda (return) .. .. .	..	..	..	700
Calcutta to Jedda and back to Bombay .. .. .	..	..	..	770

For children under ten years of age these fares will be less by the following amounts on account of food charges :—

<i>Deck passengers.</i>				Rs.
Bombay to Jedda .. .. .	..	..	..	12
Karachi to Jedda .. .. .	..	..	..	8
Calcutta to Jedda and back to Bombay .. .. .	..	..	..	14
<i>Second Class.</i>				
Bombay to Jedda .. .. .	..	..	..	46
Karachi to Jedda .. .. .	..	..	..	32
Calcutta to Jedda and back to Bombay .. .. .	..	..	..	53
<i>First Class.</i>				
Bombay to Jedda .. .. .	..	..	..	46
Karachi to Jedda .. .. .	..	..	..	32
Calcutta to Jedda and back to Bombay .. .. .	..	..	..	53

While these fares represent an increase over the fares current last year and the year before, it may be mentioned that they by no means represent the real cost in war conditions



of passages by sea from India to Jeddah. For the current year His Majesty's Government and the Government of India have decided to meet a considerable part of the extra cost of voyages resulting from war conditions and therefore it has been possible to keep the fare to be charged to the pilgrims at a level much lower than actual costs would justify.

4. *Estimate of cost of the 1941 Haj.*—The estimate of cost detailed below has been calculated on a gold rate in India of Rs. 29 per gold pound. This rate is subject to fluctuations and at present is Rs. 28-3-0 in Bombay. If currency is obtained in the Hedjaz, expenditure will be higher since even the concessional rate of exchange there is higher than the rate prevailing in India. On the basis of an exchange rate of Rs. 29 per gold pound the minimum cost of the pilgrimage after making full allowance for the reductions of 25 per cent in dues and charges announced by the Saudi Arabian Government will be as follows :—

		Bombay.	Karachi.	Calcutta.
		Rs.	Rs.	Rs.
Deck passage and by camel	.. ..	615	609	646
Second Class steamer and by bus	.. ..	1,295	1,274	1,339
First Class steamer and by car	.. ..	1,936	1,910	1,980

These figures are the minima for the respective grades. If a higher standard of living is adopted substantial additions to these totals will be necessary. It will be noticed that the estimated cost of the pilgrimage this year is appreciably lower than in the previous season. For instance the estimated minimum expenditure of deck class pilgrims from Bombay is only Rs. 615 during the current season compared with Rs. 636 during the last pilgrimage season.

5. In order to enable pilgrims to obtain the benefits of the gold exchange rate in India which is lower than the corresponding rate at Jeddah, pilgrims will be permitted to take out of India sufficient gold to meet essential expenditure in the Hedjaz. The following maximum limit has been fixed for the various classes of pilgrims :—

		Gold pounds.
Deck Class	.. ..	14
Second Class	.. ..	26
First Class	.. ..	41

Pilgrims who desire to take with them gold up to the limit indicated above will have to make their own arrangements to purchase gold sovereigns in India.

*Government of India, Department of Education, Health and Lands,  
New Delhi, the 19th November, 1940.*

### COMMUNIQUE.

#### Haj Pilgrimage.

Final sailings to Jeddah from Bombay and Karachi have now been arranged. Intending pilgrims should reach Bombay by the 16th December and Karachi by the 19th December and be prepared to maintain themselves at the port for a delay which may extend to five days. As already announced His Majesty's Government and the Government of India are meeting a considerable part of the cost of the passages and return fares for deck passengers from Bombay and Karachi will be Rs. 195 and Rs. 189, respectively.

#### JAGIRS.

**\*7351. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- the number and amount in each case of jagirs granted by the Government since 1st April, 1937;
- whether the money so spent on the grant of jagirs is met from the revenues of the Punjab;
- the reasons why the vote of the Assembly was not obtained on this item of expenditure?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) Nineteen of Rs. 250 each.

[Raja Ghazanfar Ali Khan.]

(b) and (c) These *jagirs* are assigned to particular villages and have hitherto been treated as short collections of Government revenue and not as expenditure ; but Government have now decided to introduce legislation with a view to alter the previous procedure. The attention of honourable member is drawn to the draft Bill on the subject, which was published on the 20th November, 1940.

#### BHAKRA DAM SCHEME.

**\*7030. Sardar Sampuran Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the recent agitation in the South-Eastern Punjab regarding Bhakra Dam Scheme has been brought to the notice of the Government and whether any representations on the subject have been made to it ; if so, the action that the Government proposes to take in the matter ;

(b) the reasons which are responsible for the delay in the scheme being taken in hand ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): (a) I am not aware of any agitation unless the honourable member is referring to such agitation as some local Congressmen have tried to engineer ; the exact position has been explained to the people on more than one occasion by public pronouncements made by Honourable Minister for Revenue and other Honourable Ministers, and also through press notices.

(b) Negotiations with the Indian States concerned have not yet concluded. When these are successfully settled, the question of arranging to finance the scheme will be taken up.

#### BAHALBA MINOR.

**\*7099. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that area commanded by the present Bahalba minor, previously known as Meham minor No. 2 and before Rabi 1923-24 as Bhiwani Rajbaha up to 126500/R., has been reduced from 4,820 to 2,454 acres,—*vide* letter No. 4354, dated 8th June, 1925 ; if so, the reasons for this reduction ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): Yes, the reasons being that 2,366 acres were uncommanded.

#### FAMINE RELIEF CENTRES IN FAMINE-STRICKEN DISTRICTS IN THE PUNJAB.

**\*7328. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether famine relief centres still exist in any part of the famine-stricken southern districts of Punjab ; if so, the names of such localities ?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): No, but the people are being cared for as explained in the answer to question No. \*7120<sup>1</sup>.

<sup>1</sup>*Vide* the debates of 16th December, 1940 *infra*.

## RANGOI CANAL.

**\*7360. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in the excavation works just completed, the bed of Rangoi Canal towards its tail has been left two feet higher than what it was when it was originally dug up some forty years ago, while towards its upper reach the digging has been done according to the old level ; if so, the reasons for the same ;
- (b) what was the bed level of the Rangoi Canal towards its tail and towards its upper reach when it was originally dug up some forty years ago and what it is now ;
- (c) whether it is a fact that according to excavation done the villages on the tail would not get the same supply of water which they used to get before and would be put to a great loss by insufficient supply of water ; if so, what steps, if any, Government propose to take in order that the bed of Rangoi Canal towards its tail be brought to the same level as it was when it was originally dug up ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) and (b) There is no record of the level throughout the canal 40 years ago. It is therefore impossible to be certain what they were.

(c) *First part.*—From the circumstantial evidence available the answer would appear to be in the negative.

*Second part.*—Does not arise.

## CO-OPERATIVE SOCIETIES IN FAZILKA, MOGA, MUKTSAR AND NATHANA.

**\*6842. Sardar Pritam Singh Sidhu :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of villages and the number of the Co-operative Societies existing in tahsils Fazilka, Moga, Muktsar and sub-tahsil Nathana of the Ferozepore district, respectively ;
- (b) the number of new Co-operative Societies established in the above mentioned Tahsil and the sub-tahsil Nathana, respectively, during the year 1939 ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** A statement giving the required information is laid on the table.

	Fazilka.	Moga.	Muktsar.	Nathana.	REMARKS.
(a) (1) Number of villages	313	172	344	37	In some villages there are more than one co-operative societies.
(2) Number of Societies	190	215	163	39	
(b) Number of new co-operative societies established during the year 1939.	15	40	1	2	

CASES DISPOSED OF BY THE DEBT CONCILIATION BOARD,  
ZIRA.

**\*6843. Sardar Pritam Singh Sidhu :** Will the Honourable Minister for Development be pleased to state—

- (a) the total number of cases finally disposed of by the Debt Conciliation Board, Zira, during 1939 ;
- (b) the total amount of the debt involved in the cases disposed of during the same period ;
- (c) the number of cases, if any, among them dismissed by the said Board ;
- (d) the number of sittings the Board held during this period ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** (a) 538 cases.

(b) Rs. 7,51,936-6-0.

(c) 161 cases.

(d) 248 sittings.

---

REPORT OF THE RETRENCHMENT AND RESOURCES COMMITTEE.

**\*7022. Sardar Sampuran Singh :** Will the Honourable Finance Minister be pleased to state if it is proposed to place the report of the Retrenchment and Resources Committee for discussion before the Assembly ; if so, when ; and if not, why not ?

**The Honourable Mr. Manohar Lal :** The report of the Resources and Retrenchment Committee is still under examination and Government will allot a day for its discussion in the House as soon as this examination is complete.

---

JAIL MANUAL FOR JAIL LIBRARIES.

**\*7311. Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether a demand has been made by the prisoners in Punjab jails for a copy of the Jail Manual being placed in the jail libraries and thus made available to them ;
- (b) whether the Government has ever considered the desirability or otherwise of placing a copy of the Jail Manual in the jail libraries ?

**The Honourable Mr. Manohar Lal** (a) No.

(b) No, but I am prepared to consider the question.

## STATE OF HEALTH OF MAULANA MAZHAR ALI AZHAR, M.L.A.

**\*7358. Sardar Partap Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the general state of the health of Maulana Mazhar Ali Azhar, M.L.A., now confined in the Rawalpindi Jail ;
- (b) his weight at the time of his admission into the jail and his weight at present ?

**The Honourable Mr. Manohar Lal :** (a) The general state of health of Maulana Mazhar Ali Azhar is good.

(b) His weight at the time of admission into jail was 118 lbs. and his present weight is 124 lbs.

## SARDAR MOTA SINGH.

**\*7359. Sardar Partap Singh :** Will the Honourable Premier be pleased to state—

- (a) the period for which Sardar Mota Singh of Bahawalpur remained in hospital in the Rajanpur sub-jail ;
- (b) the nature of his disease ;
- (c) how many days or weeks before his transfer to Deoli Camp, he was discharged from the hospital ;
- (d) whether he was examined medically and found fit for the journey he was required to undertake on his transfer to the Deoli Camp ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) Security prisoner Mota Singh remained in the Sub-Jail Hospital at Rajanpur from 18th August, 1940, to 6th October, 1940.

- (b) He complained of backache and other minor ailments.
- (c) One day.
- (d) He was examined and declared medically fit to undertake the journey to Deoli Camp by the Medical Officer of the Sub-Jail, Rajanpur.

## REWARD FOR SUCCESSFULLY RESISTING DACOITS.

**\*6730. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state —

- (a) the names of the villages of the province, district-wise, the inhabitants of which have been rewarded as a whole in recognition of the courage displayed by them in successfully resisting dacoits since 1st April, 1937, and the form which that reward has taken ;
- (b) the number of policemen and the members of public individually rewarded in the province for their bravery in facing the dacoits, since 1st January, 1939 ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):  
(a)

<i>District.</i>	<i>Name of village.</i>	<i>Form of reward.</i>
Karnal	.. 1. Sambhalka, Police Station Shahabad, Tahsil Thanesar.	Remission of land revenue for Rabi 1938 to the extent of Rs. 766.
	2. Sunarian, Police Station Ladwa, Tahsil Thanesar.	Remission of land revenue for Rabi 1939 to the extent of Rs. 358.
Ferozepore	.. 1. Masitan ..	} Remission of the whole of the land revenue to the extent of Rs. 2,568 and Rs. 768, respectively.
	2. Jamalgarh ..	
Jhang	.. Chak No. 161-J.B., Police Station Mochi-wala.	Remission of land revenue to the extent of Rs. 2,500 from the demand of Rabi 1938.

(b) *Number of Policemen rewarded.* *Members of public rewarded.*

414

462

**DISTRICT BOARD, JHANG.**

**\*6925. Mr. Dev Raj Sethi:** Will the Honourable Minister of Public Works be pleased to state—

- the total income of the District Board, Jhang, for each year during the periods 1937-38, 1938-39 and 1939-40 ;
- the income of the said board derived from local rates, haisiyat tax and in the shape of grants from Government ;
- the income of the said board, from sources other than those mentioned in (b) ;
- the amount spent by the said board during the same period on education, village sanitation, water supply and construction and maintenance of roads ;
- reserve fund of the said board and the amount and nature of loans advanced by it ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): A statement is laid on the table. It is not understood what the honourable member means by the term "Reserve Fund". The Board has invested some money in

Government bonds which mature after a certain period. Information in regard to those investments is contained in the table.

Table.

	1937-38.	1938-39.	1939-40.
(a) Total income of the District Board, Jhang ..	6,02,700	5,31,752	6,11,369
(b) Income of the Board derived from Local rate, Haisiyat Tax and grants from Government.	5,15,314	4,75,634	5,44,531
(c) Income of the Board from sources other than those mentioned above.	87,386	56,118	66,838
(d) Amount spent by the Board on education, village sanitation, water supply and construction and maintenance of roads.	3,75,945	4,07,162	3,70,973
(e) Investments .. .. .	(1) Rs. 25,400 invested in 4 per cent Bonds, 1948. (2) Rs. 4,15,000 out of the Provident Fund as detailed below :— (i) Rs. 2,98,500 in 3 per cent Punjab Bonds, 1949. (ii) Rs. 1,16,500 in India Defence Bonds, 1946.		

EXECUTIVE OFFICER, LYALLPUR MUNICIPALITY.

**\*6931. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether the Lyallpur Municipal Committee has so far recommended any names for the post of the Executive Officer for this municipal committee ; if so, (i) the date of their recommendation ; (ii) the names recommended and (iii) any condition laid down for such appointment ;

(b) the action, if any, which Government have taken in the matter, if no action has so far been taken, the reasons for the same ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : (a) and (b) The municipal committee of Lyallpur selected Hakim Sikander Khizar in its meeting held on the 12th July, 1940, for appointment to the post of Executive Officer on a monthly salary of Rs. 100 with free residence and Rs. 25 per mensem as conveyance allowance. Government were unable to approve of the proposed appointment and have appointed Khawaja Ghulam Hussain, Pleader, as Executive Officer.

## ADDITIONAL POLICE POSTS.

**\*7032. Sardar Sampuran Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number at present of additional police posts, district-wise, in the province ;
- (b) the purpose of such posts in each case and the total annual cost incurred by the Government on account of these posts ;
- (c) the total amount realised from the public and the total amount contributed by the Government separately in this respect ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :**

(a) The following table gives the required information :—

Name of district.	Total number of police post.	Total estimated cost.			Total recovered so far.		
		Rs.	A.	P.	Rs.	A.	P.
Hissar ..	1	3,876	9	0	Nil.		
Rohtak ..	5	28,864	0	0	1,828	3	6
Ludhiana ..	1	49,305	13	4	Nil.		
Ferozepore ..	4	54,147	10	5	13,332	15	0
Lahore ..	4	3,60,207	12	7	5,928	0	0
Amritsar ..	1	2,708	6	5	2,009	1	3
Gujranwala ..	1	38,414	2	6	Nil.		
Sheikhpura ..	1	5,584	4	2	Nil.		
Montgomery ..	3	21,016	11	4	3,429	15	0

(b) These additional police posts were located owing to the misconduct of the inhabitants of the areas concerned, and the cost in each case is to be borne by the inhabitants themselves.

(c) Column 4 of answer to part (a) above gives the required information. No expense is to be shared by the Government.

**AMALGAMATION OF THE MUNICIPAL COMMITTEE, SADAR BAZAR,  
AMBALA, WITH CANTONMENT COMMITTEE, AMBALA.**

**\*7118. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state whether there is any proposal or decision already arrived at to abolish the Municipal Committee, Sadar Bazar, Ambala Cantonment, and to amalgamate the same with the Cantonment Committee, Ambala ; if so, the reasons for the step contemplated or already taken ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** It is proposed to include within the Ambala Cantonment the local area at present comprised in the Sadar Bazar municipality in order to safeguard, to the greatest extent possible, the health of the increasing troops stationed in Ambala.



**REMOVAL OF ADDITIONAL POLICE POST AT  
SUR SINGH.**

**\*7304. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state whether any memorial signed by Ujagar Singh, Harbhajan Singh and 108 other villagers of village Sur Singh was received by the Honourable Premier on 11th November, 1940, requesting him to remove the additional police post recently located in their village mentioned above or reducing the strength of the additional police force ; if so the action taken or intended to be taken thereon ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :** Yes. It is under the consideration of the Government.

**TRAVELLING ALLOWANCES DRAWN BY SECRETARIES, REGIONAL  
TRANSPORT AUTHORITY.**

**\*7320. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the amount of quarterly travelling allowances realised by each Secretary, Regional Transport Authority, of the province, from the 1st of April, 1940, up to the 30th September, 1940 ;
- (b) the number and nature of challans of lorry drivers prosecuted by each Secretary, Regional Transport Authority, of the province, during the period stated in part (a) above and their results ;
- (c) the amount, if any, advanced by the Government to each of the Secretaries mentioned above to purchase motor cars ?

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

(c) A sum of Rs. 2,500 was advanced to the Secretary, Regional Transport Authority, Multan, for the purchase of a motor car. No advance was granted to any other Secretary.

(a) *Statement.*

Secretary, Regional Transport Authority.	TRAVELLING ALLOWANCE DRAWN DURING	
	First quarter.	Second quarter.
	Rs. A. P.	Rs. A. P.
Multan .. .. .	735 3 0	1,237 3 0
Rawalpindi .. .. .	75 7 0	952 14 0
Lahore .. .. .	..	547 1 0
Jullundur .. .. .	197 2 0	885 13 0
Ambala .. .. .	644 1 0	684 1 0

(b)

Secretary, Regional Transport Authority.				Number and nature of cases detected.		
Multan	..	..	..	Overloading	..	35
				Excessive speed	..	5
				Miscellaneous	..	4
				Total	..	44
Rawalpindi	..	..	..	Driving without a driving licence		7
				Overloading	..	16
				Carrying passengers on the roof of vehicle.		1
				Carrying two passengers on the front seat.		2
				Driving without a public motor vehicle licence (transitional permit.)		9
				Total	..	28
Lahore	..	..	..	Overloading	..	29
				Excessive speed	..	1
				Total	..	30
Jullundur	..	..	..	Overloading	..	8
				Driving without a driving licence.		2
				Driving without a permit	..	1
				Total	..	11
Ambala	..	..	..	Nil.		

Intimation of the results of the challans has not yet been received by the Secretaries concerned.

#### PANCHAYATS.

\*7341. **Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of Panchayats which existed before the enforcement of the amended Panchayat Act ;

(b) number of Panchayats established after the Act was amended ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) 1,666.

(b) None so far. But notifications are likely to issue about some five hundred Panchayats in the near future, applications about which are pending with Government. Further steps are being taken to establish more Panchayats as early as possible.

#### TEASING OF SCHOOL BOYS BY GOONDAS.

**\*6933. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state—

- (a) whether any reports have reached him to the effect that *goondas* in Lahore tease the school boys when they are coming from or going to schools ;
- (b) whether he is aware of the fact that some headmasters of Lahore schools have been referring this matter to the police for a considerable time ;
- (c) the number of those mischief-mongers who have been dealt with in accordance with law in this connection so far ;
- (d) the special steps which the Government proposes to take to end this mischief ?

**The Honourable Mian Abdul Haye :**

- (a) Yes.
- (b) Yes.
- (c) As the Police Department does not always report the result of its investigation to the school concerned the required information is not available from school records.
- (d) Government is fully alive to its responsibility in the matter.

#### PUNJAB EDUCATIONAL SERVICE.

**\*7147. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state the number of members of the Punjab Educational Service who have been superseded during the last four years and the number of those who have been promoted before their promotions were due or over the head of their seniors in service ?

**The Honourable Mian Abdul Haye :** Promotions from Subordinate Educational Service to Punjab Educational Service (II) and from Punjab Educational Service (II) to Punjab Educational Service (I) are made purely by selection. The question of supersession or promotion over the head of seniors does not, therefore, arise.

#### INSPECTING STAFF OF THE DEPARTMENT OF EDUCATION.

**\*7148. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of headmasters or persons of the teaching staff in the Punjab who have been transferred to the inspecting line during the last four years ;
- (b) the number of Divisional Inspectors who are agriculturists giving their name, caste and length of service and the same details about those among them who are non-agriculturists ?

**The Honourable Mian Abdul Haye :** (a) Sixty-three.

(b)

	No.	Name.	Caste.	Length of service.
				Y. M. D.
Agriculturist Divisional Inspector.	1	Chaudhri Abdul Hamid, M.A.	Muhammadan, Rajput.	24 3 22
Non-Agriculturists Divisional Inspector.	4	Sh. Muhammad Zuhur-ud-Din, B.A.	Muhammadan Sheikh	22 3 13
		Mr. S. M. Sharif, M.A., K.B.	Muhammadan Sheikh	13 5 21
		Dr. K. C. Khanna, M.A., Ph.D.	Hindu Khatri ..	19 11 17
		Sardar Deva Singh, M.A.	Sikh Ghai ..	20 6 17

**JAGRAON MUNICIPAL DISPENSARY.**

**\*7150. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Jagraon municipal dispensary is located under the *Yakka* Shed which is a dirty place and therefore unsuitable for a dispensary ;
- (b) whether he is aware that individual members of the municipal committee, Jagraon, have on several occasions brought to the notice of the Civil Surgeon and the Deputy Commissioner, Ludhiana, and also to the Honourable Minister of Education immediate need for the removal of the dispensary to a more suitable place ;
- (c) whether it is a fact that the assistant and the surgeon incharge of the dispensary have on several occasions brought to the notice of the medical authorities the fact that the dispensary is located in an unsuitable locality ; if so, what action has been taken so far in the interest of public in the matter ?

**The Honourable Mian Abdul Haye :** (a) Yes.

(b) and (c) There is no record that the matter has been brought to the notice of the authorities mentioned by the honourable member. The question of the removal of the dispensary to a more suitable place concerns the Municipal Committee. A copy of the honourable member's question and my answer will be sent to the committee for such action as it may consider possible.

IMPROVING MEDICAL PROFESSION.

**\*7352. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether his attention has been drawn to the various suggestions made by Dr. S. N. Kaul, President of the 10th Punjab Provincial Medical Conference, held at Ambala Cantonment on the 17th November with a view to improving medical profession ; and if so, the action he intends taking in the matter ;
- (b) whether the Government has decided to share a percentage of the fee charges from the patients in the family wards of big hospitals like Mayo, Amritsar and other district hospitals by the visiting staff and if so, what percentage ;
- (c) whether the scheme to secure the services of private medical practitioners for the work in the Government hospitals and dispensaries which was approved of by the Government in its annual rally of the Civil Surgeons of the province has been given effect to ; and if so, to what extent ;
- (d) whether any post-graduate work scheme to improve medical efficiency has been adopted ; if so, the nature of its main features ?

**The Honourable Mian Abdul Haye :** (a) I have received only a copy of some of the resolutions passed at the Conference.

(b) The question is under consideration.

(c) The scheme has not yet been put into operation. The details have to be worked out and are under the consideration of Government.

(d) Clinical post-graduate courses are held every year in the King Edward Medical College, Lahore, for Assistant Surgeon of the Punjab Civil Medical Service.

APPLICATION FOR LEAVE OF SARDAR SOHAN SINGH JOSH,  
M.L.A.

**Mr. Speaker :** I have to read out to the Assembly the following application received from Sardar Sohan Singh Josh, member of the Assembly, for permission to be absent from the Assembly. The application reads as follows :—

I beg to say that I have been detained under the Defence of India Rules and am thus unable to attend the sittings of the Punjab Legislative Assembly till my release. I, therefore, beg to apply for leave of absence from the House under rule 33 (1) of our Rules of Procedure. Kindly do the needful and oblige.

The question is :

That the permission asked for be granted.

*The Assembly assented.*

SITTING ON WEDNESDAY (11TH DECEMBER 1940).

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

That the Assembly shall meet on Wednesday, the 11th December, 1940, at 12 noon and that the Speaker shall adjourn the Assembly without question put at 4.30 p.m. on that day.

**Mr. Speaker :** Motion moved is :

That the Assembly shall meet on Wednesday, the 11th December, 1940 at 12 noon and that the Speaker shall adjourn the Assembly without question put at 4-30 p.m. on that day.

**Rai Bahadur Lala Gopal Das :** What is the object in asking the Assembly to sit on Wednesday ?

**Premier :** So that we may proceed with the Urban Immovable Property Tax Bill.

**Rai Bahadur Lala Gopal Das :** Do I understand that the Government wishes to rush through this Bill all at once ?

**Premier :** What do you mean by rushing through this Bill ? That word is often seen in the Press. If it means that after the Bill has been through the select committee, it should not come before the House, then I do not agree.

**Rai Bahadur Lala Gopal Das :** All I say is that we should be given some time to study and consider the Bill and to propose amendments.

**Premier :** Why can you not do it today ? The Bill has been in your hands for the last three days.

**Rai Bahadur Lala Gopal Das :** For two days.

**Secretary :** The Report of the select committee was made available on Friday evening.

**Mr. Speaker :** Question is—

That the Assembly shall meet on Wednesday, the 11th December, 1940 at 12 noon and that the Speaker shall adjourn the Assembly without question put at 4-30 p.m. on that day.

*The motion was carried.*

## GOVERNMENT BUSINESS ON THURSDAY (12TH DECEMBER 1940).

**Premier :** I move that—

Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 12th December, 1940.

As I ventured to explain the other day the idea is that we may proceed with the Urban Property Taxation Bill on Wednesday and if we finish the third reading by Thursday evening, Friday would be made available for non-official business, otherwise we will have to take Friday also for official business and I hope that, since the Bill has been through the select committee and since as a matter of fact, there are not in it many controversial clauses except the incidence of tax, other things having now been accepted, my honourable friend will not get up again and say that we are going to rush through this Bill. That term has been applied to every Bill which I have had the privilege of moving in this House from these benches. I also remember that when my honourable colleagues, the Education Minister, moved the Primary Education Bill, even though it was postponed from session to session, in every session whoever criticised the Bill said that the

Government was rushing through the Bill although it has been before the House for the last two years. This is true with regard to every Bill I have had the opportunity of moving in this House. Even though a Bill has been through the select committee and even though there has been an interval of fourteen or fifteen days before it came to the House, one argument put forward against such a Bill has been that we want to rush through the Bill. If my honourable friends want us to introduce a Bill and then sleep over it, if this is my honourable friends' idea of proceeding with business, then I do not agree with them because we have to consider the question of public money and finances. I therefore hope that they will co-operate with me in getting this Bill through quickly so that time is not wasted unnecessarily. With regard to those two points I will give them ample opportunity to put forward their point of view as I did on the previous occasion when every honourable member on those benches spoke before we took a decision on any of those motions.

**Mr. Speaker :** Motion moved is—

That rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government Business be transacted on Thursday, the 12th December, 1940.

**Khan Sahib Khawaja Ghulam Samad (Urdu) :** Sir, I have no objection to Thursday being taken up for Government business. But I wish to point out that Honourable Premier's statement that the Bill is not being rushed through is not corroborated by facts. As soon as the personnel of the select committee was appointed, the meeting of the said committee had been fixed for the next day which was a holiday. (*Premier :* Was the school closed ?) (*Laughter.*) Sir, I meant to say that it was an off day so far as this House was concerned. Now it goes without saying that the honourable members must have already made up their programme of going to different places according to their needs and convenience. Therefore some honourable members naturally could not break their engagements and consequently were unable to attend the meeting of the select committee. That meeting lasted only for three or four hours and the next day I received an enclosed letter on the envelope of which the word 'IMMEDIATE' was written and the letter conveyed the order that I should return the same after signing it subject to a note of dissent if need be. Now I could not but obey this order. But the time given was very short. I was required to submit my note of dissent by 12 noon the next day. Obviously that was not enough and I had to make haste. But unfortunately I was not supplied with a copy of the report of the select committee by Friday, although it has been stated on the floor of the House today that the same had been made available by Friday last. On the other hand the time had passed and I was running a race against time. Yet the Honourable Premier has remarked that the Bill is not being rushed through. Anyway, I could not submit my note of dissent in that meagre time. On Saturday next I came to the office of the Assembly and obtained a copy of the select committee's report and drafted my note of dissent in the light of the amendments that had been made in the Bill. Now it is clear from these facts that even the members of the select committee were not given sufficient time for writing their notes of dissent and yet the Honourable Premier has stated on the floor of the House that the Government is not rushing through the Bill. May I know from him if he is not really rushing through the Bill? What else is it?

**Chaudhri Sumer Singh :** Sir, the Honourable Premier has been pleased to observe that the Primary Education Bill had been hanging fire for the last two years, and, in spite of that it had not been passed as yet. I wish to point out to him that even if that Bill is passed, the Honourable Minister of Education will not enforce it just as he has not enforced my Bill with regard to the colourisation of artificial ghee for the last eight months. As a matter of fact the local bodies cannot enforce this measure of compulsory education ; it requires a lot of money for its successful working. The local bodies lack funds which are needed for enforcing this important measure. But the Government is really rushing through their fiscal measures which are calculated to fill the coffers of the Government. I, therefore, sound a note of warning to the Government that it should not rush through this Bill by taking away non-official days.

**Premier (Urdu) :** Sir, you know full well that at every stage of consideration of this Bill all the honourable members who wanted to speak on it were given an opportunity to express their views. And at its future stages too honourable members will be afforded free opportunity to benefit us with their views on this Bill. Even so far as amendments of a technical nature are concerned, you do not want to have any changes made. As regards the principle underlying this Bill, it has already been decided upon. It was with the object of affording opportunity to all members to express their views on this Bill that I suggested that we should take it up on Wednesday, which is an off day, and also on Thursday, on which in the ordinary course non-official business is transacted. As I have already announced, if the third reading of the Bill is not finished even on Thursday we will have to continue it till Friday. But in case the Bill is finished on Thursday, Friday will be utilised for the transaction of non-official business.

My friend on my right has said that Wednesday is usually an off-day or a holiday. I may tell him that we have long passed that age when we were so fond of holidays. Now we are no longer at schools. As honourable members are aware, Parliamentary practice is that a Bill, after it has been introduced in the House, goes to one of the Standing Committees called 'select committees' according to our rules of Procedure.

**Khan Sahib Khawaja Ghulam Samad :** But I did not receive any notice of the date or time when the select committee was to meet.

**Premier :** You were a member of that committee and you had been nominated to work on it at your own request. It was obviously your duty to have come to me to ask when the select committee was to meet to consider the Bill and to have attended to this urgent and important public affair even if you had to do so at the cost of some of your private work. The honourable member should have known that the consideration of the Bill by the select committee could not be postponed because of the absence of one or two members nominated to work on it.

**Khan Sahib Khawaja Ghulam Samad :** But how is it that the work of consideration of this Bill was finished in four hours only ?

**Premier :** The committee sat at 2 p.m. and finished consideration of this Bill at 15 minutes to eight in the evening and it is nothing new or novel, because at times such committees have continued working for hours at a stretch. The meaning of the honourable member seems to be that we should



not have called the select committee to meet on Wednesday, but I am sorry to have to say that it was not possible to comply with the wishes of the honourable member, because in that case the Bill would have to be postponed to the next session. Moreover, it is only on off-days that we find time to work on a select committee. On other days we have to attend to the business of this House, as well as to office routine. Intervals between two sessions of the Assembly are often sufficiently long. Honourable members can enjoy those intervals as holidays and also attend to their private work. The business that has to be transacted during the present session is quite heavy and we will regard ourselves lucky if we succeed in finishing it before May next.

**Khan Sahib Khawaja Ghulam Samad :** You have not said anything about the note of dissent.

**Premier :** I had intimated to honourable members to send in their notes of dissent before 4 p.m. on the following day. Later on I extended this time limit to 12 o'clock of the next day. The notes of dissent which were received in time, are incorporated in the report. Instructions were issued to the office of the Assembly to get the report published before the evening of that day. The Assembly office expedited the work of getting the report printed and it was ready before evening. It was printed in such a short time as six hours. The honourable member should feel grateful to the office of the Assembly for expediting the work of printing in such a short time and at such a short notice.

**Rai Bahadur Lala Gopal Das :** I have no intention of standing in the way of expedition of business but I do not see the necessity of taking away from us the privilege of having a non-official day on Thursday.

**Premier :** It will be seen at the time when you will deliver your speech whether all this is reasonable or biased.

**Mr. Speaker :** The question is —

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government Business be transacted on Thursday, the 12th December, 1940.

*The motion was carried.*

## PRIMARY EDUCATION BILL.

### Clause 3.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (Urdu) : Sir, I beg to move—

That in sub-clause (1), line 1, for the word "may" the word "shall" be substituted.

My object in moving this amendment is to make it compulsory for the local authorities to start primary education in the areas under their jurisdiction.

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

That in sub-clause (1), line 1, for the word "may" the word "shall" be substituted.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Parliamentary Secretary): Sir, the amendment, if accepted, will make the clause absurd and meaningless. You will kindly see that the amended clause will read thus :

Any local authority shall by a resolution passed at a meeting convened for the purpose and supported by the votes of not less than two-thirds of the members present resolve that Primary Education shall be compulsory within the whole or specified part of the local area under its jurisdiction.

How can we provide that a local authority *shall* pass a resolution supported by two-thirds of its members present at a meeting? I submit that the amendment is out of order.

**Minister for Education** (The Honourable Mian Abdul Haya): I would say a word more. If the amendment is accepted it would make the clause redundant. It will require a local authority to pass a resolution by a two-third majority. How can we direct a local body to pass a resolution by a certain majority? We shall have to send in a mandate saying that so many members of the municipality concerned must vote in favour of the resolution.

**Mr. Speaker** : As the amendment is meaningless, I rule it out.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural): I beg to move—

That in sub-clause (1), line 2, between the words "passed" and "at", the words "by majority" be inserted.

The introduction of compulsory primary education in the province should have been the rule and it should not have been left to the choice of different district bodies. Thus no further hindrances in the way of introduction of compulsory education in the province should have been put. So, I am proposing that this restriction of the proposal being supported by not less than two-third of the members be removed. I propose that it should merely be by a majority.

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

That in sub-clause (1), line 2, between the words "passed" and "at", the words "by majority" be inserted.

**Minister for Education** : Clause 3 gives power to a local body to put up a proposal. We have given to the local authority this power to take the initiative in the matter. In such cases the Government is of the opinion that there should be a substantial majority in favour of such a proposal so that the Government may be assured that the proposal is made in all earnestness. The final decision, however, rests with the Government. If we allow a local body to make a proposal by a bare majority, there is no guarantee that their decision will not be upset by it later on. It is absolutely essential that we should be satisfied that there is a substantial majority in favour of the proposal. I therefore oppose the amendment.

**Chaudhri Sumer Singh** (South East Gurgaon, General, Rural) (Urdu): Sir, I would like to say a word in support of the amendment now before the House. My submission is that there is no harm in accepting this amendment especially when the final decision rests with the Government. If in the opinion of Government any decision taken by a bare majority in any local authority is wrong they can set it aside as well. The Honourable Minister

while opposing this amendment has stated that if the Government were to allow a certain local authority to put up a proposal by a bare majority there is no guarantee that the next day the decision taken by the local authority would not be resiled from. My point is this. It can also happen in the case of local body having overwhelming majority. It can also happen when the proposal may have been passed by a substantial or two-third majority but later on the substantial majority can be changed to bare majority or minority. In the circumstances I request the Honourable Minister to very kindly to reconsider his decision and accept this amendment. This will help the people in having more education.

**Mr. Speaker :** Question is—

That in sub-clause (1), line 2, between the words "passed" and "at", the words "by majority" be inserted.

*The motion was lost.*

**Mr. Speaker :** I think amendment No. 3<sup>1</sup> in the Supplementary List of amendments is out of order.

**Chaudhri Sumer Singh :** Why is it out of order ?

**Mr. Speaker :** Because an amendment cannot be proposed to insert words at the commencement of a clause with a view to proposing an alternative scheme to that contained in the clause.

**Chaudhri Sumer Singh :** My object is only to make the whole clause clear and nothing else and the amendment does not mean to propose alternative scheme.

**Rai Bahadur Lala Sohan Lal :** I want to move amendment No. 19 and then No. 20.

**Mr. Speaker :** For the same reason the honourable member's amendment is out of order. The first paragraph of amendment No. 19<sup>2</sup> makes it out of order because it proposes to substitute entirely new matter for the opening lines of the clause.

<sup>13.</sup> BY CHAUDHRI SUMER SINGH : That in sub-clause (1), lines 1—10, for the words "Any local.....jurisdiction", the following be substituted :—

"Every local authority on receipt of a resolution as prescribed in its business rules or the application from the residents of area subject to its authority for the introduction of primary compulsory education may pass a resolution by majority of vote that primary education shall be compulsory within the area mentioned in the resolution or the application as the case may be."

<sup>19.</sup> BY RAI BAHADUR LALA SOHAN LAL : That in sub-clause (1), lines 1 to 10 for the words "any local.....jurisdiction" the following be substituted :—

"Every local authority in the Punjab shall make arrangements that primary education shall be compulsory within the whole of the area under its jurisdiction ; provided that if a local authority is unable to make this arrangement on account of lack of funds, Government shall make the necessary contribution to the funds of the local body to enable it to introduce compulsory primary education within its area."

"Further that the local authority or the Government, whichever of the two makes arrangements for the introduction of compulsory education in a particular area, shall make adequate provisions for the teaching of Hindi and Gurmukhi if so desired by parents or guardians of the school-going pupils in that area."

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I beg to move—

That at the end of part (iv) of sub-clause (1) the following proviso be added :—

“Provided that no girl whose family by religious customs or usage observe purdah shall be compelled to join any girls school if the girl is receiving instruction in some other satisfactory manner.”

In this connection I want to say only this much that there are certain families who like to educate their girls at home up to a certain age. It is in view of the usage or custom prevailing in those families that I have moved this amendment. I would, therefore, request the Honourable Minister for Education to accept this amendment so that the girls belonging to those families who do not wish to send them to school may not be compelled to do so. If they want to give instruction to their girls at home they should not be made to send them to a recognised school.

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

That at the end of part (iv) of sub-clause (1) the following proviso be added :—

“Provided that no girl whose family by religious customs or usage observe purdah shall be compelled to join any girls school if the girl is receiving instruction in some other satisfactory manner.”

**Minister for Education** (The Honourable Mian Abdul Haye) : Sir, it is not necessary for the honourable member to move this amendment. His object is that a girl, who is receiving instruction in a satisfactory manner otherwise, should be exempted. This has already been done. If he will turn to clause 17, he will find that part (c) of the clause runs as follows :—

“that the girl is receiving instruction in some other manner declared to be satisfactory by the prescribed authority.”

According to this sub-clause exemption will be allowed if it is proved that the girl is receiving instruction satisfactorily. We have left it to the prescribed authority to decide this. The amendment proposed by my honourable friend makes no such provision. I would not leave it to the parent of the girl, to declare that the girl is receiving instruction satisfactorily. If my honourable friend turns to sub-clause (c) of clause 17, he will find that adequate provision is already made for such cases.

**Khan Sahib Khawaja Ghulam Samad** (*Urdu*): But that arrangement is not at all satisfactory. It is not clear whether the authority which has to decide if the girls of a certain family are receiving satisfactory education, will be a male or a female. It is for that reason that I have moved this amendment. Its inclusion will in no way be prejudicial to the Government or the Bill. The only purpose served by this proviso will be that it will allay the fears of those purdah observing families who do not want to send their girls to school. (*Interruption*). And who is going to decide whether the girl is receiving satisfactory education ?

**Minister for Education :** The prescribed authority.

**Khan Sahib Khawaja Ghulam Samad :** Then you may make an amendment in the clause which you have quoted just now that in such cases a female authority will be appointed to find out whether the girl is receiving satisfactory education or not.

**Minister for Education :** The authority is not going to enter the zanankhana. Evidence will be produced before him.

**Mr. Speaker :** Question is—

That at the end of part (iv) of sub-clause (1) the following proviso be added :—

“ Provided that no girl whose family by religious customs or usage observe purdah shall be compelled to join any girls school if the girl is receiving instruction in some other satisfactory manner.”

*The motion was lost.*

**Mr. Speaker :** The question is—

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

*The motion was carried.*

**Mr. Speaker :** The question is—

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

*The motion was carried.*

**Mr. Speaker :** The question is—

1 p.m.

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

*The motion was carried.*

**Mr. Speaker :** Question is—

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

*The motion was carried.*

**Rai Bahadur Lala Sohan Lal** (North Punjab, Non-Union Labour) :  
Sir, I beg to move —

That leave be granted to move the following new sub-clause :—

The local authority shall make adequate provisions for the teaching of Hindi and Gurmukhi if so desired by parents or guardians of the school going pupils in that area provided the number of pupils desiring to learn Hindi or Gurmukhi exceeds fifteen.

*The Assembly divided : Ayes 11, Noes 84.*

AYES.

Anant Ram, Chaudhri.  
Gokul Chand Narang, Dr. Sir.  
Gopal Das, Rai Bahadur Lala.  
Het Ram, Rai Bahadur Chaudhri.  
Lal Singh, Sardar.  
Muhammad Nurullah, Mian.

Prem Singh, Chaudhri.  
Santokh Singh, Sardar Sahib, Sardar.  
Sohan Lal, Rai Bahadur Lala.  
Sumer Singh, Chaudhri.  
Suraj Mal, Chaudhri.

NOES.

Abdul Haye, The Honourable Mian  
Abdul Rahim, Chaudhri (Gurgaon).

Allah Yar Khan Daulatana, Mian.  
Amjad Ali Shah, Sayed.  
Ashiq Hussain, Major.

Chhotu Ram, The Honourable Chaudhri Sir.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Dasaundha Singh, Sardar.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fateh Muhammad, Mian.	Nasrullah Khan, Rana.
Fazal Karim Bakhsh, Mian.	Pir Muhammad, Khan Sahib Chaudhri.
Few, Mr. E.	Pohop Singh, Rao.
Ghazanfar Ali Khan, Raja.	Ripudaman Singh, Rai Sahib Thakur.
Ghulam Samad, Khan Sahib Khawaja.	Roberts, Sir William.
Gopal Singh (American), Sardar.	Sahib Dad Khan, Khan Sahib Chaudhri.
Guest, Mr. P. H.	Shah Nawaz, Mrs. J. A.
Hans Raj, Bhagat.	Shah Nawaz Khan, Nawab Sir.
Jagjit Singh Man, Sardar.	Sikander Hyat-Khan, The Honourable Major Sir.
Khizar Hayat Tiwana, The Honourable Malik.	Sultan Mahmood Hotiana, Mian.
Manohar Lal, The Honourable Mr.	Wali Muhammad Sayyal Hiraj, Sardar.
Muhammad Akram Khan, Khan Bahadur Raja.	
Muhammad Ashraf, Chaudhri.	
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	

**Chaudhri Sumer Singh :** I beg to move—

That leave be granted to move the following new sub-clause :

- (5) The Provincial Government shall introduce in the school curriculum of a local authority or a part thereof a suitable handicraft and make the adoption of the same compulsory education provided the residents of the area so desire and the same is approved by the local authority on the strength of the conditions prevailing within the area and further the procedure of sub-clause (2) of clause 3 is followed.

*The Assembly divided : Ayes 15, Noes 40.*

#### AYES 15.

Anant Ram, Chaudhri.	Lal Singh, Sardar.
Faqir Chand, Chaudhri.	Muhammad Nurullah, Mian.
Ghulam Samad, Khan Sahib Khawaja.	Prem Singh, Chaudhri.
Gokul Chand Narang, Dr. Sir.	Ram Sarup, Chaudhri.
Gopal Das, Rai Bahadur Lala.	Santokh Singh, Sardar Sahib Sardar.
Jalal-ud-Din Amber, Chaudhri.	Sohan Lal, Rai Bahadur Lala.
Jugal Kishore, Chaudhri.	Sumer Singh, Chaudhri.
	Suraj Mal, Chaudhri.

#### NOES 40.

Abdul Haye, The Honourable Mian	Allah Yar Khan, Daulatana, Mian
Abdul Rahim, Chaudhri (Gurgaon).	Amjad Ali Shah, Sayed.
	Ashiq Hussain, Major.

Badr Mohy-ud-Din, Qadri, Khan  
 Sahib Sayed.  
 Balwant Singh, Sardar.  
 Chhotu Ram, The Honourable Chaudhri Sir.  
 Dasaundha Singh, Sardar.  
 Faiz Muhammad, Shaikh.  
 Fateh Muhammad, Mian.  
 Few, Mr. E.  
 Ghazanfar Ali Khan, Raja.  
 Gopal Singh (American), Sardar.  
 Guest, Mr. P. H.  
 Habib Ullah Khan, Malik.  
 Hans Raj, Bhagat.  
 Jagjit Singh Man, Sardar.  
 Khizar Hayat Tiwana, The Honourable Malik.  
 Kishan Das, Seth.  
 Manohar Lal, The Honourable Mr.  
 Muhammad Akram Khan, Khan Bahadur Raja.  
 Muhammad Ashraf, Chaudhri.  
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Mushtaq Ahmad Gurmani, Khan Bahadur Mian.  
 Muzaffar Khan, Khan Bahadur Captain Malik.  
 Muzaffar Khan, Khan Bahadur Nawab.  
 Nasrullah Khan, Rana.  
 Nawazish Ali Shah, Sayed.  
 Pir Muhammad, Khan Sahib Chaudhri.  
 Pohop Singh, Rao.  
 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.  
 Sultan Mahmood Hotiana, Mian.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Bahadur Sardar.  
 Wali Muhammad Sayyal, Hiraaj, Sardar.

**Mr. Speaker :** The question is :

That clause 3 stand part of the Bill.

**Rai Bahadur Lala Sohan Lal** (North Punjab, non-Union Labour) (Urdu) : Sir, I beg to oppose the passage of clause 3 as a whole. Among other reasons I oppose it for this reason too that my amendment has not been accepted by the Government. My amendment did not say that Hindi or Gurmukhi should be made compulsory and taught in all the schools of the Punjab. I particularly wanted this arrangement to be made and cited the Ambala Division as an instance which is predominated by Hindus and where the parents will like their children to learn Hindi. On the other hand the Rawalpindi division is predominated by Muslims and I did not mean to press my proposal of Hindi to be compulsory there. My idea was that in every locality its own needs should be looked after. Hindi should be taught where it is freely spoken and understood and Gurmukhi should be taught where it is demanded by the parents. After all the minority community has a claim on the Punjab Government and it behoves the latter to protect its interests. Let us consider for a while what concessions are granted to minorities in other provinces of India. For instance, in Bihar where Primary Education Bill was passed and where Muslims are only 11 per cent. of the population, Muslims are allowed facilities for the teaching of Urdu to their children even if there are only 6 students in a school who want to learn Urdu in the Persian script. But here in the Punjab the Hindus and Sikhs are 45 per cent. of the total population and yet they are being denied those facilities which are granted to Muslims in other provinces. It is on account of this reason mainly that I am opposing clause 3.

[R. B. L. Sohan Lal.]

With these few words, Sir, I strongly oppose clause 8.

**Minister for Education** (The Honourable Mian Abdul Haye): Sir, I oppose the amendment on several grounds. In the first instance, while raising the question of Hindi and Gurmukhi my honourable friend, Rai Bahadur Lala Sohan Lal, has mixed up the question of languages and the media of instruction. I may make the position of the Government clear as I did on a previous occasion. So far as the province of the Punjab is concerned, the medium of instruction is Urdu. My honourable friend has specifically raised the question of media of instruction for girls schools. In the matter of girls schools, we have made an exception and we are giving instruction in all the three languages and we will continue to do so. We have no desire to disturb the *status quo*. But so far as the boys are concerned, we regret that we are unable to accept any other medium except Urdu.

**Sardar Bahadur Sardar Ujjal Singh** : What about private schools ?

**Minister for Education** : I am coming to your private schools. Our object in making our young children literate is manifold. One of the objects is to make them good citizens, to enable them to take an intelligent interest in life. Therefore, this question of medium of instruction is intimately connected with the question of the official language of the province, which is also the court language. If the desire of the honourable members is that we should maintain here in this province three types of schools for the three communities separately, Government regrets that it is unable to accept that position. Imagine for a moment, what would be the fate of our children if they do not learn the official and court language. They will have to depend upon others. In these circumstances, Government regrets very much that it cannot accept the proposed amendment. This province is in a happy position inasmuch as the question of language is not so acute here, there being only one official and court language. Therefore so far as the medium of instruction for boys is concerned, it must remain the same. So far as religious instruction is concerned, Government is willing to encourage Hindi and Gurmukhi as languages but not as media of instruction.

I also opposed his amendment on one other ground, namely, that it does not fall within the scope of this Bill. The object the Government has in view in bringing this measure before the House is to make education compulsory and to make compulsion more effective. For that certain procedure is laid down as to who is to take the initiative and what powers are vested in a local body. The final decision is to be taken by Government. We have tried to simplify the procedure.

The question of the medium of instruction and the question of the handicrafts as raised by my friend Chaudhri Sumer Singh do not fall within the scope of this Bill. Under the circumstances, the position of the Government is absolutely clear. So long as we try to make our children good citizens and enable them to take an intelligent interest in their life, it is absolutely essential that there should be one language in the province as medium of instruction and so far as the girls are concerned, because they do not aspire for Government service, we have made an exception and instruction is being imparted in three different languages.



**Chaudhri Suraj Mal :** Do you mean to say that a man knowing Hindi cannot be a good citizen ?

**Mr. Speaker :** What about private schools ?

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Rural): The Honourable Minister seems to have no answer. I support Rai Bahadur Lala Sohan Lal in his opposition to this clause and my reasons are that Government has refused to accept the amendment and also because Government has refused to accept another amendment moved by Chaudhri Sumer Singh. I consider both these amendments of vital importance. In order that my position may be made more clear, I would first try to answer the second ground given by the Honourable Minister for not accepting these amendments. He says, the object of the Bill is merely to introduce compulsion and to facilitate the carrying out of the compulsory principle emphasized in this Bill. In my humble opinion the Honourable Minister has overlooked the utility of these amendments even for the purpose of introducing and facilitating compulsion. He knows that the desire for education in this province is not yet very strong. If I am not mistaken, even up to this time literacy among boys is not much more than five per cent. and literacy among girls is not much more than one or one and-a-half per cent. If he had fully realized the object of these amendments or the amendment which Rai Bahadur Lala Sohan Lal had moved, he would have agreed with him, because then he would have fully realised that it would be a great inducement to Hindus and Sikhs to send their children to school and not to make any false excuses. They would have known that if their children are sent to school, the Sikh boys will receive education in Gurmukhi and Hindus will receive education in Hindi script. The Honourable Minister is a lawyer and might have come across some old revenue records, at least I have come across some old records of the Ambala Division and I find that these revenue records kept by the patwaris till recently were all kept in Dev Nagri characters. Gentlemen hailing from the Ambala division would support me if they have ever had an occasion to go through old records, so that in the Ambala division particularly and to some extent in the Jullundur division, particularly in the district of Kangra, it would have been a very great inducement to the Hindus to send their boys to school. It cannot be said that Rai Bahadur Sohan Lal's amendment was not within the scope of the Bill. The same can be said with respect to the amendment moved by Chaudhri Sumer Singh. There is so much unemployment in this country that a feeling is growing stronger and stronger every day that it is really useless to send one's boys to schools. They are spoiled for their family business. If they are jats and they have passed their primary or middle or matriculation examination they hesitate to put their hand to the plough, if they are banias they feel it a sort of shame and a sense of indignity or want of dignity to sit in their father's shop, in the same way if they are sons of artizans, they feel it a shame to handle the tools of their forefathers' trade. The Honourable Minister cannot be unaware of this fact and many people have seriously begun to have this idea that it is an utter waste of money and time to send their boys to schools. During the five, eight or ten years that their boys spend at school, they can be trained in their ancestral businesses, without spoiling their tastes and without spoiling their fashion and without letting them fall into luxurious habits.

[Dr. Sir Gokul Chand Narang.]

Therefore if Chaudhri Sumer Singh's amendment had been accepted it would have been an inducement to such people to send their boys to school. They would have known that if a carpenter's boy is sent to school, he would not be spoiled for his ancestral business, he will learn the three Rs there and also learn some handicraft. Naturally he would prefer the handicraft which his ancestors have been following. In the same way a blacksmith's son would have learnt his ancestral trade and then even those whose parents could not support them or support themselves would have been happy to see that their children are taught some handicraft so that the slender incomes of their families might be supplemented by the labours of their sons who had been taught some handicrafts in their schools. I would therefore submit that the second argument given by the Honourable Minister was really not in point. His Bill or the law which he is so anxious to pass, if it ever comes into force, which I personally doubt, very much, because I consider it only an eye-wash, he would have certainly succeeded more in his object if he had accepted these amendments.

Then to revert to his first argument that the language of this province is Urdu, the court language is Urdu. He expressed a great joy over what he considered a fact that there was no acute question of language in this province. He is shutting his eyes to facts. I do not say he is deliberately shutting his eyes, he might be ignorant of real facts, though it is rather incredible that a gentleman of his position and experience should be entirely ignorant of the fact that there is a great deal of agitation in this province on the question of language. He has only to look up Sikh papers to see how anxious Sikhs are that Gurmukhi script and Punjabi language should be recognised in the same way as Persian script and Urdu language or Hindustani language recognised. The same is the case with the Hindus. They have in their public meetings, in their papers and in various other ways manifested their discontent with the attitude of the Government in not conceding the same rights to a population of 45 per cent. as some Governments in other provinces have conceded to 10 per cent. or 11 per cent. or 14 per cent. of Muslim population. It is really strange that the Honourable Minister should say on the floor of the House that there is no acute language question in this province. They are helpless, the Hindus and Sikhs, on account of their unfortunate differences and lack of solidarity. They are helpless and they know they are helpless. They are not united, they cannot offer solid opposition to the Government. They have their personal differences, they have differences on other points, but on this one point they are united.

Some of the Hindu and Sikh members may not vote on this question. The reason may be sought in the declaration which Bhisham made on his death bed, when he was asked by Pandavas to give them his last advice. He told them, as people who are conversant with the story in the Mahabharat would know, that the best advice that he could give them was that where there was no righteousness, where there was no *dharma*, one should not stay there. Then he was asked, "Why did you stay there, when Draupadi was dishonoured before your very eyes?" He almost shed tears, and said, "I am sorry I was then eating King Duryodhan's salt." I do not mean to say that those who have attacked this amendment are affected by that

consideration, but their conduct is certainly liable to that construction. I do not mean any disrespect to anybody at all, but I am glad that a majority of the Hindu members supported Rai Bahadur Lala Sohan Lal in his amendment, because they realised that it was a vital issue for the Hindus as well as the Sikhs. This much so far as the question of existence or non-existence of an acute language question in this province is concerned.

Then another argument was put forward and that was that the object of the Government was to make the people of the Punjab good citizens and to make them take intelligent interest in the affairs of life or in the affairs of their province and it was for this reason—if I followed the Honourable Minister correctly—that Urdu was the sole medium of instruction in this province. In other words, the Honourable Minister's view is that Urdu is the most appropriate medium of instruction and it is most suited to the aptitude and I should say to the mental development of the Punjabis. This is not the place where I should enter into the merits of Urdu or Hindi. If some portions of Inqilab or Zamindar are read to some of my honourable friends, they will not understand a single sentence of it. They will be left as blank as they were before when the paper was not read out to them, because they cannot follow the language in which these papers are printed. And it is those people who have a very good grounding, particularly good grounding in Persian that can follow what is written in those papers. How can the Honourable Minister say that this Urdu is the language which is most suited to the people of the Punjab. Let me quote a verse from an Urdu poet :—

شمار سب سے مرغوب بت مشکل پسند آید۔  
 تم شئے بیک کہ مریں صد دل پسند آید  
 ہوائے شیر گل (نہیئتہ) لے مہرے قاتل۔  
 کہ انداز یہ خون عطیوں پسند آید

Where is this language spoken? If you put this language before the people of the Punjab, they will not understand it and they will be left absolutely blank. Take any Diwan, whether it is Diwan-i-Ghalib or Diwan-i-Zauq or the modern poetry that appears in Urdu Magazine and read it out to the people of the Punjab, they will be left gaping. They will not follow a single word read out to them. Is this the language which is going to make the people of the Punjab, the boys from Rohtak and the children from Kangra or from Shahpur or from Jhang take an intelligent interest in the affairs of their province? Is it the language which they learnt in their mother's lap, or is it the language which is sacred to them, or is it a religious language to them, or is it the language to which their ears have been inured from their very childhood? I would submit with all deference that the argument that Urdu is the most appropriate medium of instruction for the Punjabis really has no force and I would not like to use a strong language at all, but I may tell the House that Urdu is the least appropriate medium of instruction so far as the Punjabis are concerned. Now, Sir, how can a Punjabi Sikh boy or girl, how can a Punjabi Hindu boy or girl, how can these little poor children understand that in writing *مہرے قاتل* the should be this *ح*; while writing *خون* the *ح* should be this *ح*? In writing *عطیوں* another *ح* and in writing *پسند* another *ح*. How can you call it a

[Dr. Sir Gokul Chand Narang.]

knowledge? (An honourable member : How can you distinguish one ح from the other ؟) I do not know why the big ح should be written and not small ه, just like ح and ه. But we used to call the ح written in حصار as ح. Why should any word be written with ح and not with ق ? Why one word be written with ث the other with م and another with س ? Why should there be any difference in the use of س ث م ? Unless a Punjabi is well grounded in Persian and Arabic he cannot make out whether a word is written with م or م or ث. Some learned gentlemen like my honourable friend, Mian Mushtaq Ahmad Gurmani, and those who have a perfect knowledge of Persian and Arabic may understand these subtle differences.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Parliamentary Private Secretary) : What about "Knight" and "night" in English language. Both the words have same pronunciation but different spellings and meanings.

**Dr. Sir Gokul Chand Narang** : It means that English language is as bad as Urdu. I am not holding any brief for the English language. It is as rotten in this respect as Urdu. Its spelling and pronunciation are very queer and up to this time we often make mistakes. Even in writing Urdu many gentlemen will make mistakes. If they are given a dictation, they will be puzzled whether to write a certain word with *chhota kaf* or *bara kaf*, whether they should use in writing a word the letter م or م or ث, or whether in writing another word they should use ذ or ذ or ض or ط. It is only those people who know Arabic or Persian well who can write these words correctly and who can utter these sounds correctly. I am sure no ordinary Punjabi can do this. Sir, this will be nothing but putting a heavy burden on the brains of the poor children who are made to learn all this. Why should a word be written with letter ط and why another with ث ? Why should Kabul be written with one kaf and Kandhar with another kaf ? Why this distinction ? Why do you write م with م and not with س ? The distinction in sound and pronunciation of these words are understood only by those whose mother tongue is Arabic. It is those people who can pronounce these words correctly and only those who are thoroughly conversant with Arabic and Persian.

I may tell you, Sir, that I am not the first person to have raised this question. This question has been considered by so many people, not by me alone, and they have come to the conclusion that this is really a great defect in the Urdu language, in the language as it is taught under the name of Urdu. Otherwise, ordinarily, in every part of India there is no distinction

between *te* and *toe*, *zal* and *ze*, *swad* and *sin*, *zwad* and *ze* and so on and so forth. We cannot make these distinctions at all. It is, therefore, not necessary to have all these letters. May I ask the Honourable Minister, if he is prepared to so revise the Urdu alphabet that redundant letters should be

taken out of the alphabet? If he is prepared to do that, he will be doing a very great service not only to the people of the Punjab and to the people of India all over but to the Urdu language itself. I was once asked by the learned Editor of *Adbi Dunya* to write an article for that magazine and I had the temerity to write on this very subject and I made an appeal to all the lovers of Urdu that in the interests of Urdu itself they should discard these redundant and unnecessary letters. If we go to Arabia, we shall certainly if we live there sufficiently long, as the result of climate of that place, get

ق      ک      ت      ط      س      ص

into the correct pronunciation of *qaf* and *kaf*, *te* and *toe* or *sin* and *swad* and so on but here we cannot, even if we try, pronounce these sounds correctly. Apart from that the question is whether a language or script, which is so defective on the face of it and which it takes children so many years to learn, is the proper medium of instruction and whether that alone is competent to enable them to take an intelligent interest in the affairs of their country. Give me any honourable member from that side or any side, let him give half an hour to the study of Punjabi—Gurmukhi—everyday, and within one week he will be able to read and write Gurmukhi. Is that not a great advantage? Will not that facilitate the achievement of the object which the Honourable Minister has in view? (*Interruption*).

**Minister for Education :** Is the honourable member now suggesting that Urdu should be replaced by Gurmukhi in the Punjab as medium of instruction?

**Dr. Sir Gokul Chand Narang :** I cannot expect any such thing from such a Government. It is to expect oil out of sand. Not at all. I cannot expect that. What I am submitting is this that the argument given by the Honourable Minister to oppose this amendment is unsound. His argument is that Urdu is the most appropriate medium of instruction and it enables people to take an intelligent interest in their studies and also in the affairs of their country. I am only contradicting that argument. I have no hesitation in saying that it would be to the greatest advantage of the people of this part of the country, if literacy is in view, that Punjabi is introduced as the medium of instruction in this province.

**Minister for Education :** And you would withdraw the claim of Hindi?

**Dr. Sir Gokul Chand Narang :** I have no hesitation in saying that whatever reading and writing the children learn, through the medium of Urdu in five years, they will be able to learn otherwise in about five weeks. I can guarantee that. Let any gentleman who considers himself to be conversant with the language in question get up and contradict me if I am wrong. I can give a demonstration. Give me any child of average intelligence and in five weeks he will be able to read and write Gurmukhi and within ten weeks he will be able to read and write Hindi correctly without making many mistakes. May I know how many years it took my honourable friends to read and write Urdu correctly? It took them not less than five years. And even then if I were to dictate to some of these gentlemen from any Urdu book, say *Diwan-i-Ghalib* or *Diwan-i-Sauda* or *Iqbal*, they would make many mistakes in dictation even now. That is what I was pointing out. I dare not suggest that Urdu should be replaced by Punjabi though I would

[Dr. Sir Gokul Chand Narang.]

very much like it. I would certainly prefer it not because I have any communal prejudice in this matter but because I honestly believe that so far as literacy is concerned, if the object is literacy—and for primary education there cannot be any other object—then certainly Punjabi language and Punjabi script and next to it the Hindi script are far better media than the Persian script and the Urdu language. I am prepared to make this statement anywhere and prove it—if proof were necessary—if my statement were challenged. I think that no unprejudiced person, of whatever community he may be, can honestly and seriously question what I am submitting. There may be other reasons for studying Urdu. That is a different thing. There may be questions of culture, there may be questions of religious predilection and so on. I am not going into those questions. But I have made it as clear as I possibly could that so far as literacy is concerned, certainly Urdu is not the best medium for the Punjabis if it is the best medium for any other people of this country. Therefore I am really sorry that the Government was not able to accept even the most necessary amendment moved by Rai Bahadur Lala Sohan Lal and it became necessary for us to oppose this clause. Rai Bahadur Lala Sohan Lal has pointed out that in other provinces the Governments have been most liberal. If a child wants to acquire literacy in a particular script other than Hindi and he wants Urdu, if there are ten boys to learn Urdu (*An honourable member*: Six boys)—in some it is ten and in some it is six—Government makes provision for them. Even in Madras it is permitted. In Bihar Urdu has been made alternative court language where the Muslim population is not more than 11 per cent. In the United Provinces the Muslim population is 14 per cent. and Urdu is court language along with Hindi. What reason in justice, I ask, can there be that in the Punjab (*Voices*: *Hai, hai.*) there should be one script and one language which should be court language and which should also be the medium of instruction? I am not going to discuss the general question. I am only referring to the amendment moved by Rai Bahadur Lala Sohan Lal and it is really a pity that that should have been rejected. I am also sorry that the amendment moved by Chaudhri Sumer Singh was objected to. I would not go back to that but certainly that was one of the great features, the most attractive features in the scheme which was propounded at Wardha. I hope that that was not the reason for their rejecting this amendment because it had associations with the Wardha Scheme or for any other such reason. I wish that both these amendments had been accepted but as none of them has been accepted we were obliged to say a few words in opposing this clause.

**Raja Ghazanfar Ali Khan** (Parliamentary Secretary): I must confess that I have been extremely disappointed to hear certain parts of the speech made by my honourable friend Dr. Sir Gokul Chand Narang. It is a great pity that in these days when some noble hearted Indians are making attempts to bring the various communities and interests together, there should be certain responsible persons of his position who should lose no opportunity of throwing a bone of discord between the various communities who are living so far harmoniously in this province. I think Dr. Sir Gokul Chand Narang should not have taken this opportunity to make the appeal, because I think, if it is really interpreted and acted upon by all members of this House this very

harmonious atmosphere which we have been enjoying so far will go to dogs. Addressing the Hindu and the Sikh members he said that he was sorry that there was no unity amongst them. He emphasised that if all the Hindus and the Sikh members could present a united front, if they could sink all their differences, if they could all forget their interests and stand together, then they could be any thing. May I ask him whether, as a serious politician, when he makes such an appeal to the members of one or two communities of the House, he does not also indirectly appeal to the Muslim members of this House to put a united front and to stand together?

**Dr. Sir Gokul Chand Narang :** They are united.

**Raja Ghazanfar Ali Khan :** In other words, what Dr. Sir Gokul Chand Narang wants is that the honourable members of this House should not consider the question on its merits and should not vote in accordance with their own views, but because they are Hindus and Sikhs, they should stand together and because others are Muslims, they should not vote with them. Sir, our party and our Government has been fundamentally opposed to such dissensions and we will not tolerate the members of this House voting in that manner. I am glad to say that the latter part of his speech became a humorous story and therefore the tense atmosphere which his speech had created changed, when he started mentioning 'ا' 'آ' Arabic, Persian, Tashqand, Kabul, Kandhar, etc. I think this is not the occasion nor would it be relevant to discuss the merits and demerits of those languages and scripts. The question with which we are concerned at the present moment is whether, as the Honourable Minister plainly said, Urdu is the official and court language of this province. Is there any honourable member who can deny that? It has been the court language and official language even during the Sikh regime. On the other hand, I will go a step further and say that during the Sikh regime Persian was the court language. Afterwards because scholars of high education and attainments were not to be found in large numbers, they changed the Persian into Urdu. Dr. Sir Gokul Chand Narang expressed his helplessness and said, "what can I do, we people are helpless, what can we expect from this Government?". What does he expect from this Government? Is he disappointed because we cannot revolutionise the official and court language of this province? Another argument he gave was that public could not understand Urdu and he mentioned Urdu papers Inqilab and Zamindar but he conveniently forgot to name Partap, Milap, Vir Bharat, and several others. He also conveniently forgot to mention that Hindu Urdu writers are at present writing, if not better, as good Urdu as any of the Editors of Muslim papers. (*Dr. Sir Gokul Chand Narang :* Not so *saqil*.) He also forgot to inform the honourable members that the largest circulation in this province is, if I am not mistaken, of Partap, which runs from 15 to 20 thousand. He also failed to mention any paper which has even 2 thousand circulation and is in Hindi in this province. Is it not enough to show that so far as public is concerned they read Urdu papers and that they understand Urdu language? They know that in Urdu language they can express their thoughts more conveniently than any other language. He then talked of Arabia. Certainly from Punjab his brain flies over to Arabia and it would not stop midway. Let me tell him—and he is a great scholar and must know—that

[Raja Ghazanfar Ali Khan.]

there is a world of difference between Arabic and Urdu. Urdu is not a branch of Arabic language. The mere fact that the inhabitants of Arabia are Muslims and some people in India also are Muslims therefore Arabic and Urdu are the same languages. Let me tell him that Urdu language was neither borne in a foreign country nor does it now exist in any foreign country. It was born in this country. May I ask him how Urdu is a foreign language? Does he honestly believe that there are so many difficulties in the way of learning Urdu as he has enumerated? On the other hand I may tell him that Urdu language can express the idea and thoughts better than many other languages in India. I would not draw comparison, because I am not good at all languages. I perhaps know much less Urdu than my honourable friend D. Gokul Chand Narang—as a matter of fact he contradicted his own argument when he read out a very difficult verse of Ghalib. I ask him how many Muslim members are there in this House who can recite and understand the meaning of one verse in Hindi? I think almost all the members sitting opposite know Urdu as much as I do. Therefore, my submission is that he should not have taken this opportunity of creating this unfortunate controversy over the language, while discussing a very harmless and innocent clause. Dr. Sir Gokul Chand Narang should place himself in the position of the Minister of Education. Supposing he is sitting as a Minister, will he have the courage to dispense with the official language, which has been in existence in this province from time immemorial with one stroke of the pen, in spite of his bias, communal prejudice and narrow-mindedness? (*Hear, hear.*) I appeal to the honourable members that they should not be misled by Dr. Sir Gokul Chand Narang's arguments whose chief object is somehow or other to get the votes of 2 or 3 members of this party. I may assure him that our interests are common and we have been pulling together for 4 years as friends and colleagues and voting in the same lobby and protecting and safeguarding the same interests. Even if there is some slight difference of opinion on some minor matter, we can never separate because we can forget and forgive.

Another argument was that even the amendment moved by Chaudhri Sumer Singh was not accepted. What was that amendment? The amendment was that boys should be taught handicrafts. When I was hearing the speech of Dr. Sir Gokul Chand Narang I thought that we were discussing some college education or high class education. I altogether forgot that we were discussing the compulsory Primary Education Bill where boys between the ages of 6 and 11 or 5 and 10 years will be reading. Now, Sir, does Dr. Sir Gokul Chand Narang honestly believe that children below 10 or 11 years will be able to learn handicrafts? He says that they can learn their ancestral professions and in fact they can become goldsmiths, doctors, etc., and that they can become businessmen before they attain the age of 12 years. When the Honourable Minister for Education could not accept the amendment moved by Chaudhri Sumer Singh it was because his suggestion was not practicable. If the Chaudhri Sahib were to move a resolution or Bill to the effect that in the middle or in the high classes some handicrafts should be taught, the Government would certainly give their most sympathetic consideration.



**Dr. Sir Gokul Chand Narang :** The honourable member probably does not know that handicrafts are not started in the middle or high classes. They must be started as early as possible otherwise no one can be proficient in any handicraft. That shows his lack of knowledge.

**Raja Ghazanfar Ali Khan :** Can my honourable friend name any country in the world where handicrafts are taught in the primary schools? Can he quote any one single instance in our own country, either? (*Minister for Education :* Not even in Wardha.) He is trying to give arguments which really would not appeal to any person. As I have stated, that was the reason why the Honourable Minister for Education could not accept the amendment moved by Chaudhri Sumer Singh.

So far as the amendment moved by Rai Bahadur Lala Sohan Lal is concerned, that also could not be accepted mainly on grounds of financial difficulties. His suggestion was that wherever certain number of boys—15 as he suggested—wanted to learn Hindi or Gurmukhi, provision should be made. You will remember, Sir, that while discussing this Bill we as well as the members of the Opposition have been advancing arguments that the financial condition of the province is not so good as to support even the primary compulsory education in the province for all the children. Financial difficulties were realised even by the members of the Opposition. Therefore it is not due to any communal considerations or any narrow-mindedness on the part of the Government or on account of any ulterior motives that the Honourable Minister could not see his way to accept that amendment, but merely on account of financial difficulties. Secondly, it is much easier to endorse by a clause in a Bill a practice which is already existing in the province than to substitute something which does not exist. In this particular case it is really very difficult to substitute a language which is not a recognised language of the province. We know that the question of unemployment is very acute and for children at the tender age of 12, it would be impossible to make up their minds whether for their future careers they should learn Hindi, Gurmukhi, or Urdu. Our object in this Bill is merely to remove illiteracy from the province. In the higher classes they are welcome to choose any language they desire.

Before I close, I would just make an appeal to the members of this House so far as the question of language is concerned. I have no doubt that honourable members understand the reasons which have led the Opposition to press for divisions even on small matters. As a matter of fact, if you see the clause now under discussion, you will observe that it is the essence of the Bill and by rejecting this clause, the entire Bill will be rejected. The only argument which Dr. Sir Gokul Chand Narang gave was that because the Government would not accept certain amendments he wanted to reject the entire clause. He gave instances of the United Provinces and Bihar. May I ask Doctor Sahib which of the provinces has changed the official language and the court language? None, so far as I know. I would therefore request honourable members to support this clause unanimously. They will prove that they are wise enough not to be misled in such small matters. Opportunities arise and they do arise half a dozen times every day when we think differently, but in the interests of the party and in the interests of the party discipline we have been marching together in the same lobbies. I most earnestly appeal to them, I beg of them not to depart from their

[Raja Ghazanfar Ali Khan.]

past practice because that might lead to certain complications which none of us would welcome.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural): I have no intention to drag in the question of controversy over the language nor is it my desire to drag in communalism in this matter. The reason why this important clause is being opposed is that the Opposition is in a minority and the party in power did not allow discussion on two sub-clauses given notice of by two members of their own party. It was open for the Honourable Minister to throw away those sub-clauses but he ought to have allowed a fair discussion. Had he done so I am sure nobody would have stood up to oppose this important clause. I would request that in future such important questions must be allowed to be discussed and not rejected at the very beginning.

**Raja Ghazanfar Ali Khan**: May I ask my honourable friend one question? Is he opposed to this clause?

**Mian Muhammad Nurullah**: No, I am not. This is a very important clause and I would request the Opposition not to oppose it. This stage would not have been reached had the Government allowed discussion on those sub-clauses.

**Chaudhri Ram Sarup** (Rohtak Central, General, Rural) (*Urdu*): Sir, the question before the House is not whether Dr. Sir Gokul Chand Narang is more capable than Raja Ghazanfar Ali Khan or that the latter is abler than the former. We have nothing to do with the trial of their wits. The honourable member can decide the issue outside the House. The real question before the House is whether our present system of education is conducive to our needs or not. To my mind there can be three objects of education. First and foremost is, of course, the object of securing Government service. The second is to teach our boys some handicraft or industry. The third is that our boys and girls be enabled to read their scriptures and thus learn their religious books.

Now let us consider how far our system of education fulfils these hopes and ideals. To begin with, service in the Government departments is not available except to the boys of big families or big persons. The boys of ordinary families cannot obtain employment in these days. So our education cannot achieve the first object. The second object is the teaching of handicrafts to boys. This is being denied to us by the Government which has rejected the amendment of my honourable friend Chaudhri Sumer Singh. The third object of education is to enable children to receive religious instruction thereby, and with this end in view Rai Bahadur Lala Sohan Lal had moved an amendment to the effect that arrangements be made for the teaching of Hindi and Gurmukhi. But the Honourable Minister of Education has thrown away that amendment straightaway. My honourable friend Raja Ghazanfar Ali Khan too has opposed this amendment. Now, Sir, I ask why should we support this education system which is not going to achieve any of the three objects which I have discussed in detail above? Such a system of education is wholly useless to us in the Ambala division at least. That is why we oppose clause 3 and I lend my whole-hearted support to my honourable friend Rai Bahadur Lala Sohan Lal who has led the opposition to this clause.

**Chaudhri Sumer Singh** (South East, Gurgaon, General, Rural) (*Urdu*): Sir, I rise to oppose clause 8. My reason for doing so is this. The Government has by rejecting my amendment created some doubts and misgiving in my mind with regard to its attitude and policy. As a matter of fact I was not asking for the moon. I only wanted that the Government should make necessary arrangements for the teaching of some handicrafts to the children of those parents who make an application for this purpose. Now it was quite a simple amendment. But the Government have rejected it straightaway. The Honourable Minister of Education ought to have considered the precarious and dangerous conditions which have been brought about by unemployment in the province. Many unemployed young men are driven to commit suicide for want of employment. If the amendment proposed by me had been accepted by the Government, we would have reasonably expected that unemployment would sooner or later disappear from the Punjab. But it is a thousand pities that the Government is not prepared to accept such salutary amendments which are calculated to train our children in the various handicrafts and to improve the lot of the poor unemployed young. My honourable friend Raja Ghazanfar Ali Khan opposed my amendment tooth and nail. He says handicrafts cannot be taught in the primary schools. But may I put it to him if even such a simple handicraft as the making of *Morunde* cannot really taught to small children of school-going age? I for one do not think so. After being thus disappointed by the Government with regard to the teaching of handicrafts, when we ask for arrangements for the teaching of Hindi and Gurmukhi in the primary schools, the same stiff attitude of hostility is adopted by the Government. Now I wonder what we should do in these circumstances. Neither handicrafts are taught to our children nor Hindi is permitted in the primary schools of the Punjab. Let me make it clear to the treasury benches that the teaching of Hindi is essential for our children in connection with their religious teaching and for ordinary correspondence. If they learn Hindi, they can easily read their religious books. The position in a nutshell is that neither are we allowed to teach Hindi to our children nor any handicraft in the primary schools. Without any of these two facilities, there is little use of this system of education. I, therefore, beg to oppose clause 8.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Muzaffargarh, North, Muhammadan, Rural) (*Urdu*): Sir, we have been told that the clause under discussion is being opposed because the Government did not allow my honourable friends Rai Bahadur Lala Sohan Lal and Chaudhri Sumer Singh leave to move their new clauses. Both these amendments were beyond the scope of the Bill and had no relevancy, whatsoever, to the provisions of the Bill as I will presently explain. It is most unfortunate that a communal tinge has been given to the debate and the language controversy has been unnecessarily raised over this Bill. The suggestions contained in both these amendments apart from being educationally unsound relate to the question of syllabus which is beyond the scope of the present Bill. Chaudhri Sumer Singh's amendment provides that—

"the Provincial Government shall introduce in the school curriculum of a local authority or a part thereof suitable handicrafts and make the adoption of the same compulsory education provided the residents of the area so desire and the same is approved by the local authority on the strength of the conditions prevailing

[K. B. Mian Mushtaq Ahmad Gurmani.]

within the area and further the procedure of sub-clause (2) of clause 3" is followed."

I must confess that I cannot make out from the wording of this amendment as to what is the object of the mover. The language and construction of this amendment is very defective. If the object of my honourable friend is that the education imparted in compulsory schools should be such as would satisfy the cultural and utilitarian needs of the scholars, he has my fullest support. But I must say that I cannot agree with the method suggested by my honourable friend. He suggests that one handicraft should be introduced in every primary school at the option of the local authority. It means that a local authority shall include a suitable handicraft in the syllabus of a primary school situated within its jurisdiction. The House will agree with me that the prescription of syllabus is a technical matter and it cannot be left to a body of untechnical persons. The syllabus must be prescribed by educational experts. It would be educationally unsound to compel all the boys in the primary classes to learn one particular handicraft as the aptitude, interests, and tastes of the students differ from one another. A pamphlet recently issued by the board of education says,—

The view that education is concerned with the determining as distinct from revealing what and where a child's future is to be, is a dangerous one, and is likely to lead to restriction of variety of educational provision, and thus to set limits to the free development of the individual child's aptitude and interests.

This view has been fully endorsed in Wood and Abbott report on Vocational Education in India. The report says :

If, however, vocational education aims at producing a crop of workers whose minds are flexible, and whose knowledge is capable of wide application, the risks are far less than if it attempts to train a number of persons with narrow outlook and a limited range of skill. Accordingly, vocational education should not be extremely specialised in character, except in its advanced stages, but should aim at imparting a sound knowledge of fundamental principles which are applicable to different tasks and as high a degree as possible to skill in applying it.

The report further says—

In a wisely planned scheme of education each subject in the vocational schools will have its origin in the non-vocational school ; it will in fact be nothing more than an extension of it. Elementary notions of number and beginnings of arithmetic will gradually merge into mathematics ; the observation and recording of the more obvious phenomena of nature, and simple explanations of these, will develop into science, crude hand work with few or no tools will become skilled manual work with more complicated tools or with machines ; the powers of expression by the tongue, the pen and the pencil will be extended, and new and more conventional methods of representing on paper the appearance and dimensions of solid objects will be introduced.

The report of the Syllabus Revision Committee, appointed by the Punjab Government has dealt with this subject in detail. The report of the Committee lays great emphasis on the importance of hand work and constructive activities which have been included in the new syllabus as an important part of instruction. The Committee made the following recommendations on the subject :—

We strongly advocate that a prominent place should be given to hand work or constructive and creative activities in the primary school curriculum, not for its pre-vocational or vocational value, but on account of its intrinsic educative,

usefulness. The value of such activities lies in the actual planning and execution of a piece of work or in the training that it affords to the hand and eye. The activity would not have much value and utility if it did not definitely help understanding and increase enjoyment. We do not, therefore, confine application of the term merely to such activities as carpentry, smithy, clay-modelling, toy making, etc. We include in it all activities which according to the Wood and Abbott report "make a demand on a boy's skill, judgment, sense of observation and power of calculation, and combine all or some of these in a constructive effort to achieve an end which he himself wishes to achieve". These activities should further help the co-ordination of the several subjects as also give a suitable chance for self-expression.

The Committee further recommended that—

It should be the duty of the teacher to study the special aptitudes of his pupils before any hand work is imposed on them.

The Syllabus Revision Committee while laying down the syllabus for middle classes made the following recommendations—

Practical arts might include two or three simple and useful handicrafts preferably local, but it should not be necessary to acquire a high degree of practical skill in more than one of these crafts or industries, which should be pre-vocational. The syllabus in practical arts may vary according to the locality and environment. The subject will have an examination value in practical work only.

It will be clear from these recommendations that the suggestion contained in the amendment of my honourable friend has already been incorporated in the syllabus for middle schools. But educationists are unanimous on the point that infants and boys of tender age should be allowed to freely develop their individual aptitude and interests and all that is best in them. The House will agree with me that the Government could not accept the suggestion which is educationally unsound. If my honourable friend had taken the trouble of reading the report of the Syllabus Revision Committee I am sure he would have realised that his amendment was unnecessary. Perhaps he does not know that arrangements for teaching various handicrafts and industries already exist in our model schools.

**Chaudhri Sumer Singh :** It may be on paper.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** This shows my honourable friend's ignorance. If he had taken the trouble of visiting some of the model schools he would have realised that these institutions not only teach various handicrafts but each one of them has specialised in more than one industry. In fact it is a special feature of our model schools. The success of this venture is evident from the fact that a large number of ordinary middle schools have followed the example of the model schools in training their students in one or more handicrafts. Let me give you the example of my own district. In Muzaffargarh district we used to purchase munj mats of the value of over Rs. 6,000 annually for our district board schools. We started this industry in our middle schools and within two years our schools were able to meet our entire demand. Since the last two years we have not spent any money on the purchase of munj mats and the amount thus saved has been utilised for other useful purposes. I was told that from next year we shall be able to export munj mats to other districts. One of our middle schools in the Thal area has specialised in the wool industry. The students manufacture light blankets and quite good warm

[K. B. Mian Mushtaq Ahmad Gurmani.]

clothing which are in great demand. Our model school at Khangarh has introduced numerous industries such as the manufacture of jams, jellies, squashes, envelope making, book binding, ink making, soap making and manufacture of other toilet requisites. Recently they have added cloth printing, reel making and cooking. In that part of the district mangoes grow in abundance. Last year this school invented a new drink prepared from mango juice and named it mango squash. They received large orders for the supply of this delicious and refreshing drink which I can safely recommend to my honourable colleagues in this House. Almost every middle school in Muzaffargarh district has an excellent agricultural farm or a vegetable and fruit garden. Every boy gets a sufficient supply of tomatoes for which he has acquired a taste now and a free supply of tomatoes and salads is greatly appreciated by them. This has greatly improved their health. I had an occasion to visit two model schools in Rohtak district last October, and I was pleasantly surprised to find that they had started a large number of industries which were doing exceedingly well. The cotton and silk textile goods and printed cloth manufactured in these schools was in great demand in the market. I had an occasion to visit another model school at Gakhar in Gujranwala district last month. Besides a number of other industries they have specialised in printing silk and cotton cloth. If my honourable friend the mover of the amendment takes the trouble of visiting the model schools he will realise that handicrafts are given an important place in the curriculum of these institutions. (*Interruptions.*)

**Mr. Speaker :** No member should rise and begin speaking without being called or permitted by the Chair.

**Chaudhri Sumer Singh :** Sir, may I submit that—

**Mr. Speaker :** No.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, it seems my friend is mixing up the vocational and pre-vocational institutions. I would advise him to read the report of the Syllabus Revision Committee appointed by the Punjab Government in 1938 as also the Wood and Abbott report on Vocational Education in India. After he has studied these Reports he will realise that his amendment is educationally unsound, ill-conceived and unnecessary.

**Chaudhri Ram Sarup :** Sir, may I ask the honourable member one question?

**Mr. Speaker :** No. What is the question?

**Chaudhri Ram Sarup :** Sir, if the purpose is to help the poor—

**Mr. Speaker :** That is hypothetical; so, I cannot allow it.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, now I shall come to the second new clause which my honourable friend Rai Bahadur Lala Sohan Lal wanted to move. His amendment reads as follows:—

The local authority shall make adequate provision for the teaching of Hindi and Gurmukhi if so desired by the parents or guardians of the school-going pupils in that area provided the number of pupils desiring to learn Hindi or Gurmukhi exceeds 15.

This amendment again relates to the syllabus and has no bearing on the provisions of the Bill. The prescription of syllabus is a purely administrative matter and has no connection, whatsoever, with the provisions of this Bill. The Government has I have already said, appointed a committee to revise the syllabus for primary and middle schools. This committee published its report in 1938 and its recommendations have been considered by the Government. The educationists are of the opinion that if second language is introduced at the primary stage it would impose on the pupils a heavy strain of having to learn two languages during their tender years. Moreover the introduction of a second language in the primary classes would lead to administrative difficulties and complications especially in regard to the compulsory areas. The Syllabus Revision Committee made the following observations on this point :—

We very strongly feel that a second language could not be permitted at the 6th class stage as it would involve the learning of three languages at the same time. Besides this even the option of starting a second vernacular at the 6th class stage would lead schools and their internal organisations into numerous administrative difficulties. The Committee strongly recommend, therefore, that a second vernacular should be permitted at the 7th class stage and not earlier. Lala Suraj Bhan was the only member who was in favour of starting a second vernacular at the 6th class stage. All the other members approved of the suggestion that the second vernacular should not start earlier than the 7th class.

In view of the recommendations of this expert committee, the Government could not accept the suggestion contained in my honourable friend Rai Bahadur Lala Sohan Lal's amendment. The new syllabus for primary schools has been revised and many new subjects have been included in it so as to improve the standard of education and to meet the needs of the modern society. It is therefore not desirable to burden the children of tender age with the learning of a second language at this stage. Some honourable friends have mixed up the question of second language with the medium of instruction and script. My honourable friend, Dr. Sir Gokul Chand Narang, has utilised this opportunity for raising the controversy of the medium of instruction. Under the strong impulse of communal passion he condemned Urdu language and script and tried to show its merits as demerits. He was pleased to remark that one finds great difficulty in writing in Urdu script and is puzzled whether to write a certain word with  $\text{س}$  or  $\text{ق}$  or whether to use in writing a word the letter  $\text{س}$  or  $\text{ق}$  or whether to write another word with  $\text{ع}$  or  $\text{ط}$ . He asked, why should Kabul be written with  $\text{ق}$  and Qandhar with  $\text{ق}$ . I was surprised at the argument of my honourable friend. Instead of appreciating the completeness of the Urdu alphabet in which any sound can be reproduced in writing, my friend considers it a defect.

I can only say—

د د کا نام جنوں رکھ دیا جنوں کا درد  
جو چاہے آپ کا حسن کرشمہ سز کرے

My friend, who is a scholar in oriental languages, must realise that every word in the Urdu alphabet represents a different sound. For instance  $\text{س}$  and  $\text{ق}$  have different pronunciations and represent different sounds.  $\text{س}$  is used in writing words like  $\text{لس}$ ,  $\text{س}$ . The same  $\text{س}$  is used in spelling my honourable friend's name. While  $\text{ق}$  is used in words like  $\text{عرق قری قری}$

**Dr. Sir Gokul Chand Narang :** Is the **ج** in your name the same as in **کے** .

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** No, Sir, the **ج** used in my name is the same as is used in **کے**, but the **ی** in my honourable friend's name is certainly the same with which **کے** **کتاب** are spelt. I think Urdu is the only language in which every sound or word can be exactly reproduced and this should be counted as a merit and not a demerit of the language and script. Some of my honourable friends suggested that Hindi and Punjabi are the languages of the scriptures of Hindus and Sikhs. They demanded that their children should learn their religious languages in the primary stages. I am afraid I cannot accept this contention. The language of the scripture of Hindus is Sanskrit and not Hindi, while languages contained in Granth Sahib are more than one. The languages used in the Granth Sahib are Urdu, Brij Bhasha, Persian, Arabic and Punjabee. It is therefore incorrect to suggest that Punjabi is the language of Sikh scriptures. The great Sikh Gurus were scholars of Persian and many Sikh Gurus said poetry in Persian and Urdu. I think I am correct in saying that almost every religious book of Hindus and Sikhs has been written or translated in Urdu and Urdu language has been used as a medium of expression of religious thought. All the Arya Samaj literature was originally written in Urdu, Swami Daya Nand's religious thoughts and doctrines were just conveyed in Urdu language. The medium of instruction in the primary schools should be the common language of the province and that common language of the province is "Urdu". It is the common medium of expression in the Punjab through which a person from Dera Ghazi Khan maintains contact with a person of Rohtak. The enthusiasts of Punjab demand that in Punjab, Punjabi should be the medium of instruction but no one has so far been able to define what Punjabi is. By Punjabi, do they mean the dialect used in the central districts or the one used in the western Punjab, or the Multani dialect which is used in south-western Punjab or the "Pothwari" of Jhelum or the local dialect of Shahpur and Jhang? There is no one common language by the name of Punjabi which is used in the whole of the province. There are different dialects in vogue in different parts of the province. The case of Punjabi is quite different from that of Bengali which is the language of the entire province of Bengal. In Punjab almost every district has its own dialect. Which Punjabi do my honourable friends wish to prescribe as the medium of instruction in our primary schools? If there had been one common language for the whole province my honourable friends would have been justified in demanding that instruction in primary classes should be given in the language of the province, but since we have no other common language than Urdu their demand is unjustified and unsound. As regards Hindi I am not aware of any such language being spoken in any part of this province. By Hindi perhaps my honourable friends mean the Hindi script. My friend Dr. Sir Gokul Chand Narang told us that Hindi and Gurmukhi scripts are so easy that one could attain proficiency in them in a fortnight or a month. If that is so why should we waste four years of the students in learning such an easy script. Hindi or Gurmukhi script could be easily learnt by those who wish to learn it in a fortnight at their homes. Let us realise that Urdu is the court language of the province in which all official



documents are written and all official records are maintained. It has therefore a special utility value. I am sure the house will agree with me that after his primary education a boy should be able to read and understand revenue records, patwari's papers, court summons and other official documents. If he cannot learn even this much his education will have little utility value. Moreover Urdu language is the greatest common factor between the different dialects of the province and it is understood and spoken in every part of the province. Let us not forget that Urdu is the common heritage of all the communities in India. It is not only a common language but a medium of common culture. It is a heritage to whose present day vitality and richness both Hindus and Muslims have contributed. Certain religious fanatics say that Urdu is a foreign language and is associated with the Musalmans. This view is utterly wrong. Urdu had its birth not in Arabia, Iran or Afghanistan, but in India, in the intermixing of different races, religions and cultures. The share of Hindus and Hindi in the making of Urdu is not less than that of Persian and Musalmans. But for the difference of script the spoken Hindi and the spoken Urdu are not different. The question arises as to which of the two scripts—Urdu or Devnagri—should be adopted in writing. It is not difficult to choose between the two. The script employed in writing Urdu is and has been the script of the court language for centuries. The Moghals, the Sikhs and the British have maintained it. Again the script used in a huge bulk of the periodical literature of the Hindus and others is neither Hindi nor any other, but Urdu, which shows that Urdu script is most widely used in India. Its widespread prevalence and popularity indicates that it is indispensable. Moreover, unlike Devnagri, which is confined to a limited number of population of India the Urdu script is common to many other countries of Asia and is apt to bring India nearer to other nations of the world if it is universally adopted. When such is the case why not accept Urdu as our *lingua-franca*, for, is it not a common heritage of all the great communities of India? Is it not a living link between them? The House will be interested to learn that out of 634 vernacular newspapers, periodicals, and journals published in the Punjab 550 are published in Urdu, 64 in Gurmukhi and 20 only in Hindi while 110 are published in English. Out of the 20 vernacular daily newspapers 14 are published in Urdu, 2 in Gurmukhi and only one in Hindi, and that also is the Hindi supplement of a Urdu daily. Three daily newspapers are published in English. I will now give some more figures which perhaps will be found even more interesting. Out of 14,948, 14,496 and 14,374 candidates who applied for admission to the vernacular final and middle school examinations in 1937, 1938 and 1939, respectively, only 189, 176 and 174 candidates respectively offered Hindi as their medium of examination, while those who offered Punjabi as their medium of examination numbered 6, 10 and 3, respectively. It will not be irrelevant to mention that the total number of anglo-vernacular Hindu Secondary Schools was 166 in 1938 and 198 in 1939 whereas the total number of Sikh Anglo-Vernacular Secondary Schools was 89 in 1938 and 119 in 1939. The negligible number of students adopting Hindi and Punjabi as their medium of examination clearly proves that Hindi and Punjabi have not been adopted as media of instruction even in purely Hindu and Sikh schools. Urdu is to all intents and purposes the only medium of instruction in all Government

[K. B. Mien Mushtaq Ahmad Gurmani.]

institutions, almost all local bodies and even in a large majority of denominational institutions in the Punjab not only up to the end of the middle stage but also in the high stage. This fact is further corroborated by the following figures showing the numbers of candidates offering to answer History and Geography papers, in Matriculation and School Leaving Certificates examinations of the University of the Punjab, where it is permissible for the candidates to answer these papers in English, Urdu, Hindi or Punjabi. In 1938 out of 21,863 students who appeared in the Matriculation examination of the Punjab University 19,134 answered their General Knowledge papers in Urdu, 1,581 in Hindi, 819 in English and 329 in Punjabi. In 1939 out of 23,738 students, 26,748 answered in Urdu, 1,831 in Hindi, 817 in English and only 342 in Punjabi. In 1940 out of a total of 27,696 students 23,926 used Urdu, 2,478 Hindi, 862 English and 430 Punjabi in answering their general knowledge papers.

These figures clearly prove that for all intents and purposes the common language of the province is Urdu and none else and no other vernacular. It is queer that some of the newspapers have raised a cry against that very language in which they are published. If they feel that Hindi and Gurmukhi are the languages commonly used by Hindus and Sikhs in the Punjab, why do they not publish their newspapers in those languages? For making a living they depend on Urdu but for attaining cheap political notoriety and for fanning the fire of communalism they condemn the very language which is the source of their livelihood. A common language is the pre-requisite of a common nation. It would be anti-national to give our students a feeling from the very beginning by teaching them in three different languages that they are different from each other. It would be relevant to quote Pandit Jawahar Lal Nehru on this point. In his pamphlet "the question of language", he says,

The word Urdu seems to have come into use from the Moghal period in the camps of the Moghals, but it appears to have been used almost synonymously for Hindustani. Right up to the revolt of 1857 Urdu meant Hindi except in regard to script. It was in the second half of the 19th century that the words Hindi and Urdu began to signify something different to each other. Perhaps it was a reflect of the rising national consciousness which first affected the Hindus who began to lay stress on pure Hindi and the Devnagri script. Nationalism was for them at the beginning a form of Hindu nationalism. A little later the Mussalmans slowly formed their nationalism which was Muslim nationalism and this began to consider Urdu as their own particular preserve. Controversy centred round the script and the use of them in courts and public offices. Thus the growing separatism in a language and the conflict of scripts was the outcome of the growth of political and national consciousness which to begin with took a communal turn. As this nationalism became true nationalism, thinking in terms of India and not in those of a particular community the desire to stop this separatist tendency in language grew with it and intelligent people began to lay stress on the innumerable common features of Hindi and Urdu.

It is further mentioned that—

When we consider the whole subject of education we have to think in terms of the State and the society we are aiming at, we have to train our people to that end; we have to decide what our citizens should be like and what their occupations should be; we have to produce harmony and equilibrium in their private, social and public life.

In regard to the question of script Pandit Jawahar Lal Nehru suggests that—

In the Hindustani speaking provinces both Devnagri and Urdu scripts will be taught in the schools, the pupils or their parents choosing between them. In the primary stage only one script should be used but the learning of the other script should be incorporated in the secondary stage.

This is exactly what we are doing in the Punjab. I might also refer the House to Mahatma Gandhi's address delivered at the Karnatak Hindi Convocation at Bangalore. He said,

I shall take this occasion to give a few obvious reasons why Hindustani can be the national language. So long as you live in Karnatak and do not look out of it a knowledge of Kanada is enough for you. But a look on any one of your villages indicate that your outlook and horizon have widened. You no longer think in the term of Karnatak, but in the term of India. Things outside Karnatak interest you, but the interest cannot obviously go very far without a common medium of expression. How is a Karnatak man to establish and maintain contact with men from Sind, Punjab, or United Provinces..... It has been estimated that the number of Hindus and Mussalmans speaking and understanding Hindustani exceeds 200 millions. Would not the 11 millions of men and women of Karnatak like to learn a language that is spoken by 200 millions of their own brothers and sisters?

He further says,—

There is no difference, whatsoever, between Hindi and Urdu or Hindustani. The Grammar is common to all. It is only the script that makes the difference, and when one comes to think of it one finds that the three words Hindi, Hindustani and Urdu denote only one language.

The advice of Mahatma Gandhi to the people of Karnatak equally applies to the people of the Punjab. Perhaps some of my honourable friends are not aware that Punjab is the birth place of Urdu. It was in this land of five rivers that Urdu came into being, and therefore it has the largest number of common words used in the different dialects of this province. I shall not detain the House any further on this point, as this is not the occasion nor would I like to take any more time of the House to deal with the question of language. In fact I had no intention of dealing with this question as it is not at all relevant to the provision of the Punjab Primary Education Bill, but since the question of language had been raised on the floor of the House I had to make the position clear. My friend Dr. Sir Gokul Chand Narang made a reference to religious instruction. He quoted a saying of Bhisham Pitama according to which the country is not worth living where there is no freedom of religion. Did my honourable friend mean to say that in this country there is no freedom of religion or that India is a religion-less country? I cannot accept either of these contentions. As regards the duty of State to give religious instruction in schools I would refer my honourable friend to the Wardha Scheme of Education. In that scheme religious instruction has been distinguished from secular education and excluded from the purview of that scheme. If my honourable friend finds that a country in which the State does not undertake to impart religious instruction to students is not worth living, then he will have to think of migrating from India to some other country.

**Dr. Sir Gokul Chand Narang :** I never said this. The honourable member entirely misunderstood me and I am sorry he did not follow me at all.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** I know my honourable friend will find it difficult to act according to the dictates of the great philosopher whom he quoted. I am glad he realises that "Hijrat" is a tough job.

**Dr. Sir Gokul Chand Narang :** It is possible for him to do Hijrat. So many countries are at his disposal. You tried Hijrat and you tasted the fruit.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, Hijrat requires a spirit of sacrifice which my honourable friend has not got and it is therefore out of the question for him. I am personally in favour of religious instruction and I want every Indian to be fully acquainted with his religion but our country is admixture of so many religions and sects that it is impracticable for the State to make arrangements for the imparting of religious instructions in the schools. This duty could be better undertaken by the parents of the students. Before a person can learn his religion he must become literate. One of the objects of primary education is the attainment of permanent literacy. It prepares the child for acquiring further knowledge in his future life. Sir, I have tried to deal with the main objections that were raised by my honourable friends and I would now draw the attention of the House to the fact that there is nothing in this Bill which gives Government power to change the *status-quo*. The question of syllabus or curriculum does not come within the purview of this measure. That is quite a separate question and should not be mixed up with this legislation. The clause under consideration lays down the procedure which should be adopted by local authorities for the introduction of compulsion. The objections raised by my honourable friends are irrelevant to the subject matter of the clause. None of them has expressed disagreement with the provision of this clause nor have they been able to point out any defect in the clause. As I have already pointed out opposition to the clause is based on irrelevant matters and is unjustified. I hope the House will pass this clause unanimously and will assist the Government in the speedy passage of this Bill. (*Cheers*).

(*Hon.-members :* Question be now put, Sir.)

**Mr. Speaker :** The question is—

That the question be now put.

*The motion was lost.*

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General, Rural) : Sir, in some of the speeches to-day, certain statements have been made on behalf of the Government of a most astounding and far-reaching character which cannot be allowed to go unchallenged. A statement has been made by one of the secretaries to the Government that the policy of the Punjab Government in this respect is to maintain the *status quo*.

(*Mr. Speaker, at this stage, left the chair and it was occupied by Mr. Deputy Speaker.*)

And the *status quo* that he has defined is that they will compel the punjabis to be compulsorily educated in the language Urdu, with Persian

script, so that they may be able to scrutinise—to use his own words—the patwaris's papers or to read a summons, which means that every boy and girl of this province is to be compelled compulsorily to go through a course of four years' training at State expense in a language and script in which he or she may not like to be educated and not in Hindi or Gurmukhi, if he or she so desires. That is a proposition which we cannot for a moment accept in this province. If you want to educate people in a language which is the easiest to learn and which, as rightly pointed out by the Parliamentary Secretary, should be the medium of education, that is the mother-tongue, let every Punjabi boy be educated and given education in the Punjabi language whatever script he may choose. That would be the soundest policy educationally and especially at this stage because this is not going to be the foundation for secondary education. Hindi, Urdu, English and everything else can come at the secondary stage or perhaps at a later stage of primary education. A proposition like that one could understand, being based on sound educational principles. But a proposition that since Urdu with Persian script happens to connote a particular kind of culture that education is to be forced down the throats of Punjabis whether they like it or not, is too tall a proposition to be swallowed so easily. It is a proposition which we, at any rate, are not prepared to accept. Our friends the Sikh members, sitting on the Government Benches under the spell of the Premier, may or may not object to it and it is for them to make up their mind but I, at any rate, speaking on behalf of the Hindus of this province (*Premier: Nationalism speaking. One nation!*) can never be a party to the proposition that our girls should be compelled to read Urdu in Persian script because perchance a summons might come to her home or our boys, who are to be confined within the four walls of their village and whose education might enable them if they study Hindi to follow intelligently Tulsi Das's Ramayana, should have inflicted upon them a course of instruction which is neither in their line nor is it proper for them. That is a proposition which we, on this side of the House, at any rate speaking for the Hindus, are not prepared to accept and we certainly will not allow to be deprived in this province of the rights which the minorities all over the world have been guaranteed. They have been guaranteed even by the League of Nations. (*An honourable member: Which never existed before.*) In Bihar, where the population of the Muslims is below ten per centum or about ten per centum, quite rightly, quite legitimately and in the fitness of things, the Bihar Government has allowed—and should allow—every Muslim the right to be educated in Urdu if he or she so wishes, provided a fixed minimum number of students are forthcoming in a locality who wish to be educated in that language or in that script. I am told that in Bihar, in a similar matter, while dealing with the compulsory education, the Congress Government laid down that if six students in a particular village or a particular hamlet wish to read Urdu in the Urdu script, the State shall, out of the funds available for primary education, provide them with facilities for such instruction. Why are we being deprived of that right in this province where we constitute, speaking only on behalf of Hindus, about 30 per cent of the population? Why are Sikhs, whose home is in the Punjab, being deprived of the right of reading in Punjabi and having their primary education in the Gurmukhi script which is their birth right and in which their sacred scriptures are

[R. B. Mukand Lal Puri.]

written? This is a proposition which has been propounded by the Honourable Minister of Education and also more clearly by the Honourable Parliamentary Secretary. It appears that the Punjab Government—(*Khan Bahadur Mian Mushtaq Ahmad Gurmani*: My honourable friend is making a futile attempt to excel Dr. Sir Gokul Chand Narang).

Now, Sir, what are the new factors which have led the Government to hope that they will be able surreptitiously to impose upon a large number of Punjabees a system of education against which all the minorities have so far been opposed to a man? When the present Government came into power the Honourable Premier was pleased to call a unity conference in which it was expected that all these controversial questions would be settled in a manner which would be acceptable to reasonable men of all communities. That was a very welcome endeavour and we all welcomed that move on the part of the Honourable Premier. But it appears that the lapse of time and the strength which he has felt on account of his majority has made him entirely throw to the winds those reasonable ideas and promises with which he started his administration. It is a matter for regret that the time of war, which in all countries, including England, is considered to be the time when acute controversies are stopped and shelved and when controversial legislation is laid aside, the present Government should think of carrying through these highly controversial measures. The Government is evidently exploiting the war situation to further its own communal ends. I do not wish to elaborate this point unnecessarily. We are unfortunately very conscious of the fact that the Urban Property Tax Bill and the Sales Tax Bill which we have been discussing last week although on the face of them they affect all the communities, are also really anti-Hindu measures. To-day again, the Honourable Minister for Education and his Private Parliamentary Secretary have sprung upon the province another most unjust and discriminative suggestion that they wish to impose upon this province a system of education in which every child male or female belonging to the minority communities will be compelled, at State expense, and under coercion to go through a course of education which would be entirely distasteful to him or her. That is the matter on which I would request the Honourable Premier to throw light. Does he intend that where ever 10 or 15 students are forthcoming to read a particular script, no provision will be made for teaching them in that script? That is a matter on which the House would like to be enlightened before it is called upon to accept it. I understand, my honourable friend, Lala Sohan Lal, had an amendment in his name which only provided for a provision of facilities for students where more than 15 students wanted to read any particular script. I am surprised that an extremely moderate proposition like that has not been accepted by this Government which claims to have confidence of minorities. Now, Sir, it may be, as the Parliamentary Secretary has stated, that there is nothing in the Bill about script and there is nothing in the Bill about Urdu, Hindi or Punjabee and therefore you should pass it. But as the Government has declared its intention, it is equally our duty to record our emphatic protest and to give expression to our determination not to put up with any such matter, if it is attempted to be enforced, when the Act comes into operation. We must therefore oppose clause 3 of the Bill which gives them power to compel students to be taught any particular script.

**Premier** )The Honourable Major Sir Sikandar Hayat-Khan Sir, I had no intention whatever of intervening in this debate because I had thought that the House would now rapidly go through this measure which has been before it for some time. But apparently the honourable members forgot what they said during their last discussion on this very measure and they have started afresh. Before I try to reply to the most unfortunate speech of my honourable friend, Mr. Mukand Lal Puri,—I deliberately call it unfortunate and I suppose he is quite happy because he thinks that it will get publicity in certain organs of the province, perhaps thereby strengthening his position as the future leader of the great Hindu community—I submit this amendment has got nothing to do with this clause. There is no question of language in this clause. There is no restriction with regard to any particular language or script or anything of the kind. I was surprised that a person of views of Lala Sohan Lal should have brought forward a most irrelevant amendment. Perhaps he merely tried to draw a red-herring across the House so as to put various communities at loggerhead. If this is so, then I would submit that it is a most mischievous intention and an unpatriotic intention. But I must say that probably somebody else had drafted this amendment because I am certain that Lala Sohan Lal is not capable of such rabid communalism as to put various communities at loggerhead. I was not here when Dr. Sir Gokul Chand Narang spoke. But I am told that his speech was full of bitter venom. But that is nothing new. We have known him not for weeks or months or years but for more than two decades and I have always found to my misfortune that even if you coat venom with sugar, the venom always oozes out of the coating. (*Laughter*). Then my honourable friend Mr. Puri, probably a prospective successor to Dr. Narang, as leader of the Hindus, tried to out-Herod Herod. I was not surprised because, knowing his private life, I know perfectly well that he is a gentleman who comes from that part of the world where relations between the various communities are bitter. But as a matter of fact on several occasions he has himself preached to his own friends of the other communities to let go certain matters which were likely to create trouble. I always found him most reasonable. Perhaps that desire of stepping into the shoes of prominent communal leaders is gaining ground with him as communalism is gradually gaining ground in various provinces. I believe he was influenced by his passion for getting a few remarks of encomium in that section of the press which is responsible for keeping various communities asunder in this province and perhaps elsewhere also. They have unnecessarily brought in the question of language and the question of script also. This clause has got nothing to do with that matter. But apparently there was some mischief somewhere. So far as the present Government is concerned, let me repeat once again—and I have repeated it on many occasions previously—so far as the present Government is concerned, it has, from the very first day when it took office, decided, and not only decided but declared and declared not only from the platform but in written declarations on several occasions outside this House, that where religious or quasi-religious matters are concerned or communal matters are concerned, the Government in the absence of an agreement between the parties concerned will retain the *status-quo*. That is the policy of the Government and that policy we are going to adhere to, in spite of my friends, opposite or in spite of my friends on this side of the House. They might

[B. B. Mukand Lal Puri.]

try to bring in Arabic script or Persian script, they might try to bring in the question of Hindi, but we will not give up that straight path which we have deliberately adopted as a matter of policy. Of course, if there is mutual agreement, we will be only too glad to give effect to that agreement. But in the absence of any agreement we have decided to adhere to the *status-quo* and I declare once again on behalf of the whole Government that we must adhere to the *status-quo*. (*Hear, hear*).

Several matters of higher policy were raised on the floor of the House and arguments were trotted out by my honourable friends, specially because my Sikh friends are easily misled ; they are exploited for their credulousness. (*Dr. Sir Gokul Chand Narang* : What a complement !) My honourable friends wanted to raise the question of Hindi and they put in Punjabi as well. As I have stated this has got nothing to do with the Bill; it is not relevant and I do not know why it was brought in. Since several matters of more or less academic interest have been discussed, I also wish to voice my own personal view with regard to language and script. So far as the Government are concerned, their policy, as I have already indicated, is quite clear. My own view is that if India wants to become one nation—if my honourable friends opposite and their ilk would allow it—it is essential that we must have a common national language in this country. It is most important for a nation to-day to have a common language. But what can be that common language ? The Mussalmans in their ferociousness insist on calling it Urdu ; the Hindus in their bigotry insist on calling it Hindi, while a clever nationalist of whom we have seen so much and heard so much calls it Hindustani. Call it anything you like, but it should be a common language and understood and spoken in all parts of the country. But here the question is of name, we are fighting over the name. My honourable friend Nawab Sir Shah Nawaz Khan would call it Pakistani, call it Pakistani provided it is the basic language. My honourable friend opposite would give it some other name ; he would call it Hanumani ; he is welcome to do so. Provided it is one common language, name does not matter. My own personal view is that we must have Urdu in some form or another as the obvious basic language—of course, it should be free from *sakeel* Persian just as it should be free from *sakeel* Sanskrit. Now the real difficulty is with regard to the script. This question is not so difficult nor is it so insurmountable as people think it to be. When this question of script arises I am almost certain that honourable members will cut their nose to spite their face. This at present is the atmosphere of this country and that is why we are still far away from the ideal which is within our reach. Complications have arisen because of misguided pseudo-nationalists. My honourable friends would insist that the script should be Persian while my friends opposite will say, no, it should be Devnagri. To my mind script is merely a mechanical device to convey the meaning of a common language ; nothing more than that. If you can convey it in Sanskrit script, by all means do it. If, on the other hand you think Persian script would suit better, adopt that. But one thing must be borne in mind that the system should be easiest and simplest. Honourable members will agree that we cannot possibly try an experiment for a hundred years, or even more than that to teach everybody a particular kind of script. In Turkey they decided overnight to adopt



the Roman script and within a few years everybody began to follow that script, but the language remained Turkish. I am sure if we also agree to the Roman script, my honourable friends opposite will readily agree to it. My point is, why change that script which you have learnt already? I am sure Rai Bahadur Mukand Lal Puri, Sir Gokul Chand Narang, Mian Abdul Aziz learnt Urdu script—(*Rai Bahadur Mukand Lal Puri*: Why force it upon others? Let them have it voluntarily.)—I do not want to force it upon anybody. So far as primary classes are concerned, *status quo* will remain.

Now, Sir, there are two things; one is the *lingua franca* of the country which is essential and the other is the provincial language—the mother tongue, on which my honourable friends are insisting now. They forget that mother tongue is different in different cases. For instance, there is my honourable friend from Dera Ghazi Khan, he wants his own mother tongue, while other gentlemen would insist upon their own mother tongue. My honourable friends opposite will say it should be Sanskrit and my Sikh friends will say it should be Gurmukhi or Punjabi since Guru Granth Sahib is written in that language, although I think it is not written in Punjabi, but in some other language. The best solution would be that so far as the *lingua franca* is concerned it should be simple Urdu and it should be a provincial language—in case of Bengal it would be Bengali; in Bihar it would be Bihari and so on. It should be that language which is widely spoken and understood throughout the province and is most popular; this can be decided after common agreement and common consent. If my honourable friends would convene a conference to have this question decided, I will be there to help them and my friend the Minister for Education will also be there. If, on the other hand, they are merely bent upon mischief, they can go on churning water.

My honourable friend Mr. Mukand Lal Puri said "Our culture, our common culture, why should we give up our culture?" What is your culture, may I ask? Can the honourable member define his culture? I can do so and in doing so I will give the authority not of Muslim leaders but of Hindu leaders. They say that our present culture is a combination of the old Indian culture and all that foreign culture which was brought by the Mughals or the Muslim invaders. Read the speeches of Sir Tej Bahadur Sapru and of Mr. Katju, and you will find that they admit—and every reasonable person must admit—that the present culture which we enjoy, the culture of the intelligentsia, of the culture of the upper strata of society which is called the educated strata, is that common culture which we have enjoyed and which we want to enjoy. But my friend wants to destroy that common culture and to try to revive the culture which might have been useful two thousand years ago, but which I do not think would cut much ice at the present moment.

Then he said, why should our girls be compelled to learn Urdu? No girls are being compelled to do so. There are Hindu girls schools even now and nobody can stop them from starting Hindi from the very beginning. My friend Mian Mushtaq Ahmad made it quite clear that there are schools in which girls can read in their mother tongue and in the script that their parents desire that they should learn. My honourable friend has made a

[R. B. Mukand Lal Puri.]

statement which was a misstatement and it is these misstatements hastily uttered on the floor of the House and rashly published by a section of the Press which create ill feeling which we want to avoid. That is our misfortune. My honourable friend says that the rights of the minorities are being trampled under foot in this province. They have not been trampled under foot. On the other hand, we have safeguarded them more generously than the rights of the majority community. He could not say that of other provinces. In this province we have given the minorities a fair deal. We have accepted the principle of *status quo* in the absence of an agreement and we have adhered to it. But what has happened in other provinces?

**Rai Bahadur Mukand Lal Puri :** They gave them much greater privileges.

**Premier :** My honourable friend is making a statement which is not in consonance with facts. He knows perfectly well that in other provinces there has been trouble in regard to the minority communities, in the matter of the language and in the matter of the use of the script, and he knows that in those provinces the so-called Wardha scheme has been thrust down the throats of the minorities. In Madras, the language question became so acute that the Criminal Law Amendment Act had to be used against those who protested against it. And yet I am sorry to say that my honourable friend gets up on the floor of this House and says that we have not given a fair deal to the minorities. He has not the magnanimity or the honesty to look at other provinces and see what has happened to the minorities there. He comes here and says that we are trampling upon the rights of the minorities. So far as the minorities are concerned, I would say that their interests are scrupulously safeguarded; but I would at the same time say that by such threats and coercion you try to trample on the rights of the majority which has equal rights with the minorities. We pamper you but you trample on our rights. Therefore my honourable friend should not try to create mischief by putting forwards pleas which have no foundation and no basis so far as this province is concerned.

In the end I would make one appeal to my friends. Whatever language they may adopt to-day or to-morrow or five years or ten years hence, I would appeal to them that they should during these critical times try to bring about a rapprochement between the various communities, and not just for the sake of fun say anything that might hoodwink a Sikh or a Hindu or provoke a Muslim when they get up on the floor of this House. No responsible person would do so, if he has the love of his country and the patriotism which he so often professes should do. This is the time to bring the communities together and to make every possible sacrifice, even if I have to give up my most cherished ideals, to bring about harmony which will bring us nearer to that ideal and to enable us to grasp that ideal which is within our reach. I am confident that after the war this country must be free, but unfortunately we ourselves are putting obstacles in our way in obtaining that freedom which is within our reach, by making such irresponsible statements in this House or outside or in the press which keep us under the communities which we want to bring closer.

Another attempt is being made to bring the political parties together. I wish that attempt every success and I hope that every patriotic Indian, irrespective of the community he belongs to, will do his utmost to see that the attempt succeeds and I assure you that so far as this province is concerned—I can speak on behalf of my own party, and I can appeal to my friends of other parties to see that—the Punjab will not lag behind but will lead other provinces in trying to bring about the freedom which everyone of us so truly cherishes.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural) (*Urdu*): Sir, we have been discussing this amendment for the last one and a half hours. The purpose of Rai Bahadur Sohan Lal's amendment is to make adequate provision for the teaching of Hindi and Gurmukhi in schools for such students whose parents would desire that their children should be taught any of these two languages. The question is a very simple one and it is, what do we understand by compulsory education? It means to make it compulsory for the children of a particular locality to attend any recognised school. (*Interruptions.*) Sir, may I draw your attention to the fact that the Honourable Premier is trying to laugh away this very important question about which I am making submissions?

I would request the Honourable Premier, who after firing off a speech is leaving the House, to stay and hear the reply as well. In the course of his speech he was pleased to remark that some one from this side of the House has drawn a red herring across the track and it was due to that reason that the question of Punjabi and Hindi languages has arisen in connection with the clause under consideration. I ask him in all seriousness, are we in the habit of drawing red herring across the House or he and his Parliamentary Secretaries? I ask when questions regarding the paucity of different communities in different Government departments are raised, who draws red herring across the House at that time? Is it not a fact that many times the Honourable Ministers and the Parliamentary Secretaries have refused to answer questions pertaining to communal disproportions in Government departments on the ground that they savour of communalism? Three or four months after my honourable friends assumed power they began to refuse to answer questions, regarding which it was their first and foremost duty to supply information to the House, on this plea. I can say without any fear of contradiction that they adopted this method in order to hide their own nefarious communal dealings. Yet to-day the Honourable Premier has tried to throw dust in our eyes by giving a new colour to the matter now before the House. After all who does not know that under the provisions of this Bill it will be compulsory for the children to attend some recognised primary schools? If any child failed to do so his guardian would have to pay the penalty for it. I ask, does it not stand to reason that for our children, who right from their cradle stage begin speaking in Punjabi and use this very language as the vehicle of their expression, as compared to Urdu the learning of Punjabi will be very easy? Do my honourable friends want that the little boys should learn Urdu and not Punjabi the learning of which will facilitate their reading Dharma Pushtaks and Shri Guru Granth Sahib? If my honourable friends are so much enamoured of Urdu let them answer my question. To what school should a student, for whom it will be compulsory to attend a recognised primary school, go where he can learn

[S. Lal Singh.]

Punjabi or Hindi language? If he goes to any school other than a recognised primary school his guardian will be punished for that. Wherein is it provided in the Bill now before the House that the guardian of such a boy will not be required to pay any penalty? Certainly the Bill as it stands provide that any guardian who fails to send his child to a recognised primary school will be required to pay a penalty of Rs. 15. I want to know from the Honourable Minister whether, if any child instead of going to a recognised primary school, wherein the arrangements for the teaching of Hindi and Gurmukhi languages do not exist, goes to any other school where lessons are imparted in those languages, he will be punished because he wants to learn Punjabi, or Hindi. The Honourable Minister has not enlightened the House about this matter. It is a matter of great surprise for me that the people in whose very houses Punjabi is freely spoken and who themselves use this language as the vehicle of their expression have questioned the very existence of the Punjabi language. They have inquired what particular Punjabi is meant by the 'Punjabi language'—whether it means the Punjabi of Multan side or that of the Amritsar side. I want to know what they mean by Hindustani language. Do they mean by Hindustani that Hindustani which is spoken in Calcutta, Madras, Bombay, Surat or Gujrat Kathiawar? By Hindustani do my honourable friends mean Urdu, which means nothing but a *lashkar* and which has no parent stock of its own? Is this the language for the advocacy of which my honourable friends have wasted two and a half hours? Is this the language about which the Honourable Minister has stated that he is maintaining the *status quo* and which he does not want to disturb?

Now, Sir, I come to another very important question. Since the inception of the All-India Radio Station at Lahore the question of giving an honourable place to Punjabi in its daily programme has been agitating the minds of all lovers of the Punjabi language. The fact of the matter is that the speeches which are delivered at the Radio Station, Lahore, are usually made in Urdu and it appears as if it has been agreed upon once for all to scrupulously avoid the use of the Punjabi language over the microphone. I want to know from my honourable friends whether it has been decided that Punjabi language will not be broadcast from that station? That is not all. In fact no stone is left unturned to bring this language into disrepute. The treatment that is meted out to this language by the Radio authorities is simply atrocious. Mr. Speaker, if you happen to listen the Dehati programme in Punjabi language from the Lahore Radio Station you will find that the actors speak Punjabi but the interpreter speaks Urdu. Does it not look funny indeed? Is this the treatment that is meted out to the Punjabi language? I want to know with whose agreement this decision has been arrived at? Is it not a fact that a great agitation prevailed in the province over this question that Punjabi language has been scrupulously avoided from the broadcasts and it has been treated as if it is a foreign language?

Besides, my honourable friend Raja Ghazanfar Ali Khan was pleased to remark that during the reign of Maharaja Ranjit Singh Persian script with Urdu language was adopted as the court language and asked why, if they adopted Urdu as the medium of instruction anybody should

object to it. Let me tell him that Maharaja Ranjit Singh and his followers were large-hearted enough to adopt Persian as the court language. (*An honourable member* : Why do you not give proof of your large-heartedness ?) I am indeed very liberal minded. I do not object for a moment to the adoption of Urdu in the primary schools as one of the languages. But along with this I want that arrangements should be made for the teaching of Punjabi and Hindi languages in the primary schools. My friends say that they cannot do so. They want to levy taxes from the people. They want to punish those who will fail to send their children to the recognised primary schools, but they do not want to make arrangements for the teaching of Gurmukhi and Hindi languages. This is the height of bigotry and fanaticism.

Then I may point out that an agreement was arrived at in this Honourable House that the proceedings of the Assembly should be carried on in the languages which are commonly spoken in the province. At the time my honourable friends promised to refer the matter to the Parliament. But it has also been shelved and that agreement has not been given effect to. The Honourable Premier comes here and appeals to us to unite and stand as one people but when he goes out of this House he reiterates that there are not one but two nations living side by side in India. In spite of that he blames us that we do not want to create unity and good will in the province. If he thinks that he belongs to a different nation why does he not allow us to say so and claim the same right for our language which he claims for his so called *lingua franca*. In fact he wants to hoodwink us. The object of enacting this Bill is to compel others to learn Urdu and nothing more. My honourable friends do not want that we should even raise our voice against their highhandedness. Do they expect us to follow them like dumb cattle ? It is a pity that if anybody resists their wishes they brand him as communalist. But if he agrees to all their just and unjust demands he is regarded as a good citizen. I want to know from the honourable members over there whether we are not entitled or the Hindu members of the Unionist Party are not entitled to impress upon the Government that while enforcing the scheme of compulsory primary education arrangements should be made for the teaching of Hindi and Punjabi languages in the primary schools. Do they want that nobody should urge even this thing ? If they are under this impression I tell them that we are not going to submit to this. If they claim that they are a second nation altogether (*Raja Ghazanfar Ali Khan* : Quite all right.) then why do you not expect us to say that we are not a separate community ? On what logic you deny us this right ? If you belong to a different nation altogether under what law can you impose Urdu on us ? Let Pakistan be separated first ?

Again, Sir, my honourable friends have questioned as to what is the mother tongue of the Punjabis, when as a matter of fact it is different in different districts. I have already answered this point to some extent. It appears that my honourable friends conveniently forget that Urdu is also different in different provinces. But all the same they have urged that as the Punjabi which is spoken in the Eastern Punjab is different from the Punjabi which is current in the Western Punjab, therefore they cannot adopt it as the medium of instruction. There may be difference of dialect but how do they dare deny the existence of the Punjabi language as such ? I want to know whether the Bengali language that is spoken in the Eastern Bengal is

[S. Lal Singh.]

similar to that which is prevalent in Calcutta and whether there is no difference between the two. I ask whether the Urdu which is spoken in Madras is just the same which is current in the Punjab. Does not the Urdu of Madras sound like Tamil? In short, my submission is that the urging of some such arguments that there is no Punjabi language in existence is the height of bigotry. It is a matter of great shame for us that we deny the rights of our own language.

Again Sir, it is contended that in Turkey the Roman script was introduced in place of the Arabic script over-night. But I do not propose that the Persian script should be abandoned. They are welcome to it if they want to have it that way. All that we ask them is that whatever the script the language should be Punjabi. Is not Punjabi capable of being written in Persian characters? There are thousands of books in Punjabi which have been printed in Persian script. My honourable friend Raja Ghazanfar Ali is laughing, but I am sure that he has enjoyed reading Fazal Shah's Sohni Mahinwal a good many times, although here he assumes a different garb. No one can deny the fact that Punjabi is a living language and it will remain a language, in spite of what my honourable friends opposite may say. I perfectly agree with my honourable friend, Dr. Sir Gokul Chand Narang, that the children can learn Punjabi more quickly and with greater ease than they can learn any other language. We can make greater progress towards literacy by having Punjabi as the medium of instruction. It is on these grounds that we strongly oppose this clause.

**Mr. Speaker :** The question is—

That clause 3 stand part of the Bill.

*The motion was carried.*

#### Clause 4.

**Chaudhri Sumer Singh** (South-East Gurgaon, General, Rural) (Urdu) :  
Sir, I beg to move :

That in sub-clause (1), line 9, between the figure "3" and the word "and" the words—  
"provided the Government of the Punjab shall contribute a cent per cent grant for the extra expenditure to the local authority concerned" be inserted.

The object of this amendment is very simple. The work of introducing compulsory education has been entrusted to local bodies and it is well-known that the financial position of many a local body is not sound enough to shoulder this extra burden. Therefore, I want that the extra expenditure be borne by the provincial Government in case the direction is issued by the Government to enforce compulsion, in an area without the consent of the people residing in that area.

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

That in sub-clause (1), line 9, between the figure "3" and the word "and" the words—  
"provided the Government shall contribute a cent per cent grant for the extra expenditure to the local authority concerned" be inserted.

**Minister for Education** (The Honourable Mian Abdul Haye) : This amendment is also beyond the scope of this Bill. I have nowhere stated in this Bill that the expenditure on primary education will be incurred by

the local bodies or by the Government. If I were to accept this amendment what would be the position? Take for instance Lyallpur. The Lyallpur district board is a very wealthy district board. Why should the Government in the case of Lyallpur agree to give them a cent per cent grant? This is the question which is separate from the subject matter of this Bill. We have already laid down a formula and we give a grant to the various local bodies which ranges between 50 per cent. and cent. per cent. On proper occasion arising, after making a careful enquiry as regards the financial position of a certain local body, we shall take a decision in individual cases and it is not necessary to make rule for all local bodies and tie down the Government to a cent per cent grant.

**Chaudhri Sumer Singh (Urdu):** In reply to what the Honourable Minister has said I wish to draw your attention to clause 10 which lays down that the burden of expenditure in this connection will fall on the shoulders of the local authority. It says that "the local authority of every area to which this part is applied shall maintain out of funds available for the purpose including any Government grant.....". Now what I want is that if the financial position of a local authority which is required to introduce compulsory education is not such as would allow it to spare sufficient money for the purpose the extra expenditure should be paid by the Government. It is a very reasonable demand and I would again request the Honourable Minister to accept the amendment because, otherwise, this scheme of yours will never be crowned with success.

**Mr. Speaker:** The question is—

That in sub-clause (1), line 9, between the figure "3" and the word "and" the words "provided the Government of the Punjab shall contribute a cent. per cent grant for the extra expenditure to the local authority concerned" be inserted.

*The motion was lost.*

**Raja Ghazanfar Ali Khan (Parliamentary Secretary):** Will you kindly allow me to correct a mistake which I made in my previous speech when I said that the circulation of *Daily Partap* is twenty thousand? I am not certain about the circulation of each *Daily Vernacular* paper. My remark was based on mere guess. Now I am informed that the 'Partap, Milap', 'Vir Bharat' all have a very large circulation.

**Chaudhri Sumer Singh (South-East Gurgaon, General, Rural) (Urdu):** Sir, I beg to move—

That at the end of sub-clause (1), the words "on the recommendations of the local authority or on hearing the local authority within thirty days of the receipt of the notice for such cancellation or suspension" be added.

I want that if the Government has issued direction that compulsory education be introduced in a certain area and then wants to cancel or suspend the operation of the said direction it should do so after hearing the local authority concerned. It would be wrong to empower the Government to issue and cancel such directions at its sweet will. In fact no direction should be cancelled unless the local authority makes a request in this behalf and has explained the reasons for making such a request, or without hearing objections.

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

That at the end of sub-clause (1), the words "on the recommendation of the local authority or on hearing the local authority within thirty days of the receipt of the notice for such cancellation or suspension" be added.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, everybody feels that local bodies have become a plaything and local self-government has been reduced to a farce in this province. I would, therefore, advise the Government to accept the proposal of my honourable friend Chaudhri Sumer Singh and allow the local authorities some say in the matter. If you do not show them even this small courtesy no local authority will be inclined to make a proposal or recommendation in this respect and the very object of this measure will be defeated. Therefore, in order to encourage local bodies the Government should accept this amendment.

**Minister for Education** (The Honourable Mian Abdul Haye): I oppose this amendment. It is always open to a local body to make a proposal for cancellation. The Government would be reluctant to exercise their powers without first consulting the local bodies concerned. Even to-day if a certain notification is sought to be cancelled, we usually make reference to district authorities, and through them to the local bodies concerned, and we take action afterwards.

**Khan Sahib Chaudhri Sahib Dad Khan** (Hissar, Muhammadan, Rural) (*Urdu*): Sir, my honourable friend Mian Muhammad Nurullah, has been pleased to remark that local bodies and local self-government have become a farce and that these bodies will not have the courage to make any recommendations. That may be true in the case of the Lyallpur District Board; but so far as our District Boards in Ambala division are concerned, they are independent, nay despotic bodies and have been doing many things without caring a pin for the local officers or the Government. Still the Government has not raised its little finger to check their activities and they are receiving grants as usual. Now as regards the amendment, I would submit that the Government makes a grant to the extent of 70 per cent of the expenditure incurred by a district board on education and there is no reason why it should not take education from the control of the district boards. This matter should not be left in the hands of a few irresponsible people. The Government must reserve this power to itself.

**Chaudhri Ram Sarup** (Rohtak Central, General Rural) (*Urdu*): Sir, it is regrettable that my honourable friend Chaudhri Sahib Dad Khan has thought it fit to have a fling at the district boards and to declare that since the Government paid 70 per cent of the expenditure on education incurred by the district boards they should have 70 per cent of the powers in this respect. I would submit that the money which the Government gives by way of grant does not come from the pocket of any member of the Government. It belongs to the people just as the funds of the local bodies belong to the public. In this respect there is no difference between the provincial exchequer and the funds of the local authorities. The Khan Sahib should not have displayed such narrow-mindedness and made a speech which cannot do credit to any one.



**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I agree with all that my honourable friend Khan Sahib Chaudhri Sahib Daa Khan has said in respect of the district boards of the Ambala Division. I wish he had given more details and explained the conditions obtaining there at a somewhat greater length. Anyway, I strongly support the amendment moved by Chaudhri Sumer Singh which aims at curtailing certain powers of the local authorities. I hope the Honourable Minister will see his way to accept it.

**Chaudhri Sumer Singh** (*Urdu*): Sir, I have to offer a few words in reply to the remarks made by the Honourable Minister regarding my amendment. It is regrettable that he has not seen his way to accept this useful amendment. His rejection of this amendment indicates that he is quite ignorant of the state of affairs prevailing in the local bodies. I am of the opinion that it is only desirable that Government should take into consideration the recommendations made by the local authority before they arrive at a decision to cancel or suspend the operation of the directions. Then I may submit that laws are made for the benefit of the people. But if Government spurn the constructive suggestions made by the honourable members for the purpose of improving the provisions of the Bill and refuse to incorporate them, I am sure such Bills are likely to do no good to the public. With these words I appeal to the Honourable Minister to accept this amendment which is decidedly in the best interests of the local bodies.

**Mr. Speaker :** Question is—

That at the end of sub-clause (1), the words "on the recommendations of the local authority or on hearing the local authority within thirty days of the receipt of the notice for such cancellation or suspension" be added.

*The Assembly divided : Ayes : 1. Noes 49.*

AYES.

Mukand Lal Puri, Rai Bahadur

NOES.

Abdul Haye, The Honourable Mian.  
Ahmad Yar Khan, Chaudhri.  
Allah Yar Khan Daulatana, Mian.  
Amjad Ali Shah, Sayed.  
Anant Ram Chaudhri.  
Chhotu Ram, The Honourable Chaudhri Sir.  
Dasaundha Singh, Sardar.  
Faiz Muhammad, Shaikh.  
Faqir Hussain, Khan, Chaudhri.  
Farman Ali Khan, Subedar-Major Raja.  
Fateh Muhammad, Mian.

Fazal Din, Khan Sahib Chaudhri.  
Fazal Karim Bakhsh, Mian.  
Ghazanfar Ali Khan, Raja.  
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.  
Gurbachan Singh, Sardar Bahadur Sardar.  
Hans Raj, Bhagat.  
Jogindar Singh Man, Sardar.  
Khizar Hayat Tiwana, The Honourable Malik.  
Manohar Lal, The Honourable Mr.

Muhammad Akram Khan, Khan Bahadur Raja.	Nannihal Singh Mann, Lieutenant Sardar.
Muhammad Amin, Khan Sahib Shaikh.	Nawazish Ali Shah, Sayed.
Muhammad Ashraf, Chaudhri.	Nur Ahmad Khan, Khan Bahadur Mian.
Muhammad Hussain, Chaudhri.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Jamal Khan Leghari, Nawab Sir.	Pohop Singh, Rao.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Sarfraz Khan, Chaudhri.	Roberts, Sir William.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.	Shahadat Khan, Khan Sahib Rai.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Shah Nawaz, Mrs. J. A.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shah Nawaz Khan, Nawab Sir.
Muzaffar Khan, Khan Bahadur Nawab.	Sikander Hyat-Khan, The Honourable Major Sir.
Nasir-ud-Din Shah, Pir.	Singha, Diwan Bahadur S. P.
Nasrullah Khan, Rana.	Tikka Ram, Chaudhri.
	Wali Muhammad Sayyal Hiraj, Sardar.

**Mr. Speaker :** The question is—

That clause 4 stand part of the Bill.

*The motion was carried.*

#### Clause 5.

**Chaudhri Sumer Singh** (South East Gurgaon, General, Rural) : Sir, I beg to move—

That at the end of the clause, the words "for sufficient cause shown by the local authority for such exemption" be added.

(Urdu) Sir, the purpose of my amendment is that such exemptions may not be made arbitrarily, but should be made when a local authority shows sufficient cause to make such an exemption.

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

That at the end of the clause, the words "for sufficient cause shown by the local authority for such exemption" be added.

**Minister for Education :** I oppose this amendment. It is not at all essential in a matter like this to consult a particular local body. The exemption applies to classes and communities and the classes and communities will be consulted and their wishes, if they are reasonable, will be carried out.

**Mr. Speaker :** Question is—

That at the end of the clause, the words "for sufficient cause shown by the local authority for such exemption" be added.

*The motion was lost.*

**Sardar Lal Singh :** I beg to move—

That at the end of the clause, the words "and shall state its reasons therefor" be added.

This amendment is of the same kind as that of Chaudhri Sumer Singh with this difference that it helps to prevent arbitrary action on the part of the Government. I think it is in the interests of the public to find out what really is the reason on which this action of the Government is based and there will be no harm because the Government will have the power to exempt certain communities and classes and if for nothing else at least for the sake of information it should be necessary that the Government should give out the reasons for exempting those classes.

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

That at the end of the clause, the words, "and shall state its reasons therefor" be added.

**Minister for Education** (The Honourable Mian Abdul Haye) : Ordinarily if funds are available and compulsion is introduced in a particular area, I may state that the Government would be very reluctant to grant exemption to some class or community. But in exceptional cases we may have to do so. It is not essential that a statutory provision should be made requiring the Government to state its reasons, because the final authority in this matter is Government. Reasons are usually stated in those cases where an appeal lies to some higher authority. If the honourable member desires to know the reasons he can table a question and I will answer it.

**Mr. Speaker :** Question is—

That at the end of the clause, the words "and shall state its reasons therefor" be added.

*The motion was lost.*

**Mr. Speaker :** Question is—

That clause 5 stand part of the Bill.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*) : Sir, if we carefully study the clause under consideration we would find that it defeats the very object for which this Bill is being enacted into law. So far as I have understood, the object of the Government in enacting this measure is to make primary education compulsory as far as it is possible. If this clause is retained in the Bill it will be tantamount to defeating its very object. The Honourable Minister has put forward this excuse that so long as the Government have not sufficient funds at their disposal by which they can make primary education compulsory throughout the length and breadth of the province, up till that time, this clause would be given effect to. I ask what is the necessity of retaining this clause when it is apparent from the Bill itself that the Government will make this primary education compulsory only to the extent to which their funds would allow. In my opinion this clause is redundant and useless and it should be deleted. So far as the question of exemptions is concerned it has been dealt with in clause 17. If that is so what is the necessity of retaining this clause? Consequently I oppose the entire clause.

**Mr. Speaker :** The question is—

That clause 5 stand part of the Bill.

*The motion was carried.*

*Clause 6.*

**Mr. Speaker :** The question is—

That clause 6 stand part of the Bill.

*The motion was carried.*

*Clause 7.*

**Mr. Speaker :** The question is—

That clause 7 stand part of the Bill.

*The motion was carried.*

*Clause 8.*

**Sardar Lal Singh :** Sir, I beg to move—

That in sub-clause (1), lines 8-9, for the words "recognised school", the words "school imparting primary education" be substituted.

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

That in sub-clause (1), lines 8-9, for the words "recognised school", the words "school imparting primary education" be substituted.

**Minister for Education** (The Honourable Mian Abdul Haye) : Sir, I oppose this amendment. My honourable friend has not seen the definition of recognised school. The definition of recognised school is—

"recognised school" means "a school or department of a school recognised by the Director as suitable for imparting primary education."

My honourable friend is simply reproducing in this amendment a portion of the definition. If we were to delete the words "recognised school", it would defeat the very object that we have in view in undertaking this legislation. Bogus or unsatisfactory schools may be set up in the province and exemption claimed for such boys and girls whose names appear on the roll of such schools.

**Mr. Speaker :** The question is—

That in sub-clause (1), lines 8-9, for the words "recognised school", the words "school imparting primary education" be substituted.

*The motion was lost.*

## GENERAL SALES TAX BILL.

**Minister for Development** (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I have to make a request. Dr. Sir Gokul Chand Narang has resigned from the select committee on the General Sales Tax Bill. Therefore, somebody else has to be appointed in his place. So, I beg to move—

That Lala Sita Ram be appointed to the vacancy.

*The motion was carried.*

*The Assembly then adjourned till 12 noon on Tuesday, the 10th December, 1940.*

# PUNJAB LEGISLATIVE ASSEMBLY

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

*Tuesday, 10th December, 1940.*

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

### STARRED QUESTIONS AND ANSWERS.

#### COMMUNAL PROPORTION IN SERVICE.

**\*7340. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable the Premier be pleased to state—

- (a) whether it is a fact that Government have fixed a proportion for the various communities of the province for appointment to services in the various departments of the Government ;
- (b) whether the Government has since made any inquiry in order to find out that the proportion fixed by the Government is observed by the heads of the various departments while making appointments to the temporary and permanent posts under them ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** (a) Percentages fixed for fresh recruitment are—

	Per cent.
Muslims .. .. .	50
Sikhs .. .. .	20
Hindus including 2½ per cent scheduled castes and 2½ per cent others .. .. .	30

(b) Heads of Departments have been asked to furnish annually a statement showing, community-wise, the appointments made in the previous year in the same form as the present statement for the annual census of Government servants. The first statement for the year 1940 is due with Government by the 15th March, 1941. In addition Heads of Departments have recently been asked to report whether there has been any departure from the prescribed proportions.

**Khan Sahib Khawaja Ghulam Samad :** May I know if from the statements supplied by the Heads of Departments it appears that various communities have been given their due share in services ?

**Parliamentary Private Secretary :** I have stated that Heads of Departments have been asked to supply the statements. They have not yet done so.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether the necessity for reminding the Heads of Departments arose since they did not act according to the instructions issued by the Government ?

**Parliamentary Private Secretary :** No, Sir. The Government do safeguard the interests of the various communities in addition to the statements asked for from the Heads of Departments.

**Nawab Sir Shah Nawaz Khan :** Is the Government aware that these orders have been kept in abeyance in the Revenue Department ?

**Parliamentary Private Secretary :** I have already stated that the statements are due from the Heads of Departments by the 15th of March and I will be in a position to answer this question after I have received the statements.

**Rai Bahadur Lala Gopal Das :** The Parliamentary Private Secretary has stated that the share of Hindus including  $2\frac{1}{2}$  per cent schedule castes and  $2\frac{1}{2}$  per cent others is 30 per cent ; that means that the share of Hindus is only 25 per cent. Do I understand that the population of Hindus has fallen to 25 per cent ?

**Parliamentary Private Secretary :** My answer is that the share of Hindus is 30 per cent including the scheduled castes and others. The honourable member is welcome to draw his own conclusions.

**Rai Bahadur Lala Gopal Das :** The honourable member has just stated that Government is safeguarding the interests of all communities. May I know whether they are safeguarding the interests of Hindus by giving them only 25 per cent ?

**Rai Bahadur Lala Sohan Lal :** What is the meaning of the expression " others " ?

**Parliamentary Private Secretary :** If my honourable friend would look to the Census Report, he will find that others include Jains, Christians, etc.

**Khan Sahib Chaudhri Sahib Dad Khan :** Is it a fact that these instructions are not carried out by the District Judges in the Ambala division ?

**Parliamentary Private Secretary :** The question originally asked is a general one and I have replied to it. If honourable members want to ask specific questions they may give fresh notices.

**Khan Sahib Khawaja Ghulam Samad :** May I know whether the percentage of Muslims has fallen from 57 per cent of their population to 50 per cent in services ?

**Parliamentary Private Secretary :** I do not understand the meaning of this question.

**Khan Sahib Khawaja Ghulam Samad :** I will repeat my question. It arises out of the question put by Rai Bahadur Lala Gopal Das. Is it a fact that in spite of the population of Muslims in the province being 57 per cent their percentage in services has fallen to 50 per cent ?

**Parliamentary Private Secretary :** The honourable member is comparing the percentage of population to that of services. Does he mean to say that in services also the percentage was 57 per cent ?

**Mian Muhammad Nurullah :** May I know whether this proportion is followed in the case of grades and promotions ?

**Parliamentary Private Secretary :** I stated in my reply that these percentages have been fixed for fresh recruitments.

**Khan Sahib Chaudhri Sahib Dad Khan :** Is it a fact that these percentages are followed in promotions as well in the departments under the control of the Honourable Minister for Development so far as the deficiency in Hindu representation is concerned ?

**Mr. Speaker :** The next question.

TRIALS FOR OFFENCES UNDER THE DEFENCE OF  
INDIA ACT.

**\*7368. Pandit Bhagat Ram Sharma :** Will the Honourable the Premier be pleased to state—

- (a) the number of persons tried under the Defence of India Rules from 1st September, 1939, to 1st November, 1940, in Kangra district ;
- (b) the number of trials which resulted in conviction ;
- (c) the number of trials which resulted in acquittal or which were dropped by the prosecuting agency ;
- (d) the total expenditure incurred by the Government on the trials referred to in (a), (b) and (c) ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :**

(a) 12. (b) 4.

(c) (i) 1.

(ii) 4 ; out of these 3 were dropped as the accused had tendered apology.

(d) I am afraid I must decline to answer this question. The time and money spent on collecting the desired information would be out of all proportion to its value when obtained and even if it is collected it will be only approximately correct.

SUPPLY OF WATER FOR GARDENS FROM R. M. R. MINOR, ON  
SIRHIND CANAL.

**\*6837. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware that several applications were made by the zamindars of Bhatinda town for supplying them water for gardens from R. M. R. Minor on Sirhind Canal Bhatinda Branch, which are pending consideration of the canal authorities Bhatinda for the last three years ;
- (b) if the answer to (a) above be in the affirmative, the reasons for delay in finally disposing of these applications ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) Yes, thirteen applications have been received and these are being considered.

[Raja Ghazanfar Ali Khan.]

(b) The reasons for the delay in disposing of these applications are that this outlet was intended only for filling the Tanks of the R. M. R. and not for irrigation purposes, and to combine an irrigation supply on a water-course with a supply in bulk to tanks is most unsatisfactory. The matter has been carefully examined and orders will shortly issue.

**Sardar Pritam Singh Siddhu :** Is it a fact that soon after the notice of this question was given, one of the applications was rejected and the others are still pending ?

**Parliamentary Secretary :** I am not aware of it. If the honourable member wants I will inform him whether any application has been rejected.

#### JALALPUR HYDRO SCHEME.

**\*7037. Sardar Sampuran Singh :** Will the Honourable Revenue Minister be pleased to state—

(a) whether any scheme to reinstate, extend and improve the abandoned inundation canal near Pind Dadan Khan was some time ago under the consideration of the Government ;

(b) if a scheme known as the Jalalpur Hydro Scheme has been under investigation and whether Government has taken any decision as a result of these investigations ; if so, what is the nature of those decisions and whether the Punjab Government has received a sum of Rs. 50,000 from the Government of India to be spent on this scheme in order to give relief to the zamindars whose lands have been damaged by the Khewra Salt Mines ; if so, how does Government propose to spend that amount and when ?

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

(b) (i) Yes. A scheme known as the Jalalpur Hydro-Electric Pumping Project was investigated in 1929 ; the scheme was abandoned on account of engineering difficulties.

(ii) The Punjab Government has received a grant of Rs. 50,000 from the Government of India to be spent in dealing with the problem arising from deterioration of land in the vicinity of the Khewra Salt Range.

Rupees 40,000 will be spent this year and the balance next year on the work of re-instating the Pind Dadan Canal.

#### NON-SERVICE OF NOTICES ON TENANTS OF MAUZA MANGLI, DISTRICT HISSAR.

**\*7329. Khan Sahib Khawaja Ghulam Samad :** With reference to the answer to part (c) of question No. 5610 (starred)<sup>1</sup> asked on 18th January, 1940, will the Honourable Minister of Revenue be pleased to state whether any inquiry was made by the appellate authority about non-service of notice on tenants ; if so, the result of that inquiry ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The question is not clearly understood. If the plea of non-service of notice was raised



in the appeal, then the point must have been considered by the appellate authority before passing final orders. I may add, however, for the information of the honourable member that six appeals were accepted.

**Khan Sahib Khawaja Ghulam Samad :** Did the Parliamentary Secretary take the trouble of reading question 5610<sup>1</sup> before he gave this reply to this House ?

**Parliamentary Secretary** I do not know how my friend thinks that I have not taken the trouble to read it.

ALLOTMENT OF LANDS IN THE HAVELI PROJECT.

**\*7330. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) how much of the crown land in the Haveli Project has been allotted permanently so far ;
- (b) how much land in the Haveli Project remains unallotted and when and on what terms does the Government intend to allot this land permanently ;
- (c) whether any land in the Haveli Project has been allotted to any of the members of the Assembly ; if so, what are their names ;
- (d) whether any part of the lands to be allotted yet is intended to be allotted to any of the persons who served for full 5 years either as combatants or non-combatants during the Great War ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) 4,904 acres as shown below—

	<i>Acres.</i>
(i) Compensatory grants to persons whose land was acquired for the Haveli Project .. ..	1,193
(ii) Sold by auction .. ..	3,771

(b) *First part.*—82,716 acres.

*Second part.*—The unallotted crown waste will be allotted as soon as possible, under different heads. The colonization operations are already in progress. Compensatory grantees will be allotted land on the conditions published with Punjab Government notification No. 4123-C., dated the 20th September, 1939 and peasants on those published with Punjab Government notification No. 4054-C., dated the 21st September, 1940 (copies are laid on the table).<sup>2</sup> Conditions applicable to other grants will be prepared in due course.

(c) No.

(d) No.

**Khan Muhammad Yusuf Khan :** May I know from the Parliamentary Secretary whether any land has been set apart for those persons whose land has been washed away by the river action ?

<sup>1</sup>Vol. XI, pages 351-52.

<sup>2</sup>Kept in the Assembly Library.

**Parliamentary Secretary :** I do not think any particular area has been set aside for them.

**Khan Muhammad Yusuf Khan :** Will he please say whether Government contemplates doing so?

**Mr. Speaker :** That is a request for action.

SURVEY OPERATIONS OF BALEHA AND NAKEHER KHUD BUND  
SCHEMES IN KANGRA DISTRICT.

**\*7370. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state the total expenditure incurred up to 1st November, 1940, by the Punjab Government in Kangra district for the survey operations of—

(i) Baleha Bund Scheme, and

(ii) Nakeher Khud Bund Scheme?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The expenditure incurred by the Punjab Government up to 1st November, 1940, on the two schemes is given below—

				Rs.
(i) Baleha Scheme	..	..	..	54,542
(ii) Nakehar Scheme	..	..	..	7,614

DAMAGE BY HAILSTORM TO *KHARIF* CROPS IN  
TAHSIL TALLAGANG, DISTRICT ATTOCK.

**\*7374. Sayed Mohy-ud-Din Lal Badshah :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that the present *Kharif* crop in several villages of tahsil Tallagang in district Attock has been destroyed by hailstorm; if so, whether any concessions have been granted by the Government to the zamindars who have suffered thereby; if no concession has been granted to them so far, the reasons therefor?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) . First part.—No.**

**Second part.—Does not arise.**

RELIEF TO SUFFERERS IN VILLAGES DHAYAN SINGH WALA, GUL  
GARH, ETC., WASHED AWAY BY FLOODS IN  
RIVER RAVI.

**\*7377. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that the villages Dhyani Singh Wala, Gul Garh, Fatta and others in tahsil Ajnala, district Amritsar, have been completely washed away by the floods of the river Ravi and the inhabitants of the villages are passing their days in temporary sheds and booths; if so, the action Government propose to take to provide shelter to the villagers and to afford them the necessary relief?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** Dhayan Singhpora, Gulgarh and Nimayat Abad villages have been completely washed away, while 7 out of 26 houses in villages Fatta have been damaged. On demand from the residents of village Dhian Singhwala the Deputy Commissioner, Amritsar, sanctioned a sum of Rs. 1,000 for seed taccavi. Actually, however, taccavi loans aggregating Rs. 414-8-0 were taken by the people of this village and they refused to take more. The inhabitants of the other villages did not ask for taccavi loans.

The question of further relief to the sufferers of these villages is under the consideration of local officers.

**Rai Bahadur Mukand Lal Puri:** Why?

**Parliamentary Secretary:** Because none was asked for.

**Rai Bahadur Lala Gopal Das:** Was it not provided in the budget that you were to give certain subsidies?

**Parliamentary Secretary:** Unless somebody applies, how can Government give it?

#### GRANT OF SUBSIDIES FOR DEVELOPMENT OF INDUSTRIES.

**\*7369. Pandit Bhagat Ram Sharma:** Will the Honourable Minister of Development be pleased to state the amount of subsidies granted for the development of cottage or village industries in Kangra district during the period between 1st November, 1939 and 1st November, 1940?

**Parliamentary Secretary (Chaudhri Tikka Ram):** No subsidy has been granted for the development of cottage or village industries in the Kangra district during the period in question.

#### SETTLEMENT OF DEBTS BY THE DEBT CONCILIATION BOARD, AMRITSAR.

**\*7376. Khan Sahib Chaudhri Fazal Din:** Will the Honourable Minister of Development be pleased to state—

- (a) the total amount of debt settled during the last one year between the debtors and the creditors by the Debt Conciliation Board, Amritsar;
- (b) the proportion of the amount of debt for which settlement has been made by the above-named board to the original amount of debt;
- (c) how the foregoing settlement compares to the settlement of debt made by the Debt Conciliation boards in other districts of the province?

**Parliamentary Secretary (Chaudhri Tikka Ram):** (a) Rs. 4,44,728.

(b) 59 per cent.

(c) The detailed information asked for will be found in the report on the working of the Debt Conciliation Boards in the Punjab for the year ending 31st December, 1939, which Government hope shortly to publish.

## COURT OF SUB-DIVISIONAL OFFICER, FAZILKA.

**\*6805. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Finance be pleased to state whether it is a fact that the court of the Sub-Divisional Officer, Fazilka, is situated at a distance of about a mile from the courts of other magistrates posted there and that on account of this distance the litigating public is experiencing great inconvenience and trouble ; if so, the action intended to be taken to remove that grievance of the public ?

**The Honourable Mr. Manohar Lal :** The distance between the different courts at Fazilka is a little more than half a mile. The courts are connected by a pucca metalled road with shady trees on both sides. The litigants who attend the court of the Sub-Divisional Officer generally do not have cases in any other court and so the litigant public is not put to any inconvenience and there is no grievance to be redressed.

## SUB-JUDGE'S COURT, MUKTSAR, FEROZEPUR DISTRICT.

**\*6806. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Finance be pleased to state whether he is aware of the fact that the only court of the Sub-Judge at Muktsar, district Ferozepore, has recently been abolished resulting in great inconvenience to the litigant public of the tahsil ; if so, the steps that the Government intends to take to redress this grievance of the public ?

**The Honourable Mr. Manohar Lal :** The court of the Subordinate Judge at Muktsar has not been abolished but the amount of work there does not justify the retention of a full time Subordinate Judge. The present arrangement is that the Subordinate Judge at Fazilka visits Muktsar for one or two periods of ten days each month according to the requirements of work. This arrangement dates from the 15th of January, 1940 and Government have no reason to believe that it has proved unsatisfactory.

## LUDHIANA DISTRICT JAIL HOSPITAL.

**\*7174. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the hospital in Ludhiana district Jail is sufficiently equipped for medical treatment of the ailing convicts and under-trial prisoners ;
- (b) the number of indoor patients in the Jail dispensary during the last six months giving details of their disease and the period of their stay and ultimate result in each case ;
- (c) whether the Civil Surgeon is required to pay a daily visit to the above-mentioned jail and also the number of visits paid by him during the last six months ?

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

(b) 90. Out of these 85 were discharged as cured, 2 were released, 1 was transferred to the Mental Hospital, 1 to the new central jail, Multan, as a T.B. case and one was discharged and placed in the permanent convalescent gang as he was suffering from Hemiplegia. The information about the diseases from which these prisoners were suffering would require much labour to collect but if the honourable member wants some particular information in some particular case, I will endeavour to obtain it.

(c) Yes ; during the last six months he paid 158 visits.

#### LAHORE ALLOWANCE TO GOVERNMENT SERVANTS.

**\*7362. Shaikh Karamat Ali :** Will the Honourable Minister of Finance be pleased to state for what particular object or purpose the local allowance of Rs. 8 per mensem is given to the Government employees in Lahore drawing a pay of less than Rs. 100 per mensem ?

**The Honourable Mr. Manohar Lal :** The local allowance of Rs. 8 per mensem paid to certain clerical establishment in Lahore is intended in general to compensate for the high cost of living in this town and in particular, for high rents.

#### RETURN OF REGISTERED DOCUMENTS PRODUCED BEFORE COURTS.

**\*7373. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Finance Minister be pleased to state whether complaints have been received by Government that a good deal of cost and inconvenience is caused to the public to obtain the return of registered documents produced before courts in proof of value of property especially in pre-emption and other suits where the court has to ask the value of the property in the light of the numerous documents produced under the authority of letter No. 7880-R.-XX, dated the 29th July, 1939, from the Registrar of the High Court, to the Financial Commissioners ; if so, whether the Government proposes to take any action in the matter ?

**The Honourable Mr. Manohar Lal :** No such complaints have been received by Government.

#### DACOITIES IN ROHTAK, GURGAON, HISSAR AND KARNAL DISTRICTS.

**\*6731. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of dacoities committed in the houses of mahajans, other non-agriculturists and agriculturists, respectively, since 1st April, 1937, in the districts of Rohtak, Gurgaon, Hissar and Karnal, separately ;
- (b) the number of those who died and who were injured in encounter with the dacoits and the amount of cash and valuables robbed in each case giving separately the number of cases which have remained untraced and which were challaned with the number of those acquitted and punished on challans being put before courts ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : (a) The required figures are given below :—

—			Mahajans.	Other non-agri-culturists.	Agri-culturists.
Rohtak	..	..	17	8	9
Gurgaon	..	..	10	4	8
Hissar	..	..	27	..	23
Karnal	..	..	23	7	11

(b) Statements giving the required information for each of the four districts separately are laid on the table.<sup>1</sup>

#### BYE-ELECTIONS TO LOCAL BODIES.

**\*6733. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the decision suspending next general elections to local bodies for one year does not apply to bye-elections to these bodies ; if so, the reasons for making this distinction ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : Yes. Bye-elections are allowed, as otherwise certain constituencies would be deprived of their right of representation.

#### ELECTION FOR BERI CIRCLE SEAT IN DISTRICT BOARD, ROHTAK.

**\*6734. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state when the Beri circle seat in the District Board, Rohtak, fell vacant and the reason why bye-election has not been held so far to fill that vacancy ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : The vacancy occurred in April, 1938. It was not filled as the next general elections were due to be held a few months later. But the elections were postponed, as the electoral circles had to be revised. The Deputy Commissioner has been asked to hold the bye-election, as early as possible.

#### ABSCONDERS IN LYALLPUR AND JHANG DISTRICTS.

**\*6948. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state the number of absconders on 1st July, 1940, in the districts of Lyallpur and Jhang specifying the number of absconders charged with offences of (i) murder ; (ii) dacoity ; (iii) robbery ; (iv) burglary and (v) other offences ?

<sup>1</sup>Kept in the Assembly Library.

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

*Statement.*

District.	Murder.	Dacoity.	Robbery.	Burglary.	Other offences.	Total.
Lyallpur ..	27	3	3	..	56	89
Jhang ..	9	2	2	3	54	70

**MOTOR ACCIDENTS IN THE PROVINCE.**

**\*6951. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state—

- the total number of motor vehicles registered in the province during the last three years ending 31st March, 1940 ;
- the total number of (i) deaths, and (ii) injuries caused by motor accidents in the province during this period ;
- the total number of accidents ;
- the total amount realized in the province during this period through (i) the registration of licence ; (ii) and the imposition of fine on the motor drivers and the owners of motor vehicles ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :  
(a) The number of motor vehicles registered during the years 1938 and 1939 is 1,961 and 1,765 respectively. Statistics of vehicles newly registered were not maintained before 1938.

(b) (i) 661.

(ii) 4,180.

(c) 2,637.

(d) (i) 11,10,975-3-0.

(ii) These figures are not at present maintained at headquarters. If the office of the Provincial Transport Authority is expanded, it may become possible to do so.

**EXECUTIVE OFFICERS' ACT.**

**\*7035. Sardar Sampuran Singh :** Reference answer to part (b) of starred question No. 2 (Punjab Assembly Debates, Volume I, page 235), will the Honourable Minister for Public Works be pleased to state if the Government have taken any decision in the matter ; and if not, why not ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : Government have appointed a committee to advise them in regard to amendments to municipal legislation. The Punjab Municipal (Executive Officers) Act, 1931, will also come within the purview of the Committee.

**ARREST, CONVICTION AND RELEASE OF PERSONS IN CONNECTION  
WITH RIOTS AT THATTA.**

**\*7055. Sardar Sampuran Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of persons arrested in connection with the riots at Thatta (Campbellpur district) in summer 1939 ;
- (b) number of persons among them against whom cases were withdrawn ;
- (c) number of accused among them who were discharged or acquitted by the trying magistrates concerned ;
- (d) number of accused among them who were (i) acquitted or (ii) whose sentences were reduced by the Sessions Judge on appeal ;
- (e) number of accused among them who were (i) acquitted or (ii) whose sentences were reduced on appeal by High Court ; and
- (f) the number of accused among them who were finally convicted with the conviction of each serving their imprisonment in jail ?

**Parliamentary Private Secretary (Sayad Amjad Ali Shah) :** (a) 81.

(b) 3.

(c) 41.

(d) *First part.*—9.

*Second part.*—2.

(e) *First part.*—Nil.

*Second part.*—6.

(f) 33.

**HIRING OF LORRIES BY POLICE FOR RAIDS IN PURSUIT OF DACOITS AND  
ABSCONDERS IN LUDHIANA DISTRICT.**

**\*7092. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state the number of lorries hired by the police in the Ludhiana district in connection with raids in pursuit of dacoits and absconders with the names and home addresses of the lorry owners and drivers and also the amount of fare paid to each one of these lorry owners during the months from May to October, 1940 ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :** The labour involved in collecting the required statistics does not appear to be commensurate with the value to the public of the information that would be obtained. If the honourable member can put a specific question about non-payment of fares to any owner or driver, that would be looked into.

**Sardar Lal Singh :** Will the Parliamentary Secretary take it from me that there are very few lorry drivers who are engaged by the police and there will not be too much labour involved ? In fact, does the Parliamentary Secretary know that there are only one or two men who are specially favoured ? This is the complaint of the lorrywallas.



**Parliamentary Secretary :** I am not aware of it ; if the honourable member would give notice of a definite question, I shall try to collect the information. The reply has been given to the question as put by Chaudhri Muhammad Hassan.

**SUSPENSION OF HARI PARSHAD AND PARMA NAND EMPLOYEES OF THE MUNICIPAL COMMITTEE, SADAR BAZAR, AMBALA.**

**\*7119. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Hari Parshad, Store-keeper and Parma Nand, Record-keeper, Municipal Committee, Sadar Bazar, Ambala, were suspended, the former in August, 1939, and the latter in December, 1939 ;
- (b) if their cases have been finally decided ; and if not, reasons for this long delay ;
- (c) if it is true that the appeal of Hari Parshad was accepted by the Deputy Commissioner in May, 1940, and he has not been yet re-instated ?

**Parliamentary Secretary (Shaikh Faiz Muahmmad) :** (a) Yes.

(b) and (c) The post of store-keeper held by Hari Parshad was abolished by the Committee, but on appeal the resolution of the Committee was suspended by the Deputy Commissioner, Ambala, whose order is now under the consideration of the Commissioner as required by section 235 of the Punjab Municipal Act, 1911. Parma Nand took four months to make over charge. It delayed the commencement of the inquiry against him, which is likely to be concluded by the end of this month.

**LATHI CHARGE BY THE LADWA POLICE.**

**\*7160. Lala Duni Chand :** Will the Honourable Premier be pleased to state whether it is a fact that the police of Ladwa, district Ambala, made *lathi* charge upon an innocent and peaceful crowd of about 150 persons on 23rd April, 1940, at about 10 p.m. while they were returning to their homes after having attended a public meeting at the fair of *Devi* about a mile from Ladwa town ; if so, the offence for which this *lathi* charge had to be made ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** *First part.*—No.

*Second part.*—Does not arise.

**VETOING OF THE ELECTION OF THE EXECUTIVE OFFICER, LYALLPUR MUNICIPAL COMMITTEE.**

**\*7205. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the Municipal Committee of Lyallpur had recently elected its own Executive Officer ;

[L. Duni Chand.]

(b) whether it is also a fact that the Government has set aside that appointment and in his place appointed its own nominee, a nominated member of the Committee;

(c) whether the Government did so after obtaining legal advice;

(d) the reasons that led the Government to take the above step?

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

(d) Government did not consider that the person selected by the Committee was suitable for the post.

**Mian Muhammad Nurullah**: May I ask whether it is a fact that the legal advice was that 16 votes were the requisite majority out of 25?

**Parliamentary Secretary**: I am afraid I am not here to discuss legal quibbles.

**Mian Muhammad Nurullah**: May I ask what the legal advice was?

**Mr. Speaker**: Disallowed.

#### STOPPAGE OF LAHORE ALLOWANCE TO OFFICIALS ALLOTTED GOVERNMENT QUARTERS.

**\*7361. Shaikh Karamat Ali**: Will the Honourable Minister for Finance be pleased to state whether there are any orders by the Punjab Government under which Government officials drawing a pay of less than Rs. 100 per mensem have to submit applications for the occupation of Government quarters in Chauburji Estate and that those who do not apply for these quarters or who withdraw their applications previously put are deprived of their local allowance for ever; if so, whether he will be pleased to lay a copy of such orders on the table of the House, and if the reply be in the negative, the reasons for the stoppage of this allowance?

**The Honourable Mr. Manohar Lal**: There are no orders issued by the Punjab Government that Government officials (clerks) drawing pay less than Rs. 100 per mensem must submit applications for the occupation of Government quarters in the Chauburji Estate, and that those who do not apply for these quarters should be deprived of their local allowance for ever.

The allowance is stopped only in cases in which the clerks are either provided with Government quarters, or, are offered, and refuse to occupy Government quarters. The reasons for stoppage of the allowance in such cases is that the reason (mainly high rents), for which the allowance is given, does not exist in their case.

#### KACHA ROADS BETWEEN SIALKOT AND SHAKARGARH TO NAROWAL AND ZAFARWAL.

**\*7363. Shaikh Karamat Ali**: Will the Honourable Minister for Public Works be pleased to state whether it has ever come to his notice that the kacha roads between Sialkot and Shakargarh and Narowal and Zafarwal are in a very dilapidated condition; if so, whether these roads are expected to be provincialized and metalled in the near future; and if so, when?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): Government's information is that though these roads are very dusty, they cannot be said to be dilapidated. The road between Narowal and Zafarwal carries regular lorry service, and part of it is being improved by the District Board of Sialkot, with brick tracks.

2. The question of provincialising these roads has not been considered.

#### COMPENSATION TO SUFFERERS IN THE RIOTS AT MULTAN.

**\*7378. Munshi Hari Lal:** Will the Honourable Minister for Public Works be pleased to state—

(a) whether or not the loss caused to the property in the riot of October, 1938, at Multan has so far been appraised by the Government;

(b) if so, whether and when the sufferers are going to be compensated for the same?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):

(a) Yes, so far as this was possible.

(b) It has been decided that no compensation should be given because Government do not think it advisable to impose a levy on the inhabitants of the city.

#### UNLICENSED ARMS IN LUDHIANA DISTRICT.

**\*7379. Sardar Lal Singh:** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of unlicensed arms and the quantity of unlicensed ammunition seized by the Ludhiana Police during the year 1939-40 from the district;

(b) the source or sources from where these arms and ammunition were imported into the district?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):

(a) Unlicensed arms and ammunition recovered in the Ludhiana district—

Year.	Revolvers.	Pistols.	Rifles.	Guns.	Cartridges.
1939 ..	6	11	2	1	114
1940 ..	4	7	2	..	33
Total ..	10	18	4	1	147

[S. B. S. Ujjal Singh.]

(b) The source from where the unlicensed arms and ammunition were imported into the district has not been definitely established. Some of the unlicensed arms, however, appear to have been smuggled from the North-West Frontier Province and Indian States.

LICENCES FOR GUNS AND RIFLES ISSUED IN LUDHIANA DISTRICT.

**\*7380. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of licences for guns and rifles issued by the District Magistrate, Ludhiana, under the Village Defence Scheme up-to-date ;
- (b) whether any revolver or pistol licences have also been issued in the same district under the same scheme ; if so, how many in all and to whom ;
- (c) whether under the Village Defence Scheme the Government affords any facilities as well to the licensees in buying arms ; if so, their nature ;
- (d) the period for which the licences for arms under the said scheme are to continue ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :

- (a) Gun licences           ..           ..           ..           ..   578
- Rifle licences       ..           ..           ..           ..   None.
- (b) None.

(c) Facility is provided to the licensees to purchase confiscated guns from the District Malhkana at reasonable prices.

(d) Licences are granted for a renewable period of one year.

**Sardar Lal Singh :** Does the Parliamentary Secretary know that people are unwilling to incur the expense of buying guns which are very dear these days just for the sake of one year since the licence may be cancelled at the end of one year ?

**Parliamentary Secretary :** All licences are renewable every year.

**Sardar Lal Singh :** Does the Parliamentary Secretary think that they are renewable as of right ? Are these licences not liable to be cancelled just at the whim of the Deputy Commissioner ?

**Parliamentary Secretary :** Every licence is liable to be cancelled.

**Minister for Public Works :** There is no such thing as a perpetual licence.

**Sardar Lal Singh :** Does the Parliamentary Secretary think that poor villagers will spend Rs. 100 or Rs. 150 just for one or two years ?

**Mr. Speaker :** That is a matter of opinion.

**Sardar Lal Singh :** There is the village defence scheme and I want to know whether there is any facility for the villagers to buy guns. The Government says that licences are liable to be cancelled after one year and I want to know whether it is going to give licences for a number of years or for one or two years.

**Parliamentary Secretary :** Does my honourable friend mean to suggest that a sufficient number of applicants are not coming forward for taking out licence under the village defence scheme?

**Sardar Lal Singh :** Yes, my position is that there is a large number of people not coming forward simply because they have to spend Rs. 100 or Rs. 150 just for the sake of one year or two.

**Mian Muhammad Nurullah :** Is the Government prepared to buy the gun if the licence is not renewed after one year?

**Mr. Speaker :** Disallowed.

#### AIR-RAID PRECAUTIONS OFFICER.

**\*7381. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) whether any Air-Raid Precautions Officer is at present stationed at Lahore;

(b) if so, by whom was he appointed, when and on what pay and conditions;

(c) has the Punjab Government had to spend anything on air-raid precautions activities; if so, how much?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah):**

(a) Yes.

(b) The Government of India have appointed a military officer to assist the Civil Administration in the preparation of an Air Raid Precautions Scheme for Lahore. The cost of his pay, etc. is borne by Central Revenues.

(c) The cost of Air Raid Precautions measures in this province is being largely met by the Central Government but it is impossible at this stage to say exactly what portion of Air Raid Precautions expenditure will be borne by provincial revenues.

#### IMPROVEMENT OF SANITATION AND WATER SUPPLY IN URBAN AND RURAL AREAS.

**\*6949. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state the amount of money spent on (i) urban areas, (ii) rural areas in the province during the last 5 years on the improvement of sanitation and water supply respectively?

**The Honourable Mian Abdul Haye :** A statement is laid on the table—

**A.—Statement showing the grants given by the Sanitary Board, Punjab, for improvement of sanitation and water supply in urban and rural areas in the Punjab, during the last 5 years commencing from the year 1935-36.**

Year.	SANITARY BOARD'S GRANTS.				Total sanitation and water-supply.	REMARKS.
	Urban.		Rural.			
	Sanitation.	Water-supply.	Sanitation.	Water-supply.		
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	
1935-36 .. ..	77,903	28,504	4,529	36,401	1,47,337	
1936-37 .. ..	600	14,306	541	62,515	77,962	
1937-38 .. ..	33,219	1,56,603	7,151	2,94,840	4,91,813	
1938-39 .. ..	1,24,507	73,979	..	3,11,233	5,09,719	
1939-40 .. ..	..	1,169	..	1,22,629	1,23,798	
Total .. ..	2,38,229	2,74,561	12,221	8,27,618	13,50,629	

**B.—Statement Showing the amount of money given from the Special Development Fund for improvement of rural sanitation and water supply during the last 5 years commencing from the year 1935-36.**

**SPECIAL DEVELOPMENT PROGRAMME.**

Year.	RURAL.				Total.	REMARKS.
	Sanita- tion.	Water-supply.				
		Paving and Drainage.	Sanitat- ing of wells.	Special Water- supplies.		
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	
1935-36 .. ..	..	..	..	..	..	
1936-37 .. ..	..	..	..	..	..	
1937-38 .. ..	..	..	..	..	..	
1938-39 .. ..	40,000	34,800	..	..	74,800	
1939-40 .. ..	35,000	30,000	56,122	9,984	131,106	
Total .. ..	75,000	64,800	56,122	9,984	205,906	

C.—In addition to the above a sum of Rs. 2,75,322 was given for sanitation and water supplies as a part of the Rural Development work in the Punjab financed from the Government of India grants, during 1935-36 and 1939-40.

(1) Sanitary improvements in Gujrat district	..	..	Rs. 8,829
(2) Borehole latrines in Gurdaspur district ..	..	..	9,084
(3) Special Water-supply Schemes—			

District.	Village..	Cost. Rs.
Kangra ..	Palampur .. 17 villages ..	21,841 7,110
Hoshiarpur ..	17 villages ..	36,003
Shahpur ..	Jabbi .. Choa ..	27,343 30,666
Mianwali ..	Burekheil .. Sanwans ..	23,193 7,745
Jhelum ..	Toba ..	45,454
Dera Ghazi Khan ..	Sakhi Sarwar .. Vehoa ..	36,008 22,046
		2,57,409
	GRAND TOTAL .. ..	2,75,322

I. M. S. OFFICERS IN MEDICAL AND PUBLIC HEALTH DEPARTMENTS.

\*7184. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Education be pleased to state—

(a) the number of I. M. S. officers in service of the Government in Medical and Public Health Departments ;

(b) whether the number of the officers in Question is in excess of the sanctioned number ; if so, the reasons therefor ?

**The Honourable Mian Abdul Haye** : (a) 22.

(b) No.

LADY DOCTOR FOR DISTRICT BOARD HOSPITAL, JARANWALA.

\*7383. **Dr. Satya Pal** : Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that now-a-days there is no lady doctor in Civil District Board Hospital, Jaranwala (a tahsil head quarter in Lyallpur district) ;

(b) whether it is a fact that half the expenses of the lady doctor and female compounder were being paid by the local municipal committee when there was a lady doctor ;

(c) whether it is a fact that municipal committee, Jaranwala, requested the District Board, Lyallpur, by a unanimous resolution to send some lady doctor as the need was keenly felt by the poor people ;

(d) whether it is a fact that in September, 1940, municipal committee, Jaranwala, passed a unanimous resolution intimating to the District Board that if budget provision had not been made

[Dr. Satyapal.]

in the present budget by the District Board, municipal committee was prepared to pay the whole expenses for the remaining half year provided the District Board would compensate in the next year and that the District Board, Lyallpur, turned down this proposal of the committee;

(e) whether Government proposes to take any action in the matter?

**The Honourable Mian Abdul Haye:** (a), (b) and (c) Yes.

(d) No.

(e) All Commissioners of Divisions in the Punjab have already been asked to impress upon the local bodies concerned the desirability of appointing a woman sub-assistant surgeon in each of the tahsil headquarters hospitals where none is employed at present.

### UNSTARRED QUESTIONS AND ANSWERS.

#### COMMUNAL REPRESENTATION AMONG EMPLOYEES IN OFFICE OF DEPUTY COMMISSIONER, CRIMINAL TRIBES AND RECLAMATION OFFICER.

**1271. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

- (a) community-wise, the strength of the clerical and menial establishment in the offices of the Deputy Commissioner, Criminal Tribes and that of the Reclamation Officer at present;
- (b) the number of vacancies that occurred during the period from 1st January, 1940, up-to-date in the said offices;
- (c) the number of vacancies out of those to which Muslims were appointed and whether this number is according to their communal representation?

**The Honourable Mr. Manohar Lal :** (a)—

Muslims	..	..	..	..	24
Hindus ..	..	..	..	..	21
Sikhs ..	..	..	..	..	4
Scheduled castes	..	..	..	..	1
Total					50

(b) Two.

(c) Muslims were appointed to both the vacancies. The latter part of the question therefore does not arise.

#### AGRICULTURISTS OF THE FEROZEPUR DISTRICT IN GOVERNMENT SERVICES.

**1272. Sardar Pritam Singh Siddhu :** Will the Honourable Premier be pleased to state the number with names of the members of the



agricultural classes residing in the Ferozepore district taken in all the provincial services as tahsildars and in the subordinate police service during the last two years?

**The Honourable Major Sir Sikander Hyat-Khan :** I regret I cannot undertake to collect this information as it would entail time and labour out of all proportion to the advantage to be gained therefrom. I may, however, explain for the information of the honourable member that recruitment to these services is not made on divisional or district basis.

#### HEAD CLERKS OF POLICE OFFICES.

**1273. Sardar Pritam Singh Siddhu :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number, community-wise, of the head clerks of the offices of the Superintendents of Police in the Eastern Range;
- (b) whether it is a fact that a majority of these head clerks are Muhammadans; if so, why and the action intended to be taken to give proper representation to other communities in the posts of head clerks?

**The Honourable Malik Khizar Hayat Tiwana :** (a) Ten Muslims and one Hindu.

(b) Yes; no direct appointments to the rank of head clerk are made and promotions are by selection tempered by seniority, —*vide* Police Rule 18·1 (1).

#### WOMEN B. Ts.

**1274. Sardar Baldev Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the number, community-wise, of women candidates who passed the B.T. Degree Examination from the Lady MacLagan College, Lahore, each year during the period from 1937 to 1940, giving separately the number of agriculturists belonging to each community among them;
- (b) whether it is a fact that their names are registered for employment; if so, the number of candidates registered each year during the above-mentioned period;
- (c) how many of the registered candidates were provided with employment during the last four years from each community;
- (d) whether any of these women who passed the B. T. Degree Examination during the years 1937—40 belong to Ambala Division; and, if so, their number and also the number of those among them who have so far been provided?

**The Honourable Mian Abdul Haye :** (a)—

				HINDUS.		MUSLIMS.		SIKHS.		OTHERS.	
				Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.
1937	..	..	..	1	13	7	2	1	2	1	1
1938	..	..	..	2	10	8	2	1	3	1	1
1939	..	..	..	1	9	5	5	2	2	1	2
1940	..	..	..	3	9	8	3	3	1	..	..

(b) The number of candidates registered since 1938 is noted below. The information for the year 1937 is not available—

				Hindus.	Muslims.	Sikhs.
1938	..	..	..	4	5	..
1939	..	..	..	10	7	2
1940	..	..	..	10	7	4

(c) Four Hindus, eleven Muslims and two Sikhs.

(d) Two women teachers, belonging to the Ambala division who passed the B. T. Degree Examination from the Lady MacLagan Training College, Lahore, during the said period have got posts.

#### TAHSILDARS AND NAIB-TAHSILDARS.

**1275. Sardar Baldev Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the number of candidates accepted as Tahsildars and Naib-Tahsildars from each division in 1937, 1938 and 1939 from each community stating separately the number of agriculturists and non-agriculturists among them ;

(b) whether any Jat Sikhs from the district of Ambala have been accepted for these posts during the above three years ?

**The Honourable Dr. Sir Sundar Singh Majithia :** (a) A statement is attached.

(b) One Jat Sikh of the Ambala district was accepted as a naib-tahsildar candidate in 1939.

*Statement showing the number of candidates accepted as Tahsildars and Naib-Tahsildars from various divisions during 1937, 1938 and 1939.*

Name of division.	MUSLIMS.		HINDUS.		SIKHS.		Total.	REMARKS.
	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.		
NAIB-TAHSILDARS.								
Ambala ..	2	..	3	2	1	..	8	
Jullundur ..	7	..	2	3	2	..	14	
Lahore ..	9	2	3	3	4	2	23	
Rawalpindi ..	17	..	1	3	..	2	23	
Multan ..	15	..	1	4	4	..	24	
Total ..	50	2	10	15	11	4	92	
TAHSILDARS.								
Ambala ..	2	..	2	..	1	..	5	
Jullundur ..	1	..	2	1	3	1	8	
Lahore ..	4	..	*2	2	2	2	12	*Includes one Indian Christian.
Rawalpindi ..	7	..	..	..	..	..	7	
Multan ..	10	..	..	..	2	..	12	
Delhi ..	..	..	2	..	..	..	2	
Total ..	24	..	8	3	8	3	46	

**ARREST OF PERSONS FOR NON-PAYMENT OF LAND REVENUE  
IN FAMINE-STRICKEN SOUTHERN DISTRICTS OF PUNJAB.**

**1276. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state.

(a) the number, names and caste of the persons, district-wise, arrested in famine-stricken southern districts of Punjab for non-payment of land revenue and water rates in 1939 and 1940 ;

(b) nature of the punishment awarded to each one of them ?

**The Honourable Dr. Sir Sundar Singh Majithia :** A statement is laid out on the table.

## PANCHAYAT AND ASSISTANT PANCHAYAT OFFICERS.

**1277. Rai Bahadur Mukand Lal Puri :** (i) Will the Honourable Minister of Public Works be pleased to give the names with ages and educational qualifications of the Panchayat and Assistant Panchayat Officers appointed by the Government in 1939 and 1940, along with the names of tahsils and districts, to which they belong and to which they have been posted stating as to how many of them are Muslims, Hindus, Sikhs and Christians and how many of each community belong to statutory agricultural tribes and how many to others?

(ii) Will he also be pleased to state whether it is a fact that non-agriculturists are not adequately represented in this important branch of public service; if so, the reasons therefor?

**The Honourable Malik Khizar Hayat Tiwana :** (i) A statement giving the required information is laid on the table.<sup>1</sup>

(ii) There is a preponderating portion of agriculturists, because they are more suited for the work to be performed by this class of officers.

REMISSION IN LAND REVENUE IN FIVE TAHSILS OF FEROZEPORE DISTRICT.

**1278. Sardar Pritam Singh Siddhu :** Will the Honourable Minister of Revenue be pleased to state the amount of land revenue and water-rate, respectively, remitted by the Government in each of the five tahsils in Ferozepore district and Nathana sub-tahsil during the years 1937-38, 1938-39 and 1939-40?

**The Honourable Dr. Sir Sundar Singh Majithia :** A statement is given below—

*Remissions granted in the Ferozepore district.*

Tahsil.	1937-38.		1938-39.		1939-40.	
	Land revenue.	Water-rate.	Land revenue.	Water-rate.	Land revenue.	Water-rate.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1 Ferozepore ..	4,166	10,077	5,327	10,566	3,171	7,410
Nathana Sub-Tahsil.	..	1,157	..	2,084	..	1,510
2 Moga ..	238	8,199	906	13,256	586	7,128
3 Muktear ..	1,178	19,204	1,132	19,476	1,481	12,881
4 Fazilka ..	2,285	44,081	2,068	33,294	2,093	31,993
5 Zira ..	3,393	8,321	5,203	6,943	861	9,579
Total ..	11,260	91,039	14,636	90,624	8,192	70,501

<sup>1</sup>Kept in the Assembly Library.

**REPRESENTATION OF CREDITOR CLASS ON THE DEBT CONCILIATION BOARD,  
KARNAL.**

**1279. Lala Deshbandhu Gupta :** Will the Honourable Minister of Development be pleased to state—

- (a) whether Government are aware of the fact that the following four representations were made on behalf of a candidate to the Deputy Commissioner, Karnal, for a creditor class seat on the Debt Conciliation Board, Karnal :—
  - (i) by the influential Mahajans, district Karnal, on 21st March, 1940 ;
  - (ii) by the eight Vaish Sabhas jointly on 16th April, 1940 ;
  - (iii) by five zaildars of tahsil Panipat on 18th May, 1940 ;
  - (iv) by some of the M. L. As on 2nd May, 1940 ;
- (b) whether Government is aware that a fresh representation signed by nearly 250 influential Mahajans of district Karnal has been sent to the Development Minister, Punjab Government, on 15th November, 1940, for the same candidate ;
- (c) if the answer to parts (a) and (b) be in the affirmative, what action Government have taken on the same ?

**The Honourable Chaudhri Sir Chhotu Ram :** (a) Yes, some representations were received from different persons at different times suggesting the appointment of Lala Megh Raj, Mahajan of Lohari, Tahsil Panipat.

(b) Yes.

(c) The matter is under consideration.

**COMMUNAL REPRESENTATION IN SERVICES IN GOVERNMENT PRINTING PRESS.**

**1280. Sardar Ajit Singh :** Will the Honourable Minister of Development be pleased to lay on the table of the House a list of all the appointments made whether of clerks or of technicians in the Punjab Government Printing Press since 1937, community-wise ?

**The Honourable Chaudhri Sir Chhotu Ram :** A list is laid on the table—

*List.*

Branches.	PERMANENT ESTABLISHMENT.			TEMPORARY ESTABLISHMENT.		
	Muslims.	Hindus.	Sikhs.	Muslims.	Hindus.	Sikhs.
Superior Clerical ..	8	6	2	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
Inferior Clerical ..	1	<i>Nil</i>	3	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
Menials ..	9	4	1	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
Superior Technical ..	3	<i>Nil</i>	<i>Nil</i>	23	11	2
Inferior Technical ..	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	23	8	7
<b>Total ..</b>	<b>21</b>	<b>10</b>	<b>6</b>	<b>46</b>	<b>19</b>	<b>9</b>
Muslims ..	..	..	..	..	..	67
Hindus ..	..	..	..	..	..	29
Sikhs ..	..	..	..	..	..	15

**NOTE.**—(1) The above figures include 4 Muslims binders who were entertained temporarily in December, 1937. Their services were terminated after a period of 6 months.

[Minister for Development.]

(2) Again to clear out arrears of work in the Bindery Section, 5 Muslim and 2 Hindu binders were temporarily appointed on 15th September, 1940. The services of these 7 men who are also included in the above table will be terminated on 15th December, 1940.

#### COMMUNAL REPRESENTATION AMONG KANUNGOS AND NAIB-TAHSILDARS.

**1281. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to lay on the table of the House a list of Kanungos and Naib-Tahsildars appointed in the Multan division since 1937, community-wise ?

**The Honourable Dr. Sir Sundar Singh Majithia :** The list of kanungos and naib-tahsildars appointed in the Multan division since 1937 is given below—

	Muslims.	Hindus.	Sikhs.	Others.
Kanungos .. ..	40	17	2	..
Naib-Tahsildars ..	19	7	1	..

#### SIKHS MEMBERS OF PROVINCIAL EDUCATION SERVICE.

**1282. Sardar Pritam Singh Siddhu :** Will the Honourable Minister of Education be pleased to state—

- the number of Sikhs in the Provincial Education Service of the Punjab and the number of agriculturist Sikhs among them ;
- whether it is a fact that the number of Sikhs and especially those of agriculturist Sikhs in this cadre is very small ; if so, the steps proposed to be taken to make up the deficiency ?

**The Honourable Mian Abdul Haye :** (a) The number of Sikhs in Provincial Education Service (Class I) and (Class II) (Men's and Women's Branches) is 20 out of which 6 are agriculturists.

(b) The policy of Government in the matter of communal representation in the services is well-known, and every effort is made to give due representation to every community.

#### PANCHAYAT AND ASSISTANT PANCHAYAT OFFICERS.

**1283. Shaikh Karamat Ali :** Will the Honourable Minister of Public Works be pleased to lay on the table of the House a statement showing community-wise the number of the Panchayat and Assistant Panchayat Officers appointed so far ?

**The Honourable Malik Khizar Hayat Khan Tiwana :** A statement is laid on the table—

*Statement showing the number of Panchayat and Assistant Panchayat Officers, Community-wise.*

*Panchayat Officers.*

Muslims	..	..	..	..	..	18
Hindus	..	..	..	..	..	10
Sikhs	..	..	..	..	..	7
Scheduled Caste	..	..	..	..	..	1

*Assistant Panchayat Officers.*

Muslims	..	..	..	..	..	61
Hindus	..	..	..	..	..	30
Sikhs	..	..	..	..	..	19
Scheduled Caste	..	..	..	..	..	4
Indian Christian	..	..	..	..	..	1

**PRIMARY EDUCATION BILL.**

*Clause 8.*

**Mr. Speaker :** The House will resume consideration of the **Primary Education Bill.** Question is—

That clause 8 stand part of the Bill.

*The motion was carried.*

*Clause 9.*

**Khan Sahib Khawaja Ghulam Samad :** Sir, I beg to move—

That in part (a), line 3, for the words "two miles" the words "one mile" be substituted.

*The motion was lost.*

**Mr. Speaker :** Question is—

That clause 9 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.*

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*): I beg to move—

That in line 3, between the words "shall" and "charge," the words "in the case of Muslim boys include religious instruction as a compulsory subject, and shall" be inserted.

Sir, it must be known to you that Muslims are accustomed to impart religious instructions to their children in their very childhood. Their practice is to teach Bismillah to their children at the age of 4 years and 4

[K. S. Khawaja Ghulam Samad.]

months and then to teach them alphabet and thereafter theology, Alquran, Namaz, etc., and thus the children easily pick up their lessons about their religion. But under the Punjab Primary Education Bill, the Muslims will be compelled to send their children to the public schools where no arrangements exist for religious teaching. Now if boys of 6 years begin to learn other things than their own religion, how will they be able to study their religious books at all? I am afraid the children of the Muslims will remain ignorant of their religion and will not be able to develop their interest in Islam. They will lose all interest in their religion and will be deprived of any facility in this regard. God forbid that that should happen! But I am afraid the result will be horrible. In order to avoid that danger, I have sought to move my amendment.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** On a point of order. Clause 11 relates to remission or contribution of fees and my honourable friend's amendment relates to syllabus. How can this amendment be relevant to the clause under consideration? The amendment is beyond the scope of the clause.

**Khan Sahib Khawaja Ghulam Samad :** I am talking of the syllabus. I am saying that adequate arrangements should be made for Muslim boys.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** But the clause relates to the remission or contribution of fees.

**Khan Sahib Khawaja Ghulam Samad :** I am talking of what the authorities will do. What I want is to introduce these few words.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** If he wants to add something which is not relevant to the subject matter of the clause, it will make the clause absurd.

**Khan Sahib Khawaja Ghulam Samad :** It has every relevancy.

**Mr. Speaker :** The clause, as it stands at present, reads as follows :—

The local authority of any area to which this part is applied shall charge no fees for the attendance of a compulsory scholar in any recognized school. . . . .

What the honourable member suggests is that the local authority of any area to which this part is applied shall, in the case of Muslim boys, include religious instruction as a compulsory subject and shall charge no fees for attendance, etc. etc.

**Chaudhri Sumer Singh :** There is no quorum.

*(At this time the bell was rung and the House was found to be in quorum.)*

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** My submission is that this clause relates to remission or contribution of fees, but the amendment moved imposes a new obligation on local authorities namely to include religious instructions in the syllabus for Muslim boys, which has no bearing on the clause. As you will kindly see, the clause says—

The local authority of any area to which this part is applied shall charge no fees for the attendance of compulsory scholar in any recognized school maintained by itself . . . . .



By the amendment the honourable mover imposes another obligation on the local authority which has no bearing on this clause.

**Mr. Speaker :** Can the honourable member show that this amendment is not out of order? What is his argument?

**Khan Sahib Khawaja Ghulam Samad (Urdu) :** Sir, Khan Bahadur Mian Mushtaq Ahmad has said that my amendment is irrelevant. No doubt the clause is about the remission of fees, but I want the local bodies to make arrangements in primary schools for Muslim students for religious education. By the acceptance of the amendment a further burden will fall on the local bodies because they will have to appoint teachers for religious education. But it cannot be helped. The Bill in itself is such that it will increase the burden of expenditure on the local bodies. A little more burden of expenditure will not affect the position of the local bodies very much.

**Mr. Speaker :** After hearing the honourable member's explanation, I hold the amendment as irrelevant and out of order.

**Chaudhri Sumer Singh** (South-East Gurgaon, General, Rural), (Urdu): Sir, I beg to move—

That in line 6, between the words "itself" and "and" the words "and shall supply books and other necessary materials free of cost to such of the scholars whom the Head Master considers fit for the concessions" be inserted.

Sir, our Government have always stressed the point that their main object is to help the poor and backward people. I have moved this amendment to find out how far they are really desirous of helping the poor and not changing the books very frequently.

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

That in line 6, between the words, "itself," and "and", the words, "and shall supply books and other necessary materials free of cost to such of the scholars whom the Head Master considers fit for the concessions," be inserted.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani (Urdu) :** Sir, it is true that in more advanced and richer countries of the world compulsory scholars are supplied with books and writing materials free of cost. But we cannot afford to supply books and writing material to our students of primary classes free of cost. Our financial position does not permit this. Yesterday I informed the House that the introduction of free universal compulsory education in the province will need an additional expenditure of about two crores of rupees. But if along with this, free books and other material are to be supplied to the students, the cost of such a venture will be so great that it will become impossible to undertake it and we shall have to wait for an indeterminable period to realise our object. We must, therefore, cut our coat according to the cloth. If the honourable member's amendment is accepted it will delay the introduction of compulsory primary education in the province for an indefinite period. I am sure he does not wish to delay this salutary measure. In that case he will be well advised to withdraw his amendment and let the compulsory primary education be started in the province as early as possible. Let him also remember that the Wardha Education Scheme aims at making primary education self-supporting which means that the students in the primary classes should not

[K. B. Mian Mushtaq Ahmad Gurmani.]  
only find money for their books but also for the salaries of their teachers, the rent of school buildings and for other necessary expenses.

I hope my honourable friend will not press his amendment.

**Mr. Speaker :** The question is—

That in line 6, between the words, "itself," and "and," the words, "and shall supply books and other necessary materials free of cost to such of the scholars whom the Head Master considers fit for the concessions," be inserted.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 11 stand part of the Bill.

*The motion was carried.*

#### Clause 12.

**Khan Sahib Khawaja Ghulam Samad :** I beg to move—

That clauses 12 and 13 be re-numbered as clauses 14 and 15 and clauses 14 and 15 be re-numbered as clauses 12 and 13.

(Urdu). Sir, the clauses providing for the appointment of a school attendance authority should come first in the Bill and the clauses which relate to the powers of that authority should come next. That is the natural order in which these clauses should be incorporated in the Bill.

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

That clauses 12 and 13 be re-numbered as clauses 14 and 15, and clauses 14 and 15 be re-numbered as clauses 12 and 13.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Parliamentary Private Secretary) : Sir, I think my honourable friend is working under a misapprehension. He perhaps thinks that the clauses of the Bill will be given effect to *seriatim*. Perhaps he does not realise that when the Bill becomes law, all its provisions will come into operation at one and the same time. The arrangement of the clauses is not going to make any difference in the Act. I do not therefore think that any change in the arrangement of clauses is at all necessary.

**Khan Sahib Khawaja Ghulam Samad** (Urdu) : Sir, we must put these clauses in their natural order and not haphazardly. The purpose of my amendment is to place these clauses in their natural order.

**Mr. Speaker :** The question is—

That clauses 12 and 13 be re-numbered as clauses 14 and 15 and clauses 14 and 15 be re-numbered as clauses 12 and 13.

*The motion was lost.*

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban), (Urdu) : Sir, I beg to move—

That in the last line for the word "fifteen" the word "five" be substituted.

I have moved this amendment in view of appalling poverty of the poor people. My object is to reduce the amount of penalty that would be imposed on the guardians and parents of those students who would fail to attend these recognised primary schools. To my mind it would be a great hardship or rather it would be a great injustice to impose this amount of fine on the

poor people, who as you know, Sir, do not even get two square meals a day. In fact, the imposition of this penalty on the poor people would be a sheer cruelty. I, therefore, submit that the amount of fine should be reduced from Rs. 15 to Rs. 5 only.

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

That in the last line for the word "fifteen" the word "five" be substituted.

**Minister of Education** (The Honourable Mian Abdul Haye) : The only thing that has been mentioned by my honourable friend is that there may be very poor people who may be hauled up before the court and it would be an act of injustice if they are fined to the extent of fifteen rupees. I may point out to my honourable friend that fine of fifteen rupees is the maximum penalty that can be imposed. If a man comes before the court and represents that he is poor, it is open to the magistrate to fine him only one anna if he likes. The two amendments of Rai Bahadur Lala Sohan Lal and Khan Sahib Khawaja Ghulam Samad in fact pull in different directions. Rai Bahadur Lala Sohan Lal wants rupees twenty-five to be the maximum while Khan Sahib Khawaja Ghulam Samad wants five. The Government have adopted the middle course and provided that it should be only fifteen rupees.

**Mr. Speaker :** Question is—

That in the last line for the word "fifteen" the word "five" be substituted.

*The motion was lost.*

**Chaudhri Sumer Singh** (South-East Gurgaon, General, Rural), (Urdu) : Sir, I beg to move—

That at the end of clause 12, the words, "and four annas for each day of continuing offence" be added.

My submission is that if Government want to make this measure successful they should accept my amendment by which a fine of four annas will be imposed for each day of continuing offence and this will force the frequent offenders to send their children to schools.

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

That at the end of clause 12, the words "and four annas for each day of continuing offence" be added.

**Minister of Education** (The Honourable Mian Abdul Haye) : I regret that I am unable to accept this amendment. This matter was raised before the select committee and we carefully considered it and it was decided not to make this provision. If a person after conviction makes a second default it would be open to the magistrate to impose a heavy fine.

**Mr. Speaker :** Question is—

That at the end of clause 12, the words "and four annas for each day of continuing offence" be added.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 12 stand part of the Bill.

*The motion was carried.*

## Clause 13.

**Mr. Speaker :** The question is—

That clause 13 stand part of the Bill.

*The motion was carried.*

## Clause 14.

**Mr. Speaker :** The question is—

That clause 14 stand part of the Bill.

*The motion was carried.*

## Clause 15.

**Mr. Speaker :** The question is—

That clause 15 stand part of the Bill.

*The motion was carried.*

## Clause 16.

**Khan Sahib Khawaja Ghulam Samad :** I move—

That in sub-clause (ii), line 2, between the words "shall" and "prescribe," the words "in the case of Muslim girls include religious instruction as a compulsory subject, and shall" be inserted.

Objection was raised to a previous amendment of mine on the ground that the clause related to remission of fees. I want to hear what the Parliamentary Private Secretary has to say now.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** My objection here again is that this clause relates to duty of the guardian to send girls to school. It has nothing to do with the syllabus or curriculum to be introduced in any Government school.

**Mr. Speaker :** The amendment is irrelevant. The question is—

That clause 16 stand part of the Bill.

*The motion was carried.*

## Clause 17.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, I move—

That for part (a), the following be substituted:—

(a) That there is no recognised school exclusively for girls at the place where compulsion has been introduced; or.

The object of this amendment is that the girls may not be compelled to attend any school other than a recognised school maintained exclusively for girls.

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

That for part (a), the following be substituted:—

(a) That there is no recognised school exclusively for girls at the place where, compulsion has been introduced; or.

**Minister for Education** (The Honourable Mian Abdul Haye): Sir

earlier in this debate when the question of co-education was raised, I, explaining the position of the Government in this behalf, made it clear that it was not the intention of the Government to compel the guardians to send their girls to schools which were not meant exclusively for girls. In view of that undertaking given by me, I accept this amendment.

1 p. m.

**Mr. Speaker :** The question is—

That for part (a), the following be substituted:—

(a) That there is no recognised school exclusively for girls at the place where compulsion has been introduced; or.

*The motion was carried.*

**Mr. Speaker :** The question is—

That clause 17 as amended stand part of the Bill.

*The motion was carried.*

Clause 18.

**Mr. Speaker :** The question is—

That clause 18 stand part of the Bill.

*The motion was carried.*

Clause 19.

**Mr. Speaker :** The question is—

That clause 19 stand part of the Bill.

*The motion was carried.*

Clause 20.

**Mr. Speaker :** The question is—

That clause 20 stand part of the Bill.

*The motion was carried.*

Clause 21.

**Mr. Speaker :** The question is—

That clause 21 stand part of the Bill.

*The motion was carried.*

Clause 22.

**Mr. Speaker :** The question is—

That clause 22 stand part of the Bill.

*The motion was lost.*

Clause 23.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, I beg to move—

That clause 23 be re-numbered as clause 22.

*The motion was carried.*

**Mr. Speaker :** The question is—

That clause 23 as re-numbered 22 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 for Education :** Sir, I beg to move—

That the Punjab Primary Education Bill as amended be passed.

*The motion was carried.*

*The Assembly then adjourned till 12 noon on Wednesday, 11th December, 1940.*

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 11th December, 1940.

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

### URBAN IMMOVABLE PROPERTY TAX BILL.

**Minister for Development** (The Honourable Chaudhri Sir Ohhotu Ram): Sir, I beg to move—

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be taken into consideration.

**Malik Barkat Ali**: Sir, I rise to a point of order. My point of order is that this motion cannot be considered to-day. Sir, I draw your attention to Rule 96 of the Punjab Legislative Assembly Rules. Rule 96 says:—

After the presentation of the final report of a select committee on a bill, the member in charge may move—

(a) 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.

Now, Sir, I will draw your attention to the fact that the report of the select committee reached my hands—I take it, it must have reached the hands of other members—on the evening of the 7th December. Eighth, 9th and 10th, 3 days, hardly have elapsed since the report of the select committee was placed in the hands of the honourable members. Therefore my respectful submission is that under Rule 96 the report of the select committee cannot be taken into consideration inasmuch as the period of 7 days has not elapsed since the report was made available. It might be said that the honourable Speaker has the power of showing indulgence and that in the exercise of his discretion he may be asked to suspend the Rule. Sir, before you exercise this discretion in favour of the Treasury Benches, I would request you kindly to remember the following facts:—The facts are that this Bill for the first time saw the light of day in the *Punjab Government Gazette Extraordinary*, dated 20th November, 1940. On the 29th November, 1940, this Bill was introduced in this House. On the 2nd December there was a motion by the Honourable the Premier that this Bill be referred to a select committee. The House gave its verdict on the 3rd December at 5 p.m. and decided that the Bill be referred to the select committee. The select committee was convened by the honourable the Premier on the very next day 4th December at 2 p.m. Some of the members of the select

(Malik Barkat Ali.)

committee could not possibly attend the meeting of the select committee. I know one of them, Khawaja Ghulam Samad, who had a very important engagement at an outstation, left the station on the very day, and when it was represented to the Premier that the date may be extended, the answer was 'no.' Well, Sir, the select committee finished its deliberations on the very same day, namely the 4th December, and the members were asked by the Premier to send in their minutes of dissent either by the evening of the following day or on Monday, with the result that although some minutes of dissent did reach the Premier and they are published with the report of the select committee, there are some minutes of dissent sent by other members which have not yet appeared with the report. My respectful submission is this that before you exercise your discretion you may be pleased to remember the hurry and the haste with which this most contentious measure is being rushed through the House. You are aware, Sir, that a very large section of the Opposition, 39 members, have left their benches in this House. The burden of representing the views of the public has therefore been cast on this small minority of the House. We have done our best and yet in spite of our best efforts the members of the public have no idea of the terms of the Bill. I refer you, Sir, in this connection to the letter over the signature of no less a person than the Administrator of Lahore Municipality, Mr. Taylor, writing with all his sense of responsibility, that under this Bill the exemptions granted cover and extend to houses and property the annual rental value of which is Rs. 6,000. We know that the exemption in the original Bill was intended to apply only to those houses the capital value of which was Rs. 6,000 ; and in this Bill as it has emerged from the select committee, we find that the exemption has been confined to houses the annual value of which is Rs. 300. You will be pleased to remember that the formula adopted in determining the capital value of the property was 20 times the annual value. They adopted this formula for the ascertainment of capital value for reasons best known to themselves. What they have done now is that they have taken the single annual value as the basis, and fixed the amount of tax at 20 per cent instead of 1 per cent ; the multiple of twenty which was originally attached to the annual value has now been attached to the rate of tax which was originally one per cent but will now be 20 per cent. I have cited the instance of Mr. Taylor in order to make honourable members of this House understand that so far as the provisions of this Bill are concerned, the public has not had time enough to digest them so far. You will be pleased to remember that we are a small minority and I appeal to you to see that this most contentious piece of legislation is not rushed through in this fashion. In this connection I just want to bring one further fact to your notice.

**Mr. Speaker :** Order, order. The honourable member is entitled only to object to the Bill being taken into consideration. But he has no right to make a speech.

**Malik Barkat Ali :** You are quite right. I have raised a point of order and that point of order has to be explained. I feel that the practice pursued by you is to give an opportunity to the mover of the point of order to explain his point of order.



**Mr. Speaker :** I have no objection to the honourable member's explaining his objection. But he is making a speech which deals with all stages of the Bill, which are not before the House yet. The only point before the House is whether the Bill should be allowed to be considered under Rule 96.

**Malik Barkat Ali :** Quite right. But I only wanted to place before you certain considerations on the basis of which I wanted to request that you may not be pleased to exercise that discretion, which vests in you to suspend the rules. If I referred to the statement of a very responsible officer of the status of Mr. Taylor it was to indicate to you that the time allowed for understanding and digesting this measure was too short and therefore all the more reason for you not to exercise the discretion vested in you but that you should insist on the expiry of the full period of seven days before the report of the select committee can be taken into consideration. It is not my intention to discuss the provisions of the Bill at this stage, but only to prove to you that this is a very contentious measure and that therefore in the interests of the minority in this House you should not allow it to be rushed through.

**Mr. Speaker :** Where was the honourable member when the Premier moved the other day that Wednesday, which is an off-day under the rules, will be a Government business day and that this Bill will be taken up on that day? If he or any of the honourable members of his view had said then that this motion would be open to the objection which the honourable member has raised to-day he would have been on a much surer ground.

**Malik Barkat Ali :** Under rule 96 this is the proper occasion for raising this point of order, that is, when the motion is made that the report of the select committee be taken into consideration. The other day there was no such motion before the House. The Honourable Premier only indicated the day on which he wanted the report of the select committee to be considered. The actual motion has been only just now moved and this is the proper time for raising the objection under rule 96.

**Mr. Speaker :** Was it not open to the honourable member or others of his opinion to oppose the motion of the Honourable Premier? They could have opposed an off-day being taken up for Government business.

**Malik Barkat Ali :** I am not objecting to the use of an off-day for any official business being transacted. That is not my point. All I am saying is that this is the time for raising the objection that I am raising. It is not our business to warn the Government beforehand that this objection would be raised to-day. It is the business of the Government benches to consider the legal provision.

**Mr. Speaker :** The Honourable Premier expressly stated that this Bill would be taken up for consideration on Wednesday. The honourable member could have then said that he would raise an objection under rule 96.

**Malik Barkat Ali :** There is no obligation on any member of this House to warn the Government as to what the Opposition is going to do.

**Mr. Speaker :** I am sorry that the Government wishes the Bill to be considered a little earlier than required by Rule 96 ; but I am equally

(Mr. Speaker.)

sorry that some members of the Opposition are opposing its consideration for the sake of Opposition. Had they then said that they would take objection under Rule 96, the position would have been different.

**Sardar Sahib Sardar Santokh Singh :** May I say a few words in regard to this point? What the Honourable Premier moved the other day was that a meeting for Government business shall take place on Wednesday. That this Bill would be taken up for consideration on Wednesday he mentioned only in the course of a statement and as you know full well we were not competent to discuss that statement. That is why we did not raise any objection then. It is only now when the motion is moved that the report of the select committee be taken into consideration that we have the earliest occasion when we can raise the objection.

**Mr. Speaker :** The Honourable Premier had not made a statement but a speech in support of his motion. So, it was open to the honourable members to refer to Rule 96 while discussing his motion.

**Dr. Sir Gokul Chand Narang :** Supposing what you say is correct and also assuming that the statement made by the Honourable Premier on that day was open to discussion, even then my submission is that this does not settle the question. It is not for the Honourable Premier to decide that the rule be suspended. It is for you, Mr. Speaker, to exercise your discretion as to whether the rule should be suspended. Suppose a member of Government gets up and says "I shall have a dance here on such and such a day" and nobody objects, then, will you allow a dance to be held here? Supposing he announces that a certain measure will be put before the House which he has no right to bring before the House for discussion, will that measure be allowed to be placed before the House? The discretion and final decision rest with you. The Honourable Premier may say twenty times that he will bring this measure on such and such a day, but under the rules it is for you to decide whether that measure can be brought before the House on that day. It is not for him to decide finally. If you exercise your discretion and allow the discussion to proceed that is a different matter. But to say that honourable members should have raised the objection when the Honourable Premier said that he would take up this measure on such and such a day is beside the point. Because the Honourable Premier has no authority to say that such and such a measure will necessarily be or is bound to be considered on a particular day which he chooses. We know the rules and we relied on you to respect them and therefore we did not like to raise a discussion then. The objection taken to-day is perfectly valid.

I would submit one thing more. On various occasions this rule has been broken by the *zabardasti* of the Government. You know that we have several times objected to non-official day being utilised for Government business, we have objected to Wednesdays being utilised for official work and so on. But invariably the Government has been adamant and has never listened to our protests. What hope, then, was there for us to get up and successfully move that this Bill be not taken up to-day for consideration? We, therefore, obviously looked up to you to protect the minority party and insist on the rules being observed. If you yourself do not want to observe the rules, but allow it to be trampled over again and again without exception whenever

the Honourable Premier wants to break it, you take the responsibility upon yourself. It is for you to decide whether this rule should or should not be respected, we cannot help it.

**Premier :** May I submit a few words ? I am afraid my honourable friend, Dr. Sir Gokul Chand Narang, has again engendered heat unnecessarily. The matter before the House is a very simple one. He says that the rules are being trampled underfoot by the majority party. He has also said that you can if you like throw into the waste paper basket the whole of the Constitutional Manual. He has used all such lines of argument, I submit that the rule which authorises you to suspend the rules was definitely put in because it was felt that if it was necessary or in the interest of expeditious despatch of business of the House or for some other reason, the Chair should definitely have a right to suspend the rule. After all they are not the laws of the Medes and Persians. We have to look to the convenience of the House and also to the interests of the public and not waste public money.

I might remind the two lawyer friends who were not present in the House at the time because they come and go, as to what I said on Friday last. I indicated on Friday the programme of the business during this week. The day I presented the report of the select committee, I made a statement on the floor of this House that this is the programme which we will adopt during the coming week, and I also mentioned at that time that we will take up this Bill on Wednesday and go on with it on Thursday and if necessary on Friday. I also requested the House to allow me to take away Thursday for official business in case we do not finish this Bill on Wednesday. I added that if we finish the Bill on Thursday, we will allow Friday to be set apart for non-official business. I said all this on Friday. I moved my formal motion to that effect on Monday and there again I indicated my intention and no objection was taken by anybody.

**Dr. Sir Gokul Chand Narang :** I take it that the Honourable Premier said "if the Speaker allows it." He must have spoken with that reservation.

**Premier :** If an objection had been taken at that time, I would have fixed the business of the House accordingly. No objection was taken at that time. That is why I took away Thursday and also fixed this business and this business alone for Wednesday. My honourable friend's contention is that we should stick to these hide bound rules and waste the whole of the time to-day and Rs. 4,500 of public money merely to satisfy his whims. That is all I can say. The amendments are here. There are hundreds of them before me.

**Mian Muhammad Nurullah :** I am still writing out amendments.

**Premier :** You have on previous occasions allowed amendments to be moved at short notice and I am sure that you will show that concession even now, but my submission is that if an objection had been taken on that occasion, I would have fixed some other business for to-day. I therefore request that you may be pleased to suspend the rules as you have done on previous occasions.

**Malik Barkat Ali :** It is now clear from the statement made by the Honourable Premier that he indicated the programme of business on Friday. My respectful submission is that if he indicates a programme of the House, there is no obligation, there is no duty cast thereby, on any member of the House to get up and say, "we object to this programme of yours". He frames that programme subject to all risks. Therefore I submit that there is no question really of any member putting forward this objection merely to satisfy his whims. We expect the Honourable Premier to observe the rules of this House. Why did he fix upon this day when he could have easily fixed Friday? He wanted to take advantage of Wednesday. He actually moved this motion on Monday, that Wednesday instead of being an off-day shall be a working day. If such a motion has been made that Wednesday be not observed as an off-day but be observed as a working day, I ask, what has that to do with this point of order that I am raising?

**Mr. Speaker :** The select committee's report was circulated on the 6th instant under Rule 96. When at the earliest should consideration of the Bill have been moved?

**Malik Barkat Ali :** The select committee's report was made available for the use of members only three days ago, while the rule says that it must be made available for seven days. My submission is that the select committee's report was made available on the 7th December, let the Government fix the day for consideration on that basis. If they say, it was made available on 6th, I will accept that. If it was made available on the 6th, then it is only four days.....

**Mr. Speaker :** The rule allows "seven days", and not "seven clear days."

**Malik Barkat Ali :** It must be made available for the use of members for seven days. That means a period extending over seven days and it does not mean a period of less than seven days. My point is that it is seven days in all. I interpret "seven days" to mean "seven clear days". The report is to be made available for the use of members for seven days.

**Mr. Speaker :** The honourable member may be right, but if he reads Rule 84, he will find that it allows "five clear days." In Rule 96, the word "clear" is not used.

**Malik Barkat Ali :** True, in Rule 84 the words are : "five clear days before the day on which the motion is made." Here the words are : "If a copy of the report has not been made available for the use of members for seven days." I respectfully submit that the words "use of members for seven days" cannot possibly mean the "use of members for six days", it must be seven days, seven continuous days.

**Mr. Speaker :** The question is whether the 6th and the 11th are to be included or not.

**Malik Barkat Ali :** If it is made available on any day, the time obviously begins to run from the availability of the report for the use of members. The moment it is made available to me for my use, that is the starting point of the period of limitation fixed.

**Mr. Speaker :** Is not a day taken to begin at midnight?

**Malik Barkat Ali :** You will be pleased to note that it is an accepted principle that the day from which time is computed is always excluded. This is a rule which admits of no exception so far as the Indian Law is concerned.

**Mr. Speaker :** What disadvantage shall the honourable member have if the Bill is allowed to be considered to-day ?

**Malik Barkat Ali :** I was reading out this document, this telegram that was received by me on the 10th. That telegram is from the following associations. I will read out the telegram which has been sent to me :—

Following commercial and industrial associations, Amritsar, strongly protest against Urban Property.....”

**Mr. Speaker :** That is irrelevant.

**Malik Barkat Ali :** I was reading out the telegram in order that you may appreciate the particular point that I am making.

**Mr. Speaker :** I want to know the disadvantage the honourable members of the Opposition shall have, if the Bill is allowed to proceed to-day.

**Malik Barkat Ali :** The disadvantage is this that a number of associations of Amritsar, the Piece-goods Association, the Indian Exchange.....

**Mr. Speaker :** I have already held that to be irrelevant.

**Malik Barkat Ali :** We have yet to send in notice of a large number of amendments in view of the representations which we have received from various bodies who are affected by this legislation. So, we want to take the remaining days for the purpose of preparing the amendments and tabling them after consultation with the various bodies.

**Mr. Speaker :** But you may not be able to consult them even if seven days are allowed.

**Malik Barkat Ali :** If the Bill is passed to-morrow that opportunity is gone for ever. I respectfully submit that the rules say that I must have seven days in order to study this Bill. Why does the Government cut the period down to three or four days ? I respectfully submit that in view of the fact that it is a most contentious measure and is open to the gravest of objections, you should not exercise your discretion in favour of the Government at a time when these benches stand denuded of members.

**Mr. Speaker :** The only thing that appeals to me is that the honourable members may not be able to move their amendments in time.

**Dr. Sir Gokul Chand Narang :** Even Mr. Puri's note of dissent has not come.

**Malik Barkat Ali :** I know that a note of dissent was signed and sent.

**Mr. Speaker :** A note of dissent is not an integral part of the select committee's report.

**Malik Barkat Ali :** This committee sat on the 4th instant and finished its deliberations on the same day. I put it to you, what is this rule that the note of dissent must reach within 24 hours or 48 hours ? Is that the way of doing business especially in regard to a measure of this kind ?

**Mr. Speaker :** If the note of dissent were an integral part of the report, I would certainly have allowed the objection and considered it very favourably.

**Sardar Sahib Sardar Santokh Singh :** But are not signatures an integral part of the report ? Even they were not taken by the time the select committee's report was presented to this House. The Premier presented this report at 8 p.m. whilst Mr. Puri signed it only at 4-30 p.m. This is what Mr. Puri himself told me. Are we going to tolerate these things ? If this Bill was not of sufficient importance, it might have been a different thing. But so many associations are sending telegrams to the Premier for interviews (and I have got copies of many of them) that it would be unwise to ignore them and not give them any time to consider these things. Why should there be such a hurry ? Why should they rush through this measure in this highhanded manner ? The measure is really of most serious importance to those who are hard hit by it and I should think, Sir, that you must not exercise the discretion that is vested in you by the rules in a matter of this kind.

**Mr. Speaker :** The rule, as worded, has not left this to my discretion but to my power.

**Mian Muhammad Nurullah :** May I say a word ? I received the select committee's report on Saturday morning. I had four private meetings on that day. I had to attend a meeting of the Northern India Electric Supply Company. I thought that if I did not send in the amendments by Saturday they would be considered out of order and I would not be allowed to give in amendments on Monday. Therefore I rang up the Secretary of the Assembly and asked him what was the procedure which I should adopt. He advised me to send in the amendments on that day. But unfortunately I had to attend another meeting of a company in liquidation at 1 p.m. Still another was fixed at 2'0 clock and another at 5. So I was very much handicapped and I could not properly think out every amendment. I hurriedly drafted a few amendments and sent them so that some of them at least might be in order and I was trying to be on my feet when the statement was made by the Premier on Friday to say that it would be very hard on members who were to go out on Saturday. It was late in the night when members received the copy of the report and those who had left Lahore could not get the report at all on that day. I sent in a few amendments and probably they are in order. I have read them now and after serious consideration I think that I should not have sent in some as new clauses. If I had time to think I would not have done so, because the Government being in a majority will not give leave for moving new clauses. But had I sent them as amendments to clauses, they could have been discussed. Therefore I was even now writing a few amendments, some of them I had written in pencil and others in ink and so on. Even now we have not got sufficient time to think out and write. I think we should be given some time to do so.

**Malik Barkat Ali :** Minutes of dissent have got to be read by us.

**Mr. Speaker :** The mother of Parliaments passes very important measures in a day. But as we have our own rules we should follow them. This point has been raised and discussed in this House more than once;

and I have expressed the view that Government should always try to follow the rules and not place the Speaker in an awkward position. Many of the objections raised to-day are irrelevant or have no weight. But the objection that the honourable members of the Opposition shall not have sufficient time to go through the Bill carefully and send in their amendments is a very weighty objection. So, I undertake to receive all amendments the honourable members may like to move, even if they are sent in very late. That is what I can do. But if the honourable members still persist that the Bill should not be taken up to-day, when do they wish it to be taken?

**Sardar Sahib Sardar Santokh Singh :** It may be taken up according to our rules.

**Mr. Speaker :** In that case will they be able to give two clear days' notice of every amendment and not expect any concession from me?

**Dr. Sir Gokul Chand Narang :** The earliest date on which it can be taken is the 14th.

**Mr. Speaker :** Had the rules required seven clear days, then not only the day on which the report was circulated shall be excluded but also the day on which it is taken into consideration shall be excluded; otherwise only one of these two days shall be excluded.

**Premier :** When I made my submission the other day, I made it clear that the reason why I wanted to take up this Bill on Wednesday was that we may be able to give ample time to my friends to go on with the Bill, so that we may have three days instead of two that we may expect normally. That is why I took this day, but if the honourable member thinks that we should adhere strictly to the rules and if he gains anything by it, I would be prepared to accept his request and later on we can suspend the rules and sit later in the night. It makes no difference to me and we will waste one whole day.

**Malik Barkat Ali :** You are responsible for it.

**Premier :** I am not responsible for it. The other submission which I wanted to make was that my honourable friends have got no real grievance. There are only two changes that we have made in the select committee. The rest of the Bill is exactly as it was presented to the House and these two main changes, I notice, are the centre of amendments. Therefore to say that they have not had time to send any amendments, I think is not correct, because I have received amendments to every clause. But my honourable friends want to adhere to the rules strictly. It is of course immaterial to my honourable friend Malik Barkat Ali whether we spend four thousand or five thousand rupees, because he goes to court and attends to his cases. If at the time when I made the motion about sitting on Wednesday, somebody had objected to it and said no we should not sit on Wednesday, I would have taken Saturday instead. I think it is most unfair to question now that suggestion of mine to which everybody agreed tacitly at that time. I therefore submit that we should not waste the time of the House and public money and you may, as you have previously done, allow them to give notice of amendments even now if they want to do so without any consideration of time.

**Mr. Speaker :** Has the motion that the Bill be taken into consideration been moved?

**Honourable members :** Yes, It has been moved.

**Dr. Sir Gokul Chand Narang :** But you have not yet proposed it to the House.

**Mr. Speaker :** To the motion that the Bill be taken into consideration there are two amendments (i) that the Bill be recommitted to the select committee and (ii) that it be circulated for opinion. My suggestion is that to-day the House may discuss only the two amending motions and if necessary also the motion for consideration, so that the consideration of the Bill clause by clause may be commenced to-morrow. If the suggestion is accepted I will waive the condition of two clear days' notice for amendments to the Bill.

**Malik Barkat Ali :** May I understand the position clearly? If the Bill is taken into consideration tomorrow, you will allow us to table the amendments by tomorrow.

**Mr. Speaker :** No. I will give the honourable members every possible facility. The difficulty with which I am faced is that it is difficult to arrange the order of amendments, otherwise, I will have no objection to receiving notices of amendments up to the last moment.

**Sardar Sahib Sardar Santokh Singh :** Up to what time to-day, can you allow us amendments?

**Mr. Speaker :** Even up to four o'clock.

**Mian Muhammad Nurullah :** Will it be possible for us to discuss the circulation motion and also to read the Bill and submit amendments?

**Mr. Speaker :** The honourable member can give notice of any amendment tomorrow.

**Dr. Sir Gokul Chand Narang :** You should not insist on any time limit.

**Mr. Speaker :** I will not.

**Premier :** I am glad that you have given that ruling and I hope my honourable friends will be satisfied with that. I may be allowed to make another motion.

Sir, I always give the honourable members opposite sufficient time. As I have already stated, it was in their interest that I took Wednesday, otherwise I would have taken Saturday. I wanted to save their time and accommodate them. Now, I may tell my honourable friend that tomorrow we might have to sit beyond usual hours. (*Voices from Opposition Benches : No. No.*)

**Mr. Speaker :** The motion moved is—

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be taken into consideration.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural): Sir, I beg to move—

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be circulated for the purpose of eliciting opinion thereon by the end of March 1941.



I am glad, Sir, that the Bill as emerged from the select committee, is free from legal flaws. After removing the words "capital value" and inserting in their place "annual value" the Bill has been brought within the purview of the Provincial Legislature. I submit, Sir, that whatever changes have been made in the Bill, it still remains an obnoxious measure. Firstly, the rate of the tax is very high.

**Khan Sahib Khawaja Ghulam Samad :** Please speak loudly, we cannot hear you.

**Dr. Sir Gokul Chand Narang :** Then come this side.

**Khan Sahib Khawaja Ghulam Samad :** My body is here, but my soul is there. (*Hear, hear*).

**Sardar Lal Singh :** Secondly, Sir, because this money is being raised for the purpose of war, it is still more objectionable. Thirdly, Sir, the Government has not so far stated what benefit or in what particular way the agriculturists of this province are going to be benefited by the money that is going to be raised under this Bill. There is no definite proposal whatsoever as to how this money will be spent. There are only general remarks. There is no definite proposal as to how this money is going to give relief to the agriculturists. There is no hint on the part of the Government as to how they are going to spend this money for the relief of the agriculturists. Therefore, it is very difficult for an agriculturist to support this Bill. A large portion of the province is going to be taxed and taxed very heavily. Is this money going to benefit anybody or the exchequer? Is this money going to be used for the purpose of war? I think there is no necessity or need for levying such a heavy tax. I may explain my own position. First of all I am not against the principle of this Bill. I am not against the principle of levying a small additional burden of tax on the city population or the urban population of this province. I am also of the opinion that the controversy that has been raised on the floor of this House, as to who pays more tax, whether the urbanites pay more tax or the ruralites pay more tax, is besides the point, because if a party is more burdened than the other, I think, the money so collected remains within the province, and is spent for the general welfare and good of the province as a whole. But if this money, which is going to be raised under this Bill, is to be spent for some imaginary purpose which will ultimately benefit the province or this money is going to be spent directly or indirectly for war purposes, I think, it is the duty of every member of this House to object to this sort of legislation. What I object to is the way in which this Bill is being introduced and this money is going to be raised. As I have already stated no clear policy has been defined by the Government as to how and in what way, the relief is going to be given to the agriculturists. My second purpose for making this motion is to bring to the notice of the House that there are several provisions in this Bill to which, I think, the select committee, has not given thorough and due consideration. For example, they have not defined the word "land" for the purposes of this tax. There are plots of land within the city areas owned by agriculturists, bought by them several years ago for the purpose of building houses on them. These plots of land are in the urban areas. There are agricultural lands, lands which are giving *thahzami* and lands which are giving land revenues, and these plots of land are going to be taxed.

[S. Lal Singh.]

No attempt whatsoever has been made to define the word "land". What is the actual meaning of the word "land" which is going to be the "land" under this Bill? I feel that this is a war measure. The Budget was presented six months after the declaration of the war. Very little mention

was made in that Budget of any war expenses. It comes to this that the Government had not in mind then that they

should raise money for the purposes of war. This was an after-thought and perhaps it was brought about due to the conditions that eventually developed rapidly in the European theatre of war about four or five months ago. What is the Government doing? With one hand they are adopting a sort of conscription of all kinds in the villages. The humblest of villagers are being compelled to pay. Even *kamins* and other people, who own no property at all in the villages, are being compelled by all sorts of officials, in some way or other to part with money for this war. That is how relief is being given to the agriculturists. Because people in the cities are wide awake,—they know the law and they know that compulsion cannot be used so far as war contributions are concerned—therefore, this method of taxation is being adopted to raise large funds. I want to point out that there is no comparison whatsoever with money that is being paid by the English people themselves for the purposes of war and money which is being attempted to be extracted out of the urbanites of this province. The main provision of this Bill is that one-fifth of the annual value of a building or house, that is, twenty per cent, shall be paid as tax. Supposing that a building pays its own cost say in about twenty years, I should say that one hundredth of its capital value is being demanded by means of this Bill from all the people of this province who own properties in the shape of houses or land within the urban areas, that is, one hundredth of the whole property value is being levied for one year. Added to that is the 50 per cent surcharge. That makes 1/200th part of the whole value. Summing up both the values it comes to this, that 3/200 that is, about 1/60th part of the whole capital value of the houses and lands within the urban areas will be taken away from the payers of this tax. Let us compare what is happening in England. An English writer says in an English paper that the total capital wealth in private hands in Britain is at least 25 thousand million pounds. What I am quoting is not about a tax. It is about the interest free loans. I might remind my honourable friends on the opposite side that England is a country in which 8 million pounds are circulated daily, if not within the country itself, at least for war purposes. About 8 million pounds change hands within 24 hours. That is a country in which workshops are running day and night. It is a very prosperous country and the people of that country are in a position to pay. They are one of the wealthiest people in the whole world. If the past conditions are neglected, at least it is admitted that 8 million pounds are being spent now by Britain for war purposes. This money, as I have said, changes hands within twenty-four hours. That being the condition, the industrial condition of the Punjab stands no comparison whatsoever. Punjab is one of the poorest countries in the world whereas England is one of the richest countries of the world. What is England doing? The English writer whom I have mentioned earlier, says that the total wealth of Britain is 25 thousand million pounds. In answer to the question as to how much of that answered the national call to voluntary interest-

free services, he writes that they do not ask for interest and this is a sort of loan which will be repaid after the war. He writes :—

“ 1/10th of it ? Nothing like it.

1/100th of it ? Not nearly.

1/1000th part of it. No, not even half of that.”

What does it mean ? Within one year of declaration of war when people of England were called upon to subscribe to interest-free loans, the total sum did not come up to 1/2000th part of the whole national wealth. England, as you know, is almost like a big city. The whole countryside is urbanised, it is full of industry, full of workshops. Every man has got a much higher standard of living than the Punjabis have got and yet what do they do ? They simply pay less than 1/2000th part of the total value of those houses and lands and of course little cash also in one year. That English writer himself says about his own country that there has been poor response from really big investing institutions. In England, war is being waged day and night. For England it is a question of life and death, for Punjabis it may not be so much and we are not the people who actually declared war. We were not asked about it. We are simply dragged into it and what are we asked to do ? We are asked to pay 1/60th part of the value of the houses and lands in urban areas. I feel that it is absolutely unjustified. It is also to be remembered that in the case of many urbanites who own nothing outside the city limits, it will be tantamount to capital levy. What are the provisions of the Bill ? It does not say that it will levy tax on the income that is actually accrued. It simply says that the assessor will value how much can reasonably be the income of such a house or land, and whether that income actually comes or not is not to be seen at all. The assessor will go into the question as to how much it can fetch. The House may go without being let for the whole year and the war may last two or three years or more and whether the house is let or not, whether the land fetches anything or not, that is not the question at all for the Exchequer or the Government to consider. The question is how much it can fetch in the eyes of the assessee and on that, tax would be levied and people would have to pay. I submit that if there is money needed for war purposes or for purposes allied to war or because the expenditure has gone up, I think loans can be raised. More propaganda can be done for the purpose of asking people to give interest-free loans. But that is not being done. The methods adopted are not very reasonable. The Government with one mouth say that they want to give relief to agriculturists. What they are actually doing is that they are sending tahsildars and naib-tahsildars out in small villages to compel the villagers to pay. On the other hand, in the cities they are adopting these measures. This is out of all proportion and there is no sense of proportion at all in what the rate of tax is fixed, that is, they will take away 1/60th part of the whole capital of the province within one year. It might be said on the other side that England is one of the highest taxed countries in the world. I admit that, but there the tax is on the actual income that accrues and on the income that is reasonably called to accrue. That tax is either on the commodities of life or is on actual income. But capital has never been taxed as is being done in this province. Although capital has been taken out from the text of this Bill, yet I still think that the spirit of the law remains,

[S. Lal Singh.]

that is, it is a sort of capital levy and it is not a levy on income. Now, as I have said, this is how the Britishers at home are behaving and this is how they want to take away our money here. I am afraid, the members of the Unionist benches have not gone into the far reaching effects of this Bill; otherwise they would not support this Bill or take this so easily as they seem to do, because you will remember when the other day the Honourable Premier came to explain the word 'capital',—I did not quite actually hear the words—but I understood him to say that if it comes to that they are entitled to levy the capital, it is within their power to do so. I may assure them that if this war lasts a little bit, say about a couple of years more, they might be sure that all their holdings, irrespective of the fact whether they are a Unionists or not, all their holdings will be sold and whatever money they can get, the Government will take it away and I think it will be taken away by all means whether legitimate or illegitimate. After all, if such a heavy tax is levied on city population—it may be just within their power—but nobody can call it a legitimate demand because it will be taken away unreasonably whereas the Government started with a declaration that they are out to give relief to agriculturists. It was war and the catastrophic incidents in it that brought them to bring in a measure like this and we do not know to what length they will go if this war lasts for a couple of years. As I have said I am not against the principle of levying a little more burden upon the city population and so far as surcharge is concerned it is exclusively for war purposes and I am totally against it. There is no question of self-respect but it will be taken away by force. I cannot but refer to a very small incident the other day when a Britisher, who here sitting as the dispenser of King's justice helped political capital to be made out of a gentleman's frank statements in courts and paid one anna on his behalf.

**Mr. Speaker :** Order, order. Do not attack magistrates.

**Sardar Lal Singh :** I was referring to the generosity of those people at home and here.

**Mr. Speaker :** That is not the matter under discussion now.

**Sardar Lal Singh :** The taxation and home situation is under discussion and I think it is quite in point to show a contrast. Now, Sir, let me come to some of the specific provisions of this Bill.

**Mr. Speaker :** Does the honourable member propose to discuss the clauses ?

**Sardar Lal Singh :** I am not discussing the clauses at all. The land is taxed and that land belongs to agriculturists. There is no definition of land, as to what kind of land is going to be taxed. Some land is lying waste and some land is under actual cultivation which is not paying more than the agricultural income. It was up to the select committee to make that point clear as to what sort of land is going to be taxed and what amount of money is raised from those lands. You know that recently cities have expanded and in that expansion lot of agricultural land has been taken within urban areas. How are those people who still continue to cultivate land going to be treated ? Are the Government going to levy more tax on them ? I understand, it can be said that tax is being levied because

value has increased. Very well, the value has increased, but that value is not realised. If they choose to tax that value it is open to them to tax that value when the land changes hands and when that income substantiates and when the money is realised. But when that land does not change hands and it does not fetch more income than it used to fetch before it came within urban area, there is no reason at all why it should be taxed. There are several agriculturists who stand to ruin by this provision, because several *morabbas* of the land owned by them have come within urban areas and they will be asked to pay thousands of rupees, but that is not agricultural income. If they mean to say that this land is going to fetch more income, it would be only the assessor who will value how much that land will fetch as rent. land revenue and wages of agricultural labour are fixed. If they are asked to pay more, it is iniquitous and it is against the assurances given by the Government. Then, Sir, again I bring this point to the notice of the Government that in big cities like Bombay, Calcutta and Madras, the average tax which the municipality levies comes to about 11 per cent of the annual rental value. I suppose in Lahore it will not be very much : it will be about 7 or 8 per cent and if 20 per cent more is added to this per year and a few other expenses, the total tax which a house owner will have to pay will be at least 30 per cent. That is in a whole year  $\frac{1}{3}$  of all income will be swallowed up by the taxes. Leave alone the consideration that those who live in the cities cannot buy land outside, their businesses or taxes and shops and their incomes are all taxed. Besides all these they will have to pay 30 per cent. I think this again iniquitous although I am not totally against it but I think rates like this are not at all justified. The Premier the other day told us that we are going to begin with only  $\frac{1}{4}$  of the total, but we do not want to leave such vital things to the choice of a few individuals. I think there is danger of industries suffering, there is danger of business suffering and there is danger of capital flying away from this province because as you know, Sir, if a man moves out of the Punjab and takes his capital say towards Calcutta or one of the cities in the United Provinces, you will find that they get a very good percentage of income on the capital. If this Bill of taxing heavily one class of people is passed I think it will recoil to the disadvantage of all concerned including the agriculturists.

Then, there is one very important provision. We find that it has not at all been defined as to who will be the assessing authority. I am afraid if this is left as it is, an assessing authority in a city like Lahore will become a millionaire in no time, knowing as we do the corruption in the services here. I think the least that the Government can do is that the assessing authority in big cities should be men of position, above all suspicion, and if that is not done there will be so much corruption that the people to escape taxes will have to fill the pockets of assessors and that will mar the whole moral status of the province.

Then, again, clause 23 places the assessing authority without bounds of judicial supervision. I think that is unheard of in a legislation like this where lakhs of rupees are to be raised—in Lahore alone several lakhs of rupees can be raised—and this assessing authority is being placed without bounds of the judicial control. God only knows what would be the state of affairs in the province.

(S. Lal Singh.)

Then, Sir, there is a provision which makes temples, mosques and gurdwaras liable to the tax. Proviso to clause 4 says —

Provided that the following buildings and lands or portions thereof shall not be deemed to be used exclusively for public worship or for public charity within the meaning of this section, namely,

(i) buildings in, or lands on, which any trade or business is carried on ;

It means that if a mosque, temple or a gurdwara has land attached to it and there is business carried on that land then they will have to pay tax. Then it goes on to say—

buildings or lands in respect of which rent is derived and such rent is not applied exclusively to religious purposes or to such public charitable institutions as may be prescribed.

My point is this that there are Sikh Gurdwaras which are under the Sikh Gurdwaras Act. How the income from the gurdwaras has to be spent is laid down there in detail. Under this Bill power is being given to the assessing authority to question whether that income is exclusively spent on religious and charitable purposes. I think it will lead to confusion and chaos. The income from these mosques, temples and gurdwaras is spent by the trustees according to the schemes of management, and if business is carried on on the premises they will be called upon to pay the tax simply because they rent out the land. I think that is something which cuts at the root of the rights of religious institutions ; they manage their own affairs according to their own beliefs and rights. So, I would submit that this very important defect in the Bill has not at all been considered by the select committee. It is all the more unfortunate now that a very representative portion of the House has walked out for their own reasons, and the public have been left without representation in this House, and when a Bill which is most contentious as Malik Barkat Ali said, has been brought forward, I think it should be further circulated for eliciting public opinion by the end of March 1941.

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

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be circulated for the purpose of eliciting opinion thereon by the end of March 1941.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*) : Sir, I beg to move—

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be recommitted to the same select committee.

The Honourable the Premier may attribute this motion to dilatory tactics, but let me assure you that nothing is farther from my mind. I have been forced to bring forward this motion by the attitude of the Government in respect of this measure. The Honourable the Premier, of whose love for justice and reasonableness so much is said and heard has exhibited his yearning for co-operation and love for justice and equity by trying to rush this highly controversial class measure through the Assembly. Since entering upon office this Government has left no stone unturned to widen the gulf between the zamindars and non-zamindars and the urbanites and

ruralites. It is a pity that a responsible Minister of the Government is allowed to hold meetings throughout the province to fan the fire of class-hatred.

**Mr. Speaker :** Please speak to the motion.

**Khan Sahib Khawaja Ghulam Samad :** I am speaking to the motion. My remarks are quite relevant to the motion.

**Mr. Speaker :** The honourable member should explain why the Bill should be recommitted.

**Khan Sahib Khawaja Ghulam Samad :** I am just developing my argument. Take for instance the Punjab Alienation of Land Act. It had been working smoothly and successfully since 1901, but the present Government made it the nucleus of party propaganda and raised such a storm that the non-agriculturists were roused to action and a good many tribes, deserving as well as underserving, began to make strenuous efforts to be included among statutory agriculturists tribes. The activities of this Government have forced the non-agriculturists to take up cudgels to safeguard their interests and they are now bent upon giving a tooth and nail fight to the Government. God alone knows what would happen if we did not try to restrain and pacify them. But not satisfied with creating the question of zamindar and non-zamindar the Government is now trying its level best to set the urban and the rural population against each other.

I submit, Sir, that in the beginning the people did not pay much heed to the speeches threatening the urban population with new taxation, but this Bill has opened their eyes and now they realize that the Government is bent upon ruining the urban population. I admit that the zamindars have been subjected to various hardships in the past. But now that they have got power they ought to have used it judiciously instead of creating hatred and bad blood between the urban and rural sections of the population. Sir, I find myself in an awkward position. I am not against giving relief to the ruralites but being the representative of an urban constituency I must look to the interests of my constituents also.

Let me make it absolutely clear that I have no quarrel with the principle underlying this measure. I know that the Government requires money for the advancement of industry, relieving the poor and for other nation-building activities. I also realise that the money which is sought to be realised in the form of surcharge is required for war purposes. But I must submit that funds for all these purposes should be raised in a reasonable manner and not by heartless and despotic methods. As I have already stated the attitude of the Premier who was the Chairman of the select committee was highly objectionable.

**Mr. Speaker :** Please do not be personal.

**Khan Sahib Khawaja Ghulam Samad :** I am not personal. I am not casting any aspersion. I am only stating the truth.

**Dr. Sir Gokul Chand Narang :** The honourable member is referring to the Premier in his official capacity.

**Khan Sahib Khawaja Ghulam Samad :** The personnel of the select committee was selected on the 3rd December. I thought that my name would not be included because during the last four years I have not been

[K. S. Khawaja Ghulam Samad.]

taken in any committee. Therefore, in view of the interest of my constituency I made a request in this behalf and after a good deal of hesitation my name was included in the personnel of this select committee. On the 4th December I received a notice to the effect that the select committee would meet on that day. Now, Sir, I had made all arrangements to go on a visit to my constituency because I had received a good many letters and telegrams from my voters who wanted to acquaint me with their view point with respect to this Bill. Moreover, I was under the impression that in the first meeting only the preliminaries would be discussed and that I would return by the time the clauses came under consideration and thus be able to express my views. But on the 5th a peon brought to me an envelope marked "Immediate" and asked me to affix my signature without opening the envelop. (*Laughter*). Well, that was only a genuine mistake on the part of that uneducated man. I opened the envelop and was faced with the order that I should sign the paper and return it at once. However one small mercy was shown and it was that I could sign subject to a note of dissent if I so desired. Now, Sir, how could I sign a document of the contents of which I did not know anything? But I could not but take pity on the poor peon who had gone to me at 9 p.m. and so I signed the report and returned it. The note of dissent had to be submitted by the noon of the next day, and I thought that a copy of the report would be sent to me in the morning and I would be able to write my note after reading it. But no report was sent to me and I prepared a note giving therein my views on those points of the original Bill which I considered objectionable. I prepared this rough note thinking that when the report would be available to me I would make in it the necessary changes in respect of those points which the select committee might have modified to my satisfaction. But even then no copy of the report was forthcoming. So I rushed to the Assembly office, on Saturday, got the report and it was 3 p.m. when a type-written copy of my note was ready. But you see, Sir, that the note in question is nowhere to be found in the report of the select committee. I wonder what in my note proved so galling to the Government that they did not think it fit to include it in the report. My note of dissent has not so far been appended to the report. The Honourable Premier ordered members of select committee who wanted to give the note of dissent to give it before 12 noon of 6th December and it was very difficult for me to do so at the eleventh hour in the absence of the select committee report. I do not know why my note of dissent was considered to be so poisonous. I may tell you that our rights and privileges are not being respected by the Government and our proposals are thrown to winds. Now I would like to read out my note of dissent which has not been appended to the report of the select committee so that the honourable members of this House and the Press may know the points on which I differ with the sponsors of the Bill. My note of dissene reads as follows :—

I regret that the Punjab Urban Immovable Property Tax Bill indiscriminatory and destructive as it is, has been rushed through by the select committee on the Bill. The personnel of the select committee was announced on 3rd of December 1940 and a short time notice of the meeting of the select committee to be held on 4th December was served upon me at the time when I had according to my pre-arranged programme to leave the station. I never thought that the select committee would dispose of the Bill so soon. I was under the impression that



only the preliminary clauses shall be dealt with on 4th December and the important ones shall be taken thereafter. But it was to my surprise that on the night of 5th December, 1940, I received the report of the select committee with an instruction to return it after signature and to append my note of dissent, if any, by the 12th noon on 6th December, 1940. It was quite impossible for me as I had to make preparation for the work which had to come before the House on 6th December, which was very important one. I, therefore, took precautions to give a notice to the Secretary, Punjab Legislative Assembly, before 12 noon on 6th December that I would append my note of dissent on 7th of December or at the latest on Monday.

It is an admitted fact that the Punjab Cabinet do not feel their responsibility which has increased in the absence of the Congress group to a great extent. They, taking undue advantage of their absence are trying to pass measures, very detrimental to the urban area public. The Bill, it is said, was sponsored on the lines of Bombay Legislature which is quite contrary to the fact. By a cursory glance it appears that in Bombay which is undoubtedly a richer province than the Punjab the tax is levied at the rate of 10 per cent of the rental value but Punjab Government has raised it up to 20 per cent. of the annual rent. Twenty per cent of the annual value as fixed in the amended draft is out of balance. The percentage should in no case, exceed 5 per cent at the utmost. There should be no surcharge over and above the tax levied by this Bill but the amount so realised should be allotted for war purposes during the continuance of war and for a period not exceeding 12 months after the termination thereof. Shrines and the property appurtenant thereto the income of which is spent for maintenance of the shrines, religious and charitable purposes and holding of annual anniversaries on such shrines should also be exempted. Allowances should be given for vacancies, unrealised rents and residential houses. Mortgaged properties should either be exempted or the tax should be realised from the persons who reap the benefit of the property. All the penalty clauses should be deleted and the tax from defaulter shall be realised in the same way as arrears of land revenue as given in clause 16 of the Bill.

The method of assessment is also liable to abuse. It does neither stand to reason, nor it seems just and equitable that the same property should be doubly taxed by the Government as well as by the Municipalities. A rebate should be granted in such cases. The controversy whether the urbanites pay more tax or the ruralites should be decided by an independent economist and arbitrator before this Act is enforced. The provision should be made in the Act that the finding of the assessing authority should be contested in the civil courts just as the order of a Collector under Acquisition of Land Act can be contested in civil courts on reference.

Now so far as this question is concerned, namely whether the urbanites pay more tax or the ruralites, much has already been said by my honourable friend Malik Barkat Ali who has also proved by giving facts and figures that 18 per cent urbanites pay Rs. 19-14-0 *per capita* and 87 per cent rural people who are six times more than urbanites pay Rs. 5-8-0 per head.

Then my honourable friend Rao Pohop Singh threw a challenge and tried fruitlessly to contradict the facts and figures given by Malik Barkat Ali. As I had spoken before my honourable friend Rao Pohop Singh made his speech I thought I would not be able to get an opportunity to give a reply to him. But to-day I have got an opportunity to speak on this subject and hence I reply to his remarks now. Sir, I put a question to my honourable friend as to whether zamindars do not live in cities. Whether they do not pay land revenue and abiana to the exchequer. Their share is there. If it is not equal to that paid by rural people it is in no way less than that. It is therefore wrong to say that urban people do not pay land revenue and abiana to the Government. Well, Sir, this is my reply to the challenge thrown out by my honourable friend Rao Pohop Singh and in support of my contention I cite a memorial, a copy of which has been sent to me by the zamindars of Chaudhri Sir Chhotu Ram's district. I may draw the pointed

[K. S. Khawaja Ghulam Samad.]

attention of the House to this fact that the said memorial was unanimously passed by the zamindars. They have clearly stated therein that their brethren in the towns pay taxes to the provincial exchequer in no way less than the zamindars in the rural areas. I would rather say that it is the selfishness and self-interest that have prompted the agriculturists to refuse the hand of co-operation offered by the non-agriculturists. They have expressed regret about it because the collaboration of the non-agriculturists would have added weight to their memorial. It is as follows :—

The zamindar citizens of Rohtak town, assembled in thousands, passed the following resolutions under the presidency of Chaudhri Hari Ram, zamindar, Rohtak :

1. The Jat, .....

**Minister for Development : Qureshi.**

**Khan Sahib Khawaja Ghulam Samad :** I may inform the Honourable Minister that these Qureshis are not those who were deprived of their right to be called agriculturists, but they are actually statutory agriculturists. Then, Sir, the memorial runs thus :—

1. The Jat, Gaur Brahman, Mali (Saini), Ahir, Sheikh Qureshi, Gujar, Biloch, Pathan, Moghal, Rajput, Ror and Sayyads of Rohtak town belonging to tribes notified under the Alienation of Land Act assembled in a meeting, look with dismay and uneasiness the inclusion of these tribes for taxation in the Urban Immovable Property Taxation Bill, recently introduced in the Assembly, respectfully pray to the Government in most emphatic terms that as the Urban zamindars are poor, destitute and backward like their brethren living in rural areas, a gulf be not created between the two by establishing this discriminatory principle and that both sections of the zamindar population be treated with equality.
2. The Hindu and Muslim tribes notified under the Alienation of Land Act, of the Rohtak Town, assembled in this meeting profoundly request Honourable Ministers of the Punjab Government, Parliamentary Secretaries and other members of the Assembly to exempt the urban proprietors of the statutory agriculturists living in towns from the provisions of the new Bill and keep them beyond the operation of the new enactment.
3. This meeting of the Hindu and Muslim zamindars of Rohtak Town assures the Government that zamindars living in towns like those living in villages to whom the new Bill does not apply, are loyal to the King Emperor and the Government and during the present war are helping the Government in every possible way with men, money and heart and will continue to do in future. Under the circumstances they take the new Bill so far as it applies to their urban properties, to be unbearable, ruinous bolt from the blue.

I would rather say that it is a ruinous blow to all and not to the zamindars alone, who live in town.

Well, Sir, I cannot help saying that it is really very unfortunate that this question of division of population of the Punjab into water-tight compartments, i.e., into urbanites and ruralites, has been raised by this Bill. My honourable friend Rao Pohop Singh had thrown out a challenge but I ask him a simple question: Are not the Honourable Ministers and the Parliamentary Secretaries who are trying to create bad blood among the urban and rural people and openly saying that they are out to destroy and crush the urbanites, deriving the same amount of benefit from the amenities provided in the urban areas as is being enjoyed by the people residing therein? I refuse to believe in the slogan of these gentlemen that the rural people pay more taxes as compared with the urban people. I emphatically say that my honourable friends equally benefit from the facilities provided in the urban areas.

**Mr. Speaker :** The honourable member is irrelevant.

**Khan Sahib Khawaja Ghulam Samad :** Very well, Sir, I leave this point. I have sufficiently discussed it. Then, Sir, it is stated in the annexure to the Bill containing the objects and reasons, that in Bombay.....

**Mr. Speaker :** Will the honourable member please speak to the motion? He has been irrelevant throughout. I may state for the information of the House that the debate for recommittal should be restricted to the purpose and extent of the proposed recommittal of the Bill.

**Khan Sahib Khawaja Ghulam Samad :** I have already stated the purpose in view of which the Bill should be recommitted to the select committee. I was only elaborating my point. As a matter of fact I was stating things serially with a view to exposing the attitude of the Punjab Government in this connection and also as to what extent they could successfully achieve their end. I wanted to compare the state of affairs regarding the incidence of taxation prevailing in Bombay with that of the Punjab. But in consonance with your ruling I leave the discussion on this point. I take up the purpose of the motion now before the House. It has been stated that the surcharge contemplated to be levied in the Bill, would be utilised for the prosecution of war. What I see in this game is this. Just as with a view to impose new taxation, the Government have put forward this frivolous pretext that the urbanites do not pay to the Exchequer the same amount of taxes as is being paid by the ruralites : similarly they are making this fallacious propaganda that the urbanites are not paying their due share in the war fund and hence the provision of surcharge in the Bill. I categorically refute this charge. The urbanites have made ample contributions towards the war fund and have invested a great part of their money in war loans. I can cite the example of my own constituents in support of this contention. (*Voices from the Ministerialists benches :* What is the amount of contribution made by the honourable member himself?) I have paid an amount towards this fund beyond my financial capacity. Again the honourable members must remember that the contributions made by my constituents were purely the result of my unremitting efforts. (*Hear, hear.*) I am a quiet and a selfless worker. I make no pretensions or propaganda about the success which I have achieved in this direction. I would like to cite the case of my constituents in Kaithal. I am fully aware of the fact that they have liberally contributed towards the war fund as well as the war loans. I happened to go to Kaithal recently in connection with the collection of subscription for war. We all wish that the British should come out victorious in this war against Hitlerism which must be ended as soon as possible. We hope that the British will grant us more political rights after the successful conclusion of this war. A sum of Rs. 75,000 was raised from the locality of Kaithal. Now a lion's share out of this sum of Rs. 75,000 was paid by the dwellers of the towns besides another heavy sum which they gave as a war loan. I want to raise a voice of protest against the uncharitable view expressed by the Government that the urbanites do not pay generously towards war funds. This is a most unfortunate charge against the urbanites and I wish to point out that this is a baseless charge and a wholly unwarranted accusation against the dwellers

2 p. m.

[K. S. Khawaja Ghulam Samad.]

of the towns who are really paying generously towards war funds. It is unwise on the part of the Treasury benches to say that the urbanites are lagging behind in this respect. They are in fact contributing liberally. No doubt some black sheep may be present among them. But then the case is the same with all parties whether they live in towns or in villages. It is wrong to paint all of them black. Moreover it is not an opportune moment for creating differences among the different classes. (*An honourable member*: How much did you pay?) I do not want to make a show of my loyalty by stating what I have paid towards war funds. I am a humble man and I believe in doing my duty silently. All I wish to say is that the towns people as well as the ruralites are co-operating in the matter of helping the Government in the successful prosecution of the present war. The urbanites are paying their quota liberally and generously along with the ruralites.

May I also point out one thing to the honourable member who says that the urbanites are not paying their quota? The four fighters promised by Lahore will be supplied by the dwellers of the city and not by the ruralites. He should take note of this. Does he think that the large sum of money required for these four fighter planes will be paid by the villagers? Certainly not. It will be paid by the urban population of Lahore. Again, one fighting plane has been provided by Hissar. Does my honourable friend think that the citizens of Hissar did not pay towards that fund? I may assure him that the urban people are paying along with their rural brethren, and the moneylenders and banias are not lagging behind. Let the Government give the actual facts and figures with regard to the war subscriptions. If the subscriptions of zamindars are counted separately and the subscriptions of non-zamindars are counted separately, then and then alone can the Government arrive at a definite conclusion as to who has paid more than the other. Without such separate countings, no statement can be made and the Government should be careful about it. The Government officers should not be misled and deceived by unwarranted and baseless statements. As a rule urbanites are richer than the ruralites and that should lead us to think that the well to do urbanites are paying liberally towards war funds.

While speaking on the circulation motion on another Taxation Bill, I had pointed out that the Government were taxing people irrespective of the fact whether a person was rich or poor and that Bill General Sales Tax Bill would hit hard on the poor people. In that Bill a person has to pay a tax on annual turn-over of Rs. 5,000 which means that from his income of annas 13 per day a poor man will have to pay Rs. 10 annually and under this Bill poor men will have to pay tax on residential houses and vacant sites and no allowance has been granted for unrealised rents. If the Government agrees to exempt the poor from the operation of this Bill I will be only too glad to support this measure. I am not opposed to it on principle. On the other hand I agree with the principle underlying it. But the question is that the poor and deserving cases should be exempted from this taxation in cases mentioned above.

Besides, the Government should not suppose that all the urbanites are rich and all the ruralites are poor. That is far from being correct. There are poor people in the cities and towns as well. The Government should

not rob them to help the poor in the villages. That would be tantamount to robbing Peter to pay Paul. This would be an imprudent, unwise and unjust action on the part of the Government to harass one section of poor people in order to help another section of the poverty-stricken people. Let the Government tax only the rich and help the poor. I will be with them.

One of my amendments is that the surcharge should be excluded from this Bill, and the amount realised from this Bill should be devoted to the successful prosecution of war and that the tax should be levied during the war only and not afterwards. Otherwise if the Government will disregard my humble suggestion, nothing but ruin and disaster will result from the operation of this Bill in the towns. The people will leave the towns and whole commerce and trade of cities will come to a standstill. The cities will be deserted and ruined and the Government will also come to grief. In the end the people will also leave the Punjab and migrate to some other province. (Nawab Sir Shah Nawaz Khan : *وہ لوگوں کو چھوڑ کر ہجرت کر جائیں گے*). I would appeal to the Government to act in the spirit of the following Persian couplet :—

دعوتِ دولتِ یومِ یومِ ست . سلطانِ درخت  
دختِ آبِ نسر باشد از بیمِ سخت

The present policy of the Unionist Government will lead their humble subjects to ruination and destitution. I will therefore sound a note of warning to the Government that their present attitude will lead Government itself to disaster and that it should desist from this course which is against the principles of sound administration itself.

I would like to say something about the clauses of this Bill. But as the Honourable Speaker does not permit the consideration of the clauses at this stage, I do not propose to deal with them here.

With these words, Sir, I commend my motion for the acceptance of the House so that the Bill should be referred back to the same select committee which was appointed previously. I also urge that the personnel of the select committee should also be the same as before.

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

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be recommitted to the same select committee.

**Mir Maqbool Mahmood** (Parliamentary Secretary) : Sir, this motion has been subjected to a very severe criticism both in and outside this House. That was expected. Taxation measures are always irksome and more so when such a Bill has been brought in the form which has not been fully appreciated by those whom it is likely to affect. But it appears to me that there has been a great deal of misunderstanding with regard to the provisions, purposes and the basis of this Bill, and I want, Sir, at the outset to take the opportunity of repudiating the insinuation that this is a discriminatory legislation.

I have the privilege, Sir, to represent a rural constituency, but I have the privilege also of being an urbanite. I feel that in fairness to Government and the party which I have the honour to represent, it is wrong to allege that this party stands for the exploitation of the urban classes as such. I go further and say, after having measured my words, that if my

[**Mir Maqbool Mahmood.**]

party stood for the exploitation of urban classes as against the rural classes, there are many of us who would not have been here. I feel confident that the founder of the party, the late Mian Sir Fazl-i-Hussain and the leader, Sir Sikander Hyat Khan, would not have been a party to any proposition or any creed which stands for the whole-sale exploitation of any single class, be it urban or rural. (*Hear, hear.*) In fact I would like to invite the attention of the House to a specific clause in the creed of my party on the basis of which I have been returned. It runs as follows :—

“the provision of equal facilities and opportunities for all, with special solicitude for the backward classes and areas whether rural or urban.”

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

Therefore, I submit that it is absolutely misleading and, if I may say so, mischievous to impute to my party the allegation that they are out to exploit or victimise the urbanites as a class. I submit, Sir, that it is the duty of my party, to which the Government stands committed, that backward classes and backward areas, the poor classes of the people, be they urbanites or ruralites, must be given sufficient protection and we stand here as a proof of that. This Bill does not touch the poor classes of the urban areas or makes any discrimination between urban and rural classes.

The second point about which there is a great deal of publicity both in the press and here, is that in this Bill there is no clear cut demarcation between urbanites and ruralites. I submit that to some extent we are ruralites and to some extent we are urbanites. Every one of us, the rural members, who represent rural constituencies, have also urban towns and *Qasbs* within their constituencies and it is our duty and right to protect their interests as much as it is our duty and right to protect the interests of the rural classes or the rural areas. Not only that, my honourable friends opposite and here will concede that the interests of the rural and urban classes in this province, their prosperity, their economic interest, are so interlinked that no patriotic member of this House, and the least of all our patriotic Premier, of whom we are proud, will be a party to any measure or any ideal, which is out to demolish the urbanites as a class. Then it is equally wrong to concede or allege that this Bill is against the urban classes as such. Now, Sir, I would like to ask my honourable friends opposite, what do they mean by urbanites and ruralites ?

**Begum Rashida Latif Baji :** Read the title of the Bill.

**Mir Maqbool Mahmood :** I am coming to that. I submit that the name of the Bill is a misnomer. My honourable sister will appreciate the point which I am just going to put.

**Begum Rashida Latif Baji :** Please speak in Urdu.

**Mir Maqbool Mahmood (Urdu) :** Sir, my honourable sister Begum Rashida Latif Baji wishes me to speak in Urdu. I have no objection to speaking in Urdu. I was saying that it is very important that we should first of all decide as to who is an urbanite and who is a ruralite. If you think that a man living in some urban constituency is an urbanite and a man living in some rural constituency is a ruralite then I would say that in the schedule annexed to this Bill there are about 40 per cent such areas

which are included in rural constituencies. Therefore, you cannot say that this Bill is intended to throw the whole burden of taxation, to be levied under it when passed into an Act, on the urban classes. But if you think that the population which is shown as urban in the census report is rightly urban and the population which is shown in it as rural is rural then I would say it, for your information that there are 85 per cent of such areas as have not been treated as urban but have been included in the schedule annexed to this Bill as urban areas. I appeal to your good sense to think for yourself what is really intended by bringing forward this Bill. I ask you to study this Bill to find it out for yourself whether it is going to affect only the urban areas as you think them to be or all areas irrespective of the fact whether they are shown in the census report as rural or urban. All those rural areas where the price of land has been increased resulting in an increase of unearned profits, have been included in the schedule as ratable areas. The programme of the Unionist Party does not make any difference between rural areas and urban areas. The Unionist party is out to serve them both. It is our creed to serve the urban people as well as the rural people. It has been provided in our party programme to help all poor and backward classes whether urban or rural.

Both in the select committee as well as in this House, honourable members have raised the point as to why the Government wants to raise more funds by bringing in the present legislation. The Honourable the Leader of my Party in the course of his speech briefly dealt with this question. But it is necessary that we should explain our reply fully so that our voters may know our purpose in bringing forward this Bill. It is necessary to take them into confidence by explaining to them the reasons which prompted us to move this Bill. The reasons are the same which were given by Raja-gopala Charya when moving the Sale Taxation Bill in the Madras Provincial legislature. While moving the said Bill he said that inside as well as outside the House, Government had been asked to open more schools, build better roads, and make better sanitary arrangements and that this demand of the people amounts to a declaration that they are willing to be taxed in order to enable the Government to have funds to undertake all these beneficial works. He gave one reason for bringing forward that Bill. I will give seven reasons to justify the action of the Government in bringing forward the present Bill. I refer you to the pages of the Report of the Unemployment Committee. Every person inside as well as outside this House stressed upon the Government the necessity of doing something for the unemployed people of the province. In compliance with the wishes of the honourable members and the public demand for it, the Government appointed an Unemployment Committee. The rural as well as urban people appeared before the Committee to express their views on this subject. After hearing all evidence the report was prepared and submitted to the Government. According to this report 80 per cent population of the province depends upon agriculture and that one-third of them remain unemployed throughout the year. The report also says that there are as many as one and a half lac educated unemployed.

**Begum Rashida Latif Baji :** Then you ought to have provided in the Bill that the funds so raised would be spent on providing employment to the unemployed.

**Mir Maqbool Mahmood :** Please listen patiently. I will come to it also. Well, Sir, the condition of the backward classes is very bad and those people who have given serious thought to their condition do realise that it is very necessary that the Government should do something to help them. The report of the Unemployment Committee contains 181 recommendations to relieve the situation so far as unemployment is concerned. Now without funds the Government cannot undertake to carry out those recommendations. Even to carry out one-third of those recommendations we require at least two or three crores of rupees. It is therefore the duty of my honourable friends and sisters, who desire to give some relief to the poor people, to urge upon the Government not to bring in any taxation measure which would affect the poor people. If in spite of that Government imposes any tax on the poorer sections it would then be up to us to exhort the Government not to proceed with any proposal of that kind. But I ask in all seriousness, on what section of people is the tax going to be imposed by virtue of this Bill? Is it the object of Government to levy tax on the poor people? Surely not.

Now I come to another very important question. It has more than once been urged from all sides of the House that some steps should be taken to reduce the burden of taxation of the poor people of this province. To my mind this is a question about which there can be no two opinions. At present the average income of the poor people of the province comes to Rs. 74 annually. Against this my honourable friends will be surprised to know that the average expenditure borne by Government on prisoners comes to Rs. 94 each per annum. (*An honourable member :* What about the A class prisoners?) I am giving these facts and figures about those prisoners who do not get A class in jails. In fact this is the plight of the poor people in the rural areas that their average income is much less than what Government is actually incurring on the prisoners in the provincial jails. Under these circumstances is it not our first and foremost duty that if any new taxes are imposed on such poor people, whether they be urban or rural people, we should strive our best to protect them from being further burdened? I have every hope that my urban friends who represent urban classes in this House, will not leave any stone unturned to help poor people if they happened to be ruralites. I do not deny that there are poor people in the cities but my submission is that the taxes which the rural people pay are beyond their capacity to pay. It is stated in the Land Revenue Committee Report that the total number of land revenue payers in the Punjab comes to 3,400,000. Out of them 1,700,000 pay Rs. 5 or less by way of land revenue. In other words the net assets of the zamindars who pay Rs. 5 by way of land revenue comes to Rs. 20 as the share of Government is only 25 per cent of the net assets of a zamindar. I think it is a matter of great shame for every patriotic Punjabi to impose taxation on people whose net income comes to Rs. 20 per annum only. If the financial position of the province permits, such people should be exempted from the payment of land revenue for good. The Land Revenue Committee after carefully considering the pros and cons of this question has recommended that the zamindars who pay land revenue up to Rs. 25 or in other words whose net assets come to Rs. 100 and who till their lands with their own hands should be given a remission of 25 per cent at the time of settlement operations. Those zamindars who pay land revenue to the



amount of Rs. 10 should be given a remission of eight annas in the rupee or 50 per cent remission for the first five years. The estimates of remission that would be granted under both the heads come to Rs. 52 lakhs and Rs. 50 lakhs, respectively. Now in order to give relief to the poor people as has been recommended by the Land Revenue Committee something like a crore of rupees would be required. I inquire from my honourable friends who are in the habit of bringing in Bills for granting remission in land revenue to the poor people whether it can be done without any money. After all for giving this relief to the zamindars Government will have to levy some tax on some class.

Now there is another very important question which is confronting the people of the Punjab, that is, that at the time of the taking of census reports the population of the Punjab increases from 10 to 15 per cent. But against this after every ten years only one per cent of acreage is brought under irrigation. In other words if this state of affairs continues a time will very shortly come when, God forbid, famines will become the order of the day. It is therefore the duty of every well wisher of the province that at the time of evolving of any new schemes some funds should be ear-marked for extending the irrigation system of the province. In order to maintain the ratio of production of foodstuffs with the increase of population ratio, it is essential that schemes like the Thal Project and the Bhakara Dam Scheme should be taken in hand. For this purpose the honourable members are aware large sums are needed.

Besides the Honourable Minister for Development in his speech pointed out that Government intended to do something with regard to health insurance, unemployment insurance, maternity relief, etc. This can be only done if Government have spare funds at their disposal. If money is forthcoming Government will certainly take up these matters. Similarly, about the promotion of industries in this province he gave a detailed reply and I need not go into the details at present. Then there is the question of prohibition. The honourable members are aware of the fact that a resolution was passed in this House that to begin with prohibition should be introduced in five districts of the province. This again can only be done if we have sufficient funds at our disposal. Again, there is the question of opening of schools and hospitals, the development of roads, checking of infant mortality and slum clearances. These laudable schemes can be taken in hand only if Government have plenty of revenues at their disposal. What to speak of opening of other beneficial departments we cannot even enforce compulsory primary education in the province so long as we have not funds.

There is yet another very important question on which all the responsible sections of the House are united and that is that on account of the present war a sort of doubtful atmosphere is prevailing in the province which in some places has led to the commission of dacoities and increase in other crimes. It is the duty of the Government to make arrangements for maintaining peace and tranquillity in the province. For this purpose we have to maintain additional police for which funds are urgently needed. Now taking into consideration all the things to which I have referred above, I think and I challenge anybody to prove otherwise, that at least four crores

[Mir Maqbool Mahmood.]

of rupees are required for putting these proposals into effect. My honourable friend Malik Barkat Ali who at present is not in his seat, in the course of his speech the other day, observed that he would not have objected to the introduction of this Bill had the Punjab Government like the Government of Bombay required this money for enforcing prohibition in that province. I ask, is it better to enforce prohibition or to feed five starved orphans or widows or to protect defenceless women from the depredations of dacoits? I ask whether the enforcement of prohibition is necessary or these things are essential. I think it is the duty of the Government to attend to these needs of the people. The honourable members should lend their hand of co-operation in attaining this laudable object. I have every hope that the Honourable Premier will assure the House that the money that would be realized by virtue of this measure would as a matter of fact be regarded as a trust money and it would be put to best use.

Now, Sir, the other question which needs the urgent attention of Government is that they should effect all possible economies in the expenditure of Government. Without this the levying of new taxes on the people would serve no useful purpose. This is in fact a very sound proposal and the Honourable Premier himself has supported this suggestion. It is with that end in view that he took the earliest opportunity to appoint a Retrenchment Committee to go into this question. Now the recommendations which the said Committee had made are under the consideration of Government. But along with this there are two or three things which should be borne in mind.

You are probably aware, Sir, that a Retrenchment Committee was appointed in 1931. It proposed such drastic reductions, that in the opinion of the Committee appointed subsequently, they had affected the efficiency of the administration. Again, even if all the recommendations made by the Retrenchment and Resources Committee were to be accepted, as desired by my honourable friends opposite, they would result in a saving of Rs. 50,00,000 only. Now this includes a sum of Rs. 25,00,000 which can be obtained by applying the axe to the Civil Service Officers whom the Provincial Government does not possess the power to touch. They are directly the concern of the Secretary of State for India. Then there are certain recommendations which cannot be accepted, for instance, the proposal for closing down the Amritsar Medical School. Moreover, even if they are accepted to a certain extent the resultant saving would not suffice for our needs. We are confident, that our leader, the Honourable Premier, whose ability, integrity and patriotism is a matter of pride for us all, will make an announcement that his Government would soon act upon the recommendations made by the Retrenchment and Resources Committee.

So far as the imposition of these taxes is concerned the proposals in regard to retrenchment do not stand in their way. I have already tried to state the reasons which prompted the Government to impose these taxes. No Government can find any money so vitally needed for carrying on its beneficent activities without having recourse to taxation. I challenge my learned friends who oppose this method of getting additional revenues to suggest some other source whereby the Government can get the required

money without burdening any section of the population. Let them suggest some such avenues in their speeches or in their articles in the press.

Let us now turn to the question of the necessity for bringing forward these taxation measures. In doing so I would place before the House some necessary data for its consideration. I would also beg to submit in this connection that when a responsible and popular Government has to resort to taxation it does not take pleasure in the prospect but has to consider the principle on which a tax is to be based. That principle does not make a discrimination as between the urban and rural but it lays down that the tax is to be levied on that section of the population, be it rural or urban, which has the capacity to pay and which is not already overburdened. Now it is for my honourable friends opposite to consider dispassionately as to which of the two sections, viz., the rural and the urban has the paying capacity and which of them is already heavily burdened. Let me make it clear at this juncture that if the Government honestly feel that the rural section has the capacity to pay up to 90 per cent it is their duty to tax them. But on the other hand if their paying capacity is hardly one per cent I would warn the Government that it should not be forced into imposing a tax on them under the influence of undue pressure or newspaper propaganda.

In the first instance I would like to make a reference to the statistics which have been cited by many speakers to-day and to which prominence has also been given in the papers. These are the figures which my honourable friend Malik Barkat Ali quoted from a pamphlet and tried to make capital out of them by making the House believe that the burden of taxation *per capita* in urban areas was Rs. 19-8-0 as against Rs. 5 only in the rural areas. These figures included the taxes realized by local bodies as well as town committees. The Honourable Minister of Development in the course of his reply knocked the bottom out of the arguments advanced by Malik Barkat Ali and in comparison to the local rates cited by him, he thought it fit to make mention of the railway receipts. But as a student of economics, it appears to me that it was wrong on the part of both the honourable gentlemen to bring in local rates and railway receipts while making a comparison of the taxes that the two sections of the population had to bear. In regard to the local rates it is mentioned on page 376 and 342 of the Income-tax Committee's report that local taxes being the value of amenities provided should not be included in any scheme of taxation. It is also mentioned therein that the taxes in urban areas are mostly consumption taxes, and that a considerable amount of the local rates and terminal taxes is shared by the ruralites who make most of their purchases in towns. This would mean that even the urban taxes are not wholly borne by those living in towns, and the rural population also makes a contribution towards them. It would not be out of place to mention here that the personnel of this committee was not dominated by the zamindars. The Punjab was represented on the committee in the person of Sardar Jogindar Singh who happened to be the only member from this part of the country. He also says that a major portion of the consumption taxes is contributed by the rural people. This fact has been overlooked by a generality of members on that side of the House. My honourable friend Malik Barkat Ali has been deceived by those figures has overlooked this very fact. There are two glaring mistakes in those figures. Firstly, they have allotted 60 per cent of the total customs

[Mir Maqbool Mahmood.]

duties in which Punjab's share amounts to Rs. 4,20,00,000 to the urban section and only 40 per cent to the rural section of the population. In point of fact they should have said that the expenditure incurred in this respect by a villager is  $\frac{2}{3}$  of that incurred by a town dweller, that is, if a villager pays annas 10 as tax under this head a person living in a town would pay Re. 1 for the same commodity. Calculating on this basis the rural population of the province being 87 per cent and the towns people being only 13 per cent of the total population it would mean that out of Rs. 4,20,00,000 the villagers pay Rs. 3,40,00,000 while the urbanites pay only eighty lakhs of rupees. Thus the calculations in the pamphlet are just the reverse of what they should have been. Again it has been said that the rural population pays only  $\frac{1}{2}$  of the total excise duties while in reality they contribute a much larger share. This makes a difference of Rs. 14 lakhs. Working out the incidence on this basis we arrive at the conclusion that where a villager pays Rs. 7-8-0 a townsman pays only Rs. 6. In other words, it means that the villager pays 25 per cent more than the townsman by way of taxes to the Central and Provincial Governments. However, I completely agree with the Taxation Committee when they say that there is no proper arrangement for ascertaining the correct figures and therefore my figures should not be taken to be authoritative. I had to work them out as best as I could for the purposes of giving a reply to the misrepresentations made by my friends opposite. So it would not be right to accept them as a basis for further calculations.

The point to be considered while imposing a tax on a certain section of the population is as to what is their financial condition. That is, have they or have they not the capacity to pay such a tax? Let us take the rural population first which numbers about 2 crores. On an average a household consists of 5 persons among whom those who are able to earn a living number 40 lakhs. These persons according to the findings of the Darling Committee pay Rs. 34 lakhs as land revenue.

Now at least 50 per cent of those who pay land revenue are paying less than Rs. 5. To ascertain the number of wealthy people living in villages we have to bear in mind that only those urban people pay any income-tax whose annual income exceeds Rs. 2,000. In villages a person who pays Rs. 2,000 as land revenue can be said to have as much income. The number of those among them who pay Rs. 500 or more as land revenue is 2,700 and they cannot in any case be called wealthy. Although I regret that I have not been able to ascertain anything about all of them yet I can say about those who live in the Amritsar district that they are also paying income-tax as well as house tax, and I think the others are also in the same boat.

Now as regards the incidence of taxation on big landlords mentioned by the Darling Committee I would request the Honourable Premier to let us know whether they pay any income-tax and also whether the new taxes will affect them. Whatever their number this information should be given to the House in the interests of clearing the position of the Government. If they are affected by these taxes he should say so and if not these taxes should be imposed upon them even if the money thus realised amounts to one lakh or fifty thousand.

Again it is contended that this tax is being imposed on those who are already paying a number of taxes such as the income-tax, house tax, etc. My submission is that this matter should be considered dispassionately. If this tax is going to be imposed on any urbanite who has not the capacity to pay it is the duty of our leaders and all of us to remove this defect, but if that be not the case then my honourable friends opposite should either justify their contentions or else change their view point. Now the number of houses in the towns is over 7 lakhs, while that of the house-owners is about 6 lakhs. This means that every one of them possesses at least one house and some of them own more than one. I may tell them that the number of those who own more than one house is no less than one lakh. Anyway 6 lakhs of the urban population possesses at least one house each. If you look at the Bill you will find that at least  $\frac{1}{3}$  of these houses will not be affected by this tax, because the houses having an annual rental value of less than Rs. 300 in Lahore and Simla and less than Rs. 200 in other towns have been exempted. Thus about 2 lakhs of house-owners will not be touched by this measure.

Again reverting to the question of income-tax I would submit that the number of those paying income-tax in the Punjab is between 30 and 40 thousand. Even if we take the highest figure that is 40 thousand as the number of income-tax payers, they do not constitute more than 10 per cent of the urban property owners. The remaining 90 per cent do not pay any income-tax although they possess immovable property. Now according to the returns of the Income-tax Department for the year 1936-37 the number of income-tax payers in the Punjab was 34 thousand out of whom 26,300 paid less than 5 per cent of their net assets, 4,600 were assessed to less than 10 per cent, 1,900 to less than 13 per cent and 700 to less than 16 per cent. It should be remembered that the margin in the case of the last mentioned is much greater and the number of those paying income-tax at this rate is very small. Anyway it is clear that out of the 4 lakhs of house owners, 90 per cent do not pay any income-tax. Then as regards house tax, it has been levied in 26 out of 240 municipalities so far. I would submit that even if house tax were imposed in all the municipalities the people residing in those areas have got the capacity to pay. The Darling Committee has stated that land revenue could reasonably be charged up to 15 per cent of the net income while last year it was charged to the tune of 13 per cent. Now against this burden on the rural population if you take the tax proposed in this Bill, you will have to admit that it is going to be levied on those who have the capacity to pay and, what is more, the burden is not undue as in the other case. I may also add that this tax is not a novel burden. Even Bombay cannot be said to be the first province to impose it. It is as old as the Mahratta regime when it was levied and charged under the name of Mortufa and since then it has been in vogue in certain parts of the country in one form or another.

My honourable friends opposite have compared this measure with the Bombay Act. Khawaja Ghulam Samad went so far as to say that the rate proposed in this measure was much higher than the one contained in the Bombay Act. I would submit that the 20 per cent proposed here is not the rate actually to be charged but is only the maximum limit. In Bombay, the tax is levied at the specific rate of 10 per cent while the Honourable

[Mir Maqbool Mahmood.]

Premier has stated that here no more than 5 per cent is intended to be levied. Again no exemptions exist in the case of Bombay, whereas here it is proposed to exempt properties up to the rental value of Rs. 300 in Lahore and Simla, and up to Rs. 200 in other towns.

**Begum Rashida Latif Baji :** What about the residential houses of the owners ?

**Mir Maqbool Mahmood :** They are not exempt from the tax in Bombay. Then, Sir, the lands and properties attached to the mosques, Gurdwaras, temples, orphanages, etc., have not been exempted from taxation in Bombay. But the Punjab Government is to be congratulated on having granted exemptions in the case of such properties. An amendment moved for getting them exempted was rejected by Mr. Lathe, the Congress Minister of Bombay. Similarly, the Punjab Government is often criticised for not encouraging industry, but I would like to state for the information of my honourable friend that an amendment moved during the discussion on the Bombay Bill for the exemption of the land under factories and mills was stoutly opposed and turned down by Mr. Lathe who said that if these lands were exempted, the Government would lose a considerable sum of money. In this measure, the Punjab Government has paid due regard to the requirements of industry and industrial factories.

**Begum Rashida Latif Baji :** Where is that Government now which refused to accept those amendments ?

**Mir Maqbool Mahmood :** They are no more and if they had acted like the Punjab Government they would have been still in power. Rai Bahadur Mukand Lal Puri and Raja Narendra Nath have drawn attention to clause 27 of the Bombay Act which lays down that any property which remains vacant and does not fetch any rent for sixty days will receive due concession in respect of such period. I am free to admit that such a clause exists in the Bombay Act but you should also remember the Bombay Town Planning Act under which a property can be taxed up to 50 per cent of its letting value. I, would, therefore, request the honourable members that they should not read the exemption only but they should also read the Bill itself.

Then it has been said by my honourable friend Khawaja Ghulam Samad that there are as many as 272 towns on which tax will not be levied. I am afraid if he had understood the measure he would not have raised this point. If my friend studies the Bill carefully he will find that the Government do not intend to levy tax on every town but different rating areas have been fixed on which tax will be levied when the Government will think it advisable to do so. And I may also point out to my honourable friend that we may request the Honourable Premier, later on, to do a special favour to a certain town whose people we think are too poor to bear the burden of taxation. For instance there is a town Majitha near Amritsar whose inhabitants are very poor and I do not think they will be able to pay this tax to the Government and at the proper time we will have to request the Honourable Premier to exempt such towns from taxation and I am sure he will be kind enough to comply with our request. However, these things can be dealt with later on.

Then an objection has been raised by my honourable friend Sardar Lal Singh to the effect that the Bill has been based upon the capital value of a property. I may be permitted to say a word in this respect. Sir, when a similar measure was put before the Bombay legislature some honourable members raised objection against it as the Bill at certain places was based upon rental value and at other places upon capital value. But Mr. Lathe said that they had done it in consultation with the Legal Remembrancer and therefore they were not going to accept any objection in that respect. Besides it has been clearly laid down in clause 65 of the All-India Report that the tax does not fall under income-tax or the provincial tax and that is why it has been retained.

Then much stress was laid on surcharge being levied and my friend Sardar Lal Singh has remarked in the course of his speech that people are not contributing towards war fund and that is why the surcharge is being levied. I am pleased to hear that Sardar Lal Singh has got his reply from Khawaja Ghulam Samad who has contradicted this view and said that people are voluntarily contributing for the war purposes. And as you are aware, Sir, it has been made quite clear in the objects and reasons of the Bill that the surcharge will be spent exclusively on war purposes. Therefore no question can arise in connection with its expenditure. I must say that it is the duty of the Government to protect people from depredations of war and it is obvious that it is equally incumbent upon people to share the burden of war expenses with the Government and I think my honourable friends will appreciate the intention of the Honourable Premier who is out and out to maintain peace and tranquillity in the province. As I have recently come from my constituency I can lay before you the views of my constituents with all the emphasis at my command. They have told me that they are prepared to help the Government with as much money as the Government require and even outside India they will not lag behind in helping the Government in every possible way with men, money and heart. Now I must tell my honourable friends opposite that the Government have thoroughly considered the principles of this Bill and we do not think that there is anything in it for which it can be recommitted to a select committee. I think I have met the objections raised by my honourable friends opposite.

Now I wish to draw the attention of the Honourable Premier to a few important points. Some honourable members are of the opinion that 5 per cent tax should be levied. I may, however, suggest that if we do not intend to levy the whole tax at the beginning then I do not see any reason to fix 20 per cent. We may start with a less tax and when we think it is advisable to increase it, we may do so. Under the existing conditions we may levy tax at a less percentage and later on when the circumstances become more favourable we may increase the percentage. The second point which deserves the attention of the Honourable Premier is this. As the poor are undergoing many hardships in this province we must provide them with better facilities. I, therefore, request that out of the income of this Bill the Government should start poor houses in the province. I again submit that the Government should give sympathetic consideration to this request of mine. The third point to which I want to invite the attention of the Honourable Premier is in regard to the selection of assessing authorities. It is obvious

[Mir Maqbool Mahmood.]

that if an assessing authority is honest and well-behaved the public will be satisfied with his work and if he is otherwise he is sure to create resentment among them. I submit that the Honourable Premier should, therefore, be careful at time of selection of assessing authorities and see to it that honest and God-fearing people are selected who may not be impressed by those who have the capacity to pay the tax and who may not tax those who are too poor to pay. I may also submit that the people living in their own houses should also instruct them not to assess their houses.

With these words, Sir, I oppose both the amendments.

**Lala Sita Ram** (Trade Union Labour) (Urdu): Sir, I rise to lend my wholehearted support to the motion put forward by my honourable friend Khawaja Ghulam Samad. Before I give expression to my views with regard to this motion I would like to make a categorical reply to certain remarks made by my honourable friend Mir Maqbool Mahmood. I make bold to say that my honourable friend has very adroitly overlooked the real facts and hence I consider his speech to be very disappointing. I am of the opinion that the principles of which he made mention in such eloquent terms exist in name only; they have never been practised or acted upon. In the very beginning of his speech he was pleased to remark that it was their creed to accord equal treatment to the urbanites and the ruralites. He said that their revered and late lamented leader Sir Fazli Husain had specifically laid down that every individual or class was to be treated equally. I say if that was the intention, it still remains in the air. It has not been translated into action. All the pious intentions given expression to by my honourable friend are a mere lip talk designed to throw dust into the eyes of the people. Mere mention of a creed or a sacred principle cannot satisfy a person unless it is put into practice. I, therefore, say emphatically that it is the practice by which the glory of a principle is revealed. Poet Iqbal has rightly said :

عمل سے زندگی کی بھنی ہے جنت بھی جہنم بھی  
یہ کہ کی، پنی فطرت میں نہ نوبی ہے نہ ناری ہے

I could take my honourable friend at his words only if the legislation brought forward now showed that no discrimination whatsoever was intended to be made between the urban and rural people. This measure in no way justifies or upholds the principles or creed so glibly mentioned by my honourable friend. In this connection I am reminded of Poet Iqbal's verses nicely composed by him at the time of construction of a mosque built in one night outside the Shahalmi Gate :

مسجد تو بزمانی شب بھر میں ایما کی حواریت والوں نے  
من اپنا پورا پانی ہے دوسوں میں غازی ہے نہ سکا  
اقبال بڑا ایڈیشک ہے من ہاتھوں میں مود لڑنا ہے  
گفتار کا یہ غازی تو بنا کردار کا غازی بن نہ سکا

(Hear, hear.)

These verses aptly apply to the mentality of my honourable friend. Again, he waxed eloquent but lost sight of the fact that it had been openly stated in the objects and reasons of the Bill that as the urban people paid less taxes,



therefore, new tax was being imposed upon them. Besides, the very name of the Bill indicates that the urban people are to be coerced to part with their money in the form of property tax. Then the Honourable Minister in charge of the Bill and his colleagues have time and again cried themselves hoarse on the floor of this House and outside it that they are out to levy taxes on the urban people to the tune of 6 crores of rupees. May I ask the honourable Mir Maqbool Mahmood if this is not discrimination. Does this not tantamount to a class war?

Then my honourable friend proceeded to state the necessity and object of this new tax. But he utterly failed to state the purpose for which the Government wanted this money. He merely revelled in making generalisations which we often hear during the budget speeches. I think it is the bounden duty of the Government to tell us in a straightforward manner that they want a colossal sum of Rs. 6 crores for such and such specific purpose and that they have no other means to obtain this money except by taxation. Then matters would stand differently. But what do they do? They leave us in the dark about the purpose of this tax and yet hurl flings at the urban people that they did not pay their due share to the Exchequer. The honourable members on this side of the House have several times drawn the attention of the Government to give effect to the proposals adumbrated in the Resources and Retrenchment Committee Report, but to no avail. We have suggested that Government should first embark on retrenchment and reduction of top-heavy expenditure. If they fail to get the requisite money then they should resort to taxation. Then my honourable friend told us that retrenchment had been in action for the last five years. He laid much stress upon the 1981 report and said that further retrenchment could not be effected to such an extent that efficiency was in jeopardy. May I take it that no more retrenchment in Government expenditure is possible? I beg to differ from my honourable friend. There is obviously a great scope for reduction in the fat salaries of high officers and the Honourable Ministers and in their daily as well as travelling allowances.

Besides, my honourable friend adduced certain facts and figures. But strangely enough he evaded to refute the hard facts and figures stated by the honourable Malik Barkat Ali. As a matter of fact we take our cue from those figures. We have challenged the Government that in case these figures are incorrect they should set up an enquiry committee to go into the matter thoroughly. But instead of adopting this course they have conveniently ignored these figures, except very shrewdly making much of the customs duties. Instead of giving credit to the urban people for bearing the brunt of the custom duties, the honourable Mir Maqbool Mahmood argued that as the rural people constituted 87 per cent of the total population of the Punjab, it is they who paid the major portion of these duties and not the urban people. Again, without caring to know whether or not the rural people consumed those articles used by the urbanites, he harped on the fallacious argument that because the former were comparatively in much larger number than the latter, therefore they would have essentially paid 87 per cent of the total share of the Punjab in respect of customs duties. But in order to refute this distorted version of the facts, I quote from page 8 of the book entitled "Rural and Urban Taxation and Expenditure" by Mr. Parkasha Nand,

[L. Sita Ram,]

M.A. I consider the figures given there to be correct till they are contradicted by the Government. The extract runs as follows :—

The receipts from customs duties including Central Excise Duties during the year 1937-38 were Rs. 50.77 crores. The total population of India including Indian Native States according to the Census of 1931 was 352,837,778. If we divide the total receipts under this head by the total population we get the figure of Rs. 1.7.0 as the incidence of customs duties per head of the population irrespective of the fact whether a person is a resident of British India or of any Indian State.

The share of the British Punjab in the Customs Revenue on the basis of population alone comes to Rs. 3,38,97,474.

Now the consumption per head of foreign goods in British territory is greater than the consumption per head in the Indian Native States.

\* \* \* \* \*

Again the consumption per head of foreign goods fine cloth, toilet goods, etc., in the Punjab is greater than the consumption of foreign goods in some of the other provinces of India (Punjab has been recognised as the greatest buyer of fine cloth in India). Therefore it may be assumed firstly, that the *per capita* contribution to Customs Revenue of a resident of British territory is greater than that of an inhabitant of an Indian Native State and secondly, that the *per capita* contribution of a Punjabi to the Customs Revenue is greater than the *per capita* contribution of a resident of some of the other provinces in India.

Now in this pamphlet it has been presumed that most of those articles, on which customs duties have been paid up, are generally consumed by the urbanites, and I entirely endorse this view. It is really an undeniable fact that the urban population consumes most of these articles. There are only a few such articles which are consumed by the ruralites and the pamphlet mentioned above does not ignore them. On the other hand they are enumerated in it and they are as follows in the words of the same pamphlet :—

The articles in that list which are used by the villagers to some extent are kerosene oil, sugar, matches, cheap Japanese cloth and toys, etc.

These articles are of very minor importance and I am sure the House will agree with me that no great weight can be attached to them, as these articles are included in the bare necessities of life. But on the other hand all costly articles of luxury are consumed by the urbanites. I will call them superfluous costly articles. Only the urbanites indulge in luxuries and consume these things. But the compiler of this pamphlet has left a wide margin for the ruralites even in this respect. He has stated that the urban people consume 60 per cent of these articles and the remaining 40 per cent may be taken as consumed by the rural population. Now every one will agree that this is a wide margin. It is impossible to say with precision as to how many articles are actually consumed by the rural population and how many of them are used by the urban population. But the pamphlet in question has done a great justice by leaving a big margin for the rural population. Now over against this fair and just estimate of the pamphlet, let us consider how the champions of the cause of the rural population present their case. They have given no facts and figures. As a matter of fact they indulge in vague generalisations and avoid hard facts. Let them corroborate their statements with facts and figures. In fact they have not mentioned facts at all. All they have said is that the urban population is lightly taxed and the rural population is heavily taxed. But we want them to support this statement by facts and figures. This they cannot do and have not done so far. Instead of that they have brought in the question of the local rate and other such things. By doing so they have brought us near

the real point because our allegation is that local rate is paid for some specific services rendered to them. They have used this very argument against us, but with little force. This applies to their case with greater force than to us. The all important question is as to what total amount of tax the urban people pay irrespective of the fact whether the amount of tax so paid goes to the Central Government, the local bodies or the Punjab Government. Let us see what total amount of taxation is paid by the ruralites and what total sum is paid by the urbanites. That is the real question. After all we have to consider how much money goes out of the pockets of the urban population by way of taxation, leaving aside the question as to who gets that money in return. We have not to bother about that issue at present. I may also remove one misunderstanding. The honourable members sitting on the treasury benches seem to think that the benefits of the expenditure incurred by the local bodies entirely go to the urban people. That is not a fact. Even the rural population benefits by those institutions which are established by the local bodies. Who has ever debarred the villages from benefiting from them? Have the townspeople ever forbidden the use of their dispensaries or schools or roads to the ruralites?

*(At this stage it was pointed out that there was no quorum, the bells rang and Mr. Deputy Speaker found the House to be in quorum.)*

I have so far been dealing with the speech of my honourable friend Mir Maqbool Mahmood. I will now proceed to point out those things which the select committee has failed to consider. The first and foremost argument of the treasury benches is that the ruralities are more heavily taxed and the urban people are lightly taxed.

**Rao Pohop Singh :** May I ask the honourable member to enumerate the taxes which the urban people pay?

**Lala Sita Ram :** Before proceeding with my arguments I should like to reply to this question that has been asked just now. In order to do so I will quote a concrete example of the house-tax that has recently been proposed in Lahore. If the annual rental value of a house is Rs. 600 this value will be taxed at the rate of 20 per cent.

**Rao Pohop Singh :** That is no reply to my question. The question is, how many taxes the urban people pay?

**Mr. Deputy Speaker :** No interruptions, please.

**Lala Sita Ram :** Firstly, therefore, the house tax has been imposed to begin with at the rate of 5 per cent to 10 per cent. Coming more properly to the reply, I have to say that the urban people have also to pay income-tax, the rate of which is different in the case of different persons. Some pay at the rate of 16 pies per rupee and some pay at the rate of 26 pies per rupee. Then they shall have to pay the property tax on a house which was built on that very capital which had been assessed to income-tax and for which income-tax had already been paid. We come face to face with double payment. On the one hand income tax is charged on the money of the urban people, and on the other hand when that very money is spent on a house, the house is again assessed to a new house-tax. Add to these taxes, the water rate, the terminal tax, the octroi duties, and the land revenue in some cases, which the urban people have to pay. I have already mentioned some of these things and I do not want to repeat them over

[L. Sita Ram.]

again. But I had to answer a question which was asked me just now during my speech.

It is a pity that the Government have not exempted even the residential houses of the people, although they yield no income. The Government have always claimed that the interests of the poor and backward classes are uppermost in their hearts. If they sincerely want to help the poor people then they must show solicitude for the poor. At least every family must have one residential house untaxed.

**Sayed Amjad Ali Shah :** The question is, how big a house ?

**Lala Sita Ram :** The question does not arise now. You have exempted the residential houses of all from attachment irrespective of the fact whether they are big or small, why ask how big or how small now ? So far as indebtedness is concerned you do not allow that the residential houses of even big landlords should be attached. But in the case of the residential houses of people with small or no incomes you do not make any allowance by exempting them from the levy of this new tax which you propose to collect from the urban people.

The second point which I want to stress upon the attention of the Government relates to their claim that they have paid due consideration to the condition of the poor people by exempting all houses of values up to Rs. 6,000 or of Rs. 25 monthly rental value in bigger cities and towns. Let me take a case of Lahore. Here nowhere in Lahore can you build a house with less than Rs. 6,000. The Town Planning Committee has decided that no house should be built on lesser area than 5 *marlas*. The price of land in Lahore is very high. And in the opinion of the engineers it takes about from Rs. 1,000 to Rs. 2,000 to build a house on one *marla*. Now according to this estimate at least Rs. 8,000 are required to build a house on 5 *marlas* of land. But you have exempted only such houses which may not be of more value than Rs. 6,000.

**Sayed Amjad Ali Shah :** May I ask my honourable friend from where he has got this figure of Rs. 6,000.

**Dr. Sir Gokul Chand Narang :** Three hundred rupees rent gives that figure.

**Lala Sita Ram :** In order to escape the intervention of the Federal Court you have proposed to tax the rental value of a house instead of its capital value as originally proposed. A house whose rental value is Rs. 300 annually must have its capital value as Rs. 6,000 which is exactly 20 times the rental value according to your own formula.

Moreover, it was the duty of the Government to levy any such tax after making an allowance for such other taxes which have already been paid or are being paid on those houses. The municipalities levy a separate house rate and also charge other rates and cesses on the import of house-building materials. The rates of the new tax ought to have been fixed keeping in view all other taxes which have already been paid or are being paid for those houses.

Then I may bring to your notice the fact that often the houses remain vacant especially in the city. There is a tendency among the people to

go out of the old city limits in order to live in open places. On account of this tendency among the people about 25 per cent of the houses remain vacant through out the year and in addition to these there are many others whose occupants do not pay rents or run away with arrears of rent. No provision has been made regarding the houses which remain vacant or whose occupants make default payments of rent.

Again, the Government has given us another instance of its partiality in this case. It has been an established right that in the case of such legislation regarding which there is a difference of opinion between the Government and the Opposition, the civil courts can be easily approached. And if a civil court or the High Court thinks that the opposition is on the right then they can pronounce judgment declaring the Government to be not within their right to have that measure enforced. But a provision has been made in the Bill by which it will not be open to any civil court to intervene so far as this Bill is concerned. This is sheer highhandedness and injustice of the first water. The aggrieved party can always seek redress in a court of law. But so far as this Bill is concerned no person shall be entitled to approach a court of law.

I explained to the House how this Bill is going to affect labour and the Honourable Premier contradicted me. I say it again that by this Bill the labouring classes will suffer a great deal. On account of debt legislation money-lending has almost stopped. And the people instead of lending their money had started investing it in houses. By this employment of labour had increased. But now with this new taxation people will stop investing their money in houses. The result would be that many labourers and artisans will be put out of work. House property will no longer pay and no one would invest his capital in house property.

The urban people have become subjected to many hardships nowadays. They are denied employment in Government departments. Money-lending has also stopped. So far as industry is concerned no man wants to invest his money in it as it is not encouraged by the Government. People used to invest their capital in house property. Now this will also stop. The result would be that unemployment would increase tenfold, and would lead to greater restlessness and resentment among the urban classes and among those poor labourers who depend upon these classes.

**Begum Rashida Latif Baji** (Inner Lahore, Muhammadan, Women, Urban), (*Urdu*): Sir, I rise to support the circulation motion now before the House. In this respect my first submission is that as the Punjab Urban Immovable Property Tax Bill will mainly affect the persons residing in the urban areas and as the Congress members, who constitute one fourth part of this House, are not here to express their feelings on the point, it is essential that it should be circulated for the purposes of eliciting public opinion thereon. Secondly, due to the outbreak of war the prices of foodstuffs have increased considerably. The people are making their both ends meet with great difficulty. If at this juncture any new burden of taxation is placed on them, poor fellows would find it very difficult to keep their bodies and souls together. Instead of bringing forward any measures for taxing the poor urban people at this critical time when the British Government is engaged in a life and death struggle efforts should have been made to exhort the poor people to pray for its safety and the rich to help it by contributing towards the war

[Begam Rashida Latif Baji.]

funds. But on account of the proposed taxes the poor people in the urban areas are saying all sorts of things against the Government. You will see that the British Government is incurring something like Rs. 18 crores a day on the prosecution of war. This huge sum does not include the losses which that Government have to bear through enemy action. My submission is that at a time when the British Government is spending crores of rupees like water the urban people of this province should not be burdened with new taxation for the sake of realizing a meagre sum from them. At such critical time it behoves the Government to get the good wishes of the people rather than their curses. The present position is that our Government is troubling the urban people by bringing forward different sorts of taxation measures. Whenever our Ministers rise to speak on any matter they profess great sympathies for the poor people but in fact they do nothing for them. It looks as if they are *دودھ پیئے والے چائے*. The fact of the matter is that if the report of the Resources and Retrenchment Committee had been presented to the House and had been carefully considered and the Honourable Ministers and the Parliamentary Secretaries by reducing their salaries and the honourable members their allowances, had set an example, then they had every right to bring forward such Bills for imposing new taxes on the people. (*An honourable member*: You are also drawing your allowance). If all the honourable members decide to forego their allowances I would be the first to do so. When you yourself are not prepared to set an example what right have you to snatch away the riches of the capitalists? Let the honourable members give the lead first and then they will be entitled to bring forward such Bills.

Besides, the honourable Mir Maqbool Mahmood in the course of his speech told the Honourable Premier that the residents of Majitha, a small town in his constituency, are poor and therefore they should be exempted from the operation of this Act. I ask whether other honourable members do not represent towns. If he in the capacity of a Parliamentary Secretary or as his relative can make this request to the Premier, am I not in the capacity of an honourable member of this House entitled to make a similar request to him? Rather I in the capacity of his sister request the Honourable Premier to exempt all the houses situated in the Inner Lahore Constituency from the operation of this measure. I ask whether or not every honourable member of this House can make similar requests to him. Anyhow if he wanted to make this request to the Honourable Premier he could have done so in private or outside the House and not openly as he has done. This I think has rather made it more difficult for him to get the residents of Majitha exempted from the operation of this measure. It would be a different matter if somehow or other it is exempted from the operation of this Act.

Now Sir, I want to say a few words in regard to Lahore City. It has been pointed out by Government that they would appoint an honest officer for the assessment of this tax and that many remissions would be granted to the people and that the assessment of this tax would be done very accurately. My submission is that the way in which house-tax was imposed is pretty well known to every one. At the time when that tax was being assessed I pointed out that if the Honourable Minister was not prepared

to go with me let any Parliamentary Secretary accompany me and I would let him know that not a single house had been exempted from the imposition of this tax. For instance I may tell you, that in the Nur Mohalla, where I was born there is a mosque and adjacent to that mosque there is a small room which was constructed by the people of the locality for the Maulvi of the mosque to live in. Even on this *Hujra* house tax has been imposed. I ask, is this the way to exempt houses from the imposition of the house tax? Is this the sympathy which you are showing for the poor people? For God's sake consider how a person, who depends for his very livelihood on others, and who has many children to support, can pay this tax. As a matter of fact the Municipal authorities have realized rupee one and some annas by way of house-tax. Similarly inside the City of Lahore even small houses have not been exempted from this tax. Some houses are in a dilapidated condition. To say the least nobody hires them and if anybody hires any one of such houses he lives there for a month or so and then shifts to some other building. It is very difficult to realize rent from such tenants. One cannot sue them in courts for petty sums. Even such houses have not been exempted from the imposition of house-tax. When I bring such matters to the notice of the Honourable Premier he does not pay any heed to them. I request him to accompany me and I will let him know such houses on which house-tax should not have been assessed at all. But all the same it has been imposed. Similarly property-tax would be levied.

Sir, there is yet another very important question to which I wish to draw your attention. That is that whenever any Bill comes up before the House the question of urban and rural people is raised by Government. The title of this Bill also shows that this tax would be levied on the urban people only. I think this Government is the Government of both urban and rural people. It behoves them to take into consideration the interests of all the parties. But here the matter is quite the reverse of it. To-day the Government of the rural people is in power in this province and that is the reason why taxes are being imposed on the urban people only. What will be the result of this discrimination? The result will be that the gulf between the urban and rural people will be widened. If the Government do not want to exempt the land in the urban areas, which the people have bought earlier but on which so far no buildings have been constructed from the operation of this Act because their prices have increased, may I ask why they have not thought it fit to impose this tax on those lands where new canals have been opened and whose prices have risen from few annas to thousands of rupees per acre? I ask, will it not be proper to levy this tax on all the lands lying on both sides of such canals? There is no question of doing justice to all and sundry. They only want to make this discrimination between the urban and rural people. The only result of pursuing this policy will be that the gulf between the urban and rural people will be widened. Since the time this party has come into power instead of creating a spirit of unity and good will among the people they are doing all that lies in their power to widen the gulf between the rural and urban people. As a matter of fact this party is not *Itihad* party but it is *nifaaq* party.

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

**Begum Rashida Latif Baji :** I am speaking to the motion. The Honourable Premier, in the course of his speech, pointed out that he had

[Begum Rashida Latif Baji.]

brought forward that Bill in order to lighten the burden of the rural people. He said "There is no scope of further taxing the rural people for the simple reason that they are already heavily taxed. I think if they have not collapsed yet under the burden of taxation it is either due to their sheer obstinacy or that God has made them so wooden that they are still alive". These were his very words. He meant thereby that the urban people had made them poor. I ask, does he think that the urban people snatch away the wealth of the rural people? Do urban people loot the houses of the rural people? The fact of the matter is that it is he who creates this distinction between rural and urban people. Only recently on account of this war a dreadful news got currency in the urban areas that the rural people intended to invade and loot the cities. The result was that the citizens of Lahore got iron doors fixed up at the opening of their lanes and streets lest the ruralites should invade the city armed with lathis and other arms. I want to know from the Government whether they are maintaining peace and tranquillity in the province or whether they want to set one section of the public against the other. What is required is that they should try to create a spirit of unity and goodwill in the province but they are doing quite the reverse of it. If the Government must have recourse to taxation they had better tax the urban and rural capitalists. They should also make those people contribute a share to the Government treasury the value of whose lands has increased on account of the construction of canals. But it is against all canons of justice to introduce measures from the very title of which it appears that it is specifically intended to impose a tax on the urban population. This is nothing but an attempt at creating hatred between the two sections of the population. The urbanites have naturally concluded from the title that the Government have made a discrimination in imposing a tax on them alone and not on others. I beg to submit that the Government should not try to inject the poison of hatred in the urban and rural sections of the people. They are but two sons of the same mother. The conditions created by the discriminatory actions of the Government are already assuming dangerous proportions. Only the other day when a friend of mine was coming to Lahore in her car she was forced to stop on the way owing to some engine trouble. While the car was being examined some villagers rushed to the scene with lathis in their hands saying "let us finish these city flies". Things have already come to such a pass. (*Interruptions.*)

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

**Begum Rashida Latif Baji :** Am I not relevant, Sir?

**Dr. Sir Gokul Chand Narang :** She is giving an illustration of how the townspeople are suffering. You should ask the honourable members to be more courteous to the lady speaker and let her speak in peace.

**Begum Rashida Latif Baji :** Again, when I asked the honourable Mir Maqbool Mahmood whether the Government required this money for saving the country from the external or the internal war he replied that it was intended to be utilized in preventing both. I beg to submit that you do not require funds for preventing an internal war. What is most needed is that you should not create the urban-rural question. I appeal to the



Government to desist from creating a gulf of hatred between us. The urban people are educated and civilized and I am sure that they cannot fall a victim to your designs. But the rural people, although they are civilized and somewhat educated too, can still be bamboozled by your political juggleries on account of their simple mindedness. Sir, the Government have not probably taken the trouble of considering the possibility of any reprisals by the urbanites. We can import most of our foodstuffs from outside. But what will our brethren living in rural areas do if we refuse to buy their produce from them?

Again, Sir, it was not wise on the part of the Government to have made a comparison between the provinces of the Punjab and Bombay. It is a well known fact that Bombay is a very wealthy province and most of its inhabitants are literally rolling in wealth. In our province the conditions are such that people like Sir Sikander Hyat Khan, Malik Khizar Hayat Khan Tiwana, Sir Sundar Singh Majithia, and Nawab Muzaffar Khan—some of whom have their own canals—are considered to be wealthy. But I venture to submit that even an ordinary Seth of Bombay can purchase the properties of all of them taken together.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Our Ministers are not for sale.

**Begum Rashida Latif Baji :** I am talking of their properties and not of their persons.

**Nawab Sir Shah Nawaz Khan :** You have only mentioned ruralites and omitted the urban millionaires sitting over there.

**Begum Rashida Latif Baji :** Yes, Lala Sita Ram, Sardar Sahib Santokh Singh and Dr. Sir Gokul Chand Narang can also be included among them.

*(An honourable member :* What about Rai Bahadur Lala Sohan Lal?) Please do not interrupt me but hear what I have to say. The Government have instilled into the minds of our rural brethren that they pay land revenue while the urbanites derive all the benefits. The name of Rai Bahadur Lala Sohan Lal has also been mentioned but has it ever occurred to those who deem him wealthy as to how many people earn their livelihood because of his press? There are no less than 500 men working in it.

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

**Begum Rashida Latif Baji :** Sir, we assert that it is due to our own efforts and not to any help from the Government that we are to-day what we are. Besides that we are trying to help others. Take for instance the case of Dr. Sir Gokul Chand Narang whose sugar factories provide employment to hundreds of people. Similarly where there is only one college or school maintained by the Government for girls we have numerous private colleges started by public-spirited citizens. Now we have not done these things with the help of the Government but it is the result of our own efforts. We have used our brains. Every comfort and convenience that we are enjoying has been achieved by our own labours.

**Nawab Sir Shah Nawaz Khan :** Yes, the brains were yours but the skin was ours.

**Begum Rashida Latif Baji :** Our food consists of ordinary wheat and we are not in the habit of eating any one's skin. May I ask from my

(Begum Rashida Latif Baji)

brethren living in rural areas who interrupt me time and again if they have opened any school or hospital in their ilaqa? Although I can stand no comparison with them yet I have been instrumental in establishing two or three schools. (*Hear, hear.*)

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

**Begum Rashida Latif Baji :** Sir, I am only replying to the question that has been put to me, and therefore, you should kindly allow me to proceed with my speech. It is often claimed by the Government that they are the champions of the poor and the weak. But may I know if women are not weak? And what is the treatment meted out to them? Just have a glance at the electoral rolls of the women's constituency where out of 10,440 votes only one thousand now remain, and I believe that they too will be reduced to one half at the time of scrutiny.

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

**Begum Rashida Latif Baji :** The fact is that the Government are afraid of me. They think that I have probably taken an elixir for prolonging my life and being apprehensive of the re-elections of the troublesome Baji they are after depriving my supporters of the right to vote. The question is that if a woman is returned to the Assembly by 500 votes only what will be her position as a representative in this democratic age?

**Mr. Deputy Speaker :** The honourable lady member is again irrelevant.

**Begum Rashida Latif Baji :** I am only recounting the achievements of this Government. I am giving a lie to their boast that they are the protectors of the weak. I say that if they cannot be sympathetic towards women what confidence can be placed in their assurances?

Now I beg to submit that there are certain provisions in this Bill which would be the cause of untold hardships to the urban people. One such provision is that of a fine of Rs. 500 in case of non-payment of the tax. But that is not all. It further provides that if the fine is not paid within the specified time the defaulter will have to pay an additional penalty of Rs. 20 per day for the duration of the default. This is too much. Supposing a person has inherited a big house and there being no other source of income he earns his livelihood by letting a portion of it. If such man or woman is not able to pay the tax he or she can, according to this provision, be fined Rs. 500 and will have to pay a further penalty of Rs. 20 per day in case the fine also is not paid. When that house is lying vacant and does not give any return wherefrom is the owner to pay this tax? Should he offer bricks and mortar in lieu of the tax? In view of the circumstances just mentioned I think that the amount of fine is unjustifiably exorbitant and should in no case be more than three or four rupees, because well-to-do people will be able to pay the tax in time and it is only in the case of the poor that any delay or default will occur. This means that the burden will fall entirely on their shoulders and this provision will crush those who are already in a sad plight.

There is another point which has already been dealt with by a previous speaker and I would, with your permission like to repeat it. When the Government have exempted the house of a judgment-debtor, in case its value does not exceeds Rs. 5,000, from attachment in the execution of a decree, why do they not provide the same concession in the case of their own dues? I would appeal to the Government to exempt those who have only one house, for residential purposes, from this tax. Otherwise it will constitute a great hardship upon the urban people which they will not be able to bear. Besides such residential houses the Government should also exempt those people from the payment of this tax who have built small houses in new abadis either by taking a house-building advance or by selling the ornaments of their womenfolk. These people who have no other source of income would otherwise curse the Government for imposing a tax in respect of their small houses built under such circumstances. Moreover, the house of a widow should be exempted irrespective of the fact whether she is poor or not.

**Mr. Deputy Speaker :** The honourable lady member should not enter into these details.

**Begum Rashida Latif Baji :** If I am not to speak of these things what else should I say? I am sorry that Mr. Deputy Speaker does not allow me to speak the truth. Am I then to say incorrect things? Anyway I do not want to waste the time of the House and with these words I support the motion for the circulation of the Bill.

**Rai Bahadur Mukand Lal Puri :** (Rawalpindi Division, General Rural): Sir, I must, in the first instance, record my strong and emphatic protest against the heat and haste in which this Bill is rushed through and specially the manner in which the select committee was called to consider this most important and contentious Bill. This Bill was published for the first time on the 20th November, 1940, in the Gazette and it was a day or two after when the public had any knowledge of this impending legislation and on the 25th November, curiously enough, before anybody had become familiar with the proposed legislation or with the idea of the Government to impose this tax, that was put on the agenda.

**Subedar-Major Raja Farman Ali Khan :** On a point of order, Sir. All the members of this House are Punjabees and during the course of discussion of the Primary Education Bill, it has been contended by many honourable members that the medium of instruction should be Gurmukhi, Hindi, or Punjabi, but when they rise to speak they speak in English.

**Mr. Deputy Speaker :** Order, order. That is no point of order.

**Rai Bahadur Mukand Lal Puri :** The select committee was appointed by the Punjab Legislative Assembly on the 3rd December, 1940, at 5 p.m. and the very next day, that is 4th December, the Honourable Premier called its meeting at 2 p.m. without giving any opportunity to the honourable members to study the relevant literature and more particularly the Bombay Act on whose analogy according to the statement of objects and reasons this taxation was being imposed. The result of this precipitate haste is that the members of the opposition and others who are in complete disagreement with the provisions of this Bill have not been able to take their due and legitimate share in the deliberations of the

[R. B. Mukand Lal Puri.]

committee. The Bill, therefore, emerged from the select committee with practically no modification. All that has been done is that in order to get out of the objections levied to the legality of this Bill and the competency of this House to impose this tax, the words "capital value" wherever occurring in the original Bill have been substituted by the words "20 times the annual value". You will remember that the original Bill provided for annual tax on buildings and lands situated in 275 municipalities and small town areas and entered in the schedule to the Bill at such rate not exceeding 1 per cent of the capital value of such building or land and the measure of ascertaining the capital value was fixed at 20 times of the annual value. The words now inserted are that the annual tax on buildings and lands situated in the rating areas shall be at such rate not exceeding 20 per cent of the annual value of such building or land. The rate of the tax has been enhanced from 1 per cent of the capital value to 20 per cent of the annual value. It means that the result is identically the same. Whether this change in the phraseology adopted by the Government to meet the objections raised on the floor of the House will really get over and solve that difficulty remains to be seen. I maintain that the original objection still holds good because it is an accepted canon of interpretation of statutes, that where an enactment is impugned as *ultra vires* the court must ascertain the true nature and character of the challenged enactment by looking at its pith and substance and not merely at the language in which it may have been clothed by a skilful draftsman. The word 'capital' has been deleted wherever it has occurred and the annual value has been substituted, but the provision is identically the same, although the phraseology employed has been changed, to avoid the objection. But apart from this objection, the Bill on the face of it is vindictive and it affects adversely the people of the towns. You will notice, Sir, that this oppressive taxation is not directed only against the urban Hindu class, but it affects all the population of towns and all those people who have chosen to make the towns their homes, whether Sikhs, Christians, Muslims or Hindus. Again, you will notice, Sir, that the Bill makes no deductions for any super-tax, income-tax, house-tax or other taxes which they have been already paying on a particular property. Again no exemption is made for even the house in which the assessee may himself be residing and which is not bringing him any income. In fact, one of my proposals before the select committee was that an exemption should be made in the case of a residential house which was occupied by the owner himself and which had not been let out by him to anyone, but it was rejected. Again, absolutely no provision is made for vacancies. It may happen that a house has been vacant for several months during the year. Absolutely no provision is made in the Bill for the deduction on account of such vacancies, deduction which in all recognised systems of levying house-tax and property-tax, are invariably allowed. It is a deduction which is allowed even under the Income-Tax Act. Again, the provision which the select committee has made for repairs is very low. It is much lower than is allowed under the Income Tax Act. Absolutely, no provision is again made for collection charges. The honourable members know very well that most owners have to spend for collection of rent. There is absolutely no provision made in the Bill, in spite of the fact that a proposal to that effect was made in the select committee, by a member of

the Unionist Party, Mr. Sadiq Hassan, but it was rejected. Again, Sir, the authority of the civil courts to give redress to the parties aggrieved by orders of executive officers appointed under this Act remains completely excluded.

The plea of equalisation of taxation on rural and urban property, I submit most respectfully, is a mere camouflage, because  
 4 p. m. even those owners of the property who are already paying tax on their property at rates much higher than is proposed to be levied, have not been excluded e.g. owners who are paying income-tax on a piece of property at the highest rate of income-tax. You know, Sir, that at the present time the highest rate of income tax, super-tax with surcharge on income-tax is 62 per cent of the total income. If a house owner is already paying 62 per cent of annual rental value of a particular house, what justification is there to ask him to pay more out of this rent in the name of equalisation of taxation on urban and rural property? Now this is exactly what is proposed to be done in this case. I have taken the extreme case of a person who is paying 62 per cent of income-tax; but there are properties belonging to a large number of members of this House and people outside who are already paying say 30 to 32 per cent. of the rental value. What justification, in the name of "equalisation", is there to realise further taxes from such a property? Therefore, this plea of equalisation of taxation is absolutely bunkum. I don not think, any member of the Government really believes it. Sir, again, every one wishes to build a house and to provide a roof for his family and his children.—a very noble desire indeed—and this Government has given expression to their desire to protect the residential houses from attachment. Why do not Government give effect to their cherished plea which they used to advance during the course of discussion on the Punjab Relief of Indebtedness Bill? Government have enacted that one residential house of every person, whether agriculturist or non-agriculturist, shall be exempted from attachment in execution of a decree. Government thought that they had done a great thing by exempting in the case of agriculturists all their residential houses and in the case of non-agriculturists, one residential house with all the buildings and land attached to it and necessary for its enjoyment from attachment in execution of a money decree. You will kindly see, Sir, that no such exemption has been made in this Bill even with respect to one house occupied by the owner himself; even that house owner who is actually occupying it and who does not even let it out to anybody else, is not exempt from taxation with respect to that house. The residential house is liable to be attached and sold in default of payment of a tax which will amount to several hundreds in case of large houses. In our province in the older towns old families are living in old havelies, in big houses, which some of their fortunate ancestors built in the remote past, and which the present residents being indigent are even unable to repair. Is it the desire of the House that their annual rental value should be determined and that those indigent dependants of once affluent families, should be compelled to leave their residential houses? As I have submitted the incidence of taxation is very high, that is 20 per cent of the annual value, and another ten per cent as war surcharge. Then supposing a family of middle class, with its head say a government servant, getting Rs. 400, or a lawyer earning Rs. 400 or a business man of the same position, is living

[R. B. Mukand Lal Puri.]

in a house worth Rs. 100 in rental value, you will say you are going to levy taxation at the rate of ten per cent and it amounts to 15 per cent with the war surcharge, but there is nothing to prevent you from levying even 20 per cent and another 10 per cent as war surcharge. What would it mean? I have given you an illustration of the person living in his own home which he purchased or which he built with his own savings, whose rental value is Rs. 100. If this Bill is passed in the present form he will have to pay under the Bill about Rs. 30 for the provincial taxation alone—and if it is situated in the Lahore municipality another 10 per cent—leaving aside for the time being other taxes in the form of land revenue, water rates, etc. He will be paying Rs. 30 at least. What does it mean? It is well known, that all employers as well as Government encourage their servants by way of giving assistance in the form of house-building advances on a low rate of interest to provide a permanent shelter for their dependants. Supposing a man has taken advantage of this assistance and has built such a shelter. Well, Sir, while he is living his income from all sources is Rs. 400 or Rs. 500 per month; it may be possible for him to pay Rs. 30 per mensem from his income as taxation on the house for the privilege of living in his own house, but would it be possible after that monthly income is gone for his widow or his children to continue to pay Rs. 30 for the privilege of living in the house which the head of the family had built? Is it the intention of the present Government to impose taxation on those unfortunate people? These are no imaginary fears. Again, Sir, in urban areas people pay a house tax of 10 per cent out of which a certain portion no doubt goes towards providing certain amenities of the town. Then there is the income-tax, then there is this provincial tax and an additional surcharge for war purposes. How would it be possible for the citizen of the town to bear any further burden? I endeavoured in the select committee to induce the committee to exempt one residential house actually occupied by an owner from taxation and to make allowance for taxation which is already being paid. One of the grounds urged in support of this measure was that there is a certain kind of property which does not pay any tax. I said, all right, tax that property by all means but for God's sake do not use this argument to tax out of existence other properties which are already paying a very large portion of their rental in the form of taxes. Let a rule be laid down that no property shall pay more than 25 per cent of its net annual rental value, taking into account imperial, provincial and local taxation. If that property is already paying say 10 per cent in the form of local taxation, 20 per cent in the form of imperial taxation, direct taxation in the form of income-tax, I am not taking into consideration indirect taxation, and if for instance according to calculations scrutinised by government officials, the income-tax authorities or the representatives of the municipal committees, it is found that the house belonging to say Sir Gokul Chand Narang or to Rai Sahib Gopal Das is already contributing in local and imperial taxation 25 per cent, is it equality of taxation that you should impose further taxation on that property? If the idea is to be fair, if the idea is to introduce an equitable distribution of burden of the State, is that the way you should do it, by penalising one class of people? Therefore, I hope that if the report is resubmitted to an expert committee, it will make an allowance for the direct taxation which

the State itself through a different agency is taking out of the pocket of a particular assessee.

There are two main grievances, apart from the objection to the principle of the Bill. The first is, exempt one residential house of every owner which is actually occupied by him provided it is not let by him. The second is that in raising taxation, whatever you wish to do, whether you wish to raise it by 30 per cent or 40 per cent or 50 per cent from house property, kindly see that whatever rate you impose, it does not exceed a particular limit which that locality can bear. You should make an allowance for direct taxation which is being paid. How far is it fair that the town of Lahore which is already paying 10 per cent house-tax should be further taxed 10 per cent along with Gujranwala which is not paying any house-tax at present? I do not know whether Gujranwala is paying the tax, but there are several towns which are not. I know, for instance, that Sargodha is paying it, perhaps the town of Amritsar is not. Therefore, any decent scheme of taxation should not ignore this essential basis. That is why we have been shouting from house tops that this Bill should be circulated. I represent a big rural constituency; most of the representatives of the urban constituencies, e. g. the Congress party are absent. The people whom it actually hits, would be the proper people to point out the defects of the measure and suggest proper amendments, so that the burden which is proposed to be imposed might not be imposed unjustly and unfairly. Opinions should be invited from deputy commissioners, and commissioners; they would explain the difficulties and perhaps suggest; an easier method of collection. Not only that, but with this expert opinion the members of the House would be in position to form a correct judgment. What is this tax going to bring in? Has the Government any idea? The officials might have made estimates. Their report may be that it is going to bring 7 crores and suppose the Government wants only 3½ crores. Instead of imposing 5 per cent it may be necessary to impose 2½ per cent. Do you know that the amount of tax which has been levied in urban areas in Lahore is 15 lakhs and that is only for half the year? (*Interruption*). The Premier's majority is not going to dwindle down by the 10th of January. Why then this inordinate haste? He is not going to impose this tax before the next budget session. Pardon my saying so, but why does the Government wish to stab the people in the back, without giving them an opportunity of knowing what is in store for them? Our Premier is one of those best-intentioned persons who have such a sweet manner of disarming all opposition even when making such cruel thrusts. I notice that the Minister for Development appears to be all smiles and roses. (*Laughter*). I put it to him, again, is this taxation on the urban property of a whole province not one of the most exceptional things introduced in any part of India? Was it not proper for the Premier as a statesman of great repute to appoint an enquiry committee to enquire into the relative burden of taxation on the urban and rural classes? If their opinion was that the urban people are not bearing their share of burden of the State, by all means tax them and tax them at the rate that the enquiry committee considers justified. No enquiry committee has been appointed. No expert opinion has been obtained. No opinions of the people to be affected, even of officials, have been invited. The representatives of the urban

[R. B. Mukand Lal Pur.]

areas, the Congress people, are away. We on this side, with the exception of Malik Barkat Ali are all representatives of rural areas. Why this inordinate haste? Why break all the rules? There is rule 93 of our Rules which lays down that no report of a select committee shall be presented unless two months have expired from the date on which it was committed to the select committee. No doubt there is an exception in the case of a Taxation Bill. But that is an exception and not the rule. Again you have been asked to suspend another rule by which the report of the select committee has to be before this House, which means before the province, at least for a week. If that is not stabbing in the back, what else is it? If you are going to tax them then let them know that they are going to be taxed. I think that the Honourable Premier should agree to this motion for circulation by the 15th of January or 1st January even, or not push through this Bill till the middle of January, so that the province may have an opportunity of judging the merits and the consequences and its effect on the various kinds of people in this province.

**Premier** (The Honourable Major Sir Sikander-Hyat Khan): Sir, I have listened carefully to some of the speeches when I was present in the House and I am glad that I was in the House when my friend Mr. Puri spoke as an advocate of his standing and capacity and ability always makes one feel as if there was something in the argument which he has put forward. His way of putting those things and his eloquence always make me nervous lest he should sway the House, although I know the arguments on which his speech is based have not a very secure ground. I am, however, glad that he has mentioned one or two points which, I agree, required very careful consideration and to which we tried to give consideration in the committee itself. I do not think that I will waste the time of the House in trying to answer those general arguments or sweeping generalisations made by him and some other members, but I shall take up one or two specific points which to me also appeared important and which we considered in the select committee, and I think I owe it to the House that I should make the position of Government with regard to those matters quite clear. Let me take those sweeping generalisations like the one made by my friend who has just sat down and several other members. He said that the urban people are already so heavily taxed, and you are going to put unconscionable burden on their back again. May I ask my honourable friends opposite what are the taxes that they pay, apart from the income-tax and the house-tax, in this and twenty-eight municipalities which are mentioned by my colleagues? As I said on a previous occasion, you cannot compare the incidence of *per capita* taxation merely because I in Lahore may be paying 5 per cent and in another place 3 per cent. You have to find out what is the taxable capacity of each person. If I have an income of Rs. 50, Rs. 5 will not be a burden on me, but if a man earning Rs. 5 has to pay Rs. 4 he will naturally be crushed. And that is a factor, an economic factor, which my honourable friend very conveniently ignored in putting forward his arguments.

What is the income of the rural people? My friends on the middle benches opposite always want to embarrass Government and try to support any motion which may be relevant or irrelevant or which may or may not be germane. But then, may I remind them that on those occasions when



resolutions or proposals were put forward they argued that 25 per cent of the net assets was a most unconscionable burden on the back of the zamindars and that the system of this assessment and the way in which net assets are calculated are absolutely wrong and incorrect? As a matter of fact this 25 per cent according to Mr. Nurullah was really 50 per cent. Where have those arguments gone now? Where is that virtue which they used to trot forth in this House in trying to help the poor zamindars? Day in and day out they had been saying that the poor zamindar was very heavily burdened and that we must devise ways and means of lightening that burden. They used to say that according to Brij Narain and according to Mr. Nurullah the burden was so heavy that 25 per cent of the net assets was a mere eyewash and it really amounted to 40 to 50 per cent. (*Mian Muhammad Nurullah*: That is so.) There you are. If you still adhere to that view and my honourable friends on those benches also accept that view, they must confess that the rural tax-payer is much more heavily assessed and taxed than his confreres in the urban areas.

**Mian Abdul Aziz**: Not according to proportion of population.

**Premier**: I have not been able to follow my honourable friend's point. I do not know what he means by proportion of population.

**Mian Abdul Aziz**: That is, *per capita*.

**Premier**: I have already said that if you have to assess a person on the *per capita* basis you have to take into consideration his taxable capacity also. If my learned lawyer friends earn Rs. 2,000 a month they may not mind a tax of Rs. 100. But if a man's income is Rs. 20 a tax of Rs. 10 on him would crush him. That is the fallacy in my honourable friend's argument which like a lawyer he conveniently ignores. If he had been an economist like the Finance Minister he would not have urged that argument.

**Mian Abdul Aziz**: I wish I had an opportunity to reply to these remarks.

**Premier**: Then you would have made the position much more ridiculous and worse. However, the taxable capacity, that is, the capacity of a person to bear the tax, is the basis of taxation in all countries. But when I say that it is our endeavour to give relief, adequate relief, to the poorer classes in rural areas, we have at the same time to see that we also do not put additional burden on the poorer classes in urban areas. We want to give them certain concessions and relief which they deserve. If my honourable friend's memory is not short he will remember that only last session we passed a Bill in which we wanted to give relief to smaller men in the city, though honourable members opposite with one voice opposed it. We said that we must give some concession to people in the city whose net assets did not exceed Rs. 5,000. Immediately they cried that the whole trade would be wiped out, that the whole world would be on fire and that the cities would be absolutely deserted and that nobody would care to live in urban areas. Now when we want to give relief to the poorer classes which can only be done by taxing the richer classes, my honourable friends get up and protest against the proposal. Naturally those vested interests which have to pay the tax must groan and try to throw dust into the eyes of everybody. But I am sorry to say that several misstatements have been

(Premier.)

made in this House and outside and in the press with regard to the actual effect of this Bill. For instance, I saw in the press the speech of my honourable friend, the lady member, who unfortunately is not present here now. On two occasions I understand she said in Lahore City that this tax is meant to crush the widows and orphans and is meant to crush the poor people. She had not the courage or honesty to say that it affected her, because she happened to be a house owner in Lahore, owning two or three houses. I would remind the House that when we brought up measures before the House which affected the members on these benches to the tune of a few lakhs, they cheerfully accepted that burden. Now when my honourable friends opposite are asked to pay a certain rate of revenue in order to bring them into level with their rural confreres, they are now crying from the housetops that they are being murdered and crushed and that urban areas are going to be wiped out and that cities will no longer be habitable under this tax. There are still people who own large properties in towns. What about their feelings? Do they lack the sportsmanlike spirit of taking the rough with the smooth? One of my friends said the other day that he had to pay nearly a lakh by way of income-tax and at the top of that a super-tax and if this tax is also levied which would amount to about Rs. 15,000, he would be crushed. He was very much worried about it. I made a very simple proposition to him. I said, "I quite understand your worry. One who pays about a lakh of rupees by way of income-tax and over that a super tax also must naturally feel worried about this tax which like the proverbial last straw on the camel's back must break his back. You therefore transfer all that property to me and let me be crushed by this burden". (Laughter). I am a poor man and I am prepared to be crushed by this burden as a result of the transfer of all that property to me. But I am sure he will not agree to the proposal (*Rai Bahadur Mukand Lal Puri*: I wish the Minister for Public Works would give me one-tenth of his land).

Now, Sir, as I was saying, several irresponsible statements have been made by people who should be more responsible. I am sorry that my colleague Baji Sahiba has on several occasions made speeches which were wholly irrelevant or wholly incorrect. As I have said, there is no question of putting any burden on any widow or orphan or poor people. But if my friend means that a widow who happens to have an income of several thousands a year should be exempted from this tax, I would not agree even if she is a widow. Similarly, a rich orphan must pay his share of the tax. Everybody is an orphan. I am also an orphan and there are several other orphans, and if they are millionaire orphans they must pay their share of the tax. If Baji Sahiba wants to protect such widows and orphans, I cannot agree to that. But if she refers to poor widows and orphans who cannot bear the small tax that we intend to impose, then I entirely agree with her. It is for this reason that we have exempted all those people, whether they are orphans or widows or widowers or whether they are people happily living in married conditions with children, all those people whose assets do not exceed Rs. 5,000 from this tax. (*Interruptions*). My honourable friend may say that even Rs. 5,000 is not sufficient. But it is all a question of degree. We think of principle. We believe that a person who lives in a house for which he pays Rs. 25 as rental must have an income of at least

Rs. 100 or more, but not less than that. (*An honourable member*: If he has built the house himself). On the same analogy on which the poor people pay 25 per cent land revenue these people also should not be afraid of this tax. (*An honourable member*: But he does not get anything from the house in which he lives. He has not built the house himself. He has only inherited it from his father and he simply lives in it). My honourable friend is again saying the same thing. Rai Bahadur is living in a palace and he does not get anything out of it. (*An honourable member*: Let him pay). Similarly there is another millionaire in Bombay. In fact there are several millionaires in Bombay. They have got a hut in Juhu on the sea side and have a bungalow on the Malabar Hill and my honourable friend's contention is that they are their residential houses and they should be exempted. They certainly should not be exempted, because a person who can afford to build his own house, does not deserve that consideration which a poor man does not have. The poor man has no house of his own and has to rent one. I am sure my honourable friend will agree with me that a person who has property of his own and has a large house and sufficient income to keep a house which can fetch a rent of more than Rs. 800 a month should be able to afford to pay a small portion of his income as tax on that property. Now several attempts have been made from various sides to get one residential house exempted. That is a proposition which requires consideration so far as the poorer people are concerned, for instance those who are above the 300 level and may be up to 500. They might deserve consideration. I do not say that they necessarily deserve it. But in other cases no consideration is deserved. For instance, there are several people and I can cite the instance of my honourable friend behind me, who have got palatial buildings. Unfortunately he has been assessed at a rate which is not justifiable. I agree with him. But there it is. He has got a house, and he seldom lives there and it is vacant for six months. He would say he should not be assessed on that, or even if he were living in that house, according to my honourable friends, he should not be assessed, because it is a residential house. I would respectfully submit that if he can afford to keep that house and keep 30 servants to clean the house and about 5 malis to look after the garden, surely he can afford to pay another Rs. 100 to the exchequer in order to benefit his poorer brethren elsewhere, and I am sure that public-spirited people on these benches, and I hope on those benches too, will agree with me that it is not a burden and if at all it is a burden, it is almost trifling and is intended for our brethren in rural areas.

**Shaikh Karamat Ali**: What about the ancestral property where people are not in a position even to manage it?

**Premier**: If I inherit a house and I have no other means of livelihood, the first thing I would do is either to mortgage it or to sell it. Or suppose my income is Rs. 60 or 70 or Rs. 100 and I inherit a house worth Rs. 20,000. I would certainly be foolish to live in that House. I will rent it out and take a smaller house on rent for my living according to my means. All these things adjust themselves accordingly.

The other question was with regard to a vacant house. I have given instances to show that it would not be fair to give any concession for vacancies which are not *bona fide*, I mean in a case where a rich person has got three or four houses.

**Rai Bahadur Mukand Lal Puri :** One house will be exempted ; other houses may be taxed.

**Premier :** I am talking of vacancies.

**Rai Bahadur Mukand Lal Puri :** By vacancy is meant, a house is usually let but in spite of best efforts no tenant is available and is thus vacant ; should such a person be taxed ?

**Premier :** I entirely agree with my honourable friend. If there are *bona fide* vacancies, then they do require consideration and I should think that it is possible that Government could show some consideration to such cases. Section 3 (2) gives Government ample power to meet such contingencies and give relief in such cases. My own view is, subject of course to the opinion of our experts and legal advisers, that a *bona fide* vacancy should be given a rebate. That is, if a house is vacant for more than six months, a house which is ordinarily let, then it should get a proportionate rebate. That is my own view and I believe that if there is no legal objection, it can be done. But my honourable friend must remember that we are treading on very delicate ground. Whatever we do we should not in any way trench upon the central field. In the present Bill we have taken care not to trench upon that field either technically or theoretically. If we adopted the suggestion of my honourable friend that the tax should be based on income, it might be termed income-tax and objection might be taken. Therefore we do not propose to levy a tax on our income. That is why we have suggested annual value. Similarly with regard to vacancies and other things, we will have to carefully consider and see that we do not undo the good which we want to do by taking a false step. Similarly we might be giving undeserved relief to certain people. But I give this undertaking on the floor of this House that so far as *bona fide* vacancies are concerned, I will give very sympathetic consideration to the proposal on the lines I have suggested and I will see that it is provided in the rules, if there is no technical objection.

**Sardar Sahib Sardar Santokh Singh :** Why not adopt the Bombay method ?

**Premier :** Bombay has given no exemption. It has made a clean sweep.

**Sardar Sahib Sardar Santokh Singh :** They have provided for vacancies of two months and more.

**Premier :** But Bombay people do not go to Simla.

**Sardar Sahib Sardar Santokh Singh :** They go to Mahabaleshwar

**Premier :** My honourable friend is out of date. They have given it up.

**Sardar Sahib Sardar Santokh Singh :** It is only the Government that has given it up. What about the other people ?

**Premier :** Now, Sir, as I have said, I shall see to *bona fide* vacancies, and they will be provided for in the rules, if we find no technical objection.

Then there is the further question of the pitch of taxation. When the original Bill was moved on the floor of this House I myself suggested that we should begin with  $\frac{1}{4}$  per cent. But my friends must remember that in the

original Bill we wanted to levy a tax on the value of the property itself. Now we have come to the annual value in deference to the wishes of my honourable friends opposite and I therefore hope that they will agree with me that we should try here again to start on a graded scale. But what that scale should be is not so easy in this case as it was in the other case, because there it was the property and we knew that the capital value of the property would bring in a certain proportion. But in this case my honourable friends will remember that although we have put in 20 per cent of the annual value, out of that annual value deductions to the extent of 80 per cent can be made which means that it will be only  $\frac{2}{3}$ rd of the actual 20 per cent and what is that? It comes to something like 13 or 14 per cent. Therefore my honourable friends must remember that the actual pitch, even if we assess at the full 20 per cent from the very beginning, would be only 13 per cent.

**Rai Bahadur Mukand Lal Puri :** Annual value is the net value. It is not the gross value.

**Premier :** You make deductions.

**Rai Bahadur Mukand Lal Puri :** What deductions?

**Sardar Lal Singh :** Were not these deductions there when you wanted to put  $\frac{1}{2}$  per cent on the capital value?

**Premier :** They were.

**Sardar Lal Singh :** So you are backing out now?

**Premier :** No, I am not backing out. I am standing up and I am telling my honourable friend that in actual practice it will come to 13 or 14 per cent only. However, instead of that, I personally think that we must start on a lower level to begin with and gradually feel our way. Besides, we must not put the burden all at once on the people. We must first make sure what income it will bring and then increase it gradually in accordance with our requirements. Therefore I think that we should start with 10 per cent and it would come actually only to 6 or  $7\frac{1}{2}$  per cent.

**Rai Bahadur Mukand Lal Puri :** You stated last time that it would be  $\frac{1}{2}$  of one per cent.

**Premier :** That was on the capital value.

**Rai Bahadur Mukand Lal Puri :** Capital value was 20 times the annual value.

**Premier :** It was to give you that concession that we took it at 20 per cent. The capital value might well be 30 per cent.

**Rai Bahadur Mukand Lal Puri :** Your present declaration makes it far worse.

**Premier :** We could have changed it. Even now if you take 25 per cent it will still be in line with the old Bill, but we have pitched it at 20 per cent. My honourable friend forgets all those things and tries to bring in arguments which are not applicable. If my honourable friend is prepared to have 25 per cent we will agree and we will start with that Bill.

Now another point was raised by Mr. Mukand Lal Puri in his speech, that some provision should be made to fix a limit to the combined taxation levied by local bodies and by Government. I think there is a

[Premier.]

great deal of force in that argument. For instance, if you do not place some kind of limit, it is quite possible that the local bodies and others put a 20 per cent house-tax and if on the top of that we put a 20 per cent tax, it comes to 40 per cent. It certainly would be unconscionable and the burden would be impossible to justify under the existing conditions. Therefore I was going to suggest that Government should give an undertaking in this matter and I am prepared to give an undertaking myself that the combined tax would not in any case exceed 26½ per cent. That is the case in Bombay and other places.

**Rai Bahadur Mukand Lal Puri :** Your present announcement is far worse than what you had said when you introduced the Bill.

**Premier :** Since 26½ per cent is a figure which is not convenient to work at, I am going to suggest 25 per cent as the maximum limit which means that if a local body has put 10 per cent as house-tax, Government will not be able to put more than 15 per cent.

**Rai Bahadur Mukand Lal Puri :** What about income-tax on that house?

**Premier :** What about super-tax which you pay?

**Rai Bahadur Mukand Lal Puri :** I do not pay super-tax.

**Premier :** Sardar Santokh Singh pays. What about super-tax? Include that also. So one proposal is that for those people who pay income-tax, that amount should be deducted and the balance imposed on them. And if there is another amendment that for a man paying super-tax, that also should be deducted then the logical consequence would be a certain amount should be made good to him. (*Laughter*). That of course is impossible. Income-tax cannot be mixed up with other things.

**Rai Bahadur Mukand Lal Puri :** It is a direct tax.

**Premier :** So is land revenue. I have to pay income-tax on my other income. Therefore I think that argument will not hold water.

One word more before I sit down and that is several people have asked what is going to happen to this money? How much will this tax yield? I told them on the previous occasion that we have not got exact data. But I gave a figure on the capital value that it will probably bring in 96 lakhs a year if the maximum was imposed throughout the province, that is nearly one crore. But I do not rely on this figure, because I do not think it will be correct, just as the figure of my honourable friend from Lahore who said that Lahore is paying 10 per cent while as a matter of fact it is paying only 2 or 3 per cent. He merely says it by rule of thumb. But even that 10 per cent is only 7½ per cent because there is a 25 per cent rebate. Perhaps he has forgotten that. At the moment the pitch is only 2 or 3 per cent as pointed out by the Administrator himself in a recent contribution to the press. But my point was that they assume that Government is going to apply this Bill to all the areas mentioned in the schedule. That is not my intention nor the intention of the Government. All that we want to do is to impose this tax on those big cities first which we think should pay a little to the provincial exchequer. Thereafter, if necessary and if after careful survey we come to the conclusion that it is possible to extend it to

other areas also, we will do so, but even then gradually. For instance in some areas it may not be a commercial proposition to put that tax. Suppose the staff would cost Rs. 500 or Rs. 600 and the income we expect is only a thousand rupees, then it would not be worth while to put the tax in that area. But suppose with a staff costing Rs. 500 we are likely to get Rs. 2,000 or Rs. 5,000 then it would be for consideration whether we should impose that tax in that area. Our intention is to concentrate first on the bigger cities and then if necessary to go to other towns and then, if still necessary, to the very small areas which are technically called local bodies and which are not urban areas in the true sense of the word.

After having said that, I would in conclusion say just one word. The question has been asked, what are you going to do with this money? That question has been answered by several speakers on these benches. But I think one or two things will bear repetition. We want this money for further development of nation-building departments. My honourable friends in season and out of season say, why don't you do this, why don't you do that? We cannot because we have no money and when this money comes we will be able to do so. But the main reason of putting this taxation is to liquidate that undertaking which I gave in this House that I would somehow or other give relief to the poorer land revenue payers. (*Hear, hear*). If I have to bring any further taxation measure to redeem my pledge to them, I will have to do so, and it is for the House to decide whether it will bear with me and how long it will bear with me. But my own view is that until I redeem that pledge and give relief to those people who had been groaning under the burden for centuries past, I feel that I am not worth my salt and not worth the pay I am drawing. That is a responsibility which this province has imposed on our shoulders. Therefore I beg to submit that this tax, as it comes in, will be utilised in giving proportionate relief to those people to whom we have been wanting to give relief, but to whom we have not been able to give so far, as our hands have been cramped and we have not got the necessary money. (*Cheers*).

**Mr. Deputy Speaker :** The question is :

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be circulated for the purpose of eliciting opinion thereon.

*The motion was lost.*

**Mr. Deputy Speaker :** The question is :

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be recommitted to the same select committee.

*The motion was lost.*

**Mr. Deputy Speaker :** The question is :

That the Punjab Urban Immovable Property Tax Bill as reported by the select committee be taken into consideration.

*The motion was carried.*

*The Assembly then adjourned till 12 noon on Thursday, 12th December, 1940.*

1911

1911年1月1日  
1911年1月1日  
1911年1月1日

1911年1月1日

1911年1月1日

1911年1月1日



1911年1月1日

1911年1月1日

1911



# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 12th December, 1940.

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

### STARRED QUESTIONS AND ANSWERS.

#### STANDING COMMITTEES.

**\*6973. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

(a) the names of the standing committees set up by the present Government since their inauguration and their respective functions ;

(b) the number of meetings held by each such standing committee during the financial year 1939-40 ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** (a) None.

(b) Does not arise.

#### CARRYING OF ARMS IN PROCESSIONS.

**\*7367. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to say whether the order prohibiting carrying of arms in processions issued by the Government not long ago has since been withdrawn or modified ; if so, the date when it was withdrawn or modified and the reasons for which it was so done ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** Punjab Government notification No. 2417-B. D.S. B., dated the 28th February, 1940, prohibited the carrying of any arms (other than a sheathed sword) or any article capable of being used as an arm in any public place within the limits of the Lahore, Amritsar and Rawalpindi districts.

[Mir Maqbool Mahmood.]

This notification was superseded by a second notification, Punjab Government notification No. B-3143-S. D. S. B., dated the 4th of July, 1940, which extended the same prohibitions to the whole of the province. Processions in respect of which a licence had been duly issued under subsection (3) of section 30 of the Police Act, 1861, were, however, exempted from the scope of this notification.

Punjab Government notification No. B-3143-S. D. S. B., dated the 4th of July, 1940, was in turn superseded by Punjab Government notification No. 6476-B. D. S. B., dated the 5th of November, 1940, which, in addition to exempting from its scope any procession in respect of which a licence had been duly issued under subsection 3 of section 30 of the Police Act, 1861, also exempted any class of customary religious processions or any individual customary religious procession to which the District Magistrate by a general or special order in writing might grant exemption, subject to such conditions, if any, as he might think fit.

The first notification was issued to prevent the growing habit of making processions an occasion for demonstrations of force and in the interests of communal peace. Subsequently, the occurrence of communal incidents such as those that occurred at Sargodha, and the nervousness that followed the collapse of France led Government to include the whole province within the scope of the notification. Later still, it was brought to the notice of Government that the terms of the second notification prevented the carrying of arms even when sanctioned by religious custom, e.g., as when carried by 'panch piaras' on such an occasion as the birthday of Guru Nanak Dev, and the third notification was framed to overcome this difficulty.

#### MEMBERS OF CANAL ADVISORY COMMITTEE, BHATINDA BRANCH.

**\*6838. Sardar Pritam Singh Sidhu :** Will the Honourable Minister for Revenue be pleased to state—

(a) the names of the members of the Canal Advisory Committee, Bhatinda division of the Sirhind canal, Bhatinda Branch, along with the period since when each member is acting on this committee ;

(b) whether all of these members are land-holders in that division ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) A list showing the names of the members of Canal Advisory Committee, Bhatinda Division, Sirhind Canal, is placed on the table for the honourable member's information.

(b) The committee consists of 15 non-official members and all of them are land-holders.

Eleven of these 15 members are land-holders in the Bhatinda division.

*Statement showing the names of non-official members of Canal Advisory Committee, Bhatinda Division, Sirhind Canal.*

Serial No.	Names.	Appointing authority.	Date since each member has acted on Committee.	Whether member is a landholder or not in this division.
1	2	3	4	5
1	Sardar Bahadur Bhai Siri Ram Singh, Honorary Magistrate.	Deputy Commissioner, Ferozepore and Executive Engineer, Bhatinda Division, Sirhind Canal Circle.	29th May, 1937	Yes.
2	Sardar Jogindar Singh Rais and Jagirdar.	Deputy Commissioner, Ludhiana and Executive Engineer, Bhatinda Division, Sirhind Canal.	1st April, 1940	Yes.
3	Chaudhri Harchand Singh, Lambardar.	Deputy Commissioner, Hissar and Executive Engineer, Bhatinda Division, Sirhind Canal Circle.	1st April, 1940	Yes.
4	Khan Sahib Bisaldar Mian Jai Muhammad Khan.	District Board, Ferozepore	19th October, 1937.	Yes.
5	Chaudhri Sohan Lal	Ditto ..	29th May, 1937	Yes.
6	Khan Sahib Rai Muhammad Iqbal Ahmad Khan.	District Board, Ludhiana	1st April, 1940	No.
7	Khan Bahadur Rai Muhammad Inayat Khan, Honorary Magistrate.	Ditto ..	1st April, 1940	No.
8	Sardar Kartar Singh ..	District Board, Hissar ..	1st April, 1940	No.
9	Sardar Indar Singh ..	Ditto ..	29th May, 1937	Yes.
10	Sardar Shamsher, Singh, Zaildar.	Patiala State ..	29th May, 1937	No.
11	Sardar Gurbakhsh Singh, Bisweddar.	Ditto ..	1st April, 1940	Yes.
12	Lieutenant Sardar Bagga Singh.	Faridkot State ..	10th October, 1933.	Yes.
13	Sardar Kartar Singh, son of Sardar Jiwan Singh, Bisweddar.	Nabha State ..	1st April, 1940	Yes.
14	Sardar Mota Singh ..	Commissioner of Jullundur Division.	14th December, 1921.	Yes.
15	Sardar Nand Singh ..	Commissioner of Ambala Division.	29th May, 1937	Yes.

## SHAHPUR BRANCH CANAL.

**\*7057. Sardar Sampuran Singh :** With reference to the answer to starred Assembly question No. 3647,<sup>1</sup> asked on 2nd December, 1938, will the Honourable Minister of Revenue be pleased to state—

- (a) whether he has been able to secure full facts regarding Shahpur Branch Canal and, if so, whether the answer is now ready, if not, the reasons for the delay in securing full facts ;
- (b) the date by which he expects to have the facts secured ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** The final reply to Assembly question \*3647 regarding Shahpur Branch Canal was already communicated to the honourable member, the questioner, on 10th March, 1939.

## AMALGAMATION OF OFFICE OF SUPERINTENDING ENGINEER, DRAINAGE CIRCLE, ROHTAK, WITH PUNJAB IRRIGATION SECRETARIAT.

**\*7331. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the office of the Superintending Engineer, Drainage Circle, Rohtak, has now been amalgamated with the Punjab Irrigation Secretariat ;
- (b) the reasons for such amalgamation ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) There is no Drainage Circle at Rohtak.

- (b) Does not arise.

## FAMINE RELIEF WORKS IN FAMINE-STRICKEN SOUTHERN DISTRICTS OF PUNJAB.

**\*7332. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of the villages in the southern famine-stricken districts of the Punjab in which tanks have been excavated as a relief work ;
- (b) the number of the kacha roads that have been repaired and also of the roads newly constructed in these districts during the period the famine relief works continued ;
- (c) the area or locality through which such roads pass ;
- (d) what other relief works were started by the Government during that period in order to improve the rural condition of these districts ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) to (d). The labour involved in the collection of this information is not commensurate with the results sought to be achieved.

NUMBER OF AGRICULTURISTS IN THE DEPARTMENT OF INDUSTRIES.

\*7216. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Development be pleased to state the number of agriculturists employed in the Department of Industries ?

**Parliamentary Secretary** (Chaudhri Tikka Ram) : The honourable member's attention is invited to serial No. 21 on page 11 of the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January, 1940.

**Mian Muhammad Nurullah** : The question is about the number of agriculturists and not about their proportion.

**Parliamentary Secretary** : The number is also given in the list.

INSTITUTES FOR THE BLIND.

\*7401. **Khan Muhammad Yusaf Khan** : Will the Honourable Minister for Development be pleased to state—

- (a) the number at present of the blind in the institutes for the blind in the province ;
- (b) the annual cost incurred by the Government for their maintenance and the nature of vocational training they undergo in these institutes ;
- (c) whether it is a fact that they are enabled to earn their livelihood through the work they learn in the institutes ; if so, how many since the institutes came into being have so far learnt the arts taught in these institutes and have been sent out thus equipped ;
- (d) whether the Government has any machinery to ascertain the number of the blind in the province outside the institutes who live on the generosity of the general public ; if not, has the Government any proposal under its consideration to meet this requirement ?

**Parliamentary Secretary** (Chaudhri Tikka Ram) : (a) The number of blind receiving training at the institutions for the blind with which Government is concerned is as under :—

(i) Emerson Institute for the Blind, Lahore (Government Institute)	24
(ii) Institute for the Blind, Amritsar (A Hindu charitable institute receiving grant-in-aid from Government)	54

(b) The annual expenditure on the maintenance of the Emerson Institute for the Blind during the year 1939-40 was Rs. 12,051. Grant-in-aid paid to the Institute for the Blind, Amritsar, during the same year was Rs. 300. It is proposed to increase this amount however to Rs. 600 from the year 1941-42.

Training is imparted in the undermentioned vocational occupations at these institutes :—

(i) Emerson Institute for the Blind, Lahore :—

- (1) Music ;

[Ch. Tikka Ram.]

(2) Cane work including basketry ;

(3) Munj work ; and

(4) Simple weaving.

(ii) Institute for the Blind, Amritsar.

(1) Charpoy stringing ;

(2) Basket making ;

(3) Cane work ; and

(4) Weaving.

(c) Yes.

(i) *Emerson Institute for the Blind, Lahore*.—347 students have left this institute since its opening in the year 1906. Of these 63 completed the course and 284 left of their own accord without completing the course. Forty-three ex-students are reported to be established in life in different capacities while nothing is known about the remaining 304. The institute not only trains the blind but also endeavours to give work to ex-pupils.

(ii) *Institute for the Blind, Amritsar*.—43 students are reported to have been trained at this institute fully equipped for earning their livelihood but details as to whether they are actually doing so or not are not available.

(d) No ; none. Information regarding the number of blind persons can however be ascertained from the decennial census reports.

#### MURDER AND DACOITY CASES AT LUDHIANA.

**\*7176. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of murder and dacoity cases pending in the courts of the committing magistrates in Ludhiana during the months of September and October, 1940 ;

(b) the number of murder and dacoity cases decided by the learned Sessions Judge at Ludhiana during the last six months and the number of such cases decided by the same court during the corresponding period of the years 1937-38 and 1938-39 ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :

(a) 28 and 23 murder cases respectively were pending in the courts of committing magistrates in Ludhiana during the months of September and October, 1940 ; and one dacoity case.

(b) The number of murder cases decided by the Sessions Judge during the last six months, i.e., from 1st May, 1940, to 31st October, 1940 .. 24

The number of dacoity cases decided during the same period .. 1

The number of murder cases decided by the Sessions Court in the corresponding period of 1937 .. 7

Ditto ditto 1938 .. 16

Ditto ditto 1939 .. 22

The number of dacoity cases decided by the Sessions Court in the corresponding period of 1937 ..				Nil.
Ditto	ditto	1938	..	Nil.
Ditto	ditto	1939	..	1

INSTRUCTIONS FOR PROCESSIONS PASSING IN FRONT OF MOSQUES.

**\*6736. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state what are the latest instructions of the Government to the district authorities in the Punjab in connection with processions passing the thoroughfares in front of mosques ?

**Parliamentary Secretary (Mir Maqbool Mahmood) :** The policy of the Government is that the *status quo* is to be maintained in all religious processions and that no innovations are to be permitted without the general agreement of the parties concerned. If any innovations on which there is no general agreement are necessary in the interests of public peace they are to be regarded only as temporary and to be abolished as soon as circumstances permit.

MUNICIPAL COMMITTEE OF FAZILKA.

**\*6793. Sardar Pritam Singh Sidhu :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total population of Fazilka Town and the population, community-wise, at present ;
- (b) the total voting strength and the strength of voters, community-wise, of the Municipal Committee, Fazilka ;
- (c) the elected and nominated members of the committee, community-wise ;
- (d) whether it is a fact that one Muslim elected seat has been increased during this term of the committee and that the Sikhs who have a sufficient strength of voters in the said committee are not at all represented among the elected members of the committee ; if so, the reason for this differential treatment ;
- (e) whether it is a fact that many representations have been made by the representative bodies of the town for an elected seat being allotted to the Sikhs of the locality ; if so, the action that is intended to be taken in the matter ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a), (b), (c). A statement is laid on the table.

(d) In 1939, when the rules were revised, Muslims who were under-represented, were given 5 elected seats instead of 4. The representation of each community is determined strictly in accordance with the recognised formula of population-cum-voting strength. According to this formula Sikhs are not entitled to any of the 13 elected seats.

(e) Representations have been received. Government do not consider that any action is required, as a Sikh has been appointed to one of the nominated seats.

*Statement.*

Community.	Population (1931 census).	Voting strength.	Elected members.	Appointed members.
Muslims .. ..	6,181	2,280	5	1
Sikhs .. ..	568	331	..	1
Hindus and others .. ..	11,714	3,424	8	1
Total .. ..	18,463	6,035	13	3

**MOVEMENTS OF LEPER BEGGARS IN LAHORE AND OTHER BIG CITIES AND TOWNS.**

**\*6952. Mr. Dev Raj Sethi :** Will the Honourable Minister for Education be pleased to state whether Government is aware that leper beggars and other beggars suffering from contagious diseases are to be seen in Lahore and other big towns moving freely in the public with a risk of spread of the disease ; if so, what action does the Government intend to take in the matter ?

**The Honourable Mian Abdul Haye :** Government are aware that many lepers are at large and that many of them are beggars. But the apparently worst cases of leprosy to be seen in the streets of towns, with deformity and loss of parts of limbs, are mostly burnt-out cases and are not a danger to the public. Medical experts are of the opinion that leprosy is not a highly infectious disease and that casual contact rarely conveys the infection. In fact most adults seem to be comparatively immune even when the contact is close and prolonged.

As regards beggars suffering from contagious disease other than leprosy, there is no reason to believe that contagious disease is any more prevalent amongst beggars than amongst the ordinary poor class inhabitants of towns.

Government do not consider that any special action is required on their part. The Punjab Municipal Act, 1911 confers certain powers in this matter on municipal committees.

**SUPERSESSION OF LOCAL BODIES IN THE PROVINCE.**

**\*7036. Sardar Sampuran Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of those local bodies in the province which stood superseded in April, 1937 ;
- (b) the names, if any, of those local bodies in the province which were superseded after that date and which stand superseded till to-day ;



(c) the reasons for the supersession of those mentioned in part (b) ;

(d) the reasons for not reinstating those mentioned in part (a) ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : A statement containing the information is laid on the table.

*Statement.*

*No. 1.—Local bodies which stood superseded in April, 1937.*

Serial No.	Name of local body.	Reasons for not reinstating
1	Municipal Committee, Karor ..	Since reconstituted.
2	Municipal Committee, Buria ..	Since converted into a Notified Area.
3	Municipal Committee, Gohana ..	A notification reconstituting the committee with effect from the date of publication of the results of the next general elections has been issued.
4	Municipal Committee, Sialkot ..	It has been decided to revive the committee. But it cannot be constituted immediately as all elections to local bodies have been postponed temporarily on account of the war.
5	Municipal Committee, Baghbanpura-cum-Bhogwal.	Since amalgamated with the Lahore Municipality.
6	Municipal Committee, Lahore ..	The committee will remain superseded till the corporation comes into being.
7	Notified Area Committee, Hathian, in the Gurgaon district.	This was recently abolished as there was no likelihood of the committee being able to manage its affairs.
8	Town Committee, Narot Jaimal Singh in the Gurdaspur district.	It has been decided to reconstitute this committee. Necessary notification will be issued when the elections which have been temporarily postponed in the case of all local bodies, are allowed to be held.
9	Town Committee of Daud in the Sialkot district.	There is no chance of any improvement and it has been decided to withdraw the notification constituting Daud as a Small Town, as soon as outstanding liabilities have been paid up.
10	Town Committee of Miani, district Hoshiarpur.	It has been reconstituted.
11	Town Committee of Jatol, district Muzaaffargarh.	It has been reconstituted.

No. 2.—*Local bodies which have been superseded since April, 1937.*

Serial No.	Name of local body.	Reasons for the supersession.
1	Municipal Committee of Mithankot ..	It proved itself incompetent to perform the duties imposed on it by the Municipal Act. A notification reconstituting the committees with effect from the publication of the result, of the next general elections has, however been issued.
2	Municipal Committee of Kartarpur ..	It proved itself incompetent to perform the duties imposed on it by the Municipal Act.
3	Notified Area Committee, Daska, district Sialkot.	The affairs of this committee were found to be hopeless owing to bitter communalism among its members and their failure to attend meetings. The finances of the committee were not being looked after either.
4	Town Committee of Guru Har Sahai, district Ferozepore.	There were serious complaints against the working of the Committee such as absence of the President from meetings, abuse of bylaws, unauthorized buildings, unhealthy condition of the town, defective lighting arrangements.  It has since been converted into a Notified Area Committee.
5	Town Committee of Lalamusa, district Gujrat.	Failure of the committee to function properly and persistent default in the performance of its duties. It has now been decided to reconstitute this committee from the date on which the next elections are held.
6	Town Committee of Shahdara, district Sheikhupura.	The town was extremely filthy, finances of the committee were hopeless and all the municipal arrangements were defective.  The revenue estate of Shahdara has now been included within the Municipality of Lahore.

## EXPENSES INCURRED IN CONNECTION WITH RIOTS AT THATTA.

**\*7056. Sardar Sampuran Singh :** Will the Honourable Minister of Public Works be pleased to state the total expenses incurred by the Government on the case challaned in connection with the riots at Thatta, Campbellpur district, in summer 1939 giving separately the expenses incurred on preliminary inquiry and investigation by the police, on payment of fees to the lawyers, on travelling allowance to prosecution witnesses, on the upkeep of the accused and other such items ?

**The Honourable Malik Khizar Hayat Tiwana :** It is not possible to separate the expenditure arising from this case from the cost of the ordinary administration.

VETOING OF THE ELECTION OF THE EXECUTIVE OFFICER,  
GUJRANWALA MUNICIPAL COMMITTEE.

**\*7204. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the appointment of the Executive Officer made by the Municipal Committee of Gujranwala in February last has been vetoed by the Government and that the Government has appointed a member of Provincial Civil Service as Executive Officer instead ; if so, the reasons for the same ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** Yes. The honourable member's attention is invited to the reply given to his question No. 6998<sup>1</sup> earlier in this session.

**Mian Muhammad Nurullah :** Did the Municipal Committee of Gujranwala follow all the rules and provisions of the Act while making this appointment of the Executive Officer ?

**Parliamentary Secretary :** I remember having given a very satisfactory answer already to this question.

**Mr. Speaker :** The next question.

PROVINCIALIZATION OF ROADS IN AMBALA DIVISION.

**\*7344. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of roads in the Ambala division which have so far been provincialized since 1st April, 1937 ;
- (b) the distance covered by such roads ;
- (c) names of towns connected by these roads ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** A statement showing the information required by the honourable member is placed on the table.

*Statement of roads provincialized in Ambala Civil Division since 1st April, 1937.*

Serial No.	Name of road.	Length in miles.	Towns served in the Punjab.	REMARKS.
<i>Rohtak District.</i>				
1	Rohtak-Jhajjar ..	20·0	Rohtak, Digal, Dujana and Jhajjar.	
2	Najafgarh-Bahadurgarh ..	1·9	Bahadurgarh.	
3	Jhajjar-Rewari ..	14·4	Jhajjar, Patanda.	
4	Jhajjar-Bahadurgarh ..	16·5	Jhajjar, Sultanpur and Bahadurgarh.	
5	Dighal-Beri-Chuchakwas ..	13·8	Dighal, Deri, Husainganj, and Chuchakwas.	

Serial No.	Name of road.	Length in miles.	Towns served in the Punjab.	REMARKS.
<i>Gurgaon District.</i>				
6	Jhajjar-Rewari ..	14.6	Gurgaon and Rewari.	
7	Nuh-Palwal ..	18.7	Nuh, Mand Kaula and Palwal.	
8	Sohna-Palwal ..	17.6	Sohna, Sailani, Dhater and Palwal.	
9	Approach road to Hodal Railway Station.	1.0	Hodal.	
<i>Karnal District.</i>				
10	Karnal-Indri ..	5.0	Karnal and Rambha.	
11	Pipli-Pehowa ..	19.6	Pipli, Kurukshetra-Thanesar and Pehowa.	
<i>Ambala District.</i>				
12	Rupar-Chandigarh ..	31.5	Rupar, Kurali, Kharar, Main-majra and Chandigarh.	
13	Ambala-Shahzadpur ..	18.0	Ambala and Shahzadpur.	
	Total ..	192.6 miles.		

**MONOPOLY FOR PLYING MOTOR VEHICLES ON HIRE ON ROADS.**

**\*7384. Mr. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names and the number of Public Works Department and other roads in the province over which certain individuals or persons hold monopoly for plying motor vehicles on hire, with the number of such vehicles permitted to be plied on each of these roads ;
- (b) whether he is aware that on most of these roads the vehicles are heavily over-loaded which cause great inconvenience to the public ; if so, the steps Government intends to take or is taking to relieve the public of this inconvenience ;
- (c) whether there is any proposal to increase the number of vehicles permitted to be plied on these roads, if not, why not ?

**The Honourable Malik Khizar Hayat Tiwana :** (a) Presumably the Honourable Member refers to contribution roads. These are not strictly speaking "Monopolies". A statement is laid on the table.<sup>1</sup>

<sup>1</sup>Kept in the Assembly Library.

(b) No. One such instance has been reported and suitable action taken.

(c) The matter is now one for the Regional Transport Authorities.

#### MOTOR ACCIDENTS IN NARROW PUBLIC STREETS IN NAROWAL.

**\*7364. Shaikh Karamat Ali:** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it has come to his notice that the public motor vehicles and tongas from Zafarwal and Sialkot while going to Narowal Railway Station have to pass a portion of a narrow public street of Narowal thereby causing damage and danger to the life and property of the people doing their business in and passing through that street;

(b) whether there has been any accident in this street by the passing of such lorries during the last 10 years; if so, a list of the damage done to persons and property may be laid on the table;

(c) what action Government intend to take in the matter?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):**

(a) Yes.

(b) Yes. Damage was done to the platforms of two shops two men and three children received simple injuries and one young boy was killed.

(c) The construction of a by-pass is under consideration.

#### LENGTH OF ROADS IN SIALKOT DISTRICT.

**\*7365. Shaikh Karamat Ali:** Will the Honourable Minister of Public Works be pleased to state the length of the roads in the district of Sialkot metalled and provincialized during the last 10 years and if no road in that district has been metalled or provincialized so far during this period the reason therefor?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** No District Board road was provincialized and metalled as the funds available were utilized in other districts which were deficient in and in more urgent need of provincial metalled roads. The Sialkot district is already comparatively very well served by metalled roads which connect up with other parts of the province. The soil in the district is, moreover, admirably suited for fair weather roads and has this further advantage over other districts in the province.

#### OVERLOADING OF LORRIES BETWEEN SIALKOT, ZAFARWAL AND NAROWAL.

**\*7366. Shaikh Karamat Ali:** Will the Honourable Minister for Public Works be pleased to state the names of the lorry drivers challaned for overloading between Sialkot, Zafarwal and Narowal during the last 3 years and the punishment awarded in each case and also state whether any particular steps have been taken by the police to check overloading of lorries on those sections of the roads in the Sialkot district?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : A statement is laid on the table. The Superintendent of Police, Sialkot, issued instructions to his District Traffic Staff to pay as much attention to these routes as possible.

SIALKOT DISTRICT.

*Statement showing the names of lorry drivers challaned for over-loading between Sialkot and Narowal.*

Serial No.	Name of driver.	Overloading.	Order of the Court.
		<b>1937.</b>	
1	Saddar Din, son of Ghulam Muhammad of Narowal.	Under section 16/8/14, Rule 47	Fined Rs. 7 on 30th September, 1937.
2	Muhammad Latif, son of Attah Muhammad of Pasrur.	Ditto ..	Fined Rs. 5 on 14th June, 1937.
3	Des Raj, son of Lal Chand, Khatri of Narowal.	Ditto ..	Fined Rs. 30 on 30th August, 1937.
4	Abbas, son of Abdul Hamid of Pasrur.	Ditto ..	Fined Rs. 20 on 27th August, 1937.
5	Muhammad Latif, son of Attah Muhammad of Pasrur.	Ditto ..	Fined Rs. 5 on 24th September, 1937.
6	Reham Elahi of Pasrur ..	Ditto ..	Filed on 31st January, 1940, and untraced.
7	Qaim Ali, son of Kale Khan of Amritsar.	Ditto ..	Fined Rs. 5 on 27th November, 1937.
		<b>1938.</b>	
8	Allah Bakha, son of Muhammad Bux of Pasrur.	Under section 16/8/14, Rule 47.	Fined Rs. 5 on 18th February, 1938.
9	Jalal, son of Allah Ditta of Pasrur.	Ditto ..	Fined Rs. 10 on 29th April, 1938.
10	Sahib Dial, son of Bhagat Ram of Pasrur Bus.	Ditto ..	Fined Rs. 5 on 19th July, 1938.
11	Chiragh Din, son of Budha of Gujranwala, Pasrur.	Ditto ..	Fined Rs. 15 on 25th March, 1938.
12	Prem Nath, son of Labu Ram of Amritsar.	Ditto ..	Fined Rs. 15 on 11th April, 1938.
13	Saddar Din, son of Nur Mahi of Narowal.	Ditto ..	Fined Rs. 5 on 2nd May, 1938.
14	Bahadur Singh, son of Gurdit Singh, Amritsar.	Ditto ..	Fined Rs. 5 on 23rd April, 1938.

Serial No.	Name of driver.	Overloading.	Order of the Court.
		<b>1938—concl'd.</b>	
15	Bhagwan Dass, son of Ram Das of Amritsar.	Under section 16/6/14, Rule 47.	Fined Rs. 5 on 14th May, 1938.
16	Karam Singh, son of Gobind Ram, Amritsar.	Ditto ..	Fined Rs. 5 on 14th May, 1938.
17	Jagan Nath, son of Hira Chand, Amritsar.	Ditto ..	Fined Rs. 3 on 14th May, 1938.
18	Allah Rakha, son of Muhammad Bux, Pasrur.	Ditto ..	Fined Rs. 5 on 18th June, 1938.
19	Puran Chand, son of Amar Singh, Pasrur.	Ditto ..	Fined Rs. 10 on 27th May, 1938.
20	Rahim Bux, son of Khushi Muhammad, Gurdaspur.	Ditto ..	Fined Re. 1 on 11th June, 1938.
21	Ibrahim, son of Sharif Din, Pasrur.	Ditto ..	Fined Rs. 15 on 18th June, 1938.
22	Charan Singh, son of Sumandar Singh.	Ditto ..	Fined Rs. 5 on 19th July, 1940.
23	Inayat, son of Shadi, Gurdaspur.	Ditto ..	Fined Rs. 10 on 31st October, 1938.
24	Inayat, son of Shadi, Gurdaspur.	Ditto ..	Fined Rs. 11 on 31st October, 1938.
25	Puran Chand, son of Amar Singh, Pasrur.	Ditto ..	Fined Rs. 5 on 31st October, 1938.
26	Ram Singh, son of Barkat Singh, Amritsar.	Ditto ..	Fined Rs. 5 on 8th July, 1939.
27	Behadur Singh, son of Gurdit Singh, Amritsar.	Ditto ..	Fined Rs. 10 on 17th June, 1939.
28	Harnam Singh, son of Mathra Singh, Narowal.	Ditto ..	Fined Rs. 10 on 6th May, 1939.
29	Ghulam Husain, son of Ahmad Shah, Amritsar.	Ditto ..	Filed as untraced on 14th March, 1940.
30	Abdul Rashid, son of Abdur Latif, Amritsar.	Ditto ..	Fined Rs. 10 on 6th April, 1940.
31	Santa Singh, son of Asa Singh, Amritsar.	Ditto ..	Fined Rs. 5 on 7th January 1939.
		<b>1939.</b>	
32	Abdul Majid, son of Hafiz Ali, Amritsar.	Under section 16/8/14, Rule 47.	Fined Rs. 18 on 7th January, 1939.

Serial No.	Name of driver.	Overloading.	Order of the Court.
		<b>1939—concl'd.</b>	
33	Fateh Muhammad, son of Hakam Khan, Batala, Gurdaspur District.	Under section 16/8/14, Rule 47.	Fined Rs. 5 on 4th March, 1939.
34	Muhammad Sharif, son of Sardar Shah, Pasrur.	Ditto ..	Fined Rs. 5 on 21st March, 1939.
35	Allah Rakha, son of Muhammad Bux, Pasrur.	Ditto ..	Fined Rs. 15 on 10th June, 1939.
36	Muhammad Latif, son of Ata Muhammad, Pasrur.	Ditto ..	Fined Rs. 5 on 17th June, 1939.
37	Mula Singh, son of Tara Singh, Amritsar.	Ditto ..	Filed untraced on 23rd September, 1940.
38	Saddar Din, son of Nur Mahi of Narowal.	Ditto ..	Fined Rs. 15 on 23rd September, 1940.
39	Rahim Bux, son of Khushi Muhammad, Batala, District Gurdaspur.	Ditto ..	Fined Rs. 15 on 15th November, 1939.
40	Puran Singh, son of Amar Singh, Pasrur.	Ditto ..	Fined Rs. 5 on 13th December, 1939.
41	Rehman Elahi, son of Allah Ditta, Pasrur.	Ditto ..	Fined Rs. 5 on 21st December, 1939.
42	Abdullah, son of Allah Ditta retired, Pasrur.	Ditto ..	Pending.
43	Fazal Din, son of Karam Das, village Nikkapura, Sialkot.	Ditto ..	Fined Rs. 15 on 10th June, 1939.
44	Inayat, son of Shadi, Dera Baba Nanak, Gurdaspur.	Ditto ..	Pending.
45	Muhammad Saddiq, son of Karam Elahi of Sialkot.	Ditto ..	Fined Rs. 20 on 15th November, 1939.
46	Bal Singh, son of Phuman Singh, of Kalaswala, Pasrur.	Ditto ..	Fined Rs. 30 on 2nd September, 1939.
		<b>1940.</b>	
47	Feroze Din, son of Imam Din of Pasrur.	Under section 16/8/14, Rule 47.	Pending.
48	Ibrahim, son of Ghulam Muhammad of Kalaswala, Pasrur, Sialkot.	Ditto ..	Do.
49	Ditto ditto ..	Ditto ..	Do.
50	Inayat, son of Shadi, Dera Baba Nanak, Gurdaspur.	Ditto ..	Do.



*Statement showing the names of lorry drivers challaned for over-loading between Sialkot and Zaffarwal.*

Serial No.	Name of driver.	Overloading.	Order of the Court.
<b>1937.</b>			
1	Talab Hussain, son of Nabi Bux, Zaffarwal.	Under Section 16/8/14 of Rule 47.	Acquitted on 19th July, 1937.
2	Sakhawat Ali, son of Akbar Shah, Zaffarwal.	Ditto ..	Fined Rs. 5 on 27th November, 1937.
3	Mahmud Alam, son of Qasam Din, Zaffarwal.	Ditto ..	Fined Rs. 5 on 18th February, 1938.
<b>1938.</b>			
4	Muhammad Shafi, son of Karam Din, Zaffarwal.	Under Section 16/8/14 of Rule 47.	Fined on 13th April, 1940.
5	Muhammad Shafi, son of Karam Din, Zaffarwal.	Ditto ..	Ditto.
<b>1939.</b>			
6	Abdul Rahman, son of Ali Muhammad, Zaffarwal.	Under section 16/8/14 of Rule 47.	Fined Rs. 5 on 4th March, 1939.
7	Abdullah, son of Allah Ditto, Pasrur.	Ditto ..	Fined Rs. 5 on 29th June, 1939.

#### WHEELED TRAFFIC ON JAHU-PIRNAGAH ROAD IN KANGRA DISTRICT.

**\*7371. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that Jahu-Pirnagah Road in Kangra district has been closed for wheeled traffic resulting in great inconvenience to the public; if so, the reasons therefor and whether it is proposed to re-open this road for wheeled traffic?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** The Jahu-Pirnagah road was closed to motor traffic in 1936 following a serious accident in which several persons were killed. It is hoped to reopen the road as soon as financial arrangements can be made for its improvement.

#### CRIME IN KANGRA DISTRICT.

**\*7372. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state the number of dacoities, robberies and thefts committed in Kangra district during the period between 1st January, 1940 and 1st November, 1940?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):

Dacoities	..	..	..	..	2
Robberies	..	..	..	..	5
Thefts	..	..	..	..	74

**GRANT OF PERMITS TO MOTOR VEHICLES FOR PLYING ON HIRE ON ROADS.**

**\*7385. Mr. Duni Chand:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of roads on which the number of motor vehicles have been limited so far in this province;
- (b) the number of motor vehicles which have been granted permits to ply on each of these roads;
- (c) the length of each of those roads;
- (d) what fares respectively have been permitted to be charged by the operators on those roads?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):

(a) There are no roads on which any Regional Transport Authority has limited the number of stage carriages, contract carriages or vehicles operated under a public carriers' permit under section 48 (a), 51 (a) or 56 (a), respectively, of the Motor Vehicles Act, 1939.

(b) (c) and (d) Do not arise.

**CENTRAL GOVERNMENT ROAD FUND.**

**\*7386. Mr. Duni Chand:** Will the Honourable Minister for Public Works be pleased to state what amount has the Government received from the Central Government Road Fund towards the construction of the roads in the province?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): Since the inception of Central Road Fund, the amount received by the Punjab Government from that fund towards the construction of roads in the province works out to Rs. 1,81,45,500.

**7393.—Cancelled.**

**PUBLICATION OF APPLICATIONS FOR STAGE CARRIAGES AND PUBLIC CARRIER PERMITS.**

**\*7394. Shrimati Raghbir Kaur:** Will the Honourable Minister of Public Works be pleased to state—

- (a) the names of newspapers in which the applications received after the enforcement of the motor vehicles rules in March last for stage carriages and public carrier permits in Jullundur, Ambala, Rawalpindi and Lahore regions were published respectively;
- (b) the dates and amount paid to the newspapers in respect of each region respectively as the cost of such publications;
- (c) the papers that have been referred to the authorities mentioned above generally when making representations against the applications by the objectors;

- (d) whether any representation has been made to the authorities concerned in distributing the publication of applications to various newspapers; if so, the action taken by the Government;
- (e) the fees of publication charged under Rule 4-6 (2) of the Motor Vehicles Rules by the Jullundur, Ambala, Rawalpindi and Lahore Regional Authorities from the applicants and the total amount realised and expended by each authority, respectively?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh): A statement is attached.

*Statement.*

Regional Transport Authority, Ambala.	Regional Transport Authority, Jullundur.	Regional Transport Authority, Lahore.	Regional Transport Authority, Rawalpindi.
(a) The 'Driver' and the 'Inqilab'.	The 'Partap' the 'Driver' and the 'Inqilab'.	The 'Ehsan' and the 'Driver'.	The 'Shahbaz' and the 'Driver'.
(b) Rs. 507 was paid to the Manager, the 'Driver', on 25th October, 1940, and Rs. 543 to the Manager, the 'Inqilab', on 31st October, 1940.	For the first publication, Rs. 420-12-0 was paid to the Manager, the 'Driver', on 13th July, 1940, and Rs. 891-8-0 to the Manager, the 'Partap' on 17th July, 1940.  For the second publication Rs. 100-4-0 and Rs. 125-6-0 were paid to the Managers the 'Inqilab' and the 'Driver', respectively, on 15th November, 1940.	Rs. 726-12-0 was paid to the Manager, the 'Ehsan', and Rs. 590-10-0 for the Manager, the 'Driver', has been sanctioned.	Rs. 743-4-0 was paid to the Manager the 'Shahbaz', and Rs. 470-5-0 to the Manager the 'Driver' on the 5th December 1940.
(c) The 'Driver' ..	Both publications ..	The 'Driver' ..	The 'Driver'.
(d) No. ..	No. ..	No. ..	No.
(e) Re. 0-12-0 per application. Amount collected Rs. 1,441-3-0. Amount expended Rs. 1,112-5-0.	Re. 0-12-0 per application. Amount collected Rs. 1,976-8-0. Amount expended Rs. 1,622-10-6.	Re. 0-12-0 per application. Amount realised Rs. 1,146-15-0.	Re. 0-12-0 for each first publication. Re. 1 for each second publication. Total amount realised Rs. 1,393-3-0. Expended up to date Rs. 1,213-9-0.
Rs. 300 more will be required for the remaining 403 applications.	This does not cover the amount required in connection with the publishing of the 200 remaining applications.	No part of this sum has yet been expended.	The bill for the second publication has not yet been received.

## A, B, C AND D STANDS FOR LORRIES.

**\*7395. Shrimati Raghbir Kaur :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number separately of A, B, C and D class stands established so far in the districts of Lahore, Amritsar, Gujranwala, Montgomery, Multan, Jhang, Gurdaspur, Sialkot, Rawalpindi, Gujrat and Hoshiarpur under the Punjab Motor Vehicles Rules, 1940, respectively ;
- (b) the number of lorries so far permitted to use D class stands mentioned in part (a) above and the names of persons or companies to whom D class stands have so far been granted in the districts mentioned above ;
- (c) the number of permits and the number of vehicles which the D class stand holders mentioned in part (a) above hold in their name ;
- (d) the fees fixed by the authorities concerned to be charged by the B and C class stand holders established in the districts mentioned in part (a) above, respectively ;
- (e) whether any of the Authorities concerned in districts mentioned above have received any representations against high rates fixed for stands and against the unsuitability of the sites of stands established ; if so, the result thereof ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : A statement is attached.<sup>1</sup>

## TEMPORARY PERMITS BY THE REGIONAL TRANSPORT AUTHORITIES.

**\*7396. Shrimati Raghbir Kaur :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of temporary permits issued by the Regional Transport Authorities, Jullundur, Ambala, Lahore, Rawalpindi, and Multan regions after the enforcement of the Punjab Motor Vehicles Rules, 1940, up till 30th October, 1940 ;
- (b) whether it is a fact that the Government issued a *communiqué* in the first week of May, 1940, warning the owners of the motor vehicles not to purchase new vehicles unless they got permits beforehand ; if so, the number of newly registered vehicles after the issue of the *communiqué* mentioned above, their kind and registration numbers, the names of their owners, the routes on which they have been allowed to ply their vehicles and the nature of permits authorising them to do so ;
- (d) whether any representation had been made to the authorities concerned not to issue temporary permits ; if so, the result thereof ?

<sup>1</sup>Kept in the Assembly Library.

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) Statements<sup>1</sup> showing the required information are attached.

A large proportion of the temporary permits issued in the Ambala Region were required for vehicles on the Kalka-Simla road for military purposes and in connection with the move down of the Government of India and Punjab Government offices.

The number of temporary permits issued is not a reliable indication of the number of new vehicles introduced after the issue of the *communiqué*. It will be observed that a comparatively small number was issued in respect of new stage carriages and vehicles owned by public carriers after this date. Every effort was made to keep this number down to an absolute minimum but it was necessary to provide for a few cases where refusal would have caused real hardship.

(d) No such representation has been made to Government.

#### DISPENSARIES IN FEROZEPORE DISTRICT.

**\*6799. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Education be pleased to state—

(a) the number of dispensaries in the rural area of the Ferozepore district and the percentage of the population of the rural area of the Ferozepore district which derives benefit by these dispensaries as shown by the Dispensary registers ;

(b) whether Government is aware that the existing arrangements for medical aid including that of touring medical staff are not adequate in the Ferozepore district and especially in sub-tahsil Nathana and the area under the jurisdiction of police station Kot Bhai ; if so, whether and when Government propose to make adequate arrangements for medical aid in the said district ?

**The Honourable Mian Abdul Haye :** (a) *First part.*—82.

*Second part.*—The total attendance at the dispensaries both in the indoor and outdoor wards was 539,232, which is 58·83 per cent of the rural population of the district.

(b) The arrangements in the Ferozepore district do not suffer in comparison with those in other parts of the province. Further facilities for medical relief in the area mentioned by the honourable member have been provided by opening a subsidised dispensary at Bucho Kalan in the sub-tahsil of Nathana. It is probable that another subsidised dispensary will be opened during the next financial year at Kot Bhai.

#### RULES FOR THE PROMOTION, TRANSFER AND DISMISSAL OF COMPOUNDERS.

**\*6941. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether there are any rules by which promotions, transfers and dismissals of the compounders in Civil Dispensaries are regulated ; if so, where are they to be found ?

**The Honourable Mian Abdul Haye :** The attention of the honourable member is invited to Chapter II of the Punjab Medical Manual.

GOVERNMENT HIGH SCHOOL FOR BOYS IN CHINIOT TAHSIL.

**\*6953. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state whether it is a fact that there is no Government High School for boys in the Chiniot tahsil of Jhang district ; if so, whether Government intends to open a Government High School in that tahsil ; and if so, when ?

**The Honourable Mian Abdul Haye :** Yes. But owing to financial strinency Government is unable to open new high schools for boys anywhere in the province.

RAIKOT DISPENSARY IN LUDHIANA DISTRICT.

**\*7149. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether Government is aware of the fact that the Raikot dispensary in Ludhiana district is situated in an insanitary part of the town and that inspecting officers have always pointed out this fact to the municipality but nothing has been done so far to remove the dispensary from its present site ;
- (b) whether Government is also aware that the dispensary in question affords medical facilities to a large number of villages in the *jungli ilaga* of the Ludhiana district ;
- (c) whether Government is also aware that a number of representations have been made by the residents of the *ilaga* to the authorities for provincialisation of this much neglected dispensary and that the Zamindara League in their address at Jagraon in February, 1940 to the Honourable Premier, Honourable Minister, Development, Honourable Minister of Revenue and Honourable Minister of Education also made the same request ;
- (d) if the answer to the above be in the affirmative, the action taken, or intended to be taken in the matter ?

**The Honourable Mian Abdul Haye :** (a) Yes.

(b) Yes.

(c) and (d). I regret that it is not possible to provincialise this dispensary as the policy of Government is to provincialise only such hospitals as are situated at the headquarters of a district or a tahsil.

HALF-FEE CONCESSIONS TO ACHHUT STUDENTS.

**\*7400. Chaudhri Faqir Chand :** Will the Honourable Minister of Education be pleased to state whether the Education Department has made any rule that only half fee should be charged from Achhut students up to the middle standard in the Government schools in the Punjab ; if so, whether any complaints have been received that this rule is not followed everywhere ?

**The Honourable Mian Abdul Haye :** Attention of the honourable member is invited to the penultimate paragraph under Article 121 of the Punjab Education Code, XI edition. The half-fee concessions permissible under this Article are not confined merely to the middle department of vernacular and anglo-vernacular schools but are also granted in the high classes. No complaints have been received by Government about the refusal of these concessions in any school.

**Chaudhri Jugal Kishore :** Will the Honourable Minister please state whether it is a fact that the Headmaster, Jain High School, Panipat, has not given half-fee concession to 6 or 7 Harijan students of his school, and full fee is being charged from them?

**Minister :** I have no such information. If the honourable member will send me a complaint in writing, I shall make enquiries.

**Chaudhri Jugal Kishore :** Is it also a fact that the Headmaster at Naraingarh has likewise given no half-fee concession to Achhut scholars?

**Minister :** I have already stated that if the honourable member has any such information, he should send it on to me and I shall make enquiries.

**Chaudhri Jugal Kishore :** Is it a fact that boys belonging to Chhimpy tribe have been granted full-fee concession because the Headmaster happens to belong to that tribe?

**Minister :** I have no information.

**Chaudhri Jugal Kishore :** Will the Honourable Minister inquire into the matter?

**Minister :** If the honourable member writes to me I shall certainly look into the matter.

**Chaudhri Sumer Singh :** Is this principle going to be applied to the Government schools only or is it to be extended to private schools as well?

**Minister :** Government schools.

**Chaudhri Jugal Kishore :** What about those schools which receive grants from the Government?

#### ASYLUMS FOR LEPERS.

**\*7402. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of asylums for the lepers in the province;
- (b) the number of lepers in each of such asylums, the number of doctors who have specialized in the disease and are in charge of such asylums and the annual cost incurred by the Government in maintaining such asylums?

**The Honourable Mian Abdul Haye :** (a) There are five Leper Homes (formerly called Leper Asylums) in the Punjab.

(b) The number of lepers in each of the five Homes is as below :—

1. Leper Home at Rawalpindi	..	..	158
2. Leper Home at Tarn Taran	..	..	220
3. Leper Home at Ambala	..	..	69
4. Leper Home at Palampur	..	..	66
5. Leper Home at Subathu	..	..	152

(Minister for Education)

All the doctors in charge of the Homes have specialised in the disease. The annual cost incurred by Government in maintaining these Homes is about Rs. 62,000.

**Khan Muhammad Yusuf Khan :** May I know whether the Honourable Minister has got any means of ascertaining the number of lepers outside the Homes ?

**Minister :** No, sir.

**Khan Muhammad Yusuf Khan :** May I know whether he will consider this proposal ?

**Minister :** Which proposal ?

**Khan Muhammad Yusuf Khan :** To ascertain the number of lepers outside the Homes.

**Minister :** That can be done at the time of census.

**Khan Muhammad Yusuf Khan :** May I know whether there is a large number of lepers still outside the Homes and they cause infection to other people ?

**Minister :** I have already given an answer to it while replying to another question.

**Dr. Sir Gokul Chand Narang :** Is there any arrangement for treatment of these lepers or only a shelter is provided ?

**Minister :** There is the arrangement for treatment also.

**Dr. Sir Gokul Chand Narang :** How many cases have recovered ?

**Minister :** I cannot say that.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### APPOINTMENT OF PERSONS BELONGING TO AMBALA DIVISION AS EXTRA ASSISTANT COMMISSIONERS.

**1284. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable the Premier be pleased to state with reference to the reply to my unstarred question No. 1157<sup>1</sup>, asked in the last session of the Assembly—

- (a) the number separately of Extra Assistant Commissioners appointed direct and of those appointed by promotion out of the six stated to have been recruited for Extra Assistant Commissionership during the last ten years in the Ambala Division ;
- (b) number of those among these six Extra Assistant Commissioners who are purely resident of Ambala Division and the number of those, if any, who are sons and relative of Deputy Commissioners and other gazetted officers posted to the Ambala Division at the time they were so recruited and who are not in fact residents of the said division ;
- (c) the number of Hindus and Sikhs recruited as Extra Assistant Commissioners direct or by promotion in Ambala Division during the last ten years ?



**The Honourable Major Sir Sikander Hyat-Khan :** (a) Three were appointed direct—one on register C and two on register B (Competition)—and three by promotion ;

(b) All six are residents of the Ambala Division and no one is the son or relative of Deputy Commissioners and other gazetted officers posted to the Ambala Division at the time of their recruitment ;

(c) Seven Hindus and one Sikh were recruited direct. Out of the seven Hindus two are competitioners. Three Hindus were recruited by promotion

#### EXTENSION OF HYDRO-ELECTRIC SCHEME TO AMBALA.

**1285. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state whether the Government propose to extend the Hydro-Electric Scheme to Ambala Division ; if so, the names of the districts and towns and villages in that division to which the electric energy is proposed to be supplied by the Government from Hydro-Electric Scheme and if there is no such proposal under consideration of the Government, the reasons therefor ?

**The Honourable Malik Khizar Hayat Tiwana :** No proposal is under consideration for the extension of the Hydro-Electric System to places in the Ambala division, because the reserve of energy available from the Jogindernagar Power Station is scarcely enough to meet the normal development requirements of the area already served by the system. In fact, a number of projects for the further development of the area already served have had to be postponed on this account. The project for linking up Ludhiana and Ferozepore is an example.

2. Government had intended to instal extra plant to increase the available reserve of electrical energy with a view to cater for development requirements on a much larger scale than it is possible at present. Unfortunately, owing to the outbreak of the war, it is not possible to secure the requisite plant and equipment.

#### APPOINTMENT OF A MUSLIM AS CHIEF ENGINEER, IRRIGATION DEPARTMENT.

**1286. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether his attention has been drawn to a resolution of city Muslim League, Karnal, printed in a local paper of 11th November, 1940, requesting the Government to appoint a Muslim as Chief Engineer, Irrigation Branch, in place of a non-Muslim Chief Engineer retiring in the near future ;

(b) whether it is a fact that no Muslim has ever been appointed as Chief Engineer so far ;

(c) if the answer to (a) and (b) above be in the affirmative, the action that he proposes to take in the matter ?

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

(b) Yes, it is a fact.

(c) These are selection posts and I believe that the honourable member is aware of Government's policy that in promotion to selection posts communal considerations are not considered.

**APPOINTMENT OF PERSONS BELONGING TO AMBALA DIVISION  
AS EXTRA ASSISTANT COMMISSIONERS.**

**1287. Chaudhri Sahib Ram :** Will the Honourable the Premier be pleased to state the number of Extra Assistant Commissioners appointed directly by nomination from the Ambala Division, community-wise, during the last 10 years and the number of agriculturists belonging to each community amongst them?

**The Honourable Major Sir Sikander Hyat-Khan :** The required information is given in the attached statement.

*Statement.*

No.	MUSLIMS.		HINDUS.		SIKHS.	
	Agricul- turists.	Non-Agricul- turists.	Agricul- turists.	Non-Agricul- turists.	Agricul- turists.	Non-Agricul- turists.
7	1	..	5	..	1	..

**APPOINTMENT OF NON-AGRICULTURIST HINDUS OF AMBALA  
DIVISION AS EXTRA ASSISTANT COMMISSIONERS.**

**1288. Chaudhri Sahib Ram :** Will the Honourable the Premier be pleased to state—

- (a) whether it is a fact that during the last 10 years no non-agriculturist Hindu has been appointed direct by nomination as an Extra Assistant Commissioner from the Ambala Division;
- (b) if the answer to (a) be in the affirmative, what steps does the Government propose to take to redress the grievances of the non-agriculturist Hindus of that division?

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

(b) Recruitment is not made on district or divisional basis and Government do not propose to take any action in the matter.

**TAHSILDARS FROM AMBALA DIVISION.**

**1289. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state the number of Tahsildars appointed direct from the Ambala Division, community-wise, during the last 10 years and the number of agriculturists of each community among them?

**The Honourable Dr. Sir Sundar Singh Majithia :**

Muslims	..	..	..	..	3
Hindus	..	..	..	..	15
Sikhs	..	..	..	..	1

All of them except one Hindu were agriculturists.

**APPOINTMENT OF NON-AGRICULTURISTS OF AMBALA  
DIVISION AS TAHSILDARS.**

**1290. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that during the last 10 years no non-agriculturist Hindu from the Ambala Division has been appointed as a Tahsildar ;
- (b) if the answer to (a) be in the affirmative, what steps the Government proposes to take to redress the grievances of non-agriculturist Hindus of the Ambala Division in this respect ?

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

(b) Does not arise.

**URBAN IMMOVABLE PROPERTY TAX BILL.**

**Mr. Speaker :** The House will now consider the Punjab Urban Immovable Property Tax Bill clause by clause.

*Clauses 1 and 2.*

**Khan Sahib Khawaja Ghulam Samad :** Sir, I beg to move—

That in sub-clause (1), of clause 1, line 2, the word "Urban" be omitted.

**Mr. Speaker :** I do not think the honourable member's amendment is in order, as it goes beyond the scope of the Bill. I suggest, however, that clauses 1 and 2 may be postponed as in the light of amendments, which may be carried, clause 2 may have to be amended. So we may take clause 3 first. Does the Honourable Premier agree ?

**Premier :** I agree.

**Mr. Speaker :** The question is—

That consideration of clauses 1 and 2 be postponed.

*The motion was carried.*

*Clause 3.*

**Sardar Sahib Sardar Santokh Singh** (Eastern Towns, Sikh, Urban):  
Sir, I beg to move—

That in sub-clause (1), line 2, between the words "paid" and "an", the words "during the duration of the war" be inserted.

Sir, I think I need not make a long speech in support of the amendment that I am moving. This tax is some sort of an exceptional tax and I do not think it must remain permanently on the statute book. So, I think it would be in the interest of all concerned if the tax is levied only during the duration of the war.

**Mr. Speaker :** Sub-clause (1) under consideration, amendment moved is—

That in sub-clause (1), line 2, between the words "paid" and "an", the words "during the duration of the war" be inserted.

**Premier :** I do not think that the amendment requires any answer from me. I leave it to the good sense of the House.

**Mr. Speaker :** The question is—

That in sub-clause (1), line 2, between the words "paid" and "and", the words "during the duration of the war" be inserted.

*The motion was lost.*

**Mian Muhammad Nurullah** (Lyalpur, Muhammadan, Rural) : Sir, I beg to move—

That in sub-clause (1), line 3, the words "and lands" be omitted.

I think the word "land" brings in all those lands situated within the municipal limits. I just want to put before the House the difficulties of the poor zamindars who own these lands. They got jubilant when these lands came within the municipal limits. It is very difficult indeed to get the town planning and building schemes sanctioned properly. Therefore it seems unreasonable that since these land owners got no advantage from the lands they should pay additional tax. Those lands are already being taxed by way of land revenue and now they will have to pay additional tax. Therefore I think it would be proper for Government to define land as given in section 4 of the Tenancy Act.

**Mr. Speaker :** I may point out that amendments Nos. 5 and 6 will also be discussed together, but if necessary they will be put to vote separately.

**Mian Muhammad Nurullah :** Yes, the object of those amendments is the same. I was submitting that those people whose lands were included in the municipal limits of small town committees were jubilant that they would gain by coming within the municipal committees, but now they find that they are being hard hit. I quoted an example the other day. My own land is situated in Lyallpur. I had to seek the help of the Deputy Commissioner to have these lands included in the municipal limits. The Deputy Commissioner helped me and these lands came within the municipal limits. I think this was in 1936-37. They were situated near the municipal limits and a college, a school and the main Lahore-Jaranwala Road were not far from the Power House. It was a very good prospective area for development. Some poor people of the type of "kamins" bought a few ihatas from me to live in. They thought they would be able to build on them and price will also increase as time passes. People had this expectation. I was also expecting a gain. When they were taken in, I submitted my planning scheme and the chairman always said, no, this is the difficulty and that is the difficulty. I said all right, I kept quiet until lately I became a member of the Municipal Committee. I wanted to push through the case. I explained the difficulties of those land owners who have come within the municipal limits by extension of areas. When I became a member I prepared a town planning scheme. I put all the streets 20 feet wide and made allowance for recreation grounds. Out of 2,100 marlas I set apart 400 marlas for roads and set apart 75 marlas for recreation grounds and provided facilities for

religious buildings like mosques, temples and for other amenities that should exist in a town. A few months after when I was at Ghora Gali in Murree Hills I was told that a meeting of the committee would be held on the 6th September and the scheme considered. I could not come. I wanted to come. The committee however recommended that this scheme was quite in order and complied with all the requirements for town planning scheme. That scheme was approved of and buildings were to be sanctioned in the meanwhile. Along with it there were other resolutions of the committee approving plans of other buildings in various parts of the town. Someone approached the Deputy Commissioner and said this was being done for me. The next day although the committee did not communicate the resolutions to the Deputy Commissioner he vetoed those resolutions. These poor people suffered on my account and I realised the difficulty due to the resolutions having been vetoed. The committee however passed a resolution that in the meanwhile people, who had already bought land, should be allowed to build. It will take about five years before that land can be utilised by those poor people, who had paid, to be able to build a hut for themselves. Under this Act they would pay something to Government, Government does not take proper care to expedite the town planning scheme. The poor zamindars feel miserable on this ground although their land has come within the municipal limits and they cannot utilize it and they have to keep waiting for the return of their capital. The return of their capital is being delayed as the scheme is being delayed. Therefore I think it is a great hardship for lands which have been included in the municipal limits.

The second point which I want to put before the House is that land should be defined as it is defined in section 4 (i) of the Punjab Tenancy Act. If land is defined like that, these poor people would not have to pay additional tax when they are already paying land revenue and these lands are being used for the purpose of agriculture only. They should not be put under heavy burden in future. Being near the town their land revenue is already very high. During the last settlement in Lyallpur they made a special class. Ordinary lands pay Rs. 4 and these lands were made to pay many times over. Now when these poor zamindars are already paying special land revenue rate why should they be made to pay additional tax? Colony towns already pay over 2 rupees a marla and this additional tax would be crushing indeed.

You know that municipal area in Lahore has been extended from something like 28 square miles to over 100 square miles, and a good few of zamindara lands have come in and those lands are being still treated as agricultural lands. What is the provision that Government has made to safeguard their interests and why should Government ask them to pay anything more than the land revenue that they are already paying? My suggestion is that these lands should go on paying land revenue and they should not be made to pay anything more. Therefore I move this amendment:

That in sub-clause (1), line 3, the words "and lands", be omitted.

That means that they should be saved from the worry of paying the property tax. Why should a special tax be taken from them when they are already paying land revenue?

(Mian Mohd. Nurullah.)

If you are not inclined to agree to this amendment, then I think my next amendment would serve the purpose. That amendment runs as follows:—

That in sub-clause (1), line 3, between the words "lands" and "situated" the words "for which town planning schemes or building schemes have been approved of" be inserted.

That means that so long as building schemes and town planning schemes are not approved, and all these people do not get the additional advantage of coming within municipal limits and the lands remain useless because the owners have to await the sanction of building schemes often for a long time, for that time they should not be made to pay anything. The delay in town planning and building schemes may be due to the negligence or carelessness of the Government. Why should the poor people suffer if the Government is not keen on pushing through the schemes? As soon as they are pushed through, those lands will come within the purview of this Bill.

Then again when the man has built upon the land and he is able to sell the land at a higher price then he should pay for that land as well. Either one of these three amendments should be accepted. Otherwise land for the time being be dealt with according to the Tenancy Act.

**Mr. Speaker :** Sub-clause (1) under consideration, amendment moved:—

That in sub-clause (1), line 3, the words "and lands" be omitted.

**Minister of Public Works** (The Honourable Malik Khizar Hayat Tiwana): Sir, I would just like to explain generally a few points in reply to the mover of the amendment. The honourable member has complained of certain hardships to owners of lands which are included within the municipal limits. Actually I think that there is no complaint. If a land is included, as he has pointed out, within the municipal limits, and the owner has been able to sell that land to others, the people who have built houses are the people who will now pay tax which was due from the original owner and they would be paying the tax on the basis that everybody else is paying. If those lands are included, and the owner has not been able to sell them so far and get away with the unearned increment, he must wait till the building scheme is sanctioned and then he will be able to sell the land like others.

He has complained that the delay in sanctioning the building schemes is merely to prevent the landlord from selling these lands to people who might like to build. Building schemes are necessary for the growth of an *abadi*. If there is delay in sanctioning the schemes, it is due to the fact that every care is taken to prevent slums from coming into existence. It is both in the interest of the public and in the interest of the owners who are apparently going to build that a building scheme is essential. But it must be realised that the local bodies have to take some time before they can prepare a scheme and insist on certain necessary conditions for the growth of the *abadi*. What has happened is this. We see that these *abadis* have been allowed to grow without any restrictions. We find that people who had bought lands now clamour for roads and drainage and other necessities, while the owners who sold those lands have run away with the unearned increment. The general tax payer is asked to pay what the original owner of the land should have paid, and now it is the municipal body that has

got to pay the penalty. So I think it will be realised that these building schemes are necessary and the owner does not suffer in any way.

Then there was a complaint that some agricultural lands will now be made to pay house tax in Lahore. I would like to point out that there seems to be some misunderstanding on the subject. Agricultural lands are exempt from the house tax as long as they are agricultural lands. It is only when they are built upon that they will have to pay the house tax.

**Sardar Lal Singh :** I am afraid, I cannot not follow. Does the Honourable Minister mean that the lands which are not built on will not be liable to this tax?

**Minister :** There is a misunderstanding. Buildings recently included within the municipal limits of Lahore would be liable to house tax.

**Khan Sahib Chaudhri Sahib Dad Khan (Hissar, Muhammadan, Rural) :** I have given notice of an amendment which runs as follows :—

That in sub-clause (1), line 3, between the words "lands" and "situated" the words "actually let on rent" be inserted.

(Urdu) : The object of my amendment is that tax should not be levied on urban property without being sure whether that property fetches any income by way of rent or not. If the owner of the property derives benefit then he is liable to pay the tax. But I may also point out that urbanites are not well off and as compared with the rural people they are better off to some extent but I submit that most of them are unable to bear this burden. Hence Government should take care to assess those lands only which are actually let on rent. My second point is that as this provision is indefinite, the assessing authority may assess those lands and houses too which are not let on rent and it would be nothing but hardship for the owners. Assessment will depend upon arbitrary discretion of the assessing authorities and in the presence of this indefinite provision, as I have stated, there is every likelihood of those lands and houses being assessed which do not fetch a pie as rental income. Although the Bill is passed by Government yet it will be acted upon by the officers who will assess according to their own contention and discretion. If they are God-fearing the work will be satisfactory, otherwise in the presence of this indefinite provision I am sure assessment will be incorrect and defective as mistakes will be committed by the officers concerned in making assessments of the property. The wording of the clause should therefore be definite and clear.

**Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) :** Sir, first of all, I would like to meet the arguments advanced by my honourable friend Chaudhri Sahib Dad Khan who has requested that property which does not fetch income should not be taxed. I am afraid that perhaps my honourable friend has ignored clause 5 of the Bill which reads as follows :—

The annual value of any land or building shall be ascertained by estimating the gross annual rent at which such land or building together with its appurtenances and any furniture that may be let for use or enjoyment with such building might reasonably be expected to let from year to year.

Now he will say that the object of this clause may be that tax should be levied on vacant lands. It is correct. As I said in the course of my speech yesterday, if the vacancies are *bona fide* they will be taken into consideration. I may also point out to my honourable friend that when houses are

[Premier.]

to let they would not be assessed provided they remain so for the minimum period. Let me also tell my friend that lands which are not actually let on rent will be assessed at a reasonable expected rent. If I accept the amendment of my honourable friend, certain defects are likely to crop up in the Bill. I think, I will be able to make my friend understand by giving an instance. Suppose a rich man has a tract of vacant land which he does not want to give on lease for agricultural purposes which can bring income to him. But he keeps that land vacant with a view to constructing a building on it when he thinks it necessary to do so, and if we do not levy a tax on it the rich man stands to gain. It means that the amendment if accepted will benefit the rich and not the poor. My honourable friend must bear this fact in mind that we have fixed a limit within the bounds of which no vacant land, whether it has a building on it or not, is liable to taxation. I would draw his attention to clause 4 (1) (c). It is clearly laid down that buildings and lands, the annual value of which does not exceed Rs. 300 in the rating areas of Lahore and Simla and Rs. 200 in other areas, would be exempted from the property tax. But if there are lands in the constituency of my honourable friend, the annual rental value of which exceeds the limits of Rs. 200, then it is obvious that those lands would be liable to taxation. Then, Sir, my honourable friends Mian Nurullah and Chaudhri Sahib Dad Khan have not perhaps cared to concentrate on clause 4 (2) of the Bill. It gives ample powers to Government to deal with hard cases which are likely to arise because of the operation of the provisions of this Bill. Besides, clause 3 (3) has been kept wide enough so that it may give an opportunity to Government to take action whenever necessary and thereby grant exemptions according to the merits of the case.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** May I with your permission, Sir, request the Honourable Premier to clear one point. The Government proposes to assess the tax on the annual rental value of the vacant sites. The question is, what will be the basis for assessing the annual rental value of such land? Would the assessment be based on its rental value as agricultural land or as a site for building? The method of assessment in each case will be quite different. Is it the intention of the Government to calculate the annual rental value of the vacant building sites on the basis of their 99 years lease value?

**Premier :** There is no question of leasing a land for 99 years. As regards assessment, we can easily work it out by taking into consideration the annual rental value of the adjoining lands. Another way is to find out its market value by auction. This method can also give us a clue to fix the assessment of tax on it.

**Begum Rashida Latif Baji :** May I know whether the agricultural lands that have come within the enlarged municipal limits of Lahore would be exempt from this tax or not?

**Premier :** If the honourable lady member had exercised a little patience, she would have seen that I was going to reply to a similar question put by Mian Nurullah. Sir, I was submitting that we are not going to charge an unjustifiably heavy tax on the lands belonging even to affluent persons.



We have made a provision to the effect that annual value would be ascertained on the basis of gross annual rent on which the said lands might reasonably be expected to let from year to year. So far as *bona fide* vacancies are concerned, I have already stated my point of view. That is, that we intend to provide for a rebate in cases where lands remained vacant on *bonafide* grounds.

Then my honourable friend Mian Nurullah enquired whether, in view of the fact that the municipal area of Lahore had been enhanced to 99 square miles, the agricultural lands that had come within the municipal limits would be taxed? My honourable friend might remember that when a notification regarding the enlargement of municipal limits was issued, it was made clear that agricultural lands would be exempt from certain taxes. Besides, those lands which are situated at such a distance that there is no likelihood of their being developed, would not be assessed. We have no mind to touch them for the present. As a matter of fact when we frame the rules, we would make it clear that those areas or lands which are not likely to be developed within a reasonable time should be exempt from taxation.

**Mian Muhammad Nurullah :** Then kindly accept my amendment no. 6.

**Premier :** I do not want to accept anything, because I know I have already catered for that.

**Mian Muhammad Nurullah :** It is too wide.

**Premier :** And that is why it includes the smaller one that my honourable friend suggests. I have already got that provision in sub-clause (2). It will give me the opportunity to take that action whenever necessary. The idea is that the areas which come near development should be assessed. So long as they are not likely to be developed, say for ten years or 15 years or 20 years, it would be hardship to put any additional burden on them, because they pay land revenue. As my honourable friend is aware, that is why we exempted them from the House tax. I therefore do not think that my honourable friend need press his amendment. We have already got that provision and when we frame the rules we will make it clear that those areas which are not likely to be developed within a reasonable time should be exempt.

**Malik Barkat Ali :** May I know from the Honourable Premier whether lands which are situate in urban areas will be subject to this tax, even if they do not fetch a pie of income?

**Premier :** My honourable friend is a lawyer and he understands law better than myself. These are the words of the clause—

“might reasonably be expected to let from year to year”.

If that land is not let, they will have to gauge its annual value by seeing what the lands in the vicinity fetch.

**Malik Barkat Ali :** That was not my question. My question was simply this, whether lands situate in the urban areas which do not fetch even a pie as income, will be subject to this levy on the ground that your assessing authorities will calculate the annual value of the land on the basis

[Malik Barkat Ali.]

of the income that it may be reasonably expected to bring, even though it is not let or is not capable of being let.

**Premier :** My honourable friend perhaps slipped in while I was answering the other question from Chaudhri Sahib Dad Khan. I then made it quite clear that so far as small land belonging to poor people is concerned, that will be exempt if it fetches an income of less than three hundred rupees, but if a millionaire has got a big plot of land like the Aitchison Hospital site and he deliberately does not rent it out, do you mean to say that we should be deprived of the income from it, because he is affluent enough not to let it out? We will have to assess that land according to the locality it is situated in or he will have to prove that this land cannot be let out, and there is the method of auctioning that land or advertising to see what rent it fetches. It is merely a question of assessing it at a reasonable rent.

**Malik Barkat Ali :** My question has been perhaps not understood or not answered. My question is simply this, whether land situate within an urban area which does not fetch even a pie during the annual period will be assessed to this tax or not. The answer must be, yes or no.

**Premier :** It is liable to be taxed on a reasonably expected rent. If it is lettable it is also taxable.

**Nawab Sir Shah Nawaz Khan :** If a house or land is mortgaged will the mortgagee pay tax or the mortgagor?

**Premier :** I am not sure whether there is any provision with regard to that. But the idea is that if it is mortgaged with possession, then it will have to be the mortgagee.

**Nawab Sir Shah Nawaz Khan :** Some definite provision must be made.

**Khan Bahadur Mian Mushtaq Ahmad Gurmiani (Urdu) :** Sir, I had no intention of taking part in the debate at this stage, but an important point has arisen out of the Honourable Premier's speech which needs further elucidation. Perhaps I could not make my point clear to the Honourable Premier when I asked him a question. I shall try to explain it more clearly now. The Government propose to assess the tax on vacant lands in rating areas at their annual rental value. I would like to know as to what would be the basis on which the annual rental value will be calculated. There are two kinds of lands, namely, agricultural land and building sites. The economic rent of these two classes of land is based on different factors. Land used for agriculture, for instance, will vary in its economic rent according to the fertility of the soil, the facilities of irrigation and drainage and proximity to roads, railways and markets. While assessing land revenue on agricultural lands, all these factors are taken into consideration. Sites for houses, shops or factories, are affected in value by their situation in relation to population, railways, highways, and to industries, business and commercial centres and offices in which the dwellers in the houses are engaged. The efficiency of public services, such as roads, sanitation, fire protection, water supply, drainage and sewerage, electricity, education, medical aid, and recreation in fact all community advantages or environments also have a profound influence upon the value of such land. The land which enjoys to the greatest

degree some or all of these advantages will command the highest rent. It has not been made clear as to whether all sites or lands, situated within a municipal or notified area, which have not been built upon, will be treated as building sites. I shall illustrate my point by giving an example. Let us take the case of Lahore rating area. The limits of Lahore rating area have not been defined in the schedule. The area under the Lahore Municipal Committee is comprised of—

- the walled city ;
- the civil station ;
- the adjoining suburbs, and
- the area which has been recently brought within the Municipal limits of Lahore.

The last mentioned area comprises mainly, of agricultural land which is assessed to land revenue. This land is used for agricultural purposes. On account of its situation, the value of this land is, no doubt, greater than the other lands situated at a greater distance from Lahore, but this fact must have been taken into consideration at the time of land revenue assessment. There are no immediate prospects for the development of this area and there are remote chances of its being built upon in the near future. Moreover this area does not enjoy the advantages of utility services such as roads, sanitation etc., etc., as compared with other areas situated within the municipal limits. Now, does the Government propose to treat the lands in this particular area as sites for buildings and levy the tax on them or do they propose to treat these lands as " agricultural land " and exempt them from the payment of tax ? My other point is that the land situated in a rating area should be treated as building site and not as agricultural land. It would be illogical to treat it as " agricultural land " and tax it as building site. The annual value of such land should therefore be based on its rental value as building site and not on its rental value as agricultural land. The question arises as to how the annual rental value of a building site is to be assessed. It is easy to ascertain the annual rental value of an agricultural land as such land is leased on yearly basis ; but no one would take a building site on lease for one or two years. The usual period of lease for a building site is 99 years. The annual value of a building site could, therefore, be determined, only, on the basis of its value of 99 years lease. The other way is to assess the tax on the capital value of such land. I fail to understand how the Government will assess the annual rental value of a building site by auction. How can they auction the lease of somebody else's property and who will take it on one year lease ? Moreover, it will be a farce to invite people to bid for a thing which they cannot obtain. The method of calculating the annual rental value of a building site on the basis of actual rent received by an owner is also open to grave abuses. An owner of a valuable site may lease it on a nominal rent for purposes other than building to avoid the full payment of tax which is to be based on the annual rental value of land. This will encourage hoarding of land as it will be more profitable for an owner more to keep his land out of market and leave it vacant till such time as the price is considerably raised, than to develop it or build upon it. It will further encourage the use of valuable land for inferior purposes. My submission, therefore, is that the tax on vacant lands in rating areas should be based on their rental value as building sites or on their capital value. Lands which have no immediate

[K. B. Mian Mushtaq Ahmad Gurmani.]

prospect of being used as building sites or which are situated at a sufficient distance from a town and do not enjoy any benefit of utility services may be exempted from the tax. There is one more point which I would like to submit in this connection. Land which is assessed to this tax should be exempted from the payment of Land Revenue, because such land no longer remains an "agricultural land". Land Revenue is a tax on the agricultural value of land. When a land discontinues to be used or ceases to be treated as agricultural land and is used as a building site or regarded as such and when a new tax is being imposed on its value as a building site, there would be no justification to continue the levy of land revenue on such land. A land should not be treated as an agricultural land and a building site, and made to pay two taxes on each account, at one and the same time. I hope the Honourable Premier will clear these points when he is summing up the debate.

**Premier (Urdu):** The tax will be levied on the annual rental value of the lands which are situated in the rating areas shown in the Schedule at such rate, not exceeding twenty per centum.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani:** But what will be the basis on which the rent of these lands is to be calculated?

**Premier:** At a sum on which it may be reasonably expected to be let out from year to year.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani:** Let for what purpose?

**Premier:** For any purpose. If it can be let and can fetch rent, then it will be taxed. It will depend on the site. I gave you the instance of the Aitchison Hospital site. It is Government property and Government has been thinking of building a hospital on it for the last 15 or 20 years. The Government has not let it out but I know fairly well that if the land is let out people would be glad to pay Rs. 2,000 a year. That is its reasonable price. I do not think you need worry about it. It will depend upon the site and locality and the purpose for which it can be let out. For instance, my honourable friend here has got land behind his house which is still let out for agricultural purposes. It is giving him reasonable rent, because it is near the municipal area and it brings in more. If that is its reasonable rent, we will assess him for it.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani:** Will it not be a surcharge on agricultural land?

**Premier:** No.

**Begum Rashida Latif Baji** (Inner Lahore, Muhammadan, Women, Urban) (Urdu): Sir, the proposal now before us is whether any tax should be levied on those lands which have now been included within the municipal limits but no buildings have been erected on them so far. So far as inner Lahore is concerned, I can say from personal experience that such lands are serving no useful purpose. They have not been built upon nor can they be let to anybody. The owners do not stand to gain anything from these lands. Even their prices have depreciated. Now, how will you calculate the rental value of such lands on a yearly basis? The difficulty is that you

cannot say what rent can be got out of them. Then, since the extension of the municipal limits many agricultural lands have been included in those limits. They continue to be tilled and cultivated. Land revenue is regularly paid on them. It is but just that such lands should be exempted from the proposed tax. Now this is a matter which is simple enough. The Honourable Premier is expected to throw some light on it. With these words, I lend my support to this amendment.

**Mian Muhammad Nurullah (Urdu):** Sir, I wish to say a few words with regard to my amendment which seeks to exempt unbuilt lands in the towns from the payment of this tax. My reasons for this exemption are briefly as follows.

The Government is proceeding on the presumption that all those lands which come within the municipal limits of a town become at once more valuable than they were before. Now this presumption is not correct. I can say on the basis of my personal experience that the value of my land which has newly come within the municipal limits of Lyallpur has decreased in value instead of increasing. It is a patent fact that the value of those lands does not increase in respect of which town planning schemes or building schemes have not been sanctioned. My lands which I had sold for Rs. 40 per marla previously, do not promise to return that price now, as the town planning schemes have not been sanctioned with regard to those areas. As a matter of fact their price has fallen and they cannot be sold even at the original price.

My second point is that the Honourable Premier has referred us to clause 4 and assured us that the local officers will carefully examine all cases and make exemptions where necessary. Now these wide powers of the local officers are likely to be misused by those officers. It will be very difficult for the Government to strictly supervise all the activities of these officers. I am afraid that the wide powers of the local officers will result in a great harm to the people and no good will come out of them.

In view of these facts, I would appeal to the Honourable Premier to incorporate my amendment no. 6 in the body of this Bill. If he cannot see his way to accept amendment no. 4, he can easily accept the reasonable and moderate amendment no. 6, because it seeks to exempt not all the unbuilt lands but only those lands with respect to which building schemes have not been approved, and which cannot be built upon or leased out. I hope the Honourable Premier will not turn down this reasonable amendment.

**Premier (Urdu):** Sir, my honourable friend seems to be labouring under a misunderstanding. He has failed to grasp the real significance of this sub-clause. The assessing authority has not been invested with the powers of subjecting any area or areas to this tax. The Government will frame rules according to which certain areas will be subjected to the payment of this tax. And all cases of individual hardship will be dealt with by the Government in order to find out whether they really deserve exemption. What is in your mind has already been provided for in this Act. You are only trying to pre-judge your case.

**Chaudhri Ali Akbar:** Sir, I want to ask a question. Many questions have been put to the Government but no satisfactory reply has been given to them. There are certain towns included in the schedule annexed to this

[Ch. Ali Akbar.]

Bill where such zamindars live, a part of whose agricultural land is situated within the limits of those towns and a part outside of their limits. Will such areas as are situated within the limits of such towns be exempted from the payment of this tax?

**Premier :** Lands lying within the municipal limits of any town will be taxed. For example, all lands situated within the municipal limits of Lahore will be taxed. This question does not arise in the case of small towns. It is only with regard to big cities and towns like Lahore whose municipal limits extend to over some 90 square miles that the difficulty arises.

**Chaudhri Ali Akbar :** I am anxious to know whether waste lands lying within municipal limits will be taxed.

**Premier :** Please refer to sub-clause (2) of clause 4. Under it the Government can exempt certain areas from the payment of this tax.

**Chaudhri Ali Akbar :** In Sujapur there are such stony waste lands where nothing grows. Will they be taxed?

**Premier :** When the case of Sujapur is taken up the case of those waste lands will be taken into consideration, to find out whether they deserve to be exempted.

**Chaudhri Ali Akbar :** Please say that they will be exempted.

**Premier :** How can you expect me to say a thing off-hand? When I do not know the real facts of this particular area, how can I say anything about it? The honourable member has failed to understand rightly the significance of the schedule. The schedule contains the names of all such areas which have been deemed to be ratable. But it does not mean that all of them are liable to taxation. To begin with the Government will tax the property situated in big cities and towns, then that situated in towns and last of all if necessary that situated in small towns. Such small towns in whose case the Government finds that the charges of collection exceed the returns from them, will be exempted from the levy of this tax.

**Chaudhri Ali Akbar :** I brought to your notice the case of Sujapur where waste lands are situated within the town limits of Sujapur. Will those lands be exempted?

**Premier :** You can raise this objection at the time of assessment. Sub-section (2) of clause 4 deals with such cases.

*Mian Muhammad Nurullah sought the leave of the House to withdraw his amendment and it was accordingly by leave withdrawn.*

**Chaudhri Sahib Dad Khan :** Sir, I beg to move—

That in sub-clause (1) line 3, between the words "land" and "situated" the words "actually let on rent" be inserted.

*The motion was lost.*

**Mian Muhammad Nurullah :** Sir, I beg to move—

That in sub-clause (1), line 3, between the words "lands" and "situated", the words "for which town planning schemes or building schemes have been approved of" be inserted.

*The motion was lost.*

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I beg to move—

That in sub-clause (1), lines 4-5, for the words "rating areas.....Act", the words "the town having a population exceeding one lakh" be substituted.

Sir, by this amendment the clause under consideration will become all the more reasonable. In the statement of objects and reasons it has been said that this Bill has been drafted on the lines of the Bombay Act. I have moved this amendment to make it really analogous to the Act in force in Bombay.

In the province of Bombay the Urban Property Tax Act has been enforced only in two big cities, that is, in Bombay and Ahmedabad and their suburbs. Against this here in this province where the people are comparatively poor the Urban Immovable Property Tax Act will be enforced in all the cities, towns, small towns and notified areas. The proposed tax will be levied in all the urban areas that are mentioned in the schedule appended to the Bill now before the House. I have moved this amendment in order to limit the operation of this Act. My object is that this tax should be levied in those urban areas only where there is a population of more than one lakh of souls. With these words I commend my motion for the acceptance of the House.

**Mr. Speaker :** Question is—

That in sub-clause (1), lines 4-5, for the words "rating areas..... Act", the words "the town having a population exceeding one lakh" be substituted.

*The motion was lost.*

**Rai Bahadur Lala Sohan Lal** (North Punjab, Non-Union Labour, (*Urdu*): Sir, I beg to move:—

That in sub-clause (1), line 6, for the word "twenty" the word "ten" be substituted.

It is not fair to allow the Government to have power to impose a taxation up to 20 per centum of the annual value of buildings and lands within the urban areas. The other day when the Punjab Urban Immovable Property Tax Bill was introduced in the House it was pointed out that Government intended to bring in two or three similar types of Bills for augmenting the resources of the province. In view of that it is my submission that when so many taxes are to be imposed on the urban people it will be only fair to reduce this percentage taxation from twenty to ten. At present there are only two provinces where measures imposing taxes on urban properties have been enacted. They are Bombay and Madras. In neither of these provinces both the taxes have been imposed. In Madras, Sales Tax Act has been enacted. In Bombay the Urban Property Tax Act has been passed. Again in both these provinces these taxes have been levied in order to meet the deficiency caused by the enforcement of prohibition. And even in an advanced province like Bombay the percentage of tax has been fixed at ten. But

[R. B. Lala Sohan Lal.]

against this in the Bill now before the House provision has been made for the levying of a 20 per cent tax on the annual value of buildings and lands in the urban areas. While introducing this Bill the Honourable Premier was pleased to remark that as compared to the urban people, who were lightly taxed, the rural people were paying something like 25 per cent of their net assets. If this is the criterion on which he wants to proceed and make a provision for a tax amounting to 20 per cent of the annual value of buildings and lands let him add a new clause in the Bill to the effect that in no case this tax on urban property should exceed 25 per cent in all inclusive of all the taxes paid to the central Government and local authorities. If he does that it would bring the urban people in line with the rural people in the matter of taxation.

Besides, while introducing this Bill the Honourable Premier was pleased to point out that he intended to levy only one quarter of one per cent of the capital value of buildings and lands by way of this tax. If we take that proportion into consideration the percentage of this tax comes to 5 per cent of the annual value of the buildings and lands. But yesterday he declared that 10 per cent of annual value of buildings and lands would be charged as taxes. I think by the time this Bill gets through this House and is enforced the percentage of this tax would go up to 30 per cent. In addition house tax has also been imposed in Lahore which according to the Corporation Bill will not be less than 10 per cent of the rental value of buildings. In the circumstances, I earnestly request that instead of 20 per cent only 10 per cent of the annual value of buildings and lands should be levied as tax. With these words, I move my amendment for the kind consideration of the House.

**Mr. Speaker :** Sub-clause under consideration, amendment moved—

That in sub-clause (1), line 6, for the word "twenty", the word "ten" be substituted.

**Shaikh Sadiq Hassan** (Amritsar City, Muhammadan, Urban) (Urdu) : Sir, I rise to support the amendment that has been moved by my honourable friend Lala Sohan Lal. I think 20 per cent tax is rather too high. I may remind my honourable friends that this tax will be imposed on those persons whose monthly income amounts to Rs. 16-10-8. If 30 per cent tax is levied on them it means that they would have to pay Rs. 5 by way of taxes and Rs. 11 would be left to them for their own needs. Obviously this rate of taxation is much too high. Even if this tax is levied on the rich people only I consider it much. But this tax is also going to be levied on those people who have not the capacity to pay it. I want to know from the Honourable Premier whether he thinks that the people whose incomes come to Rs. 16 can pay Rs. 5 by way of taxes. Is it justified to levy this taxation at such a high rate? Let me inform my honourable friends that the residents of the urban areas have to pay quite a number of taxes. To say the least there is the terminal tax, the house tax, and the income tax. These are major taxes. Besides that there are many smaller taxes which I need not mention here. I ask, will it be justified to impose on them this property tax also when they have to pay so many other taxes? It has been pointed out in respect of the income-tax that it is not being paid to the provincial Government but to the central Government. On our part we think that all taxes are paid to Government whether it is the provincial Government



or the Central Government. The question is not as to what amount of money the urban people pay to the provincial Government, the Central Government or to the municipal committees. What is worth considering is as to what amount of money the people have to pay by way of taxes.

My zamindar friends have pointed out that as compared to the urbanites, the rural people are very heavily taxed. Let me tell them that I do not say that the poor people in the rural areas should not be given any relief. I go even a step further and say that such poor people should be altogether exempted from the payment of land revenue and a graduated tax should be imposed on the rich zamindars as is done in the case of the urbanites. I think it would be but fair. No doubt the zamindars have to pay 25 per cent of their net income by way of land revenue, but that does not mean that this percentage of tax should be imposed on the poor people in the urban areas as well. In fact this percentage of tax should not be imposed on them. The reason for this is that they have to pay many other taxes. The taxes which they are at present paying to the crown come to something like 15 per cent of their net incomes. In view of this the percentage of this tax should in no case be more than 10 per cent. While introducing the Bill in this House the Honourable Premier was pleased to remark that only a quarter of one per cent of the capital value of buildings and lands would be charged by way of property tax. That amounts to only 5 per cent of the rental value of buildings and lands. I think justice demands that the rate of this tax should be fixed at 5 per cent only. But at the most only 10 per cent should be levied by way of a tax on immovable property and not more. If after one or two years Government find that the urban people can pay this tax easily at that time they can increase its rate. But if they find that the urbanites are not capable of paying even this much, it would then be the duty of Government not to increase the percentage of the immovable property tax.

It is not difficult for them to change the rate from 10 per cent to 20 per cent. All that they have to do is to bring forward an amending Bill to the effect that for the figure '10' figure '20' be substituted. In view of the fact that they intend to get this measure, which runs to so many clauses, passed within two days they can very easily pass an amending Bill in two hours. I would, therefore, request the Honourable Premier that when he has made so many important changes in the Bill during the select committee stage, he should improve it further in such a way that people may be able to bear the burden and may not consider the measure unjustly harsh.

**Chaudhri Jalal-ud-Din Amber** (West Central Punjab, Indian Christian) (*Urdu*): Sir, I rise to support the amendment now under consideration. Although I am in complete agreement with the principle of this Bill yet I feel that the limit of assessment which has been fixed in this Bill is very objectionable. It has been contended by the Government that they want to equalize the incidence of taxation between the rural and the urban sections of the population, but I fail to understand the necessity for taking a step which would create a rural-urban question. While it is meet and proper that people owning considerable property in urban areas should be taxed, it does not at all seem reasonable that such taxation should be indiscriminate and unnecessarily harsh. There is a limit to everything. It is

میں تو توڑ دے گا میں تم کو یہ لے دوں گا

Again, sir, I would like to know what good can come out of the words, 'reasonably be expected to be let' which have been repeated time and again by the Honourable Premier. Do the Government mean that all the lands which have now come within the municipal limits will not deliberately be let out for evading this tax? They are lying vacant not because the owners do not want to lease them out but because no one requires them. In these circumstances the estimate of rent and assessment will be entirely at the discretion of the assessing authority. If the assessment officer happens to be a noble soul, well and good; but if, on the other hand, he is a person who believes in greasing his own palm then even 2 bighas of land may in his opinion be let out at 50 or 70 rupees. My honourable friend Mian Mushtaq Ahmad Gurmani talked of the lands being 'reasonably expected to be leased from year to year'. It is only in the case of buildings that a year-to-year lease is taken out and lands are only leased out for 20, 49, 99 years, therefore there is no question of their being leased out from year to year. In fact,

the idea underlying this tax upon lands is that as the value of land is increasing the Government must realize tax from their owners. When any agricultural land is brought within the limits of a municipality its owner is never consulted but when in respect of a certain town it is insistently demanded that the limits of the municipality be extended, as is evident from many questions asked on the floor of this House, the request is seldom granted because some influential personage who may be adversely affected by this arrangement stands in its way. But it is possible that now if any municipality were to ask the Government to allow them to extend their limits they would readily do so in order to increase the amount of tax from an extended area.

The second objectionable point in regard to the tax on lands is that notwithstanding the fact that they will have to pay land-revenue as well as this tax, no reduction will be allowed to them as in the case of buildings. In view of this fact, the rate of 20 per cent is a very unfair and harsh one. Nowhere on the face of this earth does such an exorbitant tax exist. On the first day of discussion on this Bill the Honourable Premier had stated that to begin with only  $\frac{1}{4}$ th of the maximum rate of 20 per cent would be charged. But yesterday he expressed that it would be difficult to realize enough money for their needs at such a rate, hence he raised it to 10 per cent and no one knows what he may say to-morrow. The Government need money and do not care where it comes from. My submission is that the House should not be misled by their verbal promises. It is not wise to put trust in the words of Rajas whose only object is to squeeze money out of their subjects and not to redeem their pledges. The Government cannot do without money because they are hard pressed for it on account of war. It is with this fact in view that I request my honourable friends to press their amendments with all the emphasis at their command if they want to derive any benefit from this two-day discussion of the Bill.

In the end I would urge upon the Government that the proposed rate of 20 per cent is exorbitant and the condition of 'reasonably be expected to be let' is still worse. Because reasons may differ with different persons. If a non-agriculturist happens to be the Deputy Commissioner he might put a greater burden on the agriculturists.

**Premier :** This is the nature of the people of this country.

**Sardar [Lal Singh :** True, and you and I are no exceptions to it. Therefore I request you that this nature of the people and officers should not be lost sight of. On the other hand, an agriculturist Deputy Commissioner will try to put a greater burden on the urban people. While the assessment officers will try to increase their bank balance by getting promotions on account of their services in this respect as well as by other methods. I would therefore submit that this rate should be reduced to make it less hard on the urban people.

**Rai Bahadur Lala Gopal Das** (Kangra North, General, Rural) (*Urdu*) : Sir, I rise to support the amendment moved by my honourable friend Rai Bahadur Lala Sohan Lal. I have myself given notice of an identical motion.

The Honourable Premier was pleased to say the other day that in bringing forward this measure, the Government was only copying a law passed

[R. B. Lala Gopal Das.]

by the Bombay Government. In this connection, I would respectfully submit that while in Bombay the rate of the tax is 10 per cent of the annual letting value, you propose to levy the tax up to a maximum of 20 per cent. Moreover, the Punjab cannot stand comparison with Bombay which is a very wealthy province. It can be very well imagined that in a province where they pay 3½ crores of rupees as income-tax as against 92 lakhs paid by us, the inhabitants must naturally be rich. In spite of the fact that the Punjab is a poor province the people here are being taxed at double the Bombay rate; and a further 10 per cent as war levy is being imposed. That is not all. The municipality is already charging a House-tax at 10 per cent. When the urban population in the Punjab is already paying 40 per cent of their income derived from property in taxes, how can the Government say they are only imposing as much burden on the urban population as that in rural areas, who pay only 25 per cent of their net assets? My submission is that the Government should not charge this rate on the total annual value, but they should do so after deducting 20 per cent on account of furniture and other appurtenances and 10 per cent on account of repairs from the gross annual value. If the Government make a comparison between the Punjab and Bombay, they should not lose sight of the fact that the maximum by way of Government and municipal taxes realized from the citizens of Bombay does not exceed 22½ per cent in all whereas here you are imposing a considerably higher rate.

Again, in spite of repeated demands of the Opposition, the Government have not given the specific purpose for which they propose to levy this tax. Under the present circumstances we are forced to call it an unjust and harsh tax. If somehow or other Government can provide in the Bill that the proceeds of this tax will be utilized exclusively in decreasing the burden of the poor zamindars, we may accept the Bill in some form.

In the end, I would urge upon the Government the necessity of reducing the maximum limit from 20 per cent to 10 per cent. In the course of the debate on this Bill the Honourable Premier at first expressed his intention, of levying only 5 per cent, but the very second day he changed his mind and switched it on to 10 per cent. There is no guarantee that to-morrow he will not change it again to 20 per cent.

With these words, Sir, I again request the Government to accept the amendment.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, my honourable friend Rai Bahadur Lala Sohan Lal deserves our thanks and congratulations for having moved this amendment. However, I am afraid I cannot predict the fate of this motion which is also sponsored by some of my learned friends from the Unionist party like Sardar Bahadur Sardar Ujjal Singh, Sheikh Sadiq Hassan and Dewan Bahadur S. P. Singha. Not only that, even Mr. Guest moved an identical amendment seeking to substitute the word "ten" for the word "twenty", and Sir William Roberts supported him. But it cannot be said with certainty whether these honourable gentlemen will vote for the amendment or against it, or else they will prefer to remain neutral if a division is called. Anyway, their honesty of purpose cannot be doubted. There are many among them

who can gauge the real importance of this clause and that is what has compelled them to move or support such an amendment. It has been said by the Government that their zamindar brethren are heavily taxed while the urbanites enjoy the amenities of life. Some of my zamindar friends sitting opposite say, when they are paying a large amount of money to the Government, why should not the urbanites pay the same amount to the Government's exchequer? This argument advanced by them has reminded me of an hunchbacked woman whom somebody asked whether she would be pleased to see herself straight or whether she would like to see others with their backs bent. She replied that she would like to see others with their backs bent. So is the case with my friends over there. We want to lighten their burden but they say that they would like to see others burdened.

**Minister for Development :** By which magic wand, will you suggest the Government can be carried on while the revenues are cut down and expenses are increased?

**Mian Abdul Aziz :** I will tell you about that magic wand. You can do it by not charging Rs. 8,000 a year as travelling allowance. You can do it by not charging that fat salary of Rs. 8,000 a month which you are doing. You can do so by not allowing your Personal Assistants to draw 500 to 750 annually as travelling allowance. You can do so by not having three Financial Commissioners. You can do so by not spending the huge amounts of money on your receptions and meetings where you spread hatred. I can tell you how much money was spent on your meeting at Lyallpur. When you found no place for a man you appointed him as Administrator of Lahore on Rs. 8,000 a month. So far as the magic wand is concerned, I think the Honourable Minister is now satisfied, if not, I can quote ever so many other instances.

Then, Sir, the Honourable Premier contradicted that the tax would bring in 3 crores as worked out by my honourable friend Sardar Lal Singh and said that it would not be 3 crores but it would be 95 lakhs only. Perhaps the Honourable Premier has estimated this amount on the basis of net income of this tax excluding the expenses to be incurred on its collection and I understand he has ignored the rest of the amount intentionally. He is justified in doing so as he will have to provide a colossal sum for two more Commissioners and another additional Financial Commissioner out of this income. Thus he can say that Sardar Lal Singh is incorrect in estimating the amount as 3 crores of rupees. You can judge yourself from these facts as to how much money will be accumulated by this tax. Sir, you are perhaps aware that at 10 per cent house tax by municipality levied on Lahore will approximately bring an income between 15 and 16 lakhs of rupees. Besides, this tax will be levied at different places in the province, for instance Amritsar, Jullundur, Ludhiana, Ambala, etc. The last two districts might be exempted from the tax as the Government is interested in them and the powers for giving exemptions will be placed in the hands of the Government under the rules which will be elastic enough to be utilized on various occasions. However, Rawalpindi and Multan are such cities as would bring a huge amount and I do not think it would be less than 20 thousand rupees. When this is the position, can anybody doubt that the total amount of income will not reach 3 crores of rupees? As my honourable friend Chaudhri

[Mian Abdul Aziz.]

Ali Akbar has put it, two or three questions were put to the Honourable Premier and the manner in which the latter has replied is evasive, and creates suspicion in our minds that there is something rotten in the state of democracy.

I may tell the Honourable Premier that we can no longer be hoodwinked by his Government that it is a temporary measure for war, while the instance of income tax is before our eyes. It is known to everyone of us that first of all income tax was levied on us for a period of the war of that time and now this tax has taken the shape not only of income tax then proposed but at much increased rate and even gone up to super-tax and its roots have gone deep into the soil and it has become a permanent source of income for the Central Government. If the present war on account of which this Bill is said to have been brought forward, terminates to-morrow, God may do so, you will see that this tax will prolong and continue till doomsday. I may therefore, warn the Government that if they continue this policy of taxing people at every step, they will be held responsible for the ruination of urbanites against whom the zamindars are being unjustly provoked.

I would also like to say a word in regard to the assessment of the tax. First of all, the survey will be carried out and hundreds of people will be employed for this work and I think it will result in a failure, as you know three lakhs and a half rupees were provided for the preparation of electoral rolls and even those could not be correctly and satisfactorily prepared. It is obvious that the workers and henchmen of the Government are not honest and efficient enough in such matters. What will happen at the time of assessment? If the capital value of a building is 10 thousand rupees and its owner is a Government's favourite, the assessing authorities will show it as two thousand rupees in the papers, and if the owner of a house is a man like me who is unfortunately not in the good books of a Unionist Government, they will show 10 thousand as capital value instead of 2 thousand which is the actual capital value.

Now it can be said by the Government that this will be done under the rules. But may I ask who will frame the rules? And under whose instructions will they be operated? It is obvious that it will be exclusively done by the Unionist Government who can do whatever they like.

Sir, I already remarked a few days ago that it would be better for this Government to pass a Bill of 2 or 3 clauses and order us to deposit all our income and property with them and that we may claim only 5 per cent out of it for our simple maintenance. They are out to embarrass the urbanites and in this connection I may again point out to them that we are prepared to domicile in Sargodha, Wah and Ambala districts if they so desire, provided lands are granted to us for settling down there and earning our livelihood.

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

Now I would like to say emphatically that no reliance can be placed on the soft words and high sounding pledges of my honourable friends on the treasury benches to the effect that they would take all the necessary facts into consideration at the

time of assessment. My honourable friends would as usual point out that there was no scope or room for making any alteration in whatever had already been done. They would uphold the findings and decisions of the subordinate officers, and consider them as correct. As a matter of fact the subordinate officers do things at the instance of the higher authorities. They act like puppets, and have to dance to their tune. They have to please their masters. Under the circumstances I would appeal to the Honourable Minister in charge that he should accede to the reasonable request made by members of all shades of opinion in the House that such a heavy burden of taxes as contemplated in the Bill should not be imposed upon the poor urban people. When nobody is opposed to the temporary principle embodied in the Bill, it behoves the Government not to break the back of the urbanites by levying the proposed heavy tax. They should not treat them callously. After all the urban people are also subjects of the same crown, whose subjects the ruralites claim to be. The Government should not coerce them into paying this tax. In fact this invidious treatment meted out to the urbanites would bring no credit to the Government. I assure the Honourable Premier that I support the principle underlying this measure, but I cannot help saying that we cannot depend upon the lip sympathy expressed by the ministerial Benches. We want something substantial, something practical. I would, therefore, before closing my remarks, again request the Government not to crush the urban people by this tax. I think Government would be well advised to remit this tax if possible or reduce its burden considerably.

**Diwan Bahadur S. P. Singha** (East Central Punjab, Indian Christian) (*Urdu*): Sir, even though an urbanite and a zamindar, I am not speaking on the floor of the House in any of the two capacities. I speak as a Punjabi because it is my fervent desire that we should put in our best endeavours to bring about unity and concord among the urbanites and the ruralites, so that they may act as a team for the general good of the people. I believe that no discrimination should be made among the zamindars and the urban people by the Government in the matter of taxation. Now sir, so far as the principle underlying this Bill is concerned, it is crystal clear from the speeches that have been made, that none of the honourable members is opposed to the imposition of the new tax. Even the plethora of amendments proposed give no such indication. They are intended to tone down the rigours of the provisions of the Bill. As a matter of fact nobody is against the idea of enhancing the income of the Exchequer by means of new taxation provided the Government can satisfy the people and convince them of the justification and desirability of this measure by adducing correct facts and figures. I am sure no reasonable urbanite would raise his little finger against this tax if it is imposed according to one's ability or capacity to pay it. That is, the tax should not break their back. They should be able to bear the burden without much hardship. Now the amendment under discussion in no way goes counter to the principle embodied in the Bill. We only request that instead of levying tax equal to 20 per cent of the annual value, Government should fix the figure at 10 per cent. The Honourable Premier himself said the other day that he had not the slightest intention of imposing the whole 20 per cent tax at one jump. He held out an assurance that it would first be levied at a low figure and then enhanced

[Diwan Bahadur S. P. Singha.]

by degrees. If that is the position of the Government, why should they embarrass the people by refusing a very reasonable demand as the one under consideration. After imposing 10 per cent tax if the Government came to realise that it was not sufficient, they could easily increase it by an amending measure. I do not think Government would stand to gain anything by flouting the just demand of the representatives of the urban people. If the Government insist upon keeping the tax at 20 per cent they would be creating a very bad impression upon the urbanites. They would naturally be led to think the Government wanted to display the might of the zamindara raj and thus a gulf of differences would unnecessarily be created among the zamindars and the urban people. *(Interruption from the ministerial benches).* My honourable friends must bear in mind that I also owe allegiance to the same party to which they do. I move about among them. Will they tell me as to why this tax is being levied? What is the purpose for which they want this money? Government have kept us in the dark about this. Now when I put this query directly to them they also keep mum. The gist of the only argument that they have been able to advance is that they want to put the urban people under certain disabilities like themselves. That is "hamari dum to kati hai tum bhe katalo". If you want money, you should state the purpose and then we should put our heads together with a view to devising ways and means for achieving this object. But I see no sense in appointing a Retrenchment and Resources Committee and then shelving its useful recommendations and suggestions. I fail to understand what prompted the Government to set aside those proposals and at once jump at the property of the urban people. Again, there appears to be no logic in the argument that because the zamindars pay 25 per cent land revenue therefore the urban people should also be made to pay a tax like that. But as the principle has been accepted by all, the only remedy lies in the fact that the incidence of taxation should be reduced from 20 per cent to 10 per cent of the annual value. The notices of amendment given by the honourable members opposite and also by some on this side of the House show that this demand has the backing of all the urban representatives and a section of the Government party. I am therefore of the opinion that Government would be well advised to accept this amendment and thus give evidence of their sporting spirit. I want to make my position in the matter clear. I have spoken not as a critic of Government but as a friend of Government. The utmost they want at present is ten per cent. They can have this with a unanimous vote. Is not that a great tactical gain? Is it worth while saving the bother of an amending Act later when they may want 20 per cent? Government's opponents will make capital out of it when sympathising with the resentment of the urbanites. True wisdom lies not in a show of strength, but in a show of reasonableness.

**Sardar Sahib Sardar Santokh Singh** (Eastern Towns, Sikh, Urban): Amongst the eleven provinces that constitute this great country, there is only one where this Urban Property Tax has already been enforced, and that is the province of Bombay. Our Government also tells us that it is after the Bombay Act that they have modelled their present legislation. In Bombay there is a sliding scale of taxation. Properties which yield an income of Rs. 2,000 per annum are taxed only at 5 per cent, whereas those



properties which have an income of more than Rs. 2,000 per year have to pay 10 per cent. As to the financial comparison between the two provinces, namely the Punjab and Bombay, there is really no comparison at all. Bombay is financially in a far better position than our poor province of the Punjab, and still, Sir, in Bombay they have thought it fit to impose a tax of only 5 per cent where the rental value of property is below Rs. 2,000 per annum. In this province, or may I say, in this unfortunate province, where the rent exceeds Rs. 200 a year, tax up to 20 per cent is being attempted to be levied.

The Honourable Premier no doubt told us that he would start to begin with from 10 per cent. But with all deference to him, I do not know what reliance to place in the promises that are given from the Treasury benches. Only three days ago, Sir, the very same Premier was pleased to tell us, when this Bill was being discussed wherein the tax on capital value was provided for, that he would start only with  $\frac{1}{2}$  of one per cent. That meant 5 per cent of the rental value. I put it to the honourable Premier now, what has happened during the intervening two days which has made him raise this 5 per cent to 20 per cent? Of course I do not ignore the fact that he has told us that he will start with 10 per cent. But my humble request to him will be to enlighten us as to what has happened in these two days to double the tax. If it was to start with  $\frac{1}{2}$  of one per cent before, why should it now begin with  $\frac{1}{2}$  of one per cent. I was not able to understand yesterday when the Premier said that vacancies which were not allowed formerly have now been provided for. Nevertheless, let me tell him that the Bill in this respect stands entirely where it was when it was originally discussed before it went to the select committee and when the Premier was pleased to tell us that to start with he would begin with a tax of 5 per cent. This, Sir, is a very pertinent question and I would expect a detailed answer from the Honourable Premier as to how he has deemed it necessary to double the amount of the tax in the two intervening days. If within two days he can change so much as to double the tax, what guarantee is there that he will not by an executive order raise the amount of tax from 10 to 20 per cent if that power is given to the Government as sought for in the present Bill? My point is that if even now they do wish to start with 10 per cent of the rental value, although there is absolutely no reason why 5 per cent which was mentioned by the Premier originally should not be adhered to, Government should not ask for power to tax at a higher rate namely at 20 per cent and they must be content with 10 per cent alone, according to the amendments proposed from this side as well as from the ministerial benches. These amendments are generous enough. We did not overlook the fact, when we sent in these amendments that the Honourable Premier himself was prepared to impose a tax of only 5 per cent. After having openly declared himself for 5 per cent tax to start with, the Premier now resiles from the position he once took up only a few days ago, and wants to put the tax at 10 per cent. Even then these amendments help him. We want to help him there, and there is absolutely no reason why he should seek power from the House to tax up to 20 per cent. when he does not mean to impose a tax of more than 10 per cent. If, as has been said by my honourable friend, Shaikh Sadiq Hassan, later on he finds that this tax of 10 per cent is not sufficient, there is nothing to stand in his way of coming

[S. S. S. Santokh Singh.]

to this House again and ask for power to impose a tax of 20 per cent. The position of the Government has however all along been that they want to do things by executive order and fight shy of coming before the legislature. If later on we find that the amount raised by the 10 per cent tax is not big enough and if Government need further money for any special purpose, I think—and in this respect, I am speaking on behalf of members on this side—we will not stand in the way of Government being given more power to tax at a higher rate. But as things stand at present, knowing as we do that this money is not required for any specific purpose and even the Government itself does not know how much this tax will yield, I think it will be in the interests of both the Government and the public who are to be hit hard by this measure if to begin with the Government is given power to impose this tax at a maximum of up to 10 per cent only, especially as there is a further surcharge for war to be paid besides. I need not enter again into the arguments as to how the imposition of this tax will mean to some of the urbanites, a tax of 60 or even 70 per cent including the income-tax and other taxes. Government might as well say that they cannot have the least regard for people who already pay 50 or 60 per cent taxation. According to them they are rich enough to bear any further burden that might be imposed on them. But I would submit in all seriousness and in all earnestness that you should not carry matters so far as to drive these people out of their industry and trade, because when they find that out of Rs. 100 that they earn they have to pay Rs. 70 or 75 in the form of provincial and central taxation they will have to seriously consider whether it will be worth their while to take all the trouble, take all those risks that business and industry entail. The exemptions, we are told are only up to Rs. 200 rental value of the property. This means that widows and orphans whose main subsistence is merely a small rent out of the property of their ancestors, will have to pay out of every Rs. 17 at least Rs. 4. You can well understand a widow having 4 or 5 children with an income of Rs. 20 having to pay a tax of Rs. 4 or 5. That is a matter which should have all the consideration and attention of the Government. It will not do for the Government to say that the orphan or the widow may have other property or other income. I am pleading for those whose total income is not more than Rs. 250 or 300 a year, such cases deserve the serious consideration of the Government who profess so much sympathy—lip sympathy—for these poor people. Will it be asking the Government too much if I suggest a sliding scale of tax to be introduced, so that the orphans and widows and other people whose total income is no more than Rs. 30 a month, may be treated in a more lenient manner and in their case a tax of something like 5 per cent be imposed instead of 20? We all know that Rs. 30 is not at all a big amount for a family to live on. The total amount of such incomes can easily be ascertained by the assessing authority, and in their case a sliding scale of tax will be more just and equitable.

Before I close I must say that no case has been made out by any one of the speakers on the ministerial benches as to why they want this power of taxation up to 20 per cent when they mean to start only with 10 per cent. Why terrorise the people in this manner and keep the sword of Damocles hanging over their heads? If you really wish to impose a tax

of 10 per cent, to start with, the best thing for you will be to take power to tax only up to 10 per cent and if necessity arose later to increase this taxation then there need be no difficulty with the present majority behind the Government and that majority it appears is not likely to dwindle in the near future—to take further powers to increase the taxation to 20 per cent. With these words I support the motion that the tax be reduced to 10 per cent.

**Subedar Major Raja Farman Ali Khan** (Gujar Khan Muhammadan, Rural), (Punjabi): Mr. Sepeaker, I have been hearing this controversy relating to rural people versus urban people for some time past. In reality the rural people are the friends of the urban people and the urban people are the friends of the rural people. The rural people are dependent on the urban people and the urban people are dependent on the rural people. But there is one thing and it is that though the urban people are friends of the rural people yet it is they who loot them. Now let us see who are the rural people and who the urban. Those people who have migrated from the villages to towns are not the rural people. They have become urban people. Rural people are those who live in villages and live on *bajra* and *maki*. They live in mud houses and in the winter sleep in sheep-pens to get some warmth. A ruralite is one who is uneducated. Now let us try to find out who are the urban people. Urban people are those who get rich foods to eat, are educated, and know how to complain and make their voice heard. Urbanites are those who preach that khadar should be used but themselves use silk for their clothes, and whose womenfolk go about in saris worth Rs. 500 each. They move about in motor cars.

**Begum Rashida Latif Baji**: The rural people can also use motor cars.

**Mr. Deputy Speaker**: Order, order.

**Subedar Major Raja Farman Ali Khan**: My friend Baji Sahiba has said that the ruralities can also use motor cars.

**Begum Rashida Latif Baji**: Mr. Deputy Speaker, I protest against the use of the word "friend" for me. The honourable member can use the word "sister" when referring to me. It is not proper on his part to use the word "friend" for me.

**Subedar Major Raja Farman Ali Khan**: The condition of the rural people is the worst. Their backbone has broken. They pay about twelve crores of rupees, out of which only three or four lakhs are spent on them. All the services go to the urban people. All the schools and colleges are for their benefit. They get education in these institutions and appear in the competitive examinations with the result that all services go to them. Our children do not derive any benefit from schools and colleges to enable themselves to appear in competitive examination. The children of rural people are in no way inferior to the children of the urban people. All those ruralites who are registrars and honorary magistrates are discharging their duties quite efficiently. Moreover, mostly the vakils are also urbanites. The urbanites after getting their LL.B., degrees start legal practice and loot the ruralites. A vakil is sitting in front of me. I wrote a letter to him requesting him that he may kindly attend to the work of the bearer of that letter. It was a trivial matter. But he told the bearer of that letter that he would charge Rs. 500 for that little work.

■ **Mr. Deputy Speaker :** Do not be personal.

**Subedar Major Raja Farman Ali Khan :** Now these urbanites say that the tax should be 10 per cent instead of 25 per cent. May I ask them that if it is done, from where the remaining 15 per cent will come? What they mean is that the remaining may be taken from the ruralites. Gold is extracted from places where it exists. The zamindars have to pay many taxes. If the urban people pay for the consumption of electric current, the rural people have to pay local rate and *chaukidara*. At least the urban people get electric lights. We do not get even earthen lamps. The shops belong to you and the houses belong to you. Motor cars are yours and the money bags also are yours. Urbanites are wealthy and the ruralites are poor. The urbanites ought to have willingly consented to bear the burden of this tax. Zamindars have not got anything. Even their bodies are drained of all blood. A zamindar is very patient. He never protests. Even if you kill him he never protests. For your sake he offers even to part with life. When the tribal people carry away the urban people, it is the rural people who go to get them released. Only recently an urbanite was carried away by the tribal people and eight persons who pursued them to get that urbanite released were killed. The rural people give their lives for your security and safety. In return for all this you loot us. Tahsildars belong to urban areas and they loot us. The sub-inspectors also are urbanites and they also loot us. In short all people loot us. Nothing is left with us. My urban friends say that they pay taxes to the municipal committees and that they should not be charged any more taxes. My submission is that what they pay to the municipal committees is for the amenities of life they get in urban areas. They do not pay those taxes to the State. In reality so far no burden of taxation has been put on them. And as it is for the first time that they have been subjected to the burden of taxation they are moaning and are showing unwillingness to pay any such tax. But let me tell them that they will have to pay this tax. They monopolize all the services but do not pay taxes. We pay twelve crores of rupees in the form of various taxes. If you agree to the proposal that hence forward all services may be recruited from the ruralites we are prepared to pay all taxes. But you do not agree to such a proposal. You want all comforts, all amenities and all posts. But you do not want to pay any tax. It is not so heavy a tax that you should hesitate to pay it.

**Begum Rashida Latif Baji :** I want to put a question to Raja Sahib. Does he consider the Honourable Premier an urbanite or a ruralite?

**Subedar Major Raja Farman Ali Khan :** He is an urbanite because he gives all posts to the urban people. He is conferring all benefits upon the urbanites.

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Rural): Sir, I suppose I must speak with an apology to the Honourable Premier, as I find that whenever I speak, he thinks that I engender some heat. I shall try my best, acting on the principle embodied in the well-known verse

نہ کہ مزاج شامان اب - ہن نہ دارد

not to say anything which might raise his temperature or his blood pressure.

**Khan Sahib Khawaja Ghulam Samad :** As the object of the honourable Doctor Sahib is to impress upon the House the desirability of reducing the percentage of this tax, I would request him to very kindly speak in Punjabi.

**Dr. Sir Gokul Chand Narang :** This is a legitimate request and I shall gladly accede to it. I shall speak in Punjabi.

*(Punjabi) :* I have pointed out that I must speak with an apology to the Honourable Premier because he thinks that whenever I speak, I create heat in the debate. I shall therefore try my best not to import anything in my speech which might engender heat and I hope that my words will not raise his blood pressure. However what I want is, and this has all along been my desire, and even at present is, that we should, leaving aside as to what the people would say with regard to our speeches, whether they applaud us or not, leaving aside the fact that there are 150 honourable members sitting here or not, consider this matter like a business committee which sits and conducts its business at a small round table. I shall try my level best to put forward my ideas in the manner I have suggested above. The first thing which I want to submit is that so far neither any honourable member nor Government have indicated the purpose for which this additional revenue is required. The only reason for bringing forward this Bill, as stated in the objects and reasons appended to this Bill, is that the levy of the proposed tax will tend to a more equitable adjustment of the burden of taxation over the whole population of the province. Besides that no other purpose has been disclosed. I want to particularly draw the attention of the Honourable Premier to this matter, for most probably he would reply to the debate, and want to enquire from him whether his intention is to distribute the revenues amounting to Rs. 11 crores or Rs. 12 crores, or whatever it is, in an equitable manner over all the sections of the province or whether he wants to increase the resources of the provinces from Rs. 11 crores to 14 or 15 crores of rupees. If he wants to augment the resources of the province, in what manner does he want to distribute that burden equitably? In fact not a word has been dropped about this matter. The object of the Bill as given out in the statement of objects and reasons is that Government intend to make a more equitable adjustment of the burden of taxation over the whole population of the province. From this the only conclusion that one can draw is that Government want to distribute the burden of 11 crores of rupees, being the present income of the province, equitably over the whole population of the province. I believe there is not a single honourable member in this House, not a single fair-minded urbanite who has an iota of honesty in him, or who has the welfare of his province at his heart who thinks that others should toil and he should enjoy. The urbanites so to say are not parasites that they wish that the rural people should toil and sweat and they should enjoy. I believe that there is not a single urbanite who can stoop to such meanness so as to say that all the rural people should toil and he should grow rich and fat on their labours. I solemnly tell my honourable friends that there is not a single urbanite who harbours such desires. But the question worth consideration is whether by equitable adjustment of the burden of taxes on all sections of the population Government mean that urban people should pay equal to what all the

(Dr. Sir Gokal Chand Narang).

rural people combined together pay to the provincial exchequer or that an urbanite should pay only so much as an average rural person pays. So far no light has been thrown on this matter. If the object of the Government is to equalize the incidence of urban and rural taxation according to their population ratio I whole heartedly support the idea. (*Malik Barkat Ali*: I accept it also). Nobody can object to it. My honourable friend Malik Barkat Ali also says that it is acceptable to him.

If the Honourable Premier were to affirm what Sardar Sahib has courageously said, that the Government will realize on an average the same amount of tax from the urban population as is realized from those living in rural areas, the misgivings and fears of the general public will be allayed to a very great extent. This is the most reasonable thing to do and no person who has even a grain of justice in him will say that the urbanites should be made to pay as much as the rural section of the population has to pay *in toto*. According to the figures given by Honourable Chaudhri Sir Chhotu Ram, 87 per cent of the population of this province lives in villages and only 13 per cent dwells in towns, although I think that about 90 per cent of Punjabis live in villages and only 10 per cent reside in towns. Anyway I accept the figures quoted by the Honourable Minister. It is in accordance with this proportion that there are only 22 urban members out of a total number of 175 members in the Punjab Legislative Assembly. Whatever the case may be, no one can say that 13 men would bear as much burden as 87 men can do. If 87 men can lift 87 maunds 13 men cannot be expected to lift that much weight, and if they are made to lift 87 maunds, naturally they would be crushed under that weight. It is only possible in case the 87 are 5 year old kids and the 13 are stalwarts like Kikar Singh and Ghulam Pehlwan. If you want us to believe that as regards their means of income all these prosperous looking and venerable old people from the villages are mere minors and the urbanites are all Kikar Singhs and Ghulams we cannot believe it. No reasonable and just person would say that.

**Khan Bahadur Captain Malik Muzaffar Khan :** We have to take the factor of income into consideration.

**Dr. Sir Gokal Chand Narang :** I will be coming to that presently. If the Government want to impose tax *per capita*, may I ask them what will be the tax per head on the urban population and what will it amount to in the case of people living in rural areas? Assuming that the Government does not intend to increase its annual revenue of 11 crores, what should be the share of the urban people and again assuming that it is proposed to increase the revenues to 14 crores, what proportion in the provincial taxation should be allotted to them?

**Mian Muhammad Nurullah :** May I correct the honourable member when he quotes the total revenues of the province?

**Dr. Sir Gokal Chand Narang :** Yes, surely.

**Mian Muhammad Nurullah :** These are the figures of total revenue :—

	Rs.
Total Receipts .. ..	11,73,77,000
Extraordinary Receipts .. ..	49,70,000
Irrigation Deductions .. ..	1,60,06,000
Hydro-Electric Deductions .. ..	39,00,000
Total .. ..	14,22,53,000

**Dr. Sir Gokul Chand Narang :** I am very grateful to my honourable friend for supplying these figures, but I was just taking a rough estimate because I know that the revenues of the province are always varying. Well Sir, I was saying that if the total revenues are assumed to be Rs. 12 crores what will be the share of the urban people in it. The urban share will work

$$\frac{12 \times 13}{100} = \frac{156}{100}$$
—i.e., Rs. one crore and fifty-six lakhs. You can

tax urban population to that extent, provided the total revenues do not already include any revenue paid by the urban people. Is the Government prepared to say that the urban people do not contribute any share towards the total revenues of the province, which are composed of land revenue, water rate, stamps, excise duties, fees from educational institutions and fines, etc? I do not think there is any one in this House who could say that.

**Raja Ghazanfar Ali Khan :** It represents only a pinch of salt in a bagful of flour.

**Dr. Sir Gokul Chand Narang :** But the quantity of salt is not so insignificant as my honourable friend suggests it to be.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Do you want to throw that salt into our eyes?

**Dr. Sir Gokul Chand Narang :** Sodium chloride does a lot of good when it is used as a wash for the eyes. Anyway that share must be something. I think it is already 13 per cent but even if we take it to be only 4 per cent that will also amount to half a crore. Then deducting this  $\frac{1}{2}$  crore from the total we are left with  $11\frac{1}{2}$  crores. Now according to the population basis the rest of their share will work out to one crore rupees and that is the most you can demand from the urban people.

When my honourable friends Malik Barkat Ali and Mr. Mukand Lal Puri enumerated the taxes that the urbanites have to pay, they named the water tax along with other taxes. To this the speakers from the Ministerial benches retorted by saying that it was the price of water that the towns people used. But may I ask from them if *abiana* is any different from this water rate which is charged from those living in towns? Just as is the case in towns, you make a payment for services rendered by a commercial department. The Irrigation Department has been started by floating loans and the Government have to pay interest on the debt thus incurred for the construction of the various irrigation projects. If you do not include our water rate among the taxes that we pay, you should likewise

(Dr. Sir Gokal Chand Narang).

deduct the amount paid as *abiana*. I think it is Rs. 4,68,00,000 or roughly 4½ crores.

**Premier :** But you will have to deduct working expenses from this amount.

**Dr. Sir Gokal Chand Narang :** Very well. Let it be only 2½ crores and not 4½ crores. Now deducting 2½ crores from.....

**Malik Barkat Ali :** Let me give you the exact figures from the Budget for the year 1940-41. They are :—

			Rs.
Direct receipts	..	..	4,39,88,000
Indirect receipts	..	..	1,86,67,000
			<hr/>
	Gross amount	..	6,26,55,000
Less working expenses	..	..	1,60,06,000
			<hr/>
Net Irrigation receipts	..	..	4,66,49,000
Works for which no capital account is kept			2,33,000
			<hr/>
	Total	..	4,68,82,000

**Premier :** What about the interest ?

**Malik Barkat Ali :** The interest cannot possibly be included in these figures, for it has nothing to do with the receipt side.

**Dr. Sir Gokal Chand Narang :** Probably my previous statement giving the receipts as Rs. 4,68,00,000 was correct. If we have to ascertain the income, may I ask the Honourable Premier whether this sum of Rs. 4,68,00,000 is not included in the total revenues, i.e., 12 crores ?

**Premier :** Yes, it is.

**Dr. Sir Gokal Chand Narang :** Very well. In that case it means that if this sum is deducted from the total we are left with Rs. 7,32,00,000. Now this is to be shared by the urban as well as the rural sections of the population. Moreover the assumption that the total revenues are to remain 12 crores is there. The Government would require this amount for running the administration. (*An honourable member :* According to their capacity to pay). Yes, according to their paying capacity. But apart from the

13

question of the capacity ——— is the share of the urban people, which

100

would amount to 91 or 92 lakhs. This is what you can demand from the urbanites on the population basis. Now what we have to see is whether the urban people are already paying something or not. The other day, I was not here when my honourable friend Sardar Sahib Sardar Santokh Singh told the House that we were paying Rs. 1,30,00,000 as income-tax. (*Interruption*). I am just giving an approximate figure.

**Khan Sahib Khawaja Ghulam Samad :** Rupees 1,33,29,820.

**Dr. Sir Gokal Chand Narang :** Thank you. Now these figures have been worked out by experts and cannot be treated lightly. Anyway,



out of Rs. 7,32,00,000, Rs. 50 lakhs are paid by the urban people. But let us say it is only 32 lakhs and no one can deny that. The remaining 7 crores are realized from the rural people. The honourable members will remember that I had worked out our portion of the tax as 92 lakhs. Deducting these 32 lakhs we are left with 60 lakhs which is due from us. Unfortunately the Honourable Minister of Development is not in his seat just now when his presence was so very essential, otherwise I would have asked him to see where these figures lead us. The urbanites have to pay Rs. 60,00,000 and they are paying Rs. 1,38,00,000 as income-tax. This means that we are paying more than our share and you owe us Rs. 78,00,000.

نہ کر لیکھا شامی نال کچھ دینا آویگا

**Nawab Sir Shah Nawaz Khan :**

ایہ امی گل تے یمہ جت سمجھدا نہیں

**Dr. Sir Gokul Chand Narang :**

قد ای تے خدا فرس جہر لے کئے نہیں

I should be excused if I am so business like but I have to be so. When Chaudhri Sir Chhotu Ram was once told that the urban people pay rupees one crore and thirty-eight lakhs as income-tax, he replied, "What have we to do with it? If you pay any income-tax you pay it to the Government of India." It is no doubt true that we pay this tax to the Central Government but anyhow that sum goes out of our pockets. Moreover, the Honourable Premier is probably aware of the fact that according to his own statement the retired Punjabi soldiers receive Rs. 4,00,00,000 in pensions from the Central Government.

**Premier :** For services rendered.

**Dr. Sir Gokul Chand Narang :** Yes, for services rendered. We have the greatest respect for their services. I personally consider a fighter to be the greatest benefactor of the country. We cannot forget the services that they have rendered to the people of their country, but at the same time it cannot be denied that they receive Rs. 4,00,00,000 from the Central Government out of the money mostly paid by urbanites. It is sheer high-handedness to say that they have nothing to do with what we pay to the Government of India.

*(At this stage Mr. Speaker resumed the chair).*

It is an undeniable fact that out of the taxes paid by urbanites 4 crores of rupees are received by the Punjabi soldiers who belong exclusively to rural areas. My honourable friend Raja Farman Ali stated that only the other day about 8 persons were killed while saving the lives of the townspeople from the raiders. I say we pray for peace to their noble souls and extol their valour. We also sympathise with the bereaved families. I am ready to believe that all the persons kidnapped by the raiders were townspeople and I am also prepared to give the fullest credit to those who sacrificed their precious lives in trying to save those who were being kidnapped. But at the same time I think my honourable friends will not deny that the soldiers from the Punjab, irrespective of the fact whether they are Hindus, Sikhs or Musalmans, do not get a single pie from the revenues

(Dr. Sir Gokal Chand Narang).

paid by them to the Provincial Government in the form of land revenue, *abiana*, stamps, excise duty, etc. The Punjab Government does not contribute a single pie towards their pay or pensions.

I may point out for the information of my honourable friends over there that not a single pie is spent on soldiers out of the income of land revenue, stamp and excise by the Provincial Government. The money spent on 80 or 85 thousand soldiers comes from income-tax and custom departments and it is the business of the Central Government to deal with the Military department and the provincial Government has nothing to do with it. We cannot ignore income-tax and I would ask my friends over there to remember that Rs. 4,00,00,000 yearly which military men in the Punjab get in the form of pensions, etc., comes from the Central revenue and not a pie is paid by the Punjab Government from the provincial Exchequer in that amount.

(A Voice : That money is paid for services rendered). Accepted, but the money comes from the Central fund to which the ruralites do not contribute a pie while the urbanites do. Keeping all these facts in view I challenge the Government to come forward and contradict the facts and figures which I have just quoted on the floor of this House. I think now it has been made quite clear to every honourable member that the urbanites are paying beyond their capacity. Leaving aside the terminal tax, water tax and electricity tax paid by the urbanites as pointed out by my learned friend Malik Barkat Ali I would say with all the emphasis at my command that the burden of taxation on urbanites is still unbearable. The second assumption is that it is the Government's desire to see the land of five rivers better off and prosperous. If the Government is really out to make the burden equitable as they claim it, it is well and good. If they have determined to reduce the burden of the zamindars, then urban shopkeeper will also stand to gain, as the prosperity of a zamindar and that of a shopkeeper go hand in hand. If zamindars are well off the shopkeepers will also be better off. I assure the Government that it is our earnest desire to see everybody happy in this province as our creed is :

सर्वे भवन्तु सुखिनाः

May all be happy, etc. There might have been some sense in this taxation if poor zamindars were to benefit by it. Let me tell these zamindars who are sitting on the opposite benches that they should not believe in the words of the Government who please them by saying that land revenue will be reduced. My friends should not build castles in the air by hoping that their burden will be lightened by the Government. It is just hoping against hope and they may take it from me that if they attach any importance to the promises of the Government they will feel much disappointed at the time of their not being fulfilled. I should therefore assure my honourable friends, as is said in Punjabi کہ وہی مٹی کے خانے ہی تک نہ لے آئے that the money realised from the tax would not be spent in affording relief to them but would be expended on the creation of new posts. Take it for granted that the Government will never reduce land revenue and *abiana* but additional posts will be created on which I think a large amount of money will be disposed of. Sir, as the Government have not told us

clearly the purpose for which they want to raise money it appears to me that they have no programme, no policy and have made no survey of the position. And it has not been said by the Government that so much money will be earmarked so to say, and so much money will be deposited in such and such fund for such and such purpose. The Government have not told us anything of this kind and they have not even committed themselves to the policy that small zamindars who pay small land revenue will be exempted. My submission is that if money is required for giving relief to the poor peasants, the Honourable Premier ought to be willing to agree that a reduction would be made in land revenue, say by a crore and they may get that money. But at present nothing of the sort has been said anywhere in the Bill and no reference has been made in this respect in the statement of objects and reasons. They should have chalked out a plan according to which the money realised from this tax will be spent. But it is most unfortunate that they have not done so and as you are aware everything has been kept in the dark so far as the utilisation of the income is concerned. How much money will this measure fetch? Even the Government is silent in this respect. If I am permitted to submit, I would say that first a survey should have been made and then in the light of that survey it could have been said that so much money would be realised from this tax. And if the estimate of income was one crore, of rupees the Government could have easily reduced land revenue by a crore. Then we would have considered that the Government had done something substantial in giving relief and comfort to the zamindars. (*Interruptions*). If some of my honourable friends opposite are under the impression that the money will be spent on educational purposes, this much I may tell them that that will not be done. As you are aware that Primary Education Bill has just passed and the burden of imparting education in the province has not been placed on the shoulders of the Government but the Act will be enforced at places where local bodies would like to get it enforced. Most of the money will be spent by local bodies themselves and not by the Government. All that Government will do is to give certain grants to certain places as they have been doing already. Now if we think that the money will be spent on starting canals it will also be incorrect. Take Bhakhra Dam Scheme for instance. Its cost will be met by raising loans and not from revenue. Moreover, we are not sure whether this scheme will ever materialise, as no communication has been carried on with Balasapur State since June 1939 and so far as I know this matter has been dropped. This scheme, however, can be carried out by raising a loan on commercial basis at the strength of concurrent revenue.

The next assumption which my friends sitting opposite do not know is this. Only my honourable friend Mir Maqbool Mahmood from the opposite side of the House has said in the course of his speech that this will be done and that will be done with the money realised by the tax. May I ask him that if he really intends to do what he said during his speech, why was it not mentioned in the statement of objects and reasons of the Bill so that no controversy could take place on the subject and the people could not be left in the dark with regard to the expenditure of money to be realised from this tax?

Well, sir, the purpose of giving a statement of objects and reasons in the Bill is to enlighten the public as to why that particular measure has been

(Dr. Sir Gokal Chand Narang).

introduced. But the Government have assiduously refrained from throwing any light on the matter. In fact they have kept us absolutely in the dark and have not given an inkling of the object for levying this tax. We can fully understand the purpose of this measure, if the Government argue that they want a sum of Rs. one crore with a view to reducing the land revenue by that amount ; or to earmark this money for the purpose of giving effect to the provisions of the recently passed Primary Education Bill and liquidating illiteracy in the province ; or to establish a net work of hospitals in the rural areas in order to afford medical aid to the poor villagers. This sort of explanation would have offered some satisfaction to the people. Then they would not have felt much hurt at their money being squeezed out of their pockets. But what have the Government done in this respect ? They have maintained a studied indifference towards this subject. They want to spend this money arbitrarily and according to their own sweet will and pleasure. But what we envisage is that the money realised through this tax would be swallowed by new expenditure and no relief worth the name would be afforded to any body in the rural areas.

Then some of my honourable friends laid stress on the fact that the capacity of the urban people to pay this tax should be taken into consideration by Government while fixing property tax. This aspect of the matter merits consideration. I would be failing in my duty if I do not say something on this point. Well, sir, a few years ago the late Sir Fazl-i-Husain coined an expression "have nots and have got", or at least gave it currency in the Punjab politics. That is, he characterised the urbanites as 'have got' and the ruralites as 'have nots'. Now I ask in all earnestness whether it is a fact that the ruralites are destitute or poor. That is not the case. It is equally wrong to assume that every urbanite is a 'have got'. If you go from Bhati Gate to Shahalmi Gate or from some gate to another, you would come across hardly one person out of 50 urbanites whom you could call *soukha*, i.e., well off but not rich. My honourable friends must bear this fact in mind that the mere presence of Rai Bahadur Lala Ram Saran Das or Diwan Kishen Kishore does not indicate that everybody in Lahore is affluent and rolling in wealth ; just as it cannot be said that simply because there are Noons, Tiwanas and Khattars in the rural areas, every one there is rich as they are. It is therefore wrong logic to say that every urbanite is necessarily rich and every ruralite is poor. It is a common saying that one swallow does not make summer. In this connection I may point out that sometime back I contributed an article to the "Civil and Military Gazette" and the "Tribune" on the subject of 'have nots and have got'. In that I exploded the myth and fallacy of urbanites being rich. I wrote in that article that stark poverty was rampant in the urban areas. (*Interruptions*). I will prove it in a moment and my honourable friends would be convinced of my proposition. They should only hold themselves in patience. Now taking the figures adduced by Mir Maqbool Mahmood as correct, my friends would agree with me that there are 34 lakhs of zamindars who pay land revenue. That is they are *sahib-i-zamin* (landowners). But how many people in urban areas possess any property ? Just think of the families in urban areas living huddled up in one small room rented at one or two rupees per mensem. Even in this biting cold winter my honourable

friends would come across countless people sleeping on *tharas* (platforms) of the shops because they can ill-afford to rent even a small room for spending the chilly nights. Honourable members would be surprised to know that there are people without number who do petty business of selling *pakaure*, *chhole*, etc., by hawking in the streets the whole day long and hardly earn two or three annas for their livelihood. They can easily realise how difficult it is to make one's both ends meet with this petty amount. And yet a great hue and cry is being raised by my honourable friends opposite that the urbanites are rich and that they have been lightly taxed so far. Now it is common knowledge that *ras*, i.e., capital is the life-blood of business or at least is a means to earning one's livelihood. The majority of the urbanites lack it, as I have already pointed out. But the zamindars possess land which is an unperishable capital. Not even an earthquake can damage it. It is the houses of the urbanites that would be destroyed or seriously damaged. But land is everlasting and only a deluge can bring about its destruction. Hence out of 2 crores of ruralites there are at least 34 lakhs who own land. I would say that zamindars are *sarmayadars* (capitalists) in the real sense. Their means of livelihood is ensured. They work and the mother land feeds them. But 90 per cent of the urbanites are destitute of capital and thus are victims of stark poverty. I wonder how my honourable friends opposite have the audacity to say that the urbanites are better off. (A voice: what about the exemptions?) I am coming to that point also. Now buildings and lands, the annual value of which does not exceed Rs. 300 in the rating areas of Lahore and Simla and Rs. 200 in other areas, would be exempted from the imposition of this tax. It is obvious that those persons would be taxed, the annual rental value of whose houses is more than Rs. 300. But may I know what is the number of ruralites whose income is more than 300 rupees? (Voices: Very few), Absolutely wrong. They are in thousands. I know the Honourable Premier has told us that there are only 13 big zamindars in the Punjab who pay Rs. 10 thousand or more as land revenue. But what is their income? (Premier: About Rs. 40 thousands). Forty thousand, very good. Now will the Honourable Premier let me know the number of zamindars who pay Rs. 50 or Rs. 75 as land revenue?

**Mian Muhammad Nurullah:** Those who pay land revenue not exceeding Rs. 100 are 98,344. The total revenue is Rs. 64 lakhs.

**Dr. Sir Gokal Chand Narang.**—There are thousands of zamindars who pay from Rs. 50 to Rs. 100 per annum as land revenue. Some of them may be paying 50 or 55 or 60 or 75 rupees while others may be paying 90 or 99 or 99 rupees and annas 15 annually to the Government. Let us take the average sum that each must be paying. The average comes to Rs. 75. (Mian Muhammad Nurullah: The total number of such zamindars is 98,000). I am highly grateful to my honourable friend Mian Muhammad Nurullah for having given me the exact figure. I was saying thousands and he says they are 98,000. I am glad to note that I was not wrong in putting their number at thousands. Now if a zamindar pays Rs. 75 as land revenue which the Government charges at the rate of 25 per cent of the net asset of a cultivator, we can safely conclude that the total net asset of such a zamindar must be Rs. 300 per annum. So the general conclusion is that there are 98,000 such zamindars

(Dr. Sir Gokul Chand Narang.)

in the province whose annual net income is Rs. 300 each. If the poor urbanites with this income are going to be subjected to a tax, why leave the zamindars untouched? Why is Government exempting these 98,000 zamindars whose annual income is equal to those urbanites who are going to be taxed under the Immovable Property Tax? The Government claims to be trying to arrive at an equitable adjustment of taxation in the rural and the urban areas. But no reason has been given for exempting 98,000 zamindars from the operation of this tax. Yet the Honourable Minister of Finance has put his signature to this Bill which is making invidious distinction between the different classes of people. Now if the honourable members sitting on Treasury benches reply that the zamindars are exempted because they are already paying land revenue, I will retort that the urbanites too are paying various other taxes, and in this connection I will not include the water rate or the electric charges. I will count much more substantial taxes which the urbanites pay, not for the services rendered to them but otherwise. For instance, they pay land revenue just as the ruralites pay. We pay land revenue even for the sites of our houses, and the special point to be noted is that the rate of land revenue imposed upon us is higher than that imposed on the ruralites. Some times we pay ten times as much land revenue as ruralites pay. I own two such bungalows in Lahore and I pay land revenue for both of them. In addition to this, house tax is imposed in some towns, for example, in Lahore, Lyallpur, Simla, Sargodha, Rewari, Rohtak and various other towns. In this connection you might have read in the *Tribune* of day before yesterday, the article of Mr. Taylor, the Administrator of Lahore whom I have not so far had the good fortune of seeing. Now Mr. Taylor was under the impression that houses with an annual rental value of Rs. 6,000 would be exempted from the payment of this tax. His mistake was pointed out to him by my honourable friend Malik Barkat Ali the very next morning through the press. If that had been the case we would not have bothered ourselves at all. But unfortunately that is not the case. Only a capital value of 6,000 rupees is to be exempted and not a rental value of that amount. In short the urbanites are already paying heavy taxes. It is a pity that most of the Unionists do not understand what depreciation charges the urbanites have to pay for their houses. I may tell them that a house valuing Rs. 5,000, goes on decreasing in its value every year and does not remain worth Rs. 5,000 if its owner would not annually go on spending money on it. So on the one hand the Government will go on charging this tax on a house, and on the other the owner will go on losing more and more money in the form of depreciation. The result will be that the poor owner will be ruined some day. But against this the lands of the zamindars would not be destroyed or devastated by any agency. The urban people have also to pay income-tax, the rate of which varies. Some people pay at the rate of 25 per cent of their income. The urban people have to pay various charges for their houses. For example, they pay land revenue for the land on which their houses are built. They have to pay house tax. They also pay in the form of court-fees on all transactions relating to the urban property. They have to get their houses insured against fire. The agricultural lands are not insured. (*An honourable member* : The agricultural land is also-

liable to damage equally with the houses by earthquakes and action of water and, therefore, they can also be insured against any such damage). The possibilities of this kind of damage to the agricultural lands are very rare, but the houses in towns are liable to catch fire at any time. If the houses are not insured it would also affect the Government's revenues. They would be deprived of 10 per cent tax they levy on the houses. All these charges fall on the houses situated in towns. In addition to this the urban people pay for the electricity consumed by them. The honourable members representing rural constituencies say that it is a luxury. In the cities it is not a luxury but a necessity. In a village you can live in darkness. But in a city you cannot do without light. Similarly they have to pay for the water they use. In addition to all these taxes and charges which the urban people have to bear they will have to shoulder the burden of the sales tax you propose to levy under the Sales Act.

Yesterday Chaudhri Sir Chhotu Ram in a newspaper stated that taxes should be levied according to the paying capacity of the people. (*Interruption*). He knows everything but still persists in doing all this. Well, Sir, it is true that taxes should be charged according to the paying capacity of the people. But it is a fact that a man living in a village can make his both ends meet if he has an income of Rs. 25 a month. But an income of Rs. 25 a month is nothing for a man living in a city. In a village a man can very easily live on Rs. 25 a month. He can keep a cow, without spending anything on fodder, etc. He can go out and lend a helping hand to an agriculturist and in return get some fodder for his cow. He has not to purchase fuel. He has not to pay local taxes and rates. In the towns there are thousands of children who do not get milk, except that which they get from their mothers. But even that is very little, for what can they get out of straved mothers?

Chaudhri Sir Chhotu Ram in his statement referred to the benefits which the urban people derive by living in urban areas. Let us see what are those benefits. In urban areas the roads are better than those in the villages. But the urban people pay for the construction and maintenance of those roads. In Lahore the residents have to pay Rs. 32 lakhs annually for the construction and maintenance of roads, etc. Then there is the electric light which is another benefit. The urban people pay for it. Similarly they pay for the water they get from the municipality. (*Interruption*). Yes, I expected that you would say that. No doubt hospitals, and courts are situated in the towns. Similarly medical and legal practitioners also live in the towns. Colleges and schools also exist in towns. All these things cannot exist in villages and, therefore, they have to be opened in urban areas. Now you will tell me that cinemas and zoological gardens are also in Lahore. Can you think that all these things can exist in the villages? You cannot successfully run a college in a village. Can you? You have got one college at Shahpur. Perhaps there are only 20 students who have joined that college.

**Minister of Public Works :** There is only one college in rural surroundings and you cannot even tolerate that.

**Dr. Sir Gokul Chand Narang :** You can open as many colleges in the villages as you may like. But what will you have there? Not students.

[Dr. Sir Gokul Chand Narang.]

Perhaps you will train *shikari* dogs and falcons there ! Moreover, the place where you would open a college will not remain a village. With the opening of a college it will at once be converted into a town. Then again it is a fact, Sir, that in all the colleges of Lahore the boys belonging to villages are more than those who belong to towns. (*An honourable member* : Do you know that in order to educate one boy the parents have to sell their whole landed property and the expenditure thus incurred ultimately goes into the pocket of the urban people ? But you must understand that the boy who is thus educated after finishing his education becomes an Extra Assistant Commissioner. (*An honourable member* : But every one cannot become an Extra Assistant Commissioner). But the prospects of becoming an Extra Assistant Commissioner are always there. To-day those gentlemen have become Ministers and it is possible that to-morrow the sons of the gentlemen sitting to their right might get a chance of becoming Ministers.

As regards the hospitals which exist in towns I may say that the urban people have to pay for them. I refer you to the case of the Mayo Hospital, Lahore. The residents of Lahore contributed lakhs of rupees for this hospital. Visit this hospital and see the slabs on its various wards to find out the names of persons who paid for the building of those wards. You will find that most of them were urban people. Moreover, examine the registers of the indoor patients and you will find that most of them do not belong to Lahore but belong to villages. To say that the Assembly Chamber, the High Court and the District Courts are in Lahore is meaningless. They have to be in Lahore. You cannot have them at Sheikhupura or Rohtak, not to speak of a village. All these have to be in Lahore. Similarly you cannot open cinemas in villages. I am prepared to open cinemas in every village of the Province, provided you guarantee that all those cinemas would run successfully. But you cannot run a cinema successfully in a village. Therefore, there is no weight in the argument that the urban people live more comfortably than the rural people or that the paying capacity of the former is more than that of the latter.

As a matter of fact the number of wealthy persons in the urban areas is not great. There are only a few persons in the cities who are considered to be well off. Similarly in the rural areas also there are persons who are actually rolling in wealth. The rich persons in the urban areas cannot be compared with the rural landlords. The latter keep hundreds of pet dogs and horses, which are not even available to the richest men in the towns. For instance, there is Malik Sahib sitting there. He is a rural landlord. He must be keeping hundreds of dogs and horses in his estate for pleasure only. These pleasures are not available even to rich people in the towns. I can say that a week's life of pleasure in the rural areas is worth a thousand pleasures in the cities. There is absolutely no comparison between the urban and rural rich people. If my honourable friends think that the urbanites are passing their lives easily they are sadly mistaken.

There is yet another very important matter in regard to which I want to say a few words. My honourable friend Mir Maqbool Mahmood pointed out that there are something like 600,000 house owners in the Punjab. I have not made any inquiries myself in regard to these facts and figures but



I took them down as my honourable friend pointed out. (*Mir Maqbool Mahmood*: I said 700,000 houses). Let it be 700,000 houses. As I remember yesterday he pointed out that there were 6 to 7 lakhs of house owners in the province and that is what I have taken down in my notes. Out of them tax cannot be levied on 200,000 to 300,000 houses. There are only 400,000 house owners, in which big as well as small house owners are included, who will be required to pay this tax. Against this there are 3,400,000 landlords, including big landlords like Tiwanas and Noons, who are required to pay land revenue. Now my honourable friends cannot compel 400,000 house owners to pay as much as 3,400,000 landlords combined together pay. According to the laws of ratio proportion the share of the urbanites comes to 90 lakhs of rupees. It is in view of fixing the exact share of the urbanites that I want my honourable friends to decide whether they want to maintain the income of the province at Rs. 12 crores or they want to increase it to 14 or 15 crores of rupees. If they want to maintain it at Rs. 12 crores, in that case my submission is that the burden of taxation is already equitably levied on the urban and rural people. Not only that, as I have already pointed out the urbanites pay 78 lakhs of rupees more than what was due from them and it would be very kind of Government to refund that amount to us so that we should spend it for giving relief to the poor people in the urban areas. Let me tell my honourable friends that the measures which this Government have already placed on the statute book have reduced the life of the urban people to a life of veritable misery. In fact their businesses have been ruined and now they are confronted with the question of how to earn their bread. The business of money lending has come to a stand still. No money lender with a grain of sense in him can risk his money. The result has been that along with the sahukars zamindars are also suffering. Many zamindars come to me and tell me that they are in straitened circumstances, they urgently need money but nobody lends them even a single pie. I remember that a Sikh landlord came to me and told me that he had a big house and other property in a fairly large small town, but nobody would lend him even a single pie and he requested me to make some sort of arrangement for him with some bank. I told him that it was very difficult to get money on credit from the banks. The bank people raise hundreds of objections even when they lend money to non-agriculturists and that they would not be prepared to lend any money to an agriculturist. In short now nobody lends even a single pie to the zamindars. After all no one likes to risk his money. The result has been that the business of money lending has come to a stand still. The set-back which trade has received on account of the enactment of Markets Act will shortly come to the notice of my zamindar friends. The Honourable Chaudhri Sir Chhotu Ram while getting the measure referred to above enacted did not anticipate the hardships to which the zamindars would be put in mandis. Presently he will know that it would be very difficult to carry on any dealings in grains in the mandis of the Punjab. I ask if it is a fact, as has been pointed out in an article published in the press, that according to the provisions of the Markets Act one-fourth of the price of the agricultural produce shall have to be paid by the bidder on the spot and the rest before dusk, who will carry on business like that? Anybody who is conversant with the usages of trade can well imagine the hardships to which

[Dr. Sir Gokul Chand Narang.]

the zamindars, who bring their produce to mandis, would be put. I ask when a zamindar would bring, say, a cartload of grains to a mandi, who would come forward to bid, and what dealer in grains would be ready to pay one-fourth price of the agricultural produce on the spot and the rest before the creeping of dusk? I may tell my honourable friends that there will be only one or two per cent of dealers in grains who would be prepared to make payments on the spot. But they would not make full payments to the zamindars. They will say: Well, Chaudhri Sahib, if you want to have the price of your agricultural produce before dusk, we can pay, say, instead of Rs. 10, 6 or 7 rupees only: And thus the poor zamindars would not get even full price for their agricultural produce. Let Chaudhri Sir Chhotu Ram make note of it that this will be the fate which the zamindars would meet at the hands of the mandiwallas. Of course at present the zamindars do not feel it. But when the time for the payment of land revenue would come they would feel the pinch when there would be no dealer to buy their agricultural produce in mandis. It will be then that they would realize their difficulties. They should bless the Government for that. However, I do not like to go into these details. My submission is that the business of sahukara has come to an end, trade has been ruined and now my honourable friends want to strangle the urbanites by levying new taxes on them. The lands which the urbanites held in mortgages have already gone and now these new taxes are being imposed on them. The smiles of my honourable friends remind me of an adage:

جڑیاں دی موت کے کورے ہاں ملے

After all they should consider the matter carefully whether they are not going beyond the limits of propriety in taxing the poor people in the urban areas. Personally I am against the amendment which my honourable friend Lala Sohan Lal has moved. In my opinion even ten per cent tax is rather much too high. The amendment which stands in my name proposes a tax of only five per cent. The Honourable Premier had promised the other day to impose a tax of only five per cent. I was under the impression that a responsible person like him could not say anything which he would retract the next day. It is surprising that one day he should promise in the Assembly Chamber that a tax of five per cent would be levied and next day he should say that instead of five, ten per cent tax would be levied. May be that he has some very good and reasonable excuse for that. But I think the imposition of ten per cent tax on the urban people would prove a great hardship to them. In fact when the Honourable Premier promised to levy a tax of five per cent, the urban people were reassured that he would stick to his promise. But, Sir, when I read a vernacular paper in the morning I was very much astonished to find that instead of five per cent the Premier wanted to impose a tax of ten per cent. I thought that there was some misprint in that newspaper. But as soon as I looked up an English daily I found the same thing printed there as well. I was simply astounded that the Honourable Premier should have gone back upon his words and that instead of five per cent he wanted to impose a tax of ten per cent. I gave notice of this amendment under the impression that the Honourable Premier was agreeable to accept the principle of levying a tax of only five per cent.

(Interruptions).

But my submission is that I sent in an amendment proposing 5 per cent because the Honourable the Premier himself had declared that for the present there was no intention of going beyond that. Then why should you insist on keeping this sword of Damocles over the head of the people in the form of the maximum limit of 20 per cent? It will have a very bad effect on the value of property. In case I want to purchase a house to-day I know that I shall have to pay 5 per cent as tax. That was also what the Premier gave us to understand and I hope that he will revert to 5 per cent unless he is compelled by unknown forces or causes. But if you do not accept even this amendment and insist on a maximum of 20 per cent the people will think that having promised to start with 5 per cent you have gone up to 10 per cent and God knows what you will charge in actual practice. This feeling of uncertainty will keep them from purchasing any property and the prices will naturally fall to a great extent.

Then there is another aspect of the matter. Take the case of a man who cannot afford to pay all the taxes levied on his property by the Government and the Municipality. According to my calculations these taxes including the surcharge, the house-tax, etc., amount to 71½ per cent of the rental value of a building. Those who get any rent may be able to pay, but what about a man who has only one house and resides in it himself? If the annual value of his house is assessed at Rs. 400 he shall have to pay Rs. 285 in the form of these taxes, no matter whether he has built this house with borrowed money or it is otherwise encumbered. Now what will be the result? Such people must cut down their expenses in order to save money to pay your taxes. They will give up their intentions of building any new houses and this will affect the masons, carpenters, coolies, cartmen and other poor people. Similarly, those who have ten or twelve servants will dispense with the services of some of them. People are actually thinking of such retrenchments in their expenses. This Government always professes a great sympathy for the poor and does not let slip any opportunity of shedding crocodile tears on their sad plight. I would, therefore, request it to take into consideration all the various repercussions of this measure which is likely to throw out of employment so many labourers and even household servants. You should not be misled by the conditions prevailing during the last Great War. The people who had earned thousands and lakhs during that war are now-a-days on the verge of bankruptcy. Businessmen are experiencing a great slump. The depression in business is so acute that even big firms are taking to postcards in order to escape the enhanced price of envelopes. They have decided not to use envelopes unless it is absolutely necessary. Similarly, they are reducing the number of telephone trunk calls and telegrams, and when a tax of two pice per unit is levied on the consumption of electric current the people will have to find out ways and means to reduce their expenditure on this item too. In short if you throw a stone in a pond the waves are sure to go right up to the bank. I would, therefore, request the Honourable the Premier to desist from indecent haste in taking decisions in respect of such matters. In his new-fangled enthusiasm he should not lose sight of the repercussions of his actions.

The Honourable Minister of Development has declared that he is out to tax the urban population to the tune of 6 crores of rupees. Well, Sir,

[Dr. Sir Gokul Chand Narang.]

he is welcome to it. The 18 per cent urbanites will, somehow or other, pay even that amount. We are used to such loots and plunders. Nadir Shah, Mahmud of Ghazni, Ghauri and others have looted and plundered us before you, and now we will think that this time a Jat from Rohtak and a Khattar from Wah had come to plague us. But where are those who perpetrated these atrocities? They are no more, while we are still alive and kicking. We will survive even this loot but beware of its repercussions and reactions on yourself. Ask my honourable sister over there what the people think of you and what they have to say about your actions. You should, therefore, take stock of the whole situation before moving a step further. Anyway, Sir, I am of the opinion that the rate should not exceed 5 per cent and that the maximum limit of 20 per cent will work to the detriment of all concerned. The Government should stick to its original intention of levying this tax at the rate of 5 per centum so that the well known couplet of the poet Zauq, which I do not want to recite here, may not apply to him. With these remarks, I support the amendment, although personally I am still in favour of 5 per cent.

**Mr. P. H. Guest** (Punjab Commerce and Industry) : Sir, what I have to say I will say in a few words. I do not propose to go over the ground that has been gone over in previous speeches, but I am not sure until I read my papers to-morrow morning on account of the language difficulty. But I hope I shall not trespass in that direction. Now, this Bill has many good points, but it seems to be very unfortunate in its consequences. My chief objection especially in relation to this amendment is that one should not give an over-dose of a toxin drug to a patient, who is already in a delicate state of health. I feel that precaution is necessary when the patient is in that condition. I know that the object of this Bill and the object of this 20 per cent tax is to equalize the alleged inequality in the taxation between urban and rural population, but I am not going to plough that furrow to-day. It has been dealt with very fully by many people and I do not propose to go in that direction. I want to raise one or two points that have not been raised so far.

In the first place, this tax is a novel tax. No one knows its real effect on the body-politic. I feel that we must go very carefully step by step when dealing with an abnormal tax which has not previously been levied in India as a complete provincial measure as this is.

The second point which I wish to emphasise and which may be covered by the Honourable Premier later—he has referred to it in the past—is that this tax is encroaching on a source of taxation which should really be left to the local authorities. I think that these two are very important points which should be considered.

The third point which I would like to mention is that we have here for the first occasion a number of people or, I should say, many of them who agree to the ten per cent basis. Some of them want twenty but we are all partly agreed on ten per cent and I think it will be a very good gesture on the part of the Government to accept a suggestion which appears to be more or less unanimous. It seems that there are no serious objectors to the

ten per cent basis. I suggest this to avoid any trouble in the body-politic and I appeal that this amendment should be considered and accepted and if you do not do so, I am afraid there will be very serious digestive disturbances in this body-politic. I do not wish to delay you any further and with these few remarks I support the amendment. (*Voices: Question be now put.*)

**Mr. Speaker :** The question is—

That the question be now put.

*The motion was carried.*

**Rai Bahadur Lala Sohan Lal (Urdu):** Sir, after the masterly and forceful speeches of my honourable friends Dr. Sir Gokul Chand Narang and Mian Abdul Aziz, I need hardly say any more, as they have already made our point of view quite clear. I only desire to express my hope that after listening to their speeches, the Honourable Premier will see his way to change his position in regard to this matter. I would also like to bring it to his notice that despite our repeated requests we have not been told as to how the Government propose to spend the proceeds of this tax. The details have not been communicated to the honourable members of this House.

In regard to the remarks made by the Honourable Chaudhri Sir Chhotu Ram while my honourable friend Mian Abdul Aziz was speaking, by which means he could get the desired funds without putting a burden on any section of the population, may I ask him as to what has become of the Retrenchment and Resources Committee's report? The Committee deliberated for about a year and a half but the report has not been brought before the House as yet, although some very important and useful proposals have been made therein. If the recommendations of that Committee are put into practice, a considerable reduction in expenditure would be made. The Honourable Premier stated at one time that these recommendations are being carefully scrutinised by the officers concerned but did not know how long it will take and no time has been fixed that reports should be ready by such and such time. Nor is any attention paid to the immense waste of money that is going on in the various commercial departments of the Government. One of such departments is the Hydro-Electric Branch on which many crores of rupees of public money have been spent. In reply to a question the other day we were told by the Parliamentary Secretary that 7 crore units of electricity were generated at the works but income was derived from the sale of only 2½ crores of such units. I am at a loss to understand where the rest of energy goes. Is all this a loss percentage or is it stolen? The Government does not give its attention to stopping the wastage where it can, but very readily launches upon such taxation measures to create bad blood between the urban and the rural sections of the population.

I would request the Honourable Premier to first reduce the heavy expenditure of the Government and then to levy a tax at the rate of not more than 10 per cent. In the end I hope that the Government will see its way to accepting this important amendment and will reduce the maximum rate to 10 per cent.

**Premier** (The Honourable Major Sir Sikandar Hyat-Khan) (Urdu): Sir, in all the speeches that have been made from the opposite side of the House, the same arguments have been advanced and the same points have been repeated, which were contained in yesterday's speeches. Anyway, I am very glad to note that my honourable friend Dr. Sir Gokul Chand Narang has delivered his speech in a very calm and cool manner. I would also try to emulate his example. It gave me pleasure to see that the old Persian adage:

ہر جہ پر خدائے پسندی پر دیگران پسند

has very faithfully been adhered to. Probably my honourable friend realizes that it does not pay to engender heat in any discussion, because:

عہ یہ گفتہ کی صدا جیسی کہ، ویسی سنے

I am confident that there will be nothing in my speech which might cause heat as I am by temperament a cool headed person. Sir, I have never offended anybody nor have I ever been personal in my remarks, although, as you have seen many times, personal attacks are made on me in this House. I am in the habit of taking everything from my honourable friends with a smiling face. I would, therefore, reply to the questions put by my honourable friend opposite in a dispassionate manner. Sir, most of the arguments have been repeated on the floor of the House and my honourable friend representing the labour constituency has also indulged in a lot of repetition. But I would like to meet all those arguments briefly, if my honourable friend Dr. Sir Gokul Chand Narang agrees to lend me a patient hearing. My honourable friend Lala Gopal Das has remarked that in Bombay the tax is 12½ per cent. I think he has not gone through the whole of the Bombay Bill and the only chapter which he has read has misled him. He ought to have studied the Bombay Finance Bill and the points which are not clear to his mind now, would have become clear. Now I will place a point before him which will be easily intelligible to him. In Bombay 26½ per cent tax has been levied on property belonging to high class people and 5 per cent has been levied on smaller properties, but my honourable friend should bear in mind that this tax is a graduated tax and it goes higher in cases of bigger properties. (A voice: But you have made no exemptions. Your limit is 20 thousand rupees.) I am afraid my honourable friend opposite has not read the Bill carefully, otherwise it would have been clear to him that exemptions in our Bill are exactly the same as they are in the Bombay Bill. It is, therefore, wrong to say that we have not provided exemptions in this Bill. Perhaps my honourable friend does not know that in Bombay there is another tax known as Bombay Property Improvement Tax. I may point out to him that this tax is levied on unearned increments and it goes up to 50 per cent on each property.

**Dr. Sir Gokul Chand Narang:** That is a different thing. (Interruptions).

**Premier:** What I want to submit is that we did not forget to consider unearned increments at the time of drafting this Bill. It was all on account of the recommendations of the Retrenchment Committee which required us to levy tax on unearned increments that we kept this recommendation in view at the time of drafting the Bill. I would also like to point out that

some of my honourable friends told me that Bhakhra Dam Scheme will not prove productive for the Government and I replied that if it was so, the Government would make it productive by levying khush-hasiyati tax on the people living in that area. And so far as the Thal Project is concerned, it is known to every honourable member in this House that Rs. 30 was levied on each acre of land irrigated by this scheme with the approval of this legislature. Before the Bill was referred to the Select Committee we held this view that unearned increments should be taxed and so we proposed that the tax should be levied on the basis of the capital value of a property. And my honourable friends opposite should believe me that if the tax was levied on the capital value, the yield of this measure would have been double in amount. Even now if the tax is levied on vacant land at its capital value at the rate of, say, Re 1 per cent just find out what it will bring to the State.

**Dr. Sir Gokul Chand Narang :** You determine the capital value by  $X \times 20$ , X being the annual value.

**Premier :** It seems that my honourable friend has not studied the Bill as introduced in this House. The estimate of the amount made on the basis of rental value is different from that made on the basis of market value. I submit there are certain cases in which a land has its market value but does not fetch a pie as rent. For instance, my honourable friend Amjad Ali has a tract of vacant land. If we were to assess it on the basis of capital value the tax would have been levied up to a thousand rupees. But now in the present circumstances so much tax would not be levied.

**Dr. Sir Gokul Chand Narang :** These are individual cases.

**Premier :** These are not individual cases. My honourable friend probably knows there are many unoccupied pieces of land of this type which do not fetch any rent and are only used as playgrounds by small children. Now my honourable friend can make out the amount to be realised on each marla if the tax is levied on its market value.

**Dr. Sir Gokul Chand Narang :** May I just interrupt for a second? I think the Premier is not correct in that. If he was to take the market value, his argument would be perfectly correct. But the Bill as was submitted to the select committee did not say the market value. It was the capital value, and there is a great difference between the two. The capital value was to be determined by multiplying the annual value by 20. That may either be more or less than the market value. If the land was fetching no value, then it would mean  $20 \times 0$ , and for the purpose of tax it would not have come in.

**Premier :** I think my friend Dr. Sir Gokul Chand Narang has missed the point. He should therefore hear me patiently and I will make him understand as it has been said in Persian that *نه بیرون، نه بیرون*. So far as the objection raised by him is concerned, I would submit that previously, where there was no rent yield from a land, we would have charged the tax on its market value. Now we can levy the tax only on annual value, which was not provided in the Bill previously. In making the change from capital value to annual value we have to average the return and therefore we have decided to levy 10 per cent in the first year. My friends over there may take it from me that the Government do not stand to gain much by

[Premier.]

making this change in assessment, which will make a great difference in the total income.

**Sardar Sahib Sardar Santokh Singh :** It would not make so much difference.

**Premier :** It will make an enormous difference.

**Dr. Sir Gokul Chand Narang :** It would make no difference regarding building.s.

**Premier :** If my friends are of the opinion that it would make no difference I offer to restore one quarter of one per cent on the capital value and then I need not say a word in this respect.

**Sardar Sahib Sardar Santokh Singh :** Then your Bill becomes *ultra vires*.

**Premier :** You do not bother about that. Sir, I do not know why my honourable friend opposite interrupts me without any obvious reason. I was submitting the reason why I thought it advisable to make a change in this measure. I was asked by the honourable members sitting over there to reduce the rate of tax, that is one quarter of one per cent, and the select committee reduced it. But in order to make up the fall in the expected income which will take place because of the change from capital value to rental value we had no alternative except to fix the tax at 10 per cent. Now what we will realise is comparatively less, as we have to average the return. I may clarify this point by giving an instance. In Lahore, vacant land is worth crores of rupees and if we assess tax on it on its capital value it will work out to large sums of money. And so is the case in Amritsar, but now according to the rental value we will not be able to realise so much as in previous case.

Now, sir, I would like to draw your attention to another important point. Several honourable members on the opposite benches as well as on these benches have time and again enquired during the course of their speeches whether this tax is to be levied on the urban people alone or the rural people will also come under its purview. I may tell my honourable friends, firstly, that the Bill under consideration is quite clear about it and, secondly, we have not the slightest intention to discriminate between the urbanites and the ruralites. Our main object is to equalise the burden of taxation on all classes of people, irrespective of the fact whether they belong to the rural or urban areas. I, therefore, vehemently contradict the notion that this measure is solely intended to levy a tax on the urban people. The honourable members must bear this fact in mind that in cities all the houses on which it is contemplated to impose a property tax, do not belong to the non-agriculturists alone; a large number of them are owned by the agriculturists also. There is no question of the former being singled out for the purpose of taxation. The latter will also pay the tax on their property situate in the urban areas. Besides, my honourable friends would readily agree with me that there is not a single district headquarter where the affluent zamindars have not built their houses. Take for instance the case of Lahore itself. Nawab Sahib of Mamdot possesses here a large property besides a palace. My colleague Major Khizar Hayat, who has been



alleged to go on hunting expeditions with a hawk on his hand and a costly retinue following him, has built several palatial buildings here. Then comes my honourable friend Nawab Jamal Khan. It is an irony of fate that so far he had not thought of building a house in Lahore, but now when he is actually getting a palace built for him, imposition of property tax on buildings is on foot (*laughter*). Now what I am driving at is that almost every well-to-do zamindar possesses a house in urban areas. They are all expected to share this burden of new taxation with their urban brethren. We are, therefore, not the least according any differential treatment to any class or individual. However, I very much regret to say that the houses belonging to the honourable lady member Baji Sahiba would be taxed under the provisions of this Bill. There is no escape from it (*laughter*). But at the cost of being charged with jobbery, favouritism and nepotism and even at the risk of carping criticism that would be levelled against me, I have made up my mind to place her case under clause 4 (2), (*renewed laughter*), so that I may be left in peace from the wrath which she poured against me by making wrong propaganda among the people. Sir, I am constrained to remark that she has been guilty of making gross misstatements. She said on two occasions that the Government were going to bring untold misery to the poorer classes like widows, orphans, etc., by levying property tax on them. I declare on the floor of the House that none else feels more or has greater solicitude for the poor than we do. (*Applause*).

**Begum Rashida Latif Baji :** On a point of personal explanation. What I said was that the property tax would work havoc with the poor people the same way as house tax.

**Premier :** I am not talking of the house tax. I may tell the honourable members that in other provinces like Bombay, Madras, the United Provinces, etc., property tax has been imposed on all and sundry. No exemptions of any kind have been granted. Not even the property of widows and orphans, for whom Baji Sahiba's heart bleeds, has been spared. Then my honourable friend Sardar Santokh Singh too harped on the same tune. He remarked that we would be crushing the poor people like the widows and orphans who happened to own a little property in the form of houses in the towns. What I see in this game of indulging in lip sympathy for the poor is this. These honourable members representing the vested interests in reality want to save their own skins. They want to escape from this tax in the garb of champions of the poor. I need not recapitulate what we have provided for the poor people in this Bill. But I must tell them, even at the cost of repetition, that whereas no provision exists either in Bombay, Calcutta or elsewhere for the exemption of the property of the poor, we have exempted buildings and lands used exclusively for educational purposes such as schools, colleges etc., for hospitals, dispensaries, orphanages, alms houses and so on. My honourable friends would be surprised to know that in Bombay, Calcutta, Cawnpore etc., even places of worship are not immune from the property tax. But here we have exempted all the churches, mosques, dharmshalas, gurdwaras and even the endowments attached to them, from the operation of the provisions of this Bill. It pains me to find that our friends instead of giving us credit for this and expressing appreciation of the useful provisions in the Bill, still continue to level scathing criticism against us. They at once jump to their

[Premier.]

fect to point out that in Bombay the property tax has been fixed at 10 per cent but they lose sight of the fact that there the people are required to pay another 50 per cent in taxes in addition to this tax. I would advise them first to go through this Bill carefully and then to make comparisons with those of the other provinces. Then, Sir, to crown it all we have specifically provided for the exemption of such buildings and lands as may be used for the purpose of factories. This has not been done in Bombay in spite of the fact that it is a great industrial city. But we have made this provision in deference to the views of the honourable members who are anxious to give a fillip to the growth and progress of industry in the Punjab.

**Sardar Sahib Sardar Santokh Singh :** But this tax does not exist in the majority of the provinces.

**Premier :** If not this particular tax, there must be some other heavy taxes there. For instance, in Punjab the incidence of land revenue is high while in Bengal it is low because of the permanent settlement there. But if my honourable friend peruses the Bengal Sales Tax Bill, he would find the tax three times higher than we have proposed in the Punjab. (*Interruptions*). (*A voice :* Retail sellers are also taxed there). I know the shoe pinches there. But I must tell them in unambiguous terms that we unlike other provinces tax the rich with a view to affording relief to the poor and the down-trodden. Our cherished principle is to raise the lowly, instead of condemning them to the quagmire of perpetual poverty. (*Cheers*).

Then my honourable friend Chaudhri Jalal-ud-Din Amber quoted a well-known line آپ نے دیکھنا کہ کون کون سے دیہات میں آپ نے دیکھا ہے He said that it aptly applied to us. I assure him that he need not worry about us. As our intentions are honest and sincere, we have absolutely no fear or apprehension of sinking. God be with us, we would swim across the disturbed waters. Our cause is the cause of the poor, decidedly a righteous cause, and we shall not fail in achieving our object. We compare ourselves to the proverbial wood and my honourable friends to iron and hence the former would carry the latter with it safely. (*Cheers*). But I would make one suggestion to my honourable friends ; if we cater to their needs and requirements in the towns and provide amenities of life for them at the cost of poor ruralites, it behoves them that they should also lend us a helping hand when we are in trouble. The zamindars are groaning under the disproportionately crushing weight of the taxes and we want our urban brethren to be liberal enough and make some contribution towards the Exchequer for the purpose of affording relief to the tillers of the soil.

Then, Sir, I had a mind to reply to the charges levelled by Mian Abdul Aziz. But I find that my honourable friend is not in his seat. His remarks were mostly irrelevant and I need not waste the valuable time of the House by treading that ground. But I must reply to the points raised by Dr. Sir Gokul Chand Narang. My honourable friend taking his cue from Mian Abdul Aziz remarked that the people of Lahore were already burdened with a municipal tax amounting to Rs. 82 lakhs. Well, Sir, House tax has only recently been introduced by the Municipality of Lahore and previously there was no such tax in existence. I wonder how my honourable friend has worked out the figure of 82 lakhs alleged to be paid by the people of

Lahore. (*A voice*: What about the octroi tax?). Now my honourable friend has begun to talk of the octroi tax. I may tell him that the major portion of this tax is borne by the agriculturists who bring raw agricultural produce and vegetables from the villages in order to cater to the needs of the people of Lahore. The burden of this tax is almost shouldered by the zamindars and not by the urban people. It is a thousand pities that the whole sanitation of Lahore is being carried on at the expense of these villagers who produce raw materials and send their commodities to the market of Lahore, and pay octroi tax on them. Yet my honourable friend has the audacity to say that citizens of Lahore are already paying Rs. 32 lakhs as tax.

**An Honourable Member**: But the octroi tax ultimately falls on the consumers and not the producers.

**Premier**: No. I differ with my honourable friend. It does fall on the producers as well.

Far from paying too many taxes, the urbanites are paying absolutely no direct taxes. Will the champions of the cause of the urbanites kindly enumerate on the floor of the House what direct taxes they are already paying? I pause for a reply. But I see that no reply is coming from the other side. In fact they cannot return any reply to this question. I repeat the question. Will my honourable urban friends kindly enumerate what direct taxes they are already paying to the Government? Again, there is no reply. I challenge them to contradict me and I am sure they will never be able to contradict me in this respect. And yet they had the audacity to say that the urbanites were more heavily taxed than the ruralites.

I will now come to the strange logic of my honourable friend Dr. Sir Gokul Chand Narang. I confess that I could not see his point in quoting Mir Maqbool Mahmood's statement to the effect that 37 lakhs of zamindars were paying land revenue to the Government. He further stated that 98,000 of these zamindars paid between Rs. 50 to Rs. 100 as land revenue. Yes, the figure is correct. But what did my honourable and learned friend Dr. Sir Gokul Chand Narang mean to infer from this? Well, if there were 98,000 such zamindars as paid from Rs. 50 to Rs. 100 to the Government per annum, it only meant that they were already taxed and that they were annually paying a heavy sum to the Government. It also means that no exemption is made among zamindars even if they earn one rupee per annum from their land. But here in towns we propose to exempt all those whose annual income from buildings and lands does not exceed Rs. 300 in Lahore and Simla, and Rs. 200 in other areas. The case of 37 lakhs of zamindars paying land revenue to the Government strengthens our argument. I wonder why my honourable friend Dr. Sir Gokul Chand Narang advanced this reason at all. (*Begum Rashdia Latif Baji*: Ministers are getting high salaries of Rs. 3,000 per month). Oh, our pay is troubling my honourable sister over there! May I point out to her that even Engineers are getting as much as Rs. 2,500 per month! Does not their salary agitate her mind? An overseer can well do the job of an Engineer. But we appoint high salaried Engineers for their high quality of work and supervision. Similarly if the honourable lady member thinks it proper to replace me by another person who will get less than I do, I will have no objection. (*Begum Rashdia Latif Baji*: I did not say so).

**Mr. Speaker :** Order, order, please.

**Premier :** As a matter of fact I receive Rs. 1,960 only per mensem after deducting the various taxes and levies. If my honourable sister wishes, she may undertake to bear my expenses and receive all my monthly salary. (*Interruptions*).

**Mr. Speaker :** Please do not interrupt the Honourable Premier, nor pass remarks on his speech.

**Premier :** I have now to observe what my honourable friend Dr. Sir Gokul Chand Narang stated about the permanent riches and permanent resources of the zamindars. He has adopted an inconsistent attitude. When the agrarian Bills were under consideration, he along with Sardar Santokh Singh, Lala Sita Ram and Rai Bahadur Mukand Lal Puri used to say that their debts were wholly insecure as the poor zamindars were almost bankrupt and had no securities to offer for their debts, and that the credit of the zamindars was lost for ever. But now the learned doctor has turned round and said that the zamindars had permanent resources, that every agriculturist had land and thereby was eternally provided for and that his credit stood high for all times to come. How has he become so inconsistent? I confess that consistency is no virtue in politics. But why has he completely changed his grounds and begun to utter such strange things on the floor of the House?

He says to-day that every zamindar could hold his neck high in the field of economics where others stood face to face with hunger and starvation. Only the other day he was telling us that the whole of the rural credit had been ruined and that the poor agriculturists were reduced to such utter destitution that no moneylender considered them worth his attention any longer. But to-day he says that the credit of every zamindar stands high. Yes, it is really so. Does he know what is the credit of the zamindars? It is their self respect which my honourable friend had tried to destroy and which we have supplied them again, and we are confident that this credit of the zamindars will remain safe and sound for ever. With this wealth of self respect secured, a zamindar is prepared to face every other peril and risk that may come in his way.

It has been contended by the urbanites that further constructions and buildings will stop in the towns as a result of this Bill. On the other hand, I am confident that this gloomy prophesy will prove false even as their prophesies with regard to the ruin of the rural credit have proved false. Buildings will continue to be erected in Lahore and other cities and the pace will be rather quickened. Even my honourable friends Rai Bahadur Sohan Lal and Rai Bahadur Gopal Das will erect more palaces in Lahore and the smiles on their faces corroborate my statement.

Besides, my honourable friend Dr. Sir Gokul Chand Narang has tried to drive a wedge between the urban and rural population by saying that the Urban Immovable Property Tax is calculated to crush the urban people for the benefit of the ruralites. That is a wrong conclusion. The whole of the tax is not to be paid by the so called urban people alone. As a matter of fact the rural people too will bear this burden. Many inhabitants of

villages have buildings in the towns, and hence they will pay this tax as well as the urbanites. To create a difference between ruralites and urbanites on the basis of this tax is pure mischief born of a serious fallacy on the part of my honourable friend Dr. Sir Gokul Chand Narang. It is not based on sound logic. Taxes are always levied on the taxable capacity of persons whether they live in the villages or in the towns. Instead of creating these dangerous differences, my honourable friend should be grateful because I am trying, by these legislations to bridge the gulf that divides the rich from the poor and by bridging this gulf I am rendering a great service to the moneyed classes, because too much disproportion of wealth creates conflict between the rich and the poor and when that cause of conflict is removed, the danger of clash is also eliminated thereby. In fact, I am anxious to save the lives and properties of the rich from the onslaught of a much dreaded revolution, which if allowed to come, will be no respecter of persons like Rai Bahadur Gopal Das and others of his category. Then a reference was made to the Bombay Act. Our Bill is better than the Bombay Act. In the Bombay Act no exemption has been given. In the Bombay Act 5 per cent has been levied on properties of values below Rs. 2,000. And in the case of properties of values exceeding Rs. 2,000 the Act provides 10 per cent taxation. My honourable friends should also know that in Bombay there is also a tax on the unearned increments which goes up to 50 per cent. In the end my honourable friend appealed that the rates of tax fixed in the Bill are excessive and may be reduced. When the capital value of the property was proposed to be made the basis of assessment, we proposed to levy  $\frac{1}{4}$  per cent as property tax. But due to the change from capital value to rental value as the basis of taxation a fall is bound to occur in the returns from this tax. To make up this fall the rates of taxation on the rental value had to be increased. Those honourable members who think that the proposed rates of taxation are excessive are welcome to come and convince me that they are really excessive. If they succeed in proving that these rates will entail hardship, I will not hesitate to reduce them. I assure the honourable members that in the case of such of the towns where house tax is not charged by the municipal committees the maximum of the property tax will not exceed 20 per cent. By the imposition of 10 per cent on the rental value, we want to find out the total amount of returns from this tax. Once the total amount of returns from this tax is known we will be in a position to fix the rates permanently. I say it again that if you convince me that 10 per cent rates of taxation will entail hardship, I will readily reduce them to 7 per cent, 8 per cent, or 9 per cent. The maximum proposed in the Bill will never be operative. In no case will the amount of the municipal house tax and property tax together be more than 25 per cent. The maximum rates will be operative only in the case of such towns where the municipal committees do not levy any house tax, and the Government have to pay them some grant-in-aid. And in the case of Lahore, I may assure the honourable members that as the municipal house tax is operative here, the rates of property tax will not exceed 15 per cent. If you want that in the case of Lahore I may reduce the rates of property tax from 15 per cent to 10 per cent, I am not willing to do so. Ten per cent house tax and 10 per cent property tax would amount to only 20 per cent and I am not prepared for it. I can only give this undertaking

[Premier.]

that in no case will the amount of both the taxes exceed 25 per cent. And if I fail you in this matter you will be at liberty to hold me by the neck.

I have already said that in no case will the total amount of both these taxes exceed 25 per cent. In the case of Lahore the property tax may vary between 13 per cent and 14 per cent. As you know on the house tax 10 per cent rebate is allowed. Therefore, I do not see the necessity of amending the Bill.

At the end of his speech Dr. Sir Gokul Chand Narang said that now this tax will subject people to a great hardship for whereas during the last Great War they had made fortunes and were in a position to pay, during the present war they have not earned much as profiteering has been stopped by the Government and as such they have earned little to be able to bear the burden of this new tax. I may tell my honourable friend that it was due to this very fact that profiteering was not checked during the period of the last war that the prices of eatables had considerably increased. We all remember that flour used to sell in those days at the rate of three seers a rupee. On the one hand, the honourable members want that some relief should be afforded to the poor and, on the other, wish to squeeze out the little money they have got by profiteering. It is very necessary to help the poor and to lighten their burden. You require crores of rupees for that purpose. For the present we require at least 70 lakhs to enable ourselves to do something to help the poor zamindars. And as to how this money will be spent I leave it to the honourable members here to decide how they would like it to be spent. If you ask me to spend it on beneficent activities of the Government like spreading of education, building of roads, opening up new hospitals, etc., I will do that. I am entirely in the hands of the honourable members, and shall willingly carry out their orders. But I will insist on one thing. I have given an undertaking that I will help the poor and backward people, be they ruralite or urbanite. I will insist on fulfilling my promise to them. (*Interruption*). If this Bill affects those who suck the blood of the poor then I cannot help it. (*Interruption*). As I said the other day, to begin with this tax will be levied on bigger towns and cities and after that, if found necessary, on smaller towns. I am putting the burden of this tax on those who are able to bear it. But you do not want it. You want that those who have the capacity to pay should not pay it and those who have not the capacity to pay may be forced to pay it.

The first part of this clause will remain in force permanently while the second part is only for a temporary period. (*Interruption*). Please enquire from Mr. Guest and Sir William Roberts what they have contributed towards the war. They have given their children to fight the war. They have contributed liberally towards the war funds. In England they have contributed 90 per cent of their incomes towards the war funds. If you want freedom you will have to develop this kind of patriotic sentiment. Your ambition is limited to the making of a few speeches and shining thereby. You think it sufficient glory if your speeches appear in the columns of some newspaper. You must do something more than you are doing at present. You must do everything in your power to lighten the burden of the poor

and backward people. If you want independence then you must advance towards your goal on the right path and willingly make sacrifices to achieve it.

**Mr. Speaker :** Question is :—

That in line 8 of sub-clause (1) of clause 3, for the word "twenty" the word "ten" be substituted.

*The motion was lost.*

**Mr. Speaker :** Amendment No. 21 in the name of Mr. P. H. Guest will be taken up to-morrow.

*The Assembly then adjourned till 2-30 p. m. on Friday, 18th December, 1940.*

1911

1911年1月1日  
1911年1月1日  
1911年1月1日

1911年1月1日

1911年1月1日

1911年1月1日



1911年1月1日

1911年1月1日



# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

*Friday, 13th December, 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.

#### RESIGNATION FROM SERVICE OR PREMATURE RETIREMENT OF EUROPEAN OFFICERS SINCE THE INAUGURATION OF PROVINCIAL AUTONOMY.

**\*6982. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state the number respectively of European officers in the various departments of Government who resigned from service and who availed themselves of the premature retirement rules at the time of inauguration of provincial autonomy ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** If the honourable member wishes to know how many European officers retired as the consequence of the introduction of provincial autonomy, the answer is none. The new Premature Retirement Rules came into force on the 1st April, 1937, and only one European officer, a member of the Indian Civil Service, retired at the time of the inauguration of the provincial autonomy and his retirement was unconnected with it.

#### INTERNMENT OF PERSONS IN THE PROVINCE.

**\*6983. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state the number of persons at present interned in the various jails of this province, how many of them belong to other provinces, and how many of them have been interned in their own villages in the Punjab ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** First part, 3 under Regulation III of 1818, one under the Punjab Criminal Law (Amendment) Act, 1935, 20 (including 3 residents of other provinces) under rule 26 of the Defence of India Rules ;

Second part, 2 under rule 26 of the Defence of India Rules.

#### WARNINGS TO DAILY PAPERS OF LAHORE.

**\*6995. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state the number and nature of warnings given to the daily papers of Lahore during the 12 months ending on 31st August, 1940 ?

**Parliamentary Private Secretary (Sayed Amjad Ali Shah) :** 51 warnings were given, of which 41 were for publishing false, sensational or alarmist head-lines or rumours or exaggerated or prejudicial reports, 7 for objectionable communal writings and 3 for obscene advertisements.

**SUSPENSION OF LICENCES FOR ARMS OF RAI BAHADUR CHAUDHRI  
HET RAM, M. L. A.**

**\*7404. Chaudhri Sahib Ram :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that arms licencees of Rai Bahadur Chaudhri Het Ram, M.L.A., have recently been suspended by the Deputy Commissioner, Hissar, and he has been asked to show cause why they should not be cancelled ;
- (b) if the answer to (a) above be in the affirmative, the reasons therefor ;
- (c) whether any representation had sometime ago been made by Rai Bahadur Chaudhri Het Ram, M.L.A., to the Deputy Commissioner, Hissar, and the Deputy Inspector-General of Police, Ambala Circle, in this connection ; if so, whether he will be pleased to lay a copy of it on the table of the House ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :**

(a) Yes.

(b) His arms licences were suspended for administrative reasons.

(c) A copy of the representation is laid on the table.

**Chaudhri Jalal-ud-Din Amber :** What are those administrative reasons ?

**Parliamentary Secretary :** Administrative reasons are administrative reasons. It is very difficult for me to give them in detail.

*Representation of Rai Bahadur Chaudhri Het Ram, M. L. A., Retired Risaidar, Honorary Assistant Recruiting Officer, Village Daulatpur, District Hissar, to the District Magistrate, Hissar, dated 15th October, 1940.*

Most humbly and respectfully I beg to submit the following in compliance with your order suspending my arm licence and calling upon me to show cause why my arms should not be forfeited.

On the 9th October, 1940, I was at Hissar when the Sub-Inspector came to the office of my son's counsel and informed me that he had received an order from the District Magistrate suspending my licence and if I had any objection I should submit representation within a fortnight. I requested him to show me the order, but he informed me that the order was at the Police Station. The Sub-Inspector, Barwala then took out a blank paper and then and there drafted a robkar on the back of which I was asked to affix my signature in proof of service. I deposited my arms on the 12th in the Malkhana. The Sub-Inspector's robkar did not give any reason and even now I have not been shown or furnished a copy of your order and so I do not know the reasons recorded by you for suspension. I, therefore, am not in a position to discuss the order or to show cause, why my licence should not be cancelled.

I, therefore, beg to request that I may be furnished with a copy of the order in pursuance of which the Sub-Inspector, Barwala, issued the robkar.

I, however, presume that my arms have been ordered to be deposited on account of the alleged complicity of my son Narinder Singh, Sarbrah Zaildar in the murder case.

Unfortunately there has been litigation of long standing between me and the family of the deceased. Many District Magistrates and Superintendents of Police have recorded in writing that my opponents have always brought false complaints and cases. Mr. Cook, Superintendent of Police as early as 8th March, 1917, remarked that " Village Daulatpur itself is rather worried by Jat Sayad, feud, . . . for Sayads are poor lot. They are also hand and glove with the bad characters of Barwala. Hence they need certain amount of watching ". Again on 16th November, 1931, the Deputy Commissioner in my Zaildari Book remarked " It is a pity that

Sayads have created trouble for him and he has had to suffer. I have had an advantage of local enquiry here and found that Rai Sahib Het Ram is not at all as he has been pointed by some of his opponents". Mr. H. M. Shah, Superintendent of Police remarked in his note, dated 25th May, 1938, that "I have great influence and therefore have made powerful enemies and have some enemies in my own family also, because of usual trouble in big families".

Mr. Brander also spoke of the enmity of Sayads of Barwala with me and remarked that even now relations are not good. From the above it is clear that the Sayads, Deshwali Jats who include Mamla and Lal Chand, Lambardars (now under suspension) and my own cousin Chaudhri Thandi-Ram are all inimically disposed towards me and they have all motive to implicate my son falsely. At this stage, I do not wish to refer to the merits of the murder case which are now the subject of enquiry before the Ilqa Magistrate. But the suspension and confiscation of my licences is not only inopportune but unjustified.

The First Information Report in the murder case shows that the only allegation made therein is that Sohan Lal alone fired a shot from the country-made unlicensed revolver while my son Narinder Singh and three others stood aside. There is not the slightest allegation that any of my weapons or ammunitions are used. All the cartridges purchased by me were duly shown to the Sub-Inspector who was fully satisfied after verification. On the day of occurrence I was at Rohtak and had attended the Premier's Durbar and had not been to any village for several days prior to that. In the investigation of this case even my inveterate enemies have not made any allegation of my complicity either directly or indirectly.

The forfeiture of my licence will mean that I shall not be able to visit my village Daulatpur as the Sayads of Barwala and Daulatpur will certainly shoot me. I will not be able to collect my share of the produce, which will mean a serious financial loss. It will be impossible for me to realize rent and land-revenue. I apprehend serious breach of peace and danger to my life. I do not grudge the grant of licences for revolvers, guns and rifles which have been granted to the deceased's relations but I do feel that the forfeiture of licence will mean a direct encouragement for them to attempt on my life and will be attended by serious risks to my sons and family.

In this connection I beg leave to bring to your notice that my arms cannot legally be forfeited. The revolver and D. B. gun was granted to me by His Excellency the Commander-in-Chief,—vide letter No. 10817/26-A, dated 26th April, 1917, from D.A.A. Q. M.G., 16th Indian Division to the Assistant Director Transport, Dalhousie and were presented to me along with sword of Honour as Khilat on the New Year Parade by His Excellency the Governor of the Punjab and the Divisional General Lahore Division in recognition of my services as Indian Commission Officer on 1st January, 1918. These arms fall under the exemption. For the Rifle I hold a life licence without fee, being a title holder prior to 1st January, 1920. I am entitled to keep this arm, too, as life licence.

I may add that it is the brother and relations of the deceased who have now a grievance against me and their feelings that are running high. In view of this state of affairs it will be very risky and not very advisable to give them licence and at any rate my licence should be restored immediately and also some adequate steps should be taken for my safety. The Sub-Inspector Barwala has very cordial relations with the other party and if he in any way be responsible for recommending this suspension he has a clear motive in doing so. I submitted an application on 4th October against him in the court of Agha Ahmad Raza, Magistrate, 1st Class, as he had sent my son to Barwala Police Station, via Uklana with only two Foot Constables which is one and a half miles from the Railway Station Sayyadan Khedar and some sweeper and relations of the deceased had tried to make a murderous assault on my son on the way. For this reason the Magistrate did not send my son to Judicial lock-up.

I fear that he may have submitted the report about suspension of arms in order to harass and humiliate me.

In the end I beg to submit that there is absolutely no danger to public safety and the order if carried out will mean a great and uncalled for humiliation apart from exposing me and my children to serious risk. I will not be able to go to my squares and other villages like Bawan, Shamaukh, Montgomery, where I own extensive lands and move about freely during the next Assembly Session. I need hardly mention that my life-long services to the Government which have been highly appreciated by Their Excellencies the Governors, the Commanders-in-Chief and all Deputy Commissioners deserve consideration at your hands.

Hoping my representation will receive favourable consideration.

#### LICENCES FOR ARMS IN HISSAR DISTRICT.

\*7405. **Chaudhri Sahib Ram**: Will the Honourable Minister for Public Works be pleased to state the number of licences for arms granted

[Ch. Sahib Ram.]

and cancelled so far by the present Deputy Commissioner of Hissar since the time he took over charge of the district?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh):

Number of licences granted	..	149
Number of licences cancelled	..	54

---

REPRESENTATION OF THE PEOPLE OF HISSAR DISTRICT AMONG  
GAZETTED OFFICERS.

**\*7407. Chaudhri Sahib Ram:** Will the Honourable Premier be pleased to state the proportion of the residents of Hissar district in the total number of Gazetted officers, whether ministerial or otherwise, in Government service at present and also state whether this proportion is according to the population of the district as compared with the population of the whole province; and, if not, why not?

**Parliamentary Private Secretary** (Sayed Amjad Ali Shah): I regret I cannot undertake to collect this information as it would entail time and labour out of all proportion to the advantage to be gained therefrom. I may, however, explain for the information of the honourable member that recruitment to gazetted posts is not made on divisional or district bases.

---

SPECIAL OUTLETS TO A LANDLORD IN BHATINDA DIVISION FOR  
GARDENING PURPOSES OR FOR SEED FARMS.

**\*6839. Sardar Pritam Singh Sidhu:** Will the Honourable Minister for Revenue be pleased to state the number, if any, of special outlets or Moghas given to any particular landlord in Bhatinda division, Sirhind Canal Branch, for gardening purposes or maintaining seed farms giving the names of villages along with the area that is being benefited and the name of the landlord and the time since when these Moghas have been granted?

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): One special outlet was sanctioned at R. D. 9,000-R-Sema Minor of Phul Distributary in the Bhatinda Division for S. Mota Singh of Poohla for an area of 65 acres on the recommendation of the Agricultural Department for maintaining a Seed Farm.

---

FINANCIAL COMMISSIONERS.

**\*7074. Sardar Sampuran Singh:** Will the Honourable Minister of Revenue be pleased to state—

- the number of Financial Commissioners under the Government on 31st March, 1937;
- whether there has been any increase in their number since then and the number and names of Financial Commissioners serving at present;
- the number of Financial Commissioners now on leave and drawing the salaries of these posts;

(d) the work entrusted to each of the Financial Commissioners now posted to these offices ;

(e) the total increase in expenses on the Financial Commissioner as a result of the increase in their number ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** (a) Two.

(b) Yes, a temporary post of Additional Financial Commissioner was created for the following periods :—

(i) 19th October, 1938 to 9th November, 1938,

(ii) 15th March, 1939 to 31st August, 1939, and

(iii) from 16th October, 1940 to 30th April, 1941.

At present there are three Financial Commissioners. Their names are :—

(1) Mr. C. C. Garbett, C. S. I., C. M. G., C.I.E., F. R. G. S.

(2) Mr. F. L. Brayne, C. I. E., M. C., and

(3) Mr. Alan Mitchell, C. I. E.

(c) None.

(d) A statement showing the distribution of work is laid on the table.

(e) About rupees three thousand, five hundred and seventy per mensem, but this of course is not a net increase in the provincial expenditure.

**Mian Muhammad Nurullah :** Are any of the Financial Commissioners over 55 years ? If so, how many of them and what are their ages ?

**Parliamentary Secretary .** I would like to have notice.

*Statement showing the distribution of work among the Financial Commissioners.*

**I. Mr. Garbett (Financial Commissioner, Revenue).**

(1) Land Revenue including the new Agrarian Acts ;

(2) Settlements and sliding scale ;

(3) Land reclamation ;

(4) Motor transport ;

(5) Financial Commissioners' establishment ;

(6) Tahsildars ;

(7) Canals ;

(8) Consolidation of holdings by Revenue Department ;

(9) Land acquisition and acquisition of land for departments not under the control of the Financial Commissioners ;

(10) Government estates ; and

(11) Surveys and territorial transfers.

**II. Mr. Brayne (Financial Commissioner, Development).**

(1) Rural publicity in connection with the war ;

(2) Colonization ;

(3) Matters of policy connected with Agriculture, Forest, Veterinary and Co-operative Departments ;

(4) Court of Wards ;

(5) Rural Reconstruction ;

(6) Chos Act, and Anti-Erosion Measures ;

[Raja Ghazanfar Ali Khan.]

- (7) Forest settlements ;
- (8) Game Department ;
- (9) The Fodder and Grazing Committee ; and
- (10) The Board of Economic Enquiry.

III. *Mr. Mitchell (Additional Financial Commissioner).*

- (1) All appellate work except that in connection with the new Agrarian Acts ;
- (2) Excise and additional taxation ;
- (3) Revision of the Famine Code (in consultation with the Financial Commissioner, Revenue) ;
- (4) Settlements in Colony Areas ;
- (5) Waste lands outside Colonies and Nazul ;
- (6) Establishment work, especially communal proportions and establishment appeals, excluding Financial Commissioners' own office ;
- (7) Stamps ;
- (8) Debt Conciliation Boards, Copying Department, Treasuries, and such miscellaneous duties as Escheats, Mines and Minerals, Census, Nazarat and Stores ;
- (9) Killa Gift Fund ;
- (10) Gazetteers ;
- (11) Advances (purchase of motor cars and house-building, etc.) ; and
- (12) Revenue buildings.

APPOINTMENT OF OFFICERS FOR DISPOSAL OF APPLICATIONS  
RELATING TO BENAMI TRANSACTIONS AND RESTITUTION  
OF MORTGAGED LANDS.

**\*7333. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of the districts in which Government have so far authorized local officers or appointed special officers to dispose of applications respecting *benami* transactions and those for restitution of mortgaged lands ;
- (b) whether there are any districts in the Punjab where Government has neither so far authorized any local officer nor appointed any special officers to attend to this work ; if so, the reasons therefor ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** Deputy Commissioners and collectors are competent to dispose of applications under the Punjab Alienation of Land Act, and the Punjab Restitution of Mortgaged Lands Act, respectively. To assist them in the disposal of such applications special officers were appointed in all districts except Karnal, Simla, Jullundur, Gujranwala, Sheikhupura, Gujrat and Jhelum. To these also special officers would have been appointed when institution reached 500 cases : but work has for the time being been suspended pending the decision of the High Court on the validity of the Act.

**ABIANA ON WAD WATTER.**

**\*7354. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that *abiana* is charged at full rates on crops sown on *wad watter* and that this complaint has been

brought to the notice of the Government by a number of zamindars from all parts of the province several times ; if so, the action taken or intended to be taken in the matter ?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan) :** No.

**AGRICULTURAL LAND AS A SECURITY FOR THE LOANS ADVANCED IN AID OF INDUSTRIES.**

**\*7217. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state the number of cases during the last four years in which agricultural land has been accepted as a sufficient security for the loans advanced in aid of industries ?

**Parliamentary Secretary (Chaudhri Tikka Ram) :** Fourteen cases.

**REMOVAL OF DISTILLERY FROM THE KARNAL CITY.**

**\*7076. Sardar Sampuran Singh :** Will the Honourable Finance Minister be pleased to state—

(a) whether any further observations have been made by the Public Health staff regarding the matter of removal of the distillery from the Karnal city area ; if so, whether the result has so far been reported to the Government for consideration ;

(b) the decision taken by the Government in the matter ?

**Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :**

(a) Yes.

(b) The matter is still under consideration of Government.

**I. M. S. OFFICERS IN JAIL DEPARTMENT.**

**\*7185. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Finance be pleased to state—

(a) the number of I. M. S. officers in service of the Government in the Jail Department ;

(b) whether the number of the officers in question is in excess of the sanctioned number ; if so, the reasons therefor ?

**Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :**

(a) 5. Two of these officers have reverted to military duty, and one more is under orders of reversion.

(b) No. Does not arise.

**MURDERS AND DACOITIES IN HARYANA DISTRICT.**

**\*6737. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number, annually, of murders, dacoities, riots and other serious crimes committed since 1st April, 1937, in the Haryana districts of Rohtak, Gurgaon, Hissar and Karnal, separately ;

[Pt. Shri Ram Sharma.]

(b) the number, separately, of cases among them which have so far remained untraced, which were challaned and in which convictions were secured ;

(c) whether it is a fact that these crimes have increased during the last three years, if so, the reasons therefor ?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :

(a) and (b) Statements<sup>1</sup> giving the required information for each of the four districts separately are laid on the table.

(c) In some cases, yes. There has been an increase in murder throughout the province and the reason for this has not been definitely established. Dacoity has increased in the Eastern Punjab due partly to a number of escaped convicts and armed deserters being at large. The causes of riots are many and it is not possible to account for the increase except that it is in part due to lawlessness engendered by political agitators. Famine conditions in the Haryana tracts have also contributed to the increase in crime.

---

REMOVAL OF CHAUDHRI RAM CHARAN AND CHAUDHRI RAM SINGH FROM  
MEMBERSHIP OF MUNICIPAL COMMITTEES, ROHTAK AND  
HISSAR.

**\*6738. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that both Chaudhri Ram Charan, Municipal Commissioner, Rohtak, and Chaudhri Ram Singh, Municipal Commissioner, Hissar, had rented their houses to their respective municipal committees without the sanction of the Commissioner and that one of them was removed from membership while in the case of the other the irregularity was ordered ; if so, the reasons for maintaining this distinction ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : Yes. The circumstances of the two cases were different. Whereas Chaudhri Ram Charan applied for Commissioner's sanction though late and his explanation was accepted. Chaudhri Ram Singh never applied at all.

---

CONSTRUCTION OF DRAINAGE OF DIRTY WATER INTO THE IMTI SACRED  
TANK BY THE MUNICIPAL COMMITTEE, HANSI.

**\*6757. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether a representation on behalf of the people of Hansi (Hissar) against the action of the local municipal committee for constructing a drainage of dirty water into the Imti sacred tank was submitted to Deputy Commissioner, Hissar, and higher authorities on 28th March, 1939 ; if so, the action taken thereon ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : A representation, dated the 6th April, 1940, was received by the local officers. The



sullage water from the old tank used to stagnate in the depressions round about the tank. It is now collected in a cesspool which is emptied regularly by carts. The drains constructed by the committee in 1938 are intended to carry only rain water. Whatever defects still exist will be removed as soon as the new drainage scheme, which is under the consideration of the committee, materializes.

**COMPLAINT AGAINST JHANDA KHAN, HEAD CONSTABLE,  
FAZILKA.**

**\*6794. Sardar Pritam Singh Sidhu :** Will the Honourable Minister for Public Works be pleased to state whether he is aware that a deputation consisting of a number of respectable persons belonging to Fazilka recently waited upon the Superintendent of Police, Ferozepore, and brought to his notice certain complaints which the public of the place had against one Jhanda Khan, head constable of police, now in charge of the city police post, Fazilka, and during the course of the interview requested the Superintendent of Police to transfer the said head constable from there; if so, the action taken on the request so made?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):** Yes; the allegations were found to be baseless. The head constable was transferred later in the ordinary course.

**MONOPOLIES OF ROADS FOR PLYING MOTOR VEHICLES ON HIRE.**

**\*7054. Sardar Sampuran Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number and names of the roads in the province on which monopolies for plying motor vehicles on hire have been granted by the local bodies and by the Government since April, 1937, respectively;
- (b) the names of such monopoly holders with the money paid by each as fee;
- (c) the number and names of the roads on which monopolies have been withdrawn since April, 1937?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** (a), (b) and (c) The honourable member is understood to refer to the roads declared as "Scheduled Roads" under the Punjab Motor Vehicles Rules, 1931, on which a limited number of public service vehicles were permitted to ply. A statement<sup>1</sup> containing the required information is laid on the table.

**ELECTIONS TO GOHANA MUNICIPAL COMMITTEE.**

**\*7346. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state when the next general elections to the Gohana Municipal Committee are due and whether the electoral rolls of the committee have so far been prepared and, if not, the reasons therefor?

<sup>1</sup>Kept in the Assembly Library.

**Parliamentary Secretary** (Shaikh Faiz Muhammad): The electoral rolls have been prepared but it will be some time before an election can be held, as the general elections of all local bodies have been postponed on account of the war.

**Khan Sahib Khawaja Ghulam Samad** : Up to what period ?

**Parliamentary Secretary** : As long as the war lasts.

#### MURDERS AND DACOITIES IN ROHTAK DISTRICT.

**\*7348. Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister for Public Works be pleased to state—

(a) Number of murders and murders with dacoities committed in Rohtak district, zail-wise, in 1940 with dates of their commission ;

(b) the cases in which the police has so far succeeded in tracing the offenders and those among them in which police has failed to trace the offenders with reasons therefor ?

**Parliamentary Secretary** (Sardar Badadur Sardar Ujjal Singh) : (a) A statement giving the required information is attached.

(b) Number of cases traced .. 19

Number of cases filed as un-traced.

22, including 11 cases in which mothers had committed suicide by jumping into a well with their children. The cases are filed as untraced technically although the culprits are traced.

Absence of a clue and lack of evidence are responsible for the failure of the police investigation.

*Statement showing the number of murders and murders with dacoities Zail-wise during 1940 in the Rohtak district.*

Serial No.	Name of Zail.	Number of murders.	Date of commission.
<i>Murders.</i>			
1	Sunari Kalan .. ..	3	11th January, 1940, 9th March, 1940, 20th April, 1940.
2	Asanda .. ..	3	6th March, 1940, 15th March, 1940, 18th August, 1940.
3	Sanghi .. ..	5	8th May, 1940, 10th June, 1940, 23rd/24th June, 1940, 1st August, 1940, 14th September, 1940.
4	Kakroi .. ..	4	23rd May, 1940, 2nd July, 1940, 2nd September, 1940, 5th November, 1940.
5	Mundlana .. ..	4	6th September, 1940, 6th September, 1940, 12/13th October, 1940, 9th November, 1940.

Serial No.	Name of Zail.	Number of murders.	Date of commission.
------------	---------------	--------------------	---------------------

*Murders—cond.*

6	Asan .. ..	2	18th May, 1940, 13th July, 1940.
7	Beni .. ..	2	31st May, 1940, 20th September, 1940.
8	Kasni .. ..	2	27th May, 1940, 1st/2nd October, 1940.
9	Bainsi .. ..	2	17th July, 1940, 7th November, 1940.
10	Kiloi .. ..	2	7th January, 1940, 21st February, 1940.
11	Gohana .. ..	2	27th/28th March, 1940, 26th September, 1940.
12	Bahadurgarh .. ..	1	3rd/4th January, 1940.
13	Madina .. ..	1	12th February 1940.
14	Dhaur .. ..	1	22nd February, 1940.
15	Atail .. ..	1	2nd/3rd March, 1940.
16	Rai .. ..	1	8th March, 1940.
17	Baroda .. ..	1	12th March, 1940.
18	Panchi Jatan .. ..	1	27th February, 1940.
19	Kakrana .. ..	1	9th May, 1940.
20	Bhutana Jafurbad .. ..	1	2nd May, 1940.
21	Ahulana .. ..	1	22nd May, 1940.
22	Ratangarh .. ..	1	27th May, 1940.
23	Nuran Khera .. ..	1	27/28th June, 1940.
24	Kahnaur .. ..	1	20th August, 1940.
25	Bhalant .. ..	1	23rd July, 1940.
26	Matanheil .. ..	1	21st September, 1940.
27	Hamayunpore .. ..	1	7th October, 1940.
28	Chhatira .. ..	1	23rd October, 1940.
29	Bhaprauda .. ..	1	14/15th November, 1940.
30	Sonepat .. ..	1	18th November, 1940.
	Total .. ..	50	

*Murder with dacoity.*

31	Khewra .. ..	1	4th January, 1940.
----	--------------	---	--------------------

## PUBLIC CARRIAGE AND PRIVATE CARRIER PERMITS.

**\*7387. Mr. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of applications made for public carriage and private carrier permits after the enforcement of the Punjab Motor Vehicle Rules to Regional Transport Authorities of Jullundur, Ambala, Rawalpindi, Lahore and Multan and the number of permits issued so far ;
- (b) the number of trailers for which permits have been granted by the Ambala and Jullundur Regional Transport Authorities respectively and the number of trailers for which permits had been granted in the Punjab under Punjab Motor Vehicles Rules, 1914, before the Regional Transport Authorities came into being ?

**Parliamentary Secretary** (Shaikh Faiz Muhammad) : There is no such term as ' public carriage permits ' in the rules. The honourable member probably refers to ' public carriers permits '.

A statement is laid on the table.

(a)

	PUBLIC CARRIERS PERMITS.		PRIVATE CARRIERS PERMITS.	
	Number of applications made.	Number of permits issued.	Number of applications made.	Number of permits issued.
1. Lahore region ..	351	<i>Nil</i>	110	11
2. Rawalpindi region ..	403	295	49	22
3. Multan region ..	233	<i>Nil</i>	8	<i>Nil</i>
4. Ambala region ..	284	<i>Nil</i>	33	19
5. Jullundur region ..	375	135	33	28

(b) No permits for trailers have been issued by the Regional Transport Authorities, Ambala and Jullundur. Eighty-two trailers or side-cars were taxed during the quarter ending the 31st March, 1940. Separate figures for trailers are not available.

## LOWERING OF RATES OF FREIGHT ON GOODS BY NORTH-WESTERN RAILWAY.

**\*7388. Mr. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the tonnage of goods which entered the municipal limits of Lahore, Amritsar, Lyallpur, Ambala, Montgomery, Okara, Rawalpindi towns by rail and motor transport, respectively, during the last one year ;

- (b) what are the goods which are generally imported by Lahore, Amritsar, Lyallpur, Ambala, Okara, Montgomery, Rawalpindi markets from other markets by rail and motor transport, respectively ;
- (c) whether Government is aware that North-Western Railway besides lowering the fares for passenger traffic between the various stations mentioned above has greatly lowered the rates of freight on fruit and vegetable and other goods ;
- (d) whether he is aware that this lowering of the rates by North-Western Railway has greatly harmed the motor transport ;
- (e) whether Government has received any representation by road transport operators complaining against this unhealthy competition started by the North-Western Railway ;
- (f) if the answer to (c), (d) and (e) above be in the affirmative, whether Government has made or intends making any representation to the Railway authorities with a view to encouraging the motor transport so useful in the interest of the trade of the province ?

**The Honourable Malik Khizar Hayat Tiwana :** (a) and (b) The information required is not available and it would take more time and labour to collect than the results would warrant.

(c) and (d) Government have no information.

(e) Government have received numerous representations on the subject of lowering of passenger fares on the railways but are not aware of any complaints in this connection as regards freight rates.

(f) The Provincial Transport Authority are at present engaged in reviewing the question how unhealthy competition between road and rail transport can be eradicated. There is every hope that with the settlement of vehicles on to routes and the better organization and stricter control which the provisions of the new Act are making possible, agreements with the Railway for mutual increases in fares will be possible on all routes where there is now unhealthy competition.

#### MOTOR ACCIDENTS.

**\*7389. Mr. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of motor accidents during the years 1935, 1936, 1937, 1938, 1939 and 1940, respectively ;
- (b) how many of these accidents were responsible for the loss of life ;
- (c) the cause of increase of such accidents in the province ;
- (d) the action the Government has taken or intends to take for public safety on roads which are served by motor vehicles ;
- (e) the number of vehicles condemned in 1935, 1936, 1937, 1938, 1939 and 1940 ?

**Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :**

(a) 1937	..	..	..	..	793
1938	..	..	..	..	865
1939	..	..	..	..	1,010
1940—first nine months	..	..	..	..	614
(b) 1937	..	..	..	..	185
1938	..	..	..	..	222
1939	..	..	..	..	215
1940—first nine months	..	..	..	..	137

Detailed figures of accidents were not maintained before 1937.

(c) The most important causes are :

Speeding ; racing of competing vehicles ; selfish driving : Over working of drivers ; insufficient attention to the servicing of vehicles ; apathy of the public ; and paucity of mobile patrol staff.

(d) Utilization of the powers given under the Motor Vehicles Act, 1939.. Six transport authorities have been set up and are functioning and considerable improvement is reported already.

(e) 1937	..	..	..	..	178
1938	..	..	..	..	193
1939	..	..	..	..	67
1940	..	..	..	..	92

This information was not collected before 1937. These figures represent vehicles condemned outright. There were many other vehicles the owners of which were required to rectify defects but who failed to produce their vehicles for re-inspection.

**ISSUE OF TEMPORARY PERMITS TO MESSRS. MALIK RAM,  
NARINJAN DAS AND DHARAM BIR SINGH.**

**\*7403. Shrimati Raghbir Kaur :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the Amritsar-Lahore Section Motor Union recently made a representation to the Regional Authority concerned against the grant of temporary permits to Messrs. Malik Ram, Narinjan Das and Dharam Bir Singh to ply motor vehicles on Lahore-Amritsar route ; and, if so, the action taken thereon ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** Yes. No action was considered necessary. The matter was dealt with in the ordinary course.

**ENTRY OF WRONG REPORT BY MOHARRIR POLICE STATION MALANA  
MADE BY ANTOO HARIJAN OF AMBALA DISTRICT.**

**\*7412. Lala Duni Chand :** Will the Honourable the Premier be pleased to state—

(a) whether it is a fact that one Antoo, a Harijan of the village Nhaoni, Police Station Malana tahsil Ambala, went a few weeks ago.

to report to the Police Station Malana, the theft of his two bullocks which was not recorded by the Moharrir Thana before he was made to pay one rupee and a piece of ghia (vegetable) by way of gratification;

(b) whether it is also a fact that instead of recording the report of the theft of bullocks, the Moharrir Thana recorded a report about a dispute in regard to a piece of land;

(c) whether it is further a fact that on discovering the wrong report, the said Antoo sent two representations to the Superintendent of Police, Ambala; and, if so, the action that has been taken thereon?

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh): (a), (b) and (c) Enquiries made from the Superintendent of Police, Ambala, show that one Antoo, Chamar of Nhaoni village, lodged a report at Malana Police Station on the 5th August, 1940, about a dispute over land. On the 11th August, 1940, this Antoo submitted a petition to the Superintendent of Police, Ambala, alleging that the Moharrir Head Constable at Malana Police Station had taken a bribe from him, had beaten him and had, instead of recording his report about the theft of two bullocks, recorded the report about the land dispute. The alleged theft was duly registered and investigated by the Sub-Inspector of Police, assisted by the Zaildar and local gentry, and was found to be false, and was probably made with the object of forcing a compromise on the land dispute.

#### TRAINED DAIS IN FEROZEPUR DISTRICT.

\*6800. **Sardar Pritam Singh Sidhu**: Will the Honourable Minister for Education be pleased to state the number of trained *dais* appointed to render help to the rural area in the Ferozepur district either by the Government or District Board, Ferozepur, giving separately the number of such *dais* in Fazilka and Muktsar tahsils and sub-tahsil Nathana, respectively?

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

#### Statement.

Name of tahsil.				Number of <i>dais</i> in rural areas.	Appointed by.
1.	Ferozepur tahsil	..	..	1	District Board.
2.	Moga tahsil	..	..	3	Ditto.
3.	Zira tahsil	..	..	3	Ditto.
4.	Muktsar tahsil	..	..	1	Ditto.
5.	Fazilka tahsil	..	..	2	Ditto.
6.	Nathana sub-tahsil	..	..	1	Ditto.

**MAXIMUM LIMIT OF RS. 6,000 FOR GRANT-IN-AID TO EDUCATIONAL INSTITUTIONS.**

**\*7413. Lala Duni Chand :** Will the Honourable Minister for Education be pleased to state—

- (a) whether the Government has recently issued any notification fixing Rs. 6,000 as the maximum limit for grant-in-aid for educational institutions; if so, the considerations which led the Government to come to this decision;
- (b) whether he is aware that in a conference of Head masters of schools in the province recently held at the Khalsa College, Amritsar, a unanimous resolution was passed urging the Government to reconsider the matter; if so, the action taken or intended to be taken thereon?

**The Honourable Mian Abdul Haye :** (a) Yes, but the scheme will come into operation gradually in the course of the next three years. This step has been taken to obviate inequitable distribution of grants.

(b) Yes. The present decision has been taken after careful consideration of the matter.

**SHORT NOTICE QUESTION AND ANSWER.**

**IMPORTATION OF WHEAT FROM AUSTRALIA.**

**Sardar Lal Singh :** Will the Honourable Minister for Development be pleased to state whether the attention of the Punjab Government has been drawn to the report in the Press that Australian wheat was landed at Karachi a few days ago and that as a result of it there was a sharp decline in wheat prices; if so, what action, if any, does the Punjab Government propose to take in the matter?

**The Honourable Chaudhri Sir Chhotu Ram :** The price of wheat is satisfactory at the moment compared with the level of prices during the past six years. The fundamental factors affecting wheat prices are quite favourable. Government are aware of the landing of two Australian wheat cargoes at Bombay. This caused a transitory reaction in the price of wheat, followed by a recovery. On the whole the general wheat position is steady and no action seems to be called for at present. But the honourable member may rest assured that the Government will keep a vigilant watch over the trend of wheat prices and will take suitable action if and when it becomes necessary.

**SITTING ON 14TH DECEMBER, 1940.**

**Premier :** Sir, before I move the motion that stands in my name, I would like through you to know the wishes of the House, whether they would like to sit to-day and continue till the Bill is finished, or whether they would like to sit to-morrow as well. I am prepared to give the honourable members every facility.

**Mr. Speaker :** The question is whether the honourable members wish to sit to-morrow or prefer to continue to sit to-day till the Bill is finished.



**Rai Bahadur Lala Gopal Das :** We would prefer to sit to-morrow.

**Premier :** We will then sit from 10 o'clock to-morrow.

**Rai Bahadur Lala Gopal Das :** Yes.

**Premier :** Sir, I beg to move—

That the Assembly shall meet to-morrow at 10 a.m., and the Speaker shall adjourn the Assembly when the Punjab Urban Immovable Property Tax Bill has been passed.

*The motion was carried.*

## URBAN IMMOVABLE PROPERTY TAX BILL.

### *Clause 3.*

**Mian Muhammad Nurullah :** On a point of order, Sir. In the new Agenda, which has been circulated to us, it is mentioned that in clause 3, amendments Nos. 1 to 20 and 22 have already been disposed of. Amendment No. 22, which stood in my name, raised a different principle altogether, that is the differentiation of the tax between the houses and the land within municipal limits. It could not have been disposed of with amendments Nos. 8 to 20. I stood up several times, but I was not given a chance.

**Mr. Speaker :** The honourable member's motion is to a great extent identical with the motions already dealt with.

**Mr. P. H. Guest** (Punjab Commerce and Industry) : I beg to move—

That in sub-clause (1), line 7, for the word "value", the words "rent received" be inserted.

The object of moving this amendment is to protect individual cases of hardship. Once an imagine, without having to exercise the imagination too far, that houses sometimes remain unlet and it seems rather hard if the owners of that property, in spite of their best efforts to obtain a tenant, find that they cannot let that house and still they are to be subjected to this tax. I am not at all interested in incremental land value. That can be taxed as much as you like but there are cases where people have houses which remain unlet and, therefore, they receive no revenue from their capital investment. The second instance I can quote is where the land, without of course any fault of the owner, remains unlet. I can give you an example. There are three small plots of land which were purchased on the understanding that houses could be built on each of those three plots. But the Administrator of the Lahore Municipality decided — and in my mind quite rightly — that those plots of land were too small for erecting buildings thereon in that area and, therefore, those three plots of land, which belonged to three different owners, could not be used for the original purpose and I believe that now some arrangement has been arrived at whereby the three plots have been converted into two. All this has taken at least twelve months. Should such owners be asked to pay the tax? I want that some protection should be afforded in such-like cases and some arrangement should be made whereby cases such as those should not come under this Act.

**Mr. Speaker :** Sub-clause under consideration, amendment moved—

That in sub-clause (1), line 7, for the word "value", the words "rent received" be inserted.

**Premier :** I am afraid my honourable friend has looked at the question only from the point of view which he has expressed. He has not looked at it from the other point of view and that is this. I give him counter-instances. Supposing I am a rich millionaire and I have got three houses in Lahore which I do not want to rent even though they may be perfectly good houses. I know of persons who have houses in Lahore which they do not use and which they do not rent out. Would it be fair to tax small men who get rent to the extent of four hundred rupees and not tax a millionaire who has three houses, one in Lahore, another in Shalamar and a third in Shahdara? My honourable friend perhaps knows that there is a house on Club Road—a very nice house—which is not used by the owner, except for arranging parties. Persons of this kind would be able to claim rebate on such buildings on the plea that they do not receive any rent. Therefore, it is mainly from the fiscal point of view that such a measure is considered necessary. But I have already said in my statement before the House that we will make provisions for *bond-fide* vacancies, that is, where a house has remained vacant for six or seven months. We have made provisions to give rebate in such cases. Apart from that, the word "annual value" is there for practical reasons. We do not want any loophole on technical grounds. In the Bombay case, which I cited the other day, this question was raised and the whole *halla gulla* was created merely because it was said that this was a levy on income. It is to avoid any technical flaw that we have put 'annual value'. If my honourable friend will see sub-clause (5), he will see that we have used the words 'gross rental value' but we cannot take the annual rental value because there might be a challenge in a court of law. For these reasons I hope my honourable friend will not press his amendment but so far as *bond-fide* vacancies are concerned, I have promised that we will make provisions in the rules.

**Sardar Lal Singh (Urdu) :** Sir, I want one point to be made clear and it would be better to do so by an illustration. Supposing there is some agricultural land which has been included in a municipal area. It is still under cultivation and is not used or let for any other purpose. How will you ascertain its value?

**Premier :** If it is actually let for cultivation, the value will be ascertained on the basis of the rent realized, but if it is lying vacant and the owner does not let it to anybody in spite of the fact that it can be let, then, of course, its value will have to be estimated.

**Sardar Lal Singh :** Do I take it that in the case of agricultural land actually under cultivation, the actual rent received from tenants will form the basis of assessment?

**Premier :** Yes.

**Mian Abdul Aziz :** May I ask the Honourable Premier that instead of the word "value", why not put the word "rent" as has been suggested by Mr. Guest?

**Khan Sahib Khawaja Ghulam Samad :** I also want to ask a question.

**Malik Barkat Ali :** Sir, I have studied the Bombay Act and it appears to me that an attempt is certainly being made by the present Government to get out of the restrictions imposed by the Government of India Act and the—

**Mr. Speaker :** Is the honourable member making a speech?

**Malik Barkat Ali :** Certainly, Sir.

**Mr. Speaker :** Let Khawaja Sahib put his question first.

**Khan Sahib Khawaja Ghulam Samad :** The Honourable Premier has given an instance of a millionaire and I want to give an instance of a poor man. Supposing a poor man possesses three houses. (*Honourable members :* Then he would not be called a poor man.) Supposing a poor man has got three houses and no income is derived from those houses. In the case of a millionaire the Honourable Premier has said that the millionaire would not care to give his house on rent. But the poor man would care to give his houses on rent but he cannot do so because they are in a dilapidated condition and cannot be repaired owing to the poverty of their owner and no income is derived therefrom. How will he decide the case of that poor man?

**Premier :** I must say that anybody who possesses three houses in a city like Lahore cannot by any stretch of imagination be called a poor man.

**Khan Sahib Khawaja Ghulam Samad :** By mystery of life he has become poor and his houses are in a dilapidated condition and he cannot repair them and thus cannot rent them nor can he sell them. What would be done in that case?

**Mr. Speaker :** I cannot allow such a discussion.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban) : Sir, I rise to support the amendment moved by my honourable friend, Mr. Guest. I have studied the provisions of the Bombay Act and I have very carefully gone through the judgment of the Full Bench of the Bombay High Court. The Bombay Government certainly made the annual rental value the basis of their taxation and the question argued before the Bombay High Court was that a tax on annual rental value was really a tax on income. Their Lordships of the Bombay High Court came however to the conclusion that income is what is actually received and as it could not be said that annual rental value was income in this sense, for there may be cases in which not a pie of income is received and yet the Government would be free to impose its taxes on the basis of annual rental value of properties, so a tax on the annual rental value was not a tax on income. Now, whether the Bombay Government's contention is correct or not, remains yet to be seen. There is undoubtedly the pronouncement of the Full Bench of the Bombay High Court in their favour. The matter may be taken up before the Federal Court, and in any event the Federal Court has not yet pronounced its opinion over it. I would, therefore, request the Honourable Premier to consider this matter further, apart from the hardship of the measure, even in the form in which this Bill has emerged from the select committee. The Government in effect says : 'We want really to tax the income yielded by properties and that we have taken for that purpose a notional idea, namely,

(Malik Barkat Ali.)

the annual rental value." The annual rental value may in many cases and will in many cases coincide with the actual rent which the owner of that property receives. In some cases it may not coincide at all. As a matter of fact, the owner may not receive a single pie by way of income and yet his property will be liable to this impost. The House will remember that yesterday I put this very question to the Honourable Premier, namely, whether that land which does not fetch even a single pie of income, will be liable to this impost or not and he very frankly said, 'Yes'. I ask the Honourable Premier to consider a case like this. In the case of houses the Honourable Premier said that, he would by means of rules provide for *bond-fide* vacancies. But in the case of lands what is the provision? The Honourable Premier seemed to cite a case where land worth lakhs and lakhs is situated within the municipal limits of Lahore or of any other town which falls within the schedule and said how could he fail to tax such property which its millionaire owners would not give on rent. In the town of Lahore, the Honourable Premier was pleased to refer to the case of the lands owned by my esteemed friend, Mr. Amjad Ali, in a very important part of the town of Lahore. Now, it is not that Mr. Amjad Ali does not want to rent out those lands. Why should an owner be so stupid as not to rent out his lands when they are capable of being rented out? But he cannot rent out his land because his land is far away from the commercial part of the town. You will agree with me that no man will really carry on any shop at a place beyond the canal, far away from habitation. The land which is situated at such a distance from here can only be a site for building or for a shop. It is not ordinarily meant for letting out and nobody would really go and take it on rent because it is really useless for being taken on rent. So far as the building of houses on those lands is concerned, this Government through the by-laws of the committee, does not allow any person to build houses on small plots. He wants to invest his capital on building a house but he is precluded from building a house on that land. Why should such lands be liable to this tax? If the Honourable Premier will refer to the Bombay Act, he will be pleased to see that in that Act there is a provision for exemption both in regard to houses and in regard to lands which are lying vacant and are unproductive of rent. If the Bombay Act contains that provision — of course, the provision is subject to this that if the house is vacant for a period of at least 60 consecutive days or if the land is vacant and does not produce any rent and is unproductive of rent for 60 days — then certainly it will be exempted or will not be liable to tax or there will be a certain amount of abatement. The Honourable Premier says: the reason why I am not prepared to substitute the word "rent" for the words "annual value" is the fear that the courts may come down upon this legislation according to the argument which prevailed with the judges of the Bombay High Court. They said that any taxation on annual rental value is not taxing income, as annual rental value is not income. Income is the preserve of the Government of India, and a tax on income other than income from agricultural land can only be levied by the Government of India. The income on agricultural land has been made over to the provincial Governments. Therefore I ask the Honourable Premier to face the situation, whatever the argument

that prevailed with the Bombay High Court,—whether the annual rental value which a house may be expected reasonably to fetch if let is or is not income. I respectfully submit that you cannot dodge the law and you will not be able to dodge the courts, because after all the real test when the question comes to be considered by the courts, will not be the form which you may give to the legislation, or the form which the draftsman under your instructions may have given to a particular provision. The real test before the courts will be the substance and the pith, the essence and reality of the legislation impugned; and if, in essence, this impost is really an impost on income—and I maintain that it is an impost on income—howsoever much you may conceal it or give it a colourable disguise, the courts must upset your legislation. I submit that the Honourable Premier should see that this matter receives further consideration, and if it is found on further examination that the matter is really a tax on income of property, he should hold his hand and not dodge the law. I say, in fairness, in equity and in justice, there is no reason why you should really impose this tax on property which fetches no income. I submit that whatever legal difficulties the Premier may have before him in view of the argument which prevailed with the Bombay High Court, it is unfair that you should tax property which is yielding no rent.

**Mr. Speaker :** That is repetition.

**Malik Barkat Ali :** An argument was advanced that if a millionaire does not let out his lands, there is no reason why his lands should not be visited with this tax. I request the Premier to ask his Parliamentary Secretary, who sits behind him, whether he is not renting out his land because he is a millionaire or because his lands, howsoever valuable to the extent of lakhs of rupees, cannot fetch more than a few rupees, and he cannot build on them because there is the Administrator and there are the by-laws of the Government in his way. His lands would be yielding any amount of income once they become sites for shops or houses.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, I rise to support the amendment moved by my honourable friend Mr. Guest. The House has agreed to the proposal of the Government to fix the maximum rate at 20 per cent, and now the Government should accept this amendment to render this measure less harsh and more humane. From another point of view also it is advisable to substitute "rent received" for annual value. The word "value" will be open to various interpretations in the courts of law and this will cause a good deal of litigation. It will be better for all concerned if you settle this point here with the co-operation of the peoples' representatives, because otherwise certain people will rush to courts with test cases and a long and protracted chain of such litigation will be started. The result will be that this law will become virtually useless as has been the case with some of your agrarian measures. Those Acts have been a curse instead of blessing to the poor zamindars who have been dragged into courts. The enforcement of these laws has been held in abeyance and if you do not accept this amendment this measure will also meet the same fate.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural) (*Urdu*): Sir, in reply to my question the Honourable the Premier said that in the case of

[S. Lal Singh.]

the agricultural land under cultivation the actual rent will form the basis of assessment, but here in clause 3, you have "annual value" as the basis of this tax. And how is that annual value to be ascertained? Clause 5 says that:

The annual value of any land or building shall be ascertained by estimating the gross annual rent at which such land or building together with its appurtenances and any furniture that may be let for use or enjoyment with such building might reasonably be expected to let from year to year.

The Honourable Premier knows that such lands have been included in many municipal areas, especially in the new colonies and that for that reason they are assessed to  $1\frac{1}{2}$  times or twice the usual rate of land revenue. Why should the Government insist on assessing such lands on the basis of annual value? And is it fair to assess them on gross annual rent when Rs. 9 to Rs. 12 per killa are charged on them as land revenue? You are already charging so high rates on them while their owners do not derive any extra benefit by their lands being included in the municipal areas. It is very hard on those poor fellows and, therefore, you should substitute annual rental value for annual value if you want to do some justice to them. Moreover, you have made an allowance on account of furniture and repairs in the case of buildings but no such concession is given in respect of lands. This is another defect which must be removed.

**Lala Sita Ram** (Trade Union Labour) (Urdu): Sir, I want to say just a word or two in support of the amendment under consideration. If this amendment is not accepted you will be striking at the very root of the principle of taxation. The principle is that the Government is to take a fixed share of a man's net income, whether it is derived from his buildings or somewhere else. Now the Government has proposed 20 per cent of the annual value. We consider 20 per cent to be too much but let them fix the rate at 30 or 40 per cent or even cent per cent if they so desire, but it should be taken out of one's actual net income and not out of his supposed income. Therefore, why should they fight shy of making due allowance in the case of *bona fide* vacancies? Do they think that people will refrain from letting their buildings simply to avoid the payment of this tax? Suppose a house can be let for Rs. 50 in which case your tax will amount to Rs. 10. Now is it contended that the owner will be so foolish as to lose Rs. 40 in order to deprive you of Rs. 10 only? No house owner can be so foolish and therefore, there is no reason why you should not accept this amendment. This tax should be assessed on actual income received and not on such a fantastic thing as annual value.

Moreover, there is no question of rich or poor so far as this point is concerned. Whether a man is rich or poor, you only want a certain proportion of the income derived by him from his land or building.

My submission is that if a house remains vacant for a considerable period due to bad condition or situation of the house the Government would be left with no other alternative but either to have the house sold or get its possession for realizing the arrears of the tax.

This means in simple words an assessment on the basis of Capital Value. I hope that the Government would not hesitate in accepting such an important amendment.

**Mr. P. H. Guest :** I have not been able to follow all the discussion, but I wanted to say that I am not trying to get those owners of property who prefer to keep their houses for private purposes, free from this tax. Although I am opposed to the tax in principle, we have got to the stage now when we have to be logical.

We have, however, got the assurance of the Premier that exemption will be made in those cases where there is a *bona fide* instance of a house not being lettable for any purpose and I hope it will also be applicable to instances which I quoted with regard to land being left vacant in *bona fide* cases. On that basis and with that assurance of the Honourable Premier, I ask for leave to withdraw the motion.

**Mr. Speaker :** Is it your pleasure that the motion be withdrawn?  
*Leave was refused.*

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : I will not take any more time of the House, because on this minor point the mover of the amendment was prepared to withdraw his amendment after my speech but since my honourable friends opposite have not allowed him to do so, I think it will be advisable for me to take this opportunity to answer Malik Barkat Ali. He said that Government is trying by some means or other, by hook or by crook, to get hold of the income of the people, in other words to tax the income of the people and the annual value or the rental value whatever they like to call it, and that the Government want to get round the provisions of the Government of India Act. Nothing of the kind. We of course want to retain our own field and we would not let any one trench on that field. As I have said, this tax is in our power and it is not for my honourable friend to get up and say that we are trenching on the rights of the Government of India. He knows that the present judicial ruling from the highest authority which has passed a verdict on that subject is in our favour. He should as a representative of the Punjab have stood up and said that we have a clear ruling of a division bench of the High Court in our favour and therefore we are perfectly within our rights. We do not want to tax income, we want to tax buildings and lands which is within our purview. My friend cannot deny that we are entitled to put a tax on buildings and lands which is a provincial item. Therefore the annual value which we have put down in this Bill is merely a gauge in order to enable us to assess the levy equitably. That is all. If we were, by rule of thumb, to put a lump sum tax on his house in Temple Road and if we were to put a lower levy on his neighbour's house which might be a bigger house with a bigger rental, that levy would be inequitable and therefore we must have a standard. We have put a standard, the best we can devise. If my honourable friend can suggest anything better, I would be prepared to consider it. But let me point out to him that, where the question of a site is concerned, vacant land may be meant for the site of a house in an area which has been already built over, but there are other areas which have not been built over; my honourable friend has some land which is agricultural land, that land is being rented for agricultural purposes until he sells it to some one else after getting a handsome price for it, but at the moment, that land is being rented for agricultural purposes and we have got a gauge, a standard for assigning a reasonable rental value on that

[Premier.]

basis to exact a levy from the owners of that land. So I do not think that there could be very many vacant sites which have no letting value at all. There may be some but even in the city itself vacant sites have a letting value. Take Shahalmi Gate, for instance. There are several pieces of land, including nazul land, which are being let out not for agricultural purposes, not for building purposes but for other purposes, for instance, fruit shops and all kinds of other uses to which land can be put. Therefore my honourable friend will not be correct in generalizing that all sites in Lahore are incapable of being let out, because they are merely residential or building sites.

I might also add that so far as the question of Bombay is concerned, they did give exemptions there. But we have given exemptions here also. If my honourable friend will again look at sub-clause (2) of clause 4, he will see that we have taken power to give further exemptions where necessary to meet such cases which have not been covered by the Bill itself. Therefore my honourable friend was a bit hasty in trying to criticize us for something with which we have nothing to do. But let me assure him that we do not want to dodge the law of the Government of India Act or the courts, but what we want to do and what we must do is to see that clever people do not dodge the tax.

**Mr. Speaker :** The question is—

That in sub-clause (1), line 7, for the word "value" the words "rent received" be substituted.

*The Assembly divided : Ayes, 17; Noes, 64.*

### AYES.

Abdul Aziz, Mian.  
Barkat Ali, Malik.  
Faqir Chand, Chaudhri.  
Gauba, Mr. K. L.  
Ghulam Samad, Khan Sahib Khawaja.  
Girdhari Das, Mahant.  
Gopal Das, Rai Bahadur Lala.  
Guest, Mr. P. H.

Harnam Das, Lala.  
Jalal-ud-Din Amber, Chaudhri.  
Jugal Kishore, Chaudhri.  
Lal Singh, Sardar.  
Muhammad Nurullah, Mian.  
Rashida Latif Baji, Begum.  
Santokh Singh, Sardar Sahib Sardar.  
Sita Ram, Lala.  
Sohan Lal, Rai Bahadur Lala.

### 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 Yar Khan Daulatana, Mian.  
Amjad Ali Shah, Sayed.  
Anant Ram, Chaudhri.  
Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.

Obhotu Ram, The Honourable Chaudhri Sir.  
Dasaundha Singh, Sardar.  
Faiz Muhammad, Shaikh.  
Faqir Hussain Khan, Chaudhri.  
Farman Ali Khan, Subedar-Major Raja.  
Fateh Muhammad, Mian.  
Fazl Ali, Khan Bahadur Nawab Chaudhri.  
Fazal Din, Khan Sahib Chaudhri.



Fazal Karim Bakhsh, Mian.  
 Few, Mr. E.  
 Ghazanfar Ali Khan, Raja.  
 Ghulam Qadir Khan, Khan Bahadur.  
 Gopal Singh (American), Sardar.  
 Gurbachan Singh, Sardar Bahadur Sardar.  
 Habib Ullah Khan, Malik.  
 Het Ram, Rai Bahadur Chaudhri.  
 Indar Singh, Sardar.  
 Jafar Ali Khan, M.  
 Jagjit Singh Bedi, Tikka.  
 Jogindar Singh Man, Sardar.  
 Khizar Hayat Tiwana, The Honourable Malik.  
 Kishan Das, Seth.  
 Manohar Lal, The Honourable Mr.  
 Maqbool Mahmood, Mir.  
 Muhammad Akram, Khan Bahadur, Raja.  
 Muhammad Ashraf, Chaudhri.  
 Muhammad Azam Khan, Sardar.  
 Muhammad Hussain, Chaudhri.  
 Muhammad Jamal Khan Leghari, Nawab Sir.  
 Muhammad Nawaz Khan, Major Sardar Sir.  
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.

Muhammad Saadat Ali Khan, Khan Bahadur Khan.  
 Muhammad Sarfraz Khan, Chaudhari.  
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.  
 Muhammad Yasin Khan, Chaudhri.  
 Muzaffar Khan, Khan Bahadur Captain Malik.  
 Nasir-ud-Din, Chaudhri.  
 Nasrullah Khan, Rana.  
 Nawazish Ali Shah, Sayed.  
 Nur Ahmad Khan, Khan Bahadur Mian.  
 Pir Muhammad, Khan Sahib Chaudhri.  
 Pohop Singh, Rao.  
 Prem Singh, Chaudhri.  
 Pritam Singh, Siddhu, Sardar.  
 Ranpat Singh, Chaudhri.  
 Riasat Ali, Khan Bahadur Chaudhri.  
 Ripudaman Singh, Rai Sahib Thakur.  
 Shahadat Khan, Khan Sahib Rai.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Sir.  
 Sikander Hyat Khan, The Honourable Major Sir.  
 Sumer Singh, Chaudhri.  
 Suraj Mal, Chaudhri.  
 Tikka Ram, Chaudhri.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) : Sir—  
 I beg to move—

That at the end of sub-clause (1), the following words be added :—

Half the proceeds of such tax shall be utilized for the purposes of reduction of land revenue permanently from owners of less than 6½ acres of land in canal irrigated areas and 12½ acres in other cases.

**Mr. Speaker** : That is a new clause, so the honourable member has to ask for leave to move it.

**Mian Muhammad Nurullah** : New clause comes later on. I have moved for a mere addition of a few words to the clause as it stands.

**Mr. Speaker** : Amendments Nos. 24, 25 and 31 are new clauses.

**Mir Maqbool Mahmood** : On a point of order. Amendments 24, 25 and 31 are out of order. My first submission is that these amendments go beyond the purpose of the Bill. My second submission is that they seek to apply a proportion of the revenues of the province to a specific purpose and such amendments cannot be moved without a recommendation of the Crown which means in our case the Governor. We are not opposed to the consideration of the amendment, in fact we feel they do not go far enough, but as they stand they are clearly out of order.

**Mian Abdul Aziz :** *Ghar bahar tuhada bhar kothi nun hath na lao.*

**Mian Muhammad Nurullah :** May I explain the position ?

**Mr. Speaker :** *Prima facie* they are out of order, but the honourable member may ask for leave. The question of admissibility will only arise if the leave is granted.

**Mian Muhammad Nurullah :** May I say something as to why leave should be granted ?

**Mr. Speaker :** The honourable member has only to move for leave without making a speech.

**Mian Muhammad Nurullah :** Amendments 24, and 25 are not new clauses.

**Mr. Speaker :** I hold that 24, 25 as well as 31 are new clauses.

**Mian Muhammad Nurullah :** I beg leave to move—

That at the end of sub-clause (1), the following words be added :—

Half the proceeds of such tax shall be utilized for the purposes of reduction of land revenue permanently from owners of less than  $6\frac{1}{2}$  acres of land in canal irrigated areas and  $12\frac{1}{2}$  acres in other cases.

**Mr. Speaker :** Question is whether the honourable member has the leave of the House to move the new clause.

**Mir Maqbool Mahmood :** Can leave be asked for to move an amendment which is on the face of it out of order ?

**Mr. Speaker :** I wish the honourable member had given me notice of that point so that I might have come prepared for it.

**Mir Maqbool Mahmood :** It is a basic point. I beg to invite your attention to page 418 of May's Parliamentary Practice. It reads—

On consideration of a bill on report, no clause or amendment may be proposed which creates a charge upon the public revenue.

And later on, no amendment—

“ which creates a charge upon the public revenue ” can be taken up, “ unless previously such charge has been recommended by the Crown ”.

**Mr. Speaker :** That is why I said that if the House allows the new clause to be moved, then the point of order may be raised.

**Mr. Speaker :** Question is—

That leave be granted to move the following amendment—

That at the end of sub-clause (1), the following words be added :—

Half the proceeds of such tax shall be utilized for the purposes of reduction of land revenue permanently from owners of less than  $6\frac{1}{2}$  acres of land in canal irrigated areas and  $12\frac{1}{2}$  acres in other cases.

*The motion was carried.*

**Mir Maqbool Mahmood :** I now rise to a point of order. The amendment moved by my honourable friend is out of order.

**Sardar Lal Singh :** May I know if the House has given leave to move ?

**Mr. Speaker :** Yes.

**Mir Maqbool Mahmood :** I draw your attention to section 82 (1) (c) of the Government of India Act which reads—

“A Bill or amendment making provision for declaring any expenditure to be expenditure charged on the revenues of the province, or for increasing the amount of any such expenditure, shall not be introduced or moved except on the recommendation of the Governor.”

That is my first submission. Secondly, this amendment goes beyond the scope of the purpose of the present Bill.

**Mr. Speaker :** Has he said that this shall be a charge upon the revenues of the province?

**Mir Maqbool Mahmood :** Because he makes a specific portion of the tax to be earmarked for a specific purpose. My second submission is that this amendment goes beyond the scope and the purpose of the Bill. If you will kindly refer to the title of the Bill, you will find that it is a Bill to provide for the levy of a tax on certain properties. It is not a Bill for allocation of certain funds for specific purposes and, thirdly, the system of keeping accounts in this province is such that all amounts raised by taxation have to go into a common pool and it is from there that they are spent for specific purposes. In view of all these I submit that the amendment as proposed by the honourable member is out of order.

**Mian Muhammad Nurullah (Urdu) :** Sir, both of my amendments are in order as they do not contemplate creating a new charge. It is open to the Government to incorporate them in the Bill. In sub-clause (2) of this clause a certain amount has been allocated for war expenditure. Similarly you can allocate the sum suggested for the zamindars' benefit. Therefore, you should have no objection to my amendment. The reference quoted is wrong.

**Mr. Speaker :** Mian Muhammad Nurullah's new clause is out of order. The next motion.

**Mr. K. L. Gauba :** Sir, in this connexion I want to say—

**Mr. Speaker :** Order, order. Accepting the objection raised by the Government I have ruled the motion to be out of order.

**Mr. K. L. Gauba :** Before announcing your decision you ought to hear other honourable members on this side.

**Mr. Speaker :** Under the rules in force it is in my discretion to allow discussion on a point of order. Rules are perfectly clear on this point.

**Mr. K. L. Gauba :** If you have already made up your mind, you will see that it is a vital amendment which is moved from this side of the House. I think the Speaker should give his decision after hearing other honourable members.

**Mr. Speaker :** The amendment in question goes beyond the scope of the Bill. So, I have ruled it out of order.

**Mr. P. H. Guest (Punjab Commerce and Industry) :** Sir, I beg to move—

That at the end of sub-clause (1), the following proviso be added :—

Provided that a rebate shall be allowed equivalent to the amount payable by the owner in taxes on the property to the Central Government or Local Body.

[Mr. P. H. Guest.]

Sir, my object in putting forward this amendment is to make sure that there is no unlimited taxation. There are going to be two sources of taxation, one by the Provincial Government and the other by local authority. I am very keen that local authorities should obtain their revenue by house tax and I wish that they should have some encouragement. I am told that I should not have used the word "rebate" in my proposal. What I am after is that assuming a house has an annual value of Rs. 100, and the local authority levy a tax of, say, Rs. 5, and then the provincial tax is Rs. 10, my object is that the provincial tax paid should only be the difference between the provincial tax and the tax levied by the local authority. In other words, in case the house tax levied by the local authority is Rs. 5, and the provincial tax is Rs. 10, the actual provincial tax should be Rs. 10 minus Rs. 5, that is Rs. 5 only. I believe the Honourable Premier has sympathetic views towards this proposal in general and I would be grateful if he could satisfy me on this point.

**Mr. Speaker :** I think the honourable member's amendment is a new clause. So, he should ask for the leave of the House to move it without making a speech.

**Premier :** It is unnecessary for my honourable friend to move this proviso, which unfortunately is not very clearly worded. But I have grasped the meaning of my honourable friend. I am afraid I cannot meet my honourable friend beyond what I have already pointed out in this House, that in case of two taxes, the maximum will not go beyond 25 per cent. So far as Lahore is concerned, the net result of that undertaking which I gave in this House, would be that we cannot go beyond 15 per cent. We have already got 10 per cent and if at any time Government decides to levy the full tax, we would have to stop at 15 per cent. Government has no intention immediately to extend this tax to other cities and colonies which have already got house tax, except Lahore. So far as Lahore is concerned, I think, at the moment, the tax is 3 per cent and it will soon be raised. In 1942, when the scheme is completed, it is intended to raise it to 10 per cent.

I have already said that we are not going to start with more than ten per centum. We might start with a lower figure. Therefore, I feel that my honourable friend will not be well advised in moving this amendment.

**Mr. P. H. Guest :** I do not wish to seek leave of the House to move the amendment.

**Rai Bahadur Lala Sohan Lal :** I beg to ask for leave of the House to move the following clause—

At the end of sub-clause (1) the following proviso be added—

Provided that the total tax on any building or land payable to the local bodies in the shape of house tax, etc., and to the Provincial Government shall not exceed 25 per centum in the aggregate of the annual value.

*The leave was refused.*

**Mr. Speaker :** The question is—

That sub-clause (1) of clause 3 stand part of the clause.

**Mian Muhammad Nurullah :** I want to oppose it. That is my right as a member of the House. It has been done already.

**Premier :** We have taken sense of the House by voices and the House has said, "Yes". All that the honourable member can do is to claim a division if he likes.

**Mian Muhammad Nurullah :** This will be curtailment of the rights of the members of this House.

**Mr. Speaker :** Why not discuss it when I put the whole clause to the vote of the House?

**Mian Muhammad Nurullah :** I only want to oppose sub-clause (1) of clause 3 and not sub-clause (2) and, therefore, I can exercise my right of speech now.

(Urdu) : Sir, I rise to oppose sub-clause (1) of clause 3. The honourable members are aware of the fact that this Bill, which is being rushed through the House at top speed, first of all came up before the public on the 20th November, 1940.

**Mr. Speaker :** Please speak to the matter covered by the clause.

**Mian Muhammad Nurullah :** Sir, this is the most important clause in the Bill. If it is passed the Bill should be considered to have passed. It is therefore necessary to give a brief history of this Bill, so that the honourable members may be apprised of the whole situation. As I have submitted, this Bill came before the public on the 20th November, 1940 and on the 25th it was introduced in this House.

**Mr. Speaker :** That is not a matter contained in the clause.

**Mian Muhammad Nurullah :** It is stated in the clause now before the House :

There shall be charged, levied and paid an annual tax on buildings and lands situated in the rating areas shown in the schedule to this Act at such rate not exceeding twenty per centum of the annual value of such buildings and lands, as Provincial Government may, by notification in the Official Gazette, direct in respect of each such rating area.

Let me tell my honourable friends that I am a zamindar member and this has all along been my desire that Government should impose some sort of taxes on the people residing in the urban areas. Consequently when this Bill was introduced in this House I was very much pleased, that now some sort of taxes would be imposed on the urbanites as well. But along with this it was my earnest desire, as is apparent from the amendments which I have tabled, that like the zamindars the urban people should not be burdened with so heavy a taxation which should break their back. It is with this end in view that I have tabled amendments in regard to this as well as other clauses of this Bill, which in my opinion are fit to be incorporated in it. Some of my amendments, you will see, sir, favour the urban people. There are others which favour the zamindars and some lie midway between the two, i.e., they are of a compromising nature. It is possible that the urban members and my rural friends may disagree on a certain point and it is for such emergencies that I have tabled amendments of a compromising

[Mian Muhammad Nurullah.]

nature, so that they may be acceptable to both the parties. My amendment No. 22 which I tabled with respect to sub-clause (1) of clause (3) belonged to this category. It is stated in it :

**Mr. Speaker :** That is not now before the House.

**Mian Muhammad Nurullah :** In the sub-clause as it stands provision has been made for levying a tax of 20 per cent on the annual value of buildings and lands. What my amendment proposed was that instead of 20 per cent only 15 per cent of the annual value of buildings and 10 per cent of the rental value of lands be levied as the property tax. You are aware of the fact, sir, that my urban friends wanted to fix the rate of this tax at 10 per cent. The Government, which is said to be the Government of the zamindars, wanted to make a provision for 20 per cent. Taking these two rates into consideration I suggested that a tax of only 15 per cent should be levied by Government. This I think would have satisfied both the parties. My submission is that when the Bill was first introduced in the House, at that time section 3 (1) if read along with section 5 was open to a legal objection. The Government in order to avoid that objection have amended the wording of the sub-clause now before the House but no change whatsoever has been made in its sense.

Originally it was provided in section 3 (1) that the tax shall be levied at a rate not exceeding one per centum of the capital value.

**Mr. Speaker :** That is not contained in the Bill.

**Premier :** That question has already been settled in the select committee.

**Mian Muhammad Nurullah :** I am explaining to the House that the change effected by the select committee is only a change of words and that the sense has not been altered in the least. If section 3 is read with section 5, you will find that a house rented at Rs. 100 per mensem or Rs. 1,200 a year will be assessed to Rs. 240 as tax. That is exactly what would have been the case if no change was made in section 3 by the select committee. May I ask whether it lightens the burden of the tax even by a single pie? No doubt, you have substituted the words "annual value" for the words "capital value," but the effect is the same. You have not made any concession, nor are you likely to make any in future.

Now, sir, you may consult any economist as to whether or not this tax is a levy on capital. He is sure to reply in the affirmative, and what will be the effect of this levy? It will reduce the returns from buildings and lands. Let me illustrate this point. If in any rating area houses are let at 6 per centum of their value then the capital value of a house fetching Rs. 100 a month as rent will be Rs. 20,000 while its annual value according to your calculation will be Rs. 1,200. Now you will charge Rs. 240 as tax and another Rs. 120 by way of surcharge. This will amount to Rs. 360 a year or Rs. 30 a month. Thus the return from that house will be reduced from Rs. 100 to Rs. 70 a month, i.e., less than 6 per cent of the capital value. This reduction in returns will affect the capital value of the properties which must fall proportionately. I need not dilate here on the effect of such reduction on the zamindars. Suffice it to say that

the slump in business and trade of any kind in the cities affects the prices of the agricultural produce also. One result of your attempts at ruining the business and the consequent reduction in prices is that the voters are openly abusing their representatives.

**Mr. Speaker :** The honourable member is again irrelevant.

**Mian Muhammad Nurullah :** If that be your ruling I shall leave this point aside. But let me tell you that those ruralites who had some money and wanted to purchase property in urban areas are sure to be deterred by this rate of 20 per cent. They say that now it is a folly to invest money on urban property. Some of them go even so far as to declare that under the present Ministry it is almost a crime to own property in urban areas.

Again this zamindar Government says that this maximum rate of 20 per cent has been fixed because it wants a good sum of money for certain purposes. It is stated in the Statement of Objects and Reasons that this Bill is a fiscal measure designed to equalize the burden of taxation on the rural and urban sections of the population. Then the Honourable the Premier was pleased to remark in the course of one of his speeches that a portion of the proceeds of this tax would be utilized to lighten the burden of the zamindars. But now he has gone back on that promise. Anyway, let me ask the Government where and how exactly this money is intended to be spent.

**Mr. Speaker :** That again is irrelevant.

**Mian Muhammad Nurullah :** This question is directly related to this section.

**Mr. Speaker :** That is not the matter now before the House.

**Sardar Sahib Sardar Santokh Singh :** On a point of order. Is not the honourable member within his rights to give reasons for opposing this clause ?

**Mr. Speaker :** He is.

**Sardar Sahib Sardar Santokh Singh :** He is giving reasons and you are stopping him.

**Mr. Speaker :** No, I am not stopping him.

**Mian Muhammad Nurullah :** Sir, I am pointing out that the rate of 20 per cent is too much and that it should not exceed 10 or 15 per cent. They say they want a certain amount of money. But I would submit that they need not go beyond 15 per cent if only the amount mentioned by them is required. They have based their calculations on the proceeds of the house tax in the case of Lahore and have declared that they expect to realize 50 lakhs of rupees from this tax. But their calculations are wrong and I can say without any fear of contradiction that no less than 2 crores of rupees will be realized. And this money will not be utilized in lightening the burden of the zamindars but will be squandered in a criminal manner. We promised our zamindar voters that we would get their land revenue and other burden reduced. But what has happened here ? I want to show how those poor and trusting voters have been betrayed. The Government and its supporters are saying one thing and doing quite another. We have been expecting the Government to do something to redeem these

[Mian Muhammad Nurullah.]

pledges for the last four years but the manner in which the revenue realized from us has been squandered and misappropriated is really shameful. The zamindar voters ask what has been done for them by those whom they elected as their representatives and thus gave them a chance to enjoy walks on the Mall, sit close to the Speaker and become Premiers and Ministers. What have you done for them? You appointed a Land Revenue Committee, but what has happened to its report?

**Sayed Amjad Ali Shah :** What has it got to do with this Bill?

**Mian Muhammad Nurullah :** I want to impress upon the House that the money so far realized by this Government from the previous measures and from this measure too is going to be flittered away as usual. That has been done before and they are going to continue with it like that. That is my argument and that is why I say that the appointment of the Land Revenue Committee was no more than a ruse played upon us. If you did not want to give effect to the recommendations of that committee, why did you spend Rs. 50,000 on it? You have spent that money, but all the recommendations have been thrown into the waste paper basket.

**Sayed Amjad Ali Shah :** On the first reading he is speaking on the whole Bill.

**Mian Muhammad Nurullah :** I want to point out that our money has been ruthlessly squandered during the last four years and 2 crores of rupees realized under this measure will also meet the same fate. The eyes of the zamindars have been opened and now I want to open your eyes. Now, sir, the Darling Committee was in favour of granting some relief to those who pay Rs. 5 or less a year as land revenue. My submission is that if you were to exempt those paying Rs. 5 or less, your loss will not amount to more than one-tenth of this 20 per cent tax of yours. I would draw the attention of the zamindar members sitting on the Ministerial benches to the figures given in columns 3, 4, and 5 of the chart attached to the report of the Land Revenue Committee. They may or may not vote with me, but I am sure that they will realize the reasonableness of my demand. Now the number of land revenue payers who pay Rs. 5 or less is Rs. 17,59,260 and the land revenue paid by them amounts to Rs. 32,26,440. Again the number of those land revenue payers in this category who do not cultivate their own lands is Rs. 6,24,835 and if you are not prepared to show any concession to them, the number of those who cultivate with their own hands will be about 12 lakhs. These poor people are zamindars in the true sense of the word. They are not like myself or the Honourable Sir Sunder Singh. They till their lands with their own hands unlike those who have never touched a plough, or even if they touch it at all that is only by way of exercise or else in order to establish their claim to being zamindars, in case a truly zamindar Government comes into power in the province. Anyway, if you exempt only those 12 lakhs who cultivate their lands with their own hands your loss will be even less. It may be 20 lakhs of rupees (*Interruption*), very well, let us say 17 or 18 lakhs. I say, am I asking too much? You do not agree to 10 or 15 per cent being the maximum rate of this tax and insist on 20 per cent. My submission is that if you earmark one-tenth out of it for exempting the poor land revenue payers, we shall be thankful to you even for this small mercy.



But you are doing nothing of the sort. The recommendations of the committees appointed by your own Government are being disregarded by you and all the money spent on those farces has been wasted. Then this is not the case with the Land Revenue Committee alone. What happened in the case of your Unemployment Committee? Have you raised even your little finger to remove unemployment? Not only the poor uneducated people but even B.A.'s and M.A.'s are groaning under the curse of unemployment and offering a particular kind of prayers for you. You have wasted good many of zamindars on these committees for providing lucrative jobs to your favourites and relations. What have you done for the zamindars of the province as a whole? Only the other day Mir Maqbool Mahmood was pleased to remark that the Government wanted to raise the standard of living of the poor down-trodden classes. And this is what you have done. God bless you! What an achievement!

**Mr. Speaker :** Repetition should be avoided.

**Mian Muhammad Nurullah :** There is no repetition. I am only dealing with the report of the Unemployment Committee.

**Mr. Speaker :** And this I disallow.

**Mian Muhammad Nurullah :** Very well, sir, I shall leave this matter. Let them fill the pockets of their relations and supporters and throw the poor people and zamindars to dogs. But am I not permitted even to ask where the proceeds of this tax charged at the rate of 20 per cent are to go?

**Premier :** On a point of order. I beg to submit that this matter cannot be discussed when an amendment is moved. The Chair has allowed him a big latitude. My honourable friend ought to study the Parliamentary practice. As the second reading stage you can only confine yourself to a particular point. My honourable friend is making a peroration to the House which is not relevant.

**Mian Muhammad Nurullah :** All right, I will not touch even this point if you are so touchy about it. Now let me save the time of the House and put the whole thing in a nutshell. My first request is that the maximum rate should not be 20 per cent. My reasons for making this demand are, first, that it is a levy on capital and will adversely affect the percentage of return on the capital and, secondly, that those lands of zamindars which have been included in urban areas will be assessed to the same rate as the buildings in cities and towns. It is a hardship on the poor zamindars. The houseowners get rent of their houses, but there is no such income to the zamindars. It has been stated a good many times on the floor of this House that zamindars have to pay 25 per cent of their net assets as land revenue. But is it not a fact that special rates are charged in the case of lands that have been included in municipal areas? And then you will impose the 20 per cent.

**Premier :** Not in all cases.

**Mian Muhammad Nurullah :** But it is a fact that the lands under cultivation in urban areas are assessed to special rates because it is treated as of the best quality for that purpose. Sometimes these charges go up to 50 per cent and if your tax at 20 per cent and the other various rates are

[Mian Muhammad Nurullah.]

included, it will work to 75 or 80 per cent. Supposing the letting value of half a square of land which has been included in a municipal area is Rs. 300. Now ordinarily you would have demanded 25 per cent out of this amount as land revenue, but your special rate must have gone up to 50 per cent. Then there are abiana and other rates and when this property tax at the rate of 20 per cent is added, practically nothing will be left with the owner of that land. Such landowners never requested you to include their lands in municipal areas. You included them by extending the municipal limits of certain cities and towns and, therefore, it is your duty to see that these poor fellows are not ruined. In fact they will have to pay much more than the house owners. Thus the rate of tax in their case should not be more than half the rate prescribed for buildings. If you do not want the Opposition to get any credit for this amendment you may get a similar proposal put forward by a member of your own party but you must do something in the matter. Similarly you should exempt poor widows and other deserving people so that no injustice may be done to any person or class of persons.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, after hearing the speech of my honourable friend Mian Muhammad Nurullah I cannot help saying that his opposition to this clause was based on grounds of political expediency. I think either his constituents have asked him to move this amendment in the House or he has done it of his own accord to hoodwink the people and to have cheap press popularity. May I tell him that people are not so foolish as to be taken in by my honourable friend? (*Voices : from the opposition : They are*) (*Laughter from the Government benches*).

My honourable friend is correct to some extent and his remark has reminded me of a friend who was a Barrister-at-Law and used to attend a club every day. If any handcuffed prisoner happened to pass by that club, my friend used to say "One of my victims, I believe." Despite this, people used to employ him as a lawyer to plead their cause in the court the very next day. However, what I wanted to submit was that people are less foolish now, and if my honourable friend Mian Muhammad Nurullah goes and tells his constituents that he has done his duty by moving this amendment in the House and the Government have not accepted it, I may assure him that this will bring no credit to him in the eyes of his constituents, because they know that the present Government is a zamindara government and whatever would be done by us would be for their benefit. In this connection I would advise my honourable friend to read my speech recorded in the Report of the Punjab Land Revenue Committee, so that he may know what this Government intends to do for the relief of zamindars.

**Mian Abdul Aziz:** It is all tall talk.

**Premier :** Not at all. I am stating facts. Then sir, my honourable friend jumps to the conclusion that this tax will bring crores of rupees to the Government. I have many a time submitted that nobody can say with certainty, how much money will come to the Exchequer by this tax. If the whole tax is levied, it is possible that 86 lakhs may be realised, but I do not rely on this figure as it may rise or fall. It is therefore wrong to say that 15 crores of rupees will be realized from the province if the tax is

levied at the rate of 10 per cent. How strange it is that 10 per cent has not yet been levied and my friends are speculating on an income up to 15 crores! Then my honourable friends opposite referred to Lahore and said that the Government will get 15 lakhs of rupees as urban tax. We have not levied the tax as yet and I wonder how my honourable friends are in a position to estimate the amount. I would say they are just counting the chickens before they are hatched. For their satisfaction I have already pointed out that the tax will be levied at the rate of 2 per cent within the city walls, 4 per cent outside the city walls and 6 per cent in the civil station and it will rise gradually. And the estimate worked out at the rate of 10 per cent on the Lahore property comes to 8 lakhs.

**Mian Abdul Aziz:** Please see the figures. Ask the Administrator.

**Premier:** I am quoting the official figures worked out by the Administrator and it is not more than 8 lakhs and if this estimate reaches the amount of 15 lakhs, as remarked by my honourable friends opposite, it is a matter of gratification and pleasure that the amount comes up to 15 lakhs at the same rate of tax, that is 10 per cent. My honourable friend, Mian Muhammad Nurullah, is unfortunately a B.Ccm. and therefore he professes himself to be a critic of all subjects. It has become a habit with him to say whatever occurs to him with regard to economics. I wish my colleague, the Honourable Mr. Manohar Lal, were in the House to hear the interesting remarks of my honourable friend the B.Ccm., and gain something from them. I remember once the subject of the sliding scale was under discussion and my friend Mian Muhammad Nurullah dragged in economics and in the capacity of a B. Com., spoke for hours and hours and nobody could make head or tail of his speech in the House. So far as facts are concerned I may correct him but when the position is

و کس کده دود بدند، که بدند، در چهل مہ کب ابدل، مہ باند

I have no remedy for it. I believe nobody, of all the honourable members who are sitting in the House, has understood the rules pointed out by my friend Mian Muhammad Nurullah. But they have quite understood one thing, and that is this that people abuse him when he goes out to visit them. May I ask him to find out the reasons why people are abusing him?

**Mian Muhammad Nurullah:** Nobody abuses me. But I am not prepared to repeat any *gali* they give to Unionists before these people. It will be unparliamentary.

**Premier:** Then my honourable friend said that the public are abusing the Government for levying taxes on them. However, we do not mind being abused by interested parties if we can implement the election pledges given by the Unionist Party to the electorate. We cannot incur resentment and displeasure of our electorates on the one hand and of other disinterested parties on the other. My friends should believe me that we will never be deterred from fulfilling our promises made to our constituents. But I may point out that we never gave an undertaking to our constituents to the effect that 50 per cent land revenue will be reduced. What we have been saying to them is that we will do our best to reduce it so far as is possible. However I, and the honourable members sitting with me, are not like the people who though returned on Unionist ticket, on being hired by an "opportunity", go over to the other side and sit with thieves.

**Rai Bahadur Lala Gopal Das :** Is that Parliamentary?

**Mr. Speaker :** I request the honourable member not to make such remarks.

**Premier :** No, sir, I have not named anyone. Can you say whom I have mentioned?

**Rai Bahadur Lala Gopal Das :** Whom did you mean?

**Premier :** Please do not behave as "Chor ki dahri men tinka" (Laughter). Sir, all that I want to say is this that a story-teller spent the whole of the night in narrating the romance of Yusuf and Zulikha, and a man out of the listeners asked the story-teller next morning whether Zulikha was a man or a woman. Similarly my honourable friend Mian Muhammad Nurullah has asked me repeatedly during his speech as to where the money realized from the tax will be spent while I have told him a hundred times in this House that whole of the money will be spent on affording relief and comforts to small zamindars. But my honourable friends opposite want me to reduce 50 per cent land revenue paid by small zamindars. As regards this reduction, I have quoted facts and figures to them many a time before and remarked that if we have to take average figures we must divide Rs. 5 among 5 persons, as a zamindar's family generally consists of 5 members, then each will get Re. 1. It means that zamindars will be able to get 8 annas remission annually (A voice: No. The remission is cent per cent.) I am afraid my friend is wrong in calculating as I have submitted several times before that the average of a zamindar's family which pays land revenue is five persons. They pay five rupees to the Government and if we remit Rs. 2½ it means that 80 lakhs of rupees will go out of the Government treasury as remission. And, as I have calculated, the remission comes to 8 annas a year, that is 3 pies a month. When this is the position, I wonder how my honourable friend, who has the claim of being an economist, can provide zamindars with good clothing and all other amenities of life. How can he make them rich on a mere remission of 3 pies a month? All that we have learnt from experience and knowledge is that no power on the face of earth can make their standard of life high by an ordinary remission of Rs. 2½.

I may, therefore, be permitted to point out to my honourable friends that what we want to do is to raise the income of the zamindars, who are well aware of our intentions and whose confidence we are enjoying. My honourable friend, Mian Muhammad Nurullah, should, therefore, bear in mind that he may throw dust in the eyes of zamindars, say, for a day or so, but he cannot continue playing this trick for ever. And if he does not change this attitude I am afraid he will not be merely abused by the zamindars outside but he will be treated in a still harsher way.

Then my honourable friend was pleased to remark that he had put forward this amendment by way of compromise. That is, he wanted that 50 per cent of the money realized through this tax might be utilized for permanent reduction in land revenue. But we are fully aware of his lip sympathy for the zamindars. No doubt he professes to be the greatest well-wisher of the tillers of the soil, but his sympathy vanishes like the mist before the Sun, when the actual hour of giving practical proof of it comes. He then severs his connexion with the party on the ticket of which he was

ected and makes common cause with the opponents of the zamindars. Besides, he complained of the abuses he received from the public. In this connexion, I would advise him to keep his conscience clear and heart pure. If he acts up to this advice, he may rest assured that nobody would ever abuse him. Then my honourable friend very glibly remarked that he had made this speech to open the eyes of the zamindars. I would ask him not to bother himself about them. They are intelligent enough to differentiate between good and bad and to discriminate between friend and foe. I would rather suggest to him to act upon the saying :

با با من کی اکھن کہول دا با من کی اکھن کہول

(Cheers).

**Mr. Speaker :** The question is—

That sub-clause (1) of clause 3 stand part of the clause.

*The Assembly divided : Ayes 71, Noes 19.*

### AYES.

Abdul Haye, The Honourable Mian.	Habib Ullah Khan, Malik.
Abdul Rahim, Chaudhri (Gurgaon).	Haibat Khan Daba, Khan.
Ahmad Yar Khan, Chaudhri.	Hans Raj, Bhagat.
Ali Akbar, Chaudhri.	Hari Chand, Rai Sahib Rai.
Allah Yar Khan Daulatana, Mian.	Indar Singh, Sardar.
Amjad Ali Shah, Sayed.	Jafar Ali Khan, M.
Anant Ram, Chaudhri.	Jogindar Singh Man, Sardar.
Ashiq Hussain, Major.	Khizar Hayat Tiwana, The Honourable Malik.
Badr Mohy-ud-Din Qaderi, Khan	Kishan Das, Seth.
Sahib Sayed.	Manohar Lal, The Honourable Mr.
Balwant Singh, Sardar.	Magbool Mahmood, Mir.
Chhotu Ram, The Honourable	Muhammad Akram Khan, Khan
Chaudhri Sir.	Bahadur Raja.
Dasaundha Singh, Sardar.	Muhammad Ashraf, Chaudhri.
Faiz Muhammad, Shaikh.	Muhammad Azam Khan, Sardar.
Faqir Hussain Khan, Chaudhri.	Muhammad Hussain, Chaudhri.
Farman Ali Khan, Subedar-Major	Muhammad Jamal Khan Leghari,
Raja.	Nawab Sir.
Fateh Khan, Khan Sahib Raja.	Muhammad Saadat Ali Khan, Khan
Fateh Muhammad, Mian.	Bahadur Khan.
Fateh Sher Khan, Malik.	Muhammad Sarfraz Khan, Chau-
Fazl Ali, Khan Bahadur Nawab	dhri.
Chaudhri.	Muhammad Shafi Ali Khan, Khan
Fazal Din, Khan Sahib Chaudhri.	Sahib Chaudhri.
Few, Mr. E.	Muhammad Yasin Khan, Chaudhri.
Ghazanfar Ali Khan, Raja.	Muhammad Yusuf Khan, Khan.
Ghulam Mohy-ud-Din, Khan Baha-	Mushtaq Ahmad Gurmani, Khan
dur Maulvi.	Bahadur Mian.
Ghulam Qadir Khan, Khan Baha-	Muzaffar Ali Khan Qizilbash, Sar-
dur.	dar.
Gopal Singh (American), Sardar.	Muzaffar Khan, Khan Bahadur Na-
Gurbachan Singh, Sardar Bahadur	wab.
Sardar.	

Nasir-ud-Din, Chaudhri.  
 Naunihal Singh Mann, Lieutenant  
 Sardar.  
 Nawazish Ali Shah, Sayed.  
 Nur Ahmad Khan, Khan Bahadur  
 Mian.  
 Pir Muhammad, Khan Sahib Chau-  
 dhri.  
 Pohop Singh, Rao.  
 Prem Singh, Chaudhri.  
 Ram Sarup, Chaudhri.  
 Ranpat Singh, Chaudhri.  
 Ripudaman Singh, Rai Sahib Tha-  
 kur.

Sahib Dad Khan, Khan Sahib Chau-  
 dhri.  
 Shahadat Khan, Khan Sahib Rai.  
 Shah Nawaz, Mrs. J. A.  
 Shah Nawaz Khan, Nawab Sir.  
 Sikander Hyat-Khan, The Honour-  
 able Major Sir.  
 Sultan Mahmood Hotiana, Mian.  
 Sumer Singh, Chaudhri.  
 Suraj Mal, Chaudhri.  
 Talib Hussain Khan, Khan.  
 Tikka Ram, Chaudhri.  
 Ujjal Singh, Sardar Bahadur Sardar.

### NOES.

Abdul Aziz, Mian.  
 Barkat Ali, Malik.  
 Faqir Chand, Chaudhri.  
 Girdhari Das, Mahant.  
 Gopal Das, Rai Bahadur Lala.  
 Guest, Mr. P. H.  
 Harnam Das, Lala.  
 Jalal-ud-Din Amber, Chaudhri.  
 Jugal Kishore, Chaudhri.  
 Lal Singh, Sardar.

Muhammad Nurullah, Mian.  
 Muhammad Raza Shah Jeelani,  
 Makhdumzada Haji Sayed.  
 Mukand Lal Puri, Rai Bahadur Mr.  
 Rashida Latif Baji, Begum.  
 Sadiq Hassan, Shaikh.  
 Santokh Singh, Sardar Sahib Sardar.  
 Singha, Diwan Bahadur S. P.  
 Sita Ram, Lala.  
 Sohan Lal, Rai Bahadur Lala.

**Shaikh Sadiq Hassan** (Amritsar City, Muhammadan, Urban) (*Urdu*)  
 Sir, I beg to move—

That in sub-clause (2), lines 6-7, between the words "paid" and "in", the words "on buildings and lands the annual value of which is above Rs. 1,200" be added.

Sir, the surcharge proposed in this Bill will be imposed for the duration of the war only and will be discontinued afterwards. In this connexion I would like to express my own thoughts and feelings about the war. In fact I do not believe in turning my second cheek if I am slapped on my first cheek. I do not like passive resistance. On the other hand I believe in active defence. That is why I was immensely pleased to learn from this morning's newspaper that the British had won a first class victory against Field Marshal Graziani. This General of the Italians has got a very bad reputation on account of the barbarous atrocities that he has been committing on the Arabs in the past. It is alleged about him that it was he who used to fasten the hands and feet of the nationalist and patriotic Arabs of Tripoli and throw them down the 'planes in that very condition of helplessness. No wonder, therefore if he was given the nick name of a "Black Devil" by the Arabs of Africa. The defeat of such a cruel man must naturally please all human beings. Had he been not checked in Egypt, he would have certainly brought this war to the very doors of India. It is well therefore that he has been inflicted a crushing defeat by the British General of the Middle East. We know what has happened

in Poland, Norway, Holland, Belgium and France at the hands of the Nazis and the Fascists. But for the heroism of the British in resisting the onrush of this black death, we in the East and in India would be under the heels of these dictators. Even now we must all put our heads together to adopt ways and means to defeat them, and for this purpose I would welcome this surcharge being imposed in the whole of India, and not in the Punjab only. The Indian armies should be brought up-to-date in each and every respect and we should pay generously for this laudable object. But I must make it clear that the German and Italian armies cannot be defeated by mere words and phrases, or by passive resistance. We must mechanise our armies and improve our navy and the air arm. If with this end in view a surcharge is being proposed to be imposed on the urban people, I welcome it. But I cannot help saying at the same time that the poor widows and orphans should be exempted from the operation of this tax. The Government should not think that all the towns people are rich.

Even the so-called well-to-do persons cannot pay a high rate of taxation. I give my own example. My son reads in the Medical College and I had recently to send him Rs. 500. Similarly those whose sons are studying in the Government College must pay about Rs. 50 or more every month. Only the M. A. O. College, Amritsar, which has got a great reputation is less expensive. There it costs Rs. 35 per student per month by way of college tuition fees and other expenses. In these circumstances if a man has to pay a surcharge over the ordinary tax, he will not be able to finance the education of his boys.

In view of the foregoing remarks, I propose that surcharge should be imposed only on those persons whose annual income from the rent of his houses is above Rs. 1,200. If on the other hand this surcharge is also imposed on those whose income is less than this, then the taxation would be beyond his taxable capacity.

**Mr. Speaker :** Question is—

That in sub-clause (2), lines 6-7, between the words 'paid' and 'in' the words 'on buildings and lands the annual value of which is above Rs. 1,200' be added.

*The motion was lost.*

**Sir William Roberts (European) :** Sir, I beg to move—

That in sub-clause (2), line 3, for the word 'fifty', the words 'twenty-five' be substituted.

I move the amendment not as one of the opponents of the Bill in principle. As far as the principle is concerned, I am in favour of this Bill. I think that it is just, that house property should bear some share of taxation and I also believe that the Bill has constructive possibilities, because it would be a good thing for the province to deflect the capital of the country which is too much concentrated on speculation in buildings and lands to better and more constructive channels. I very much regret to say that this constructive aspect of the Bill has been vitiated and ruined by the very drastic nature of the Government proposals. (*Hear, hear*). For this reason I wish to press strongly for at least this concession in the extra tax that is going to be raised for war, that it should be half of what it is proposed. I should like to remind the honourable members that this is the first time,

[Sir William Roberts.]

as far as I know that a novel Bill of this kind has been applied to a province. When the income-tax was first introduced in Great Britain eighty years ago, the incidence of the tax was only two pence a pound or less than one per cent and here where we are introducing a new tax of this kind for the first time, we are starting with twenty per cent. I hope very much therefore that the Honourable Premier will reconsider this extra fifty per cent and kindly consent to reduce it to twenty five per cent.

**Mr. Speaker :** Sub-clause under consideration amendment moved is—

That in sub-clause (2), line 9, for the word 'fifty', the words 'twenty-five' be substituted.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : I am sorry I was not here and I did not have the benefit of hearing the arguments of my honourable friend. I only just caught one sentence of his speech at the tail end. I think that this amendment is of purely academic interest at the moment. I have already given an undertaking that we will start with no more than ten per cent. Therefore the actual surcharge, when it is levied, would not be more than five per cent which meets the point of my honourable friend ; and let us hope that the War will not last for more than three years, because it is only after that period that there may be a danger of a higher surcharge being levied, if we decided to increase that ten per cent levy to fifteen per cent. But there is no such intention and therefore it is purely of academic interest. I do not think it is necessary for me to go into any other argument over this question. Since we are committed to start with ten per cent, it would be only one quarter and if we decide to levy less than ten per cent, it would be even less than one quarter. On the matter of principle, I do not see eye to eye with my honourable friend. He at the tail end of his speech said that income-tax in England started with two pence a pound. I agree with him. But he is talking of the days when everybody was living happily with as little taxation as possible and those were the days when people fought chivalrously hand to hand, and not with aeroplanes, armoured cars, tanks and that kind of thing. We then had the old type of ships which grappled with other ships and there were marines who fought hand to hand. Now unfortunately war is something quite different from what it used to be and our needs are also quite different. But may I remind my honourable friend that whereas it started with two pence a pound, now, as I told you the other day, at this moment in England they are not only liable to hand over the whole of their property to Government—Government has taken over that power, though I hope it will not be necessary for them to use that power, and I am sure that no popular Government will avail itself of that power, which the nation has willingly handed over to them on account of this emergency, without due cause or reason, —at the moment they are paying 18 shillings in the pound and not two pence in the pound.

**Sardar Lal Singh :** On actual incomes received.

**Premier :** Yes, 18 shillings a pound of their incomes.

**Sardar Lal Singh :** On incomes received.



**Premier :** Is my honourable friend prepared to pay 18 shillings a pound on the incomes received ?

**Sardar Lal Singh :** That high rate of tax is based on incomes actually received in their hands.

**Premier :** Is my honourable friend prepared to accept that rate of taxation on incomes received ?

**Malik Barkat Ali :** But where is that emergency in this country ?

**Premier :** Where is that emergency in this country ? Because the honourable member is living a sheltered life in a palatial house on Temple Road, he thinks there is no emergency. Of course that emergency can never arise for him. It will arise for those people who have to bear the brunt of aggression if a foreign foe comes from outside. My honourable friend will then be living on Temple Road or perhaps move down further afield, but the emergency is there and I have warned this House several times that if they think that emergency is far away, they are living in a fool's paradise.

**Malik Barkat Ali :** No better than you.

**Premier :** If Great Britain loses this war, let me assure my honourable friend that his palatial house on Temple Road and all the income and the money he has amassed will be of little avail to him, if he wants to live as a free person. My honourable friends think that there is no emergency although they want me to protect them, they want me to see that there is no trouble, they want me to see that there are no dacoities, they want me to see that there is no upheaval, so that they can live in their houses and come here and criticize the Government in time and out of time. But the emergency is there (*Interruption*). Europeans friends do realize the emergency and I am sure that they not only realize the emergency, but will be prepared to make sacrifices to the fullest possible extent when called upon to do so throughout the province. If my honourable friend has been following the press reports and the speeches about the various figures which are published weekly, he will find that there are people like myself who realize their duty to their country, and they have been contributing voluntarily without any coercion and without any undue persuasion, merely because they realize as I do, and merely because they are realistic as I happen to be ; and if you will see the list, you will find that these people have not lagged behind any Indian in their patriotic efforts in doing their duty. It is those people who live under the shelter and security of cities who are not doing their duty and I appeal to them that they should do so voluntarily. So far as the land owners, big land owners and small land owners, are concerned I can assure you that they are themselves contributing much more than we have contributed voluntarily and it will not be necessary for me to put any tax on them ; but if I find that they are also going to shirk their duty, you may rest assured that I will not hesitate to levy a similar tax on them, and I can also assure them that they will not say one word against it. If I say that it is necessary, I am sure that the rural people will say with one voice that they are prepared to pay it and make further sacrifices. They are at present paying 37½ per cent and they are making further contributions beyond their means and I cannot express my gratitude to them for all they have done and I

[Premier.]

am sure that they will continue to do their duty, and I am also certain that those of my friends in urban areas who still believe that danger is not imminent and is far away will realize that we are not living in this sheltered position because of my honourable friend's arguments and theories—

**Malik Barkat Ali :** Nor because of you.

**Premier :** But because of the British navy and the British army and because of that valiant and brave Indian Army that is fighting our battles in Libya, in Sudan, in Greece, in Palestine and also guarding our eastern bulwarks in Malaya ; it is because of those that you are living in sheltered and comfortable position at the present moment. I hope my honourable friend will realize that they are our kith and kin ; if some of them are not his kith and kin, they are certainly my kith and kin. He should have read in this morning's papers that in the last battle in Libya they captured 30,000 Italian prisoners. They were one against three. Who was the spear-head of that force that captured Sidi Barrani ?—the Indian army, the Punjab soldiers. (*Loud cheers*). I say that my honourable friend should remember that we owe something to them. Has he done anything for them substantial or material ? He should at least have the decency to give them lip gratitude. The honourable member should realize that the danger is real and I pray that he would not get the real dose of it before he realizes it. (*Cheers*.)

**Rai Bahadur Lala Sohan Lal :** May I, Sir, with your permission put one question. The Honourable Premier has stated that if we study facts and figures regarding contributions to the war fund we would find as to what amount the rural and urban people were contributing towards it respectively. Personally I have not seen any statement of that kind published in the newspapers. Let him either supply these facts and figures to us or at least tell us as to where from we can get this information.

**Premier :** It appears that my honourable friend does not study newspapers carefully. In future when any statements about war fund is published, as they are published from time to time in the newspapers, he should go through them very carefully.

**Rai Bahadur Lala Sohan Lal :** What about the money that the Punjab National Bank has contributed to the war loan ?

**Premier :** My honourable friend should know that the Punjab National Bank has contributed that money to the war loan at my instance.

**Mr. P. H. Guest** (Punjab Commerce & Industry) : Sir, I feel that the object of this amendment has been side-tracked. I do not think anybody here would deny that by Sir William Robert's proposal or motion we have any desire to prevent the levy of a war fund. On the contrary we will be only too willing that the war fund by any means whatever should be increased. After all we are Britishers. Now, it appears that there has been a misinterpretation in regard to our amendment. There may be black sheep in the urban areas, there are at least more white sheep. (*Premier: Many*). But unfortunately this tax is going to be levied on the white sheep as well as on the black sheep. Therefore, I wish to make it clear that anyhow our object in moving this amendment is not to reduce the war fund, but to make the tax equitable.

**Mr. Speaker :** The question is—

That in sub-clause (2), line 9, for the word "fifty", the words "twenty-five" be substituted.

*The motion was lost.*

**Mr. Speaker :** The question is—

That sub-clause (2) of clause 3, stand part of the clause.

**Khan Sahib Khawaja Ghulam Samad** (Southern Towns, Muhammadan, Urban) (*Urdu*) : I rise to oppose the entire sub-clause. My submission is that I felt great hesitation in moving my amendments to-day because the treatment which the Honourable Premier meted out to me and Begum Rashida Latif Baji yesterday was to say the least most indecent.

**Mr. Speaker :** The honourable member should speak to the motion now before the House.

**Khan Sahib Khawaja Ghulam Samad :** What we wanted was that the Honourable Premier should remove some of our doubts.

**Mr. Speaker :** But the honourable member should not be irrelevant. The question is—

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

*The motion was carried.*

**Khan Sahib Khawaja Ghulam Samad :** Sir, it is in fact a great high handedness on your part to close the discussion on a sub-clause like that.

**Mr. Speaker :** Order, order. I request the honourable member to withdraw that word.

**Khan Sahib Khawaja Ghulam Samad :** I withdraw it but I may be allowed to speak.

**Mr. Speaker :** I allowed the honourable member to oppose the sub-clause, but he was irrelevant. When I pointed out that the honourable member was irrelevant he resumed his seat. Then I had to put the motion. I cannot allow the honourable member to get up again and again to make his speech. I gave him an opportunity to do so ; but he did not avail of it.

The question is—

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

*The motion was carried.*

**Khan Sahib Khawaja Ghulam Samad :** I move—

That at the end of sub-clause (4), the following be added :—

And if the buildings and lands are under encumbrance the tax levied on such buildings and lands shall be paid by the person who derives income from such property.

It is not a new clause.

**Mr. Speaker :** I hold it to be a new clause.

**Khan Sahib Khawaja Ghulam Samad :** I do not move it then, because I know that leave will not be granted.

**Mir Maqbool Mahmood :** I beg to move —

That leave be granted to move—

That at the end of sub-clause (4,) the following proviso be added :—

“ Provided that in the case of lands or buildings mortgaged with possession the mortgagee concerned shall be deemed to be the owner for the purposes of this sub-clause.

*The motion was carried.*

**Mir Maqbool Mahmood :** I beg to move—

That the new proviso be taken into consideration.

**Mr. Speaker :** Motion moved—

That the new proviso be taken into consideration.

**Sardar Sahib Sardar Santokh Singh** (Eastern Towns, Sikh, Urban) : I am surprised that my honourable friend Mir Maqbool Mahmood should have moved an amendment of this importance without saying a word as to its necessity. We have not been able to understand as to what he really means by bringing forward this amendment. Does he really wish to interfere in the business relations between the mortgagor and the mortgagee? He has not said a word about that and has left us entirely in the dark to judge for ourselves what his intentions are. (*Interruption*). Sub-clause (4) is—

(4) The tax shall be paid by the owner of the buildings and lands in respect of which it has been levied.

This is the principal provision as to the levy of tax and it is that the tax will be levied on the owner. Now comes the amendment which is—

Provided that in the case of lands or buildings mortgaged with possession the mortgagee concerned shall be deemed to be the owner for the purposes of this sub-clause.

My honourable friend has not made it clear as to whether the mortgagee will pay the tax on account of the mortgagor and whether it will be competent for him to debit it to the account of the mortgagor. Not a word has been said about it. Coming to the Bombay Act, what we find there is that if the property is let, the tax will fall on the lessor and in case it is sub-let, on the principal lessor. Does it mean that in this province this tax is to fall on the mortgagee? What are the deductions we have to draw from this amendment in the absence of any explanation? Do the Government fear that the mortgagor might not be able to pay and for that reason as a second alternative, they are thinking of recovering this tax from the mortgagee? I cannot understand that position but as it is, it simply means that the mortgagee will have to pay and bear this tax himself. If I have rightly understood it, it will mean that there will be reduction of at least two annas and six pies per cent to the mortgagor in the amount of interest that he may have settled with the mortgagee. On the one hand we have already made a law that no mortgagee can have more than 7½ per cent interest on secured loans and on the other hand, if that is your intention, although it is not at all clear from the amendment — and my friend's silence is all the more to be regretted on that account—do I understand that the mortgagee has to pay this tax and this war surcharge out

of the interest that he will get from the mortgagor? If this is your intention, kindly do make the point clear. Let not the mortgagees be under a misapprehension. They must know where they stand. We know that while on the one hand you allow the banks — the co-operative societies — to advance money at whatever rate of interest that they chose, in the case of urban people you want to charge from the mortgagee this tax as well which means that if they agree to recover from the mortgagor interest at the rate of 6 per cent per annum, which is not at all heavy, they will have, out of that 6 per cent, to pay about one-third of that amount in the shape of this taxation. I ask the Government again, whether this is their intention and what they understand from the term "mortgage with possession". So far as my experience goes, in 95 per cent of cases the mortgage is with possession. This does not, however, mean that the mortgagee is entitled to the rent. Wherever he recovers it, he recovers it on behalf and on account of the mortgagor. Whatever recovery he makes, he does account for that. Suppose the interest comes to hundred rupees and the rent to eighty rupees; is it your intention that the mortgagor may continue to get the credit for the rent and without being required to pay the tax? Is it your intention that you want the mortgagor to continue to get the credit of those eighty rupees and make the mortgagee liable for this tax? If such is the intention, I cannot understand why you want to place the mortgagor in such an advantageous position. Do you for a moment realise what will be the result of this amendment, if accepted, and accepted it will be because you have got numbers behind you? The result of that will be that for all existing mortgages, the mortgagees, will run to the courts to get their money back because they would not find it a paying proposition, and I have not been able to understand in whose interest and for whom you want to do this thing. It will come to this that if in future a person desires to mortgage a house, the to-be-mortgagee will say, "I cannot bear this taxation, you are mortgaging this House to me for a period of two or three years, and unless you pay the amount of this tax for three years in advance to me, I will not take the house in mortgage." Why need you cause this differentiation between mortgages with possession and those without possession? The latter may in some cases be more deserving cases. After all, it is a matter of business between mortgagors and mortgagees in which the Government has no business without special reasons to interfere, and not a word has been said as to those reasons. If you had tabled this amendment to apply to usufructuary mortgages, there was something to be said for it, but the position taken by Government in respect of this amendment is hard to understand. As things stand, the mortgagees simply invest their money for the sake of interest. The best thing would have been, if government were really mindful of the interest of the Government, that the mortgagor will, in the first instance, pay the tax and in case of his inability to pay, the tax will be recovered as an alternative from the mortgagee on account of the mortgagor.

The amendment as it stands is full of ambiguities and not a word has been said to clarify the position. It is not enough, to say that in case of mortgages with possession, the mortgagee will be deemed to be the owner for the purposes of this sub-clause. Further elucidation is imperative before the amendment is put to the vote of the House.

**Premier :** Sir, I think my honourable friend has understood this amendment perfectly. No explanation was necessary because it was self-explanatory that it means only that property which is mortgaged with possession. I agree with my honourable friend that in some cases actually, although in the registered deed it is said 'mortgaged with possession', by some private arrangement or by other agreement, the owner or the mortgagor still continues with possession and pays rent or something of that kind. I quite agree with him. But, my honourable friend the Parliamentary Secretary, merely wanted to move this amendment in order to make sure that in those cases where the possession of the property has passed from the owner to the mortgagee, and the mortgagee derives the benefits of rent, then you cannot legitimately or reasonably or equitably ask the owner to pay the tax because he has not got the property. The rent goes to the mortgagee. That is what he wanted to make clear. If my honourable friend can suggest some other way out of it, I am prepared to accept it for this amendment. But at the same time I personally consider this amendment redundant and ask my honourable friend not to move it. Under clause 14, we have made such a provision. A man can go to the assessing authority and say that I have not got any property. Then in that case the assessing authority will have to realize the tax direct from the tenant or from the person who has got that property. I think that clause, to some extent, though not wholly, covers such cases. I would ask my honourable friend not to move his amendment.

**Mir Maqbool Mahmood :** I beg to ask for leave to withdraw my amendment.

*The amendment was by leave withdrawn.*

**Mr. Speaker :** The question is—

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

*The motion was carried.*

**Mr. Speaker :** The question is—

That clause 3 stand part of the Bill.

*The motion was carried.*

*Clause 4.*

**Mr. Speaker :** The question is—

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

*The motion was carried.*

**Chaudhri Sumer Singh** (South-East Gurgaon, General, Rural) (*Urdu*): I beg to move—

That in sub-clause (1) (b), line 5, between the words "authority" and "when" the words "or District Board" be inserted.

No lengthy speech is necessary in support of this proposal. It is well-known that there are certain buildings belonging to the district boards at the headquarters of districts and tahsils. Similarly, there are some other buildings belonging to the said boards which must be exempted. I have moved this amendment because such buildings are not included in those exempted under this clause, and I hope the Honourable the Premier will see his way to accept it.

**Mr. Speaker :** Clause under consideration, the amendment moved is :

That in sub-clause (1) (b), line 5, between the words, " authority " and " when " the words " or District Board " be inserted.

**Premier :** Sir, I am grateful to my honourable friend for pointing out this lacuna, and moving this amendment which is necessary, and I accept it.

**Mr. Speaker :** The question is—

That in sub-clause (1) (b), line 5, between the words " authority " and " when " the words " or District Board " be inserted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That sub-clause (1) (b) as amended stand part of clause.

*The motion was carried.*

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

That in sub-clause (1), part (c), line 3, for the words " three hundred ", the words " three hundred and sixty " be substituted.

If you look at amendments 6 to 16 you will find among their movers gentlemen belonging to all parties and all communities. There are Unionists as well as non-Unionists, and similarly there are Hindus, Sikhs, Muslims and Christians. I hope that in view of the unanimity of opinion the Government will see its way to raise the maximum annual value a little. I have suggested that exemption may be granted up to the annual value of Rs. 860 a year; i.e., about one rupee a day, and there should be no hesitation in accepting this reasonable demand.

**Mr. Speaker :** Sub-clause under consideration, amendment moved is—

That in sub-clause (1) (c), line 3, for the words " three hundred ", the words " three hundred and sixty " be substituted.

**Lala Sita Ram** (Trade Union Labour) (*Urdu*): Sir, I have also given notice of a similar amendment. The only difference is that I have suggested Rs. 500 instead of Rs. 800 as the maximum to be exempted in Lahore and Simla. My reason for suggesting this amount is very simple. You know, Sir, that under the Town Planning Scheme no house worth less than Rs. 6,000 will have a chance of being allowed to be built. In other words only such houses as may fetch a rent of at least thirty or thirty five rupees per month, will be allowed to be built. Therefore if this Government which professes great sympathy for the poor, wants to show them some concession, it should have no hesitation in accepting my proposal. That will enable a poor fellow with a large family and only one house, to make both ends meet with the rent received in respect of this house or a part thereof.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General, Rural) (*Urdu*): Sir, I requested the Honourable Premier to exempt the single house of a person from the tax and I invited his attention to the Punjab Indebtedness Relief Act which had provided exemption for residential house, however large it might be in accommodation and whatever the rental value. I am unable to understand the logic of the Government as on the one hand they have exempted residential house of a debtor from

[R. B. Mukand Lal Puri.]

attachment by creditor and on the other they are hesitating in making an exemption in this case. It may be urged that by accepting this amendment the Government will be helping the rich. This is not so, nor is it the object of those moving this amendment. I may also assure the Government that the limit of Rs. 500 as suggested by us is not a limit by which the rich can benefit. I, therefore, submit that if the Honourable Premier agrees to make an extension in the limit of Rs. 300 to Rs. 500 it will make very little difference so far as the amount of income realized by this tax is concerned. We do not want that all the houses in possession of a person in a town be exempted. But our point is that if a man has only one residential house the rental value of which does not exceed Rs. 500, that house should be exempted. In this connexion I would like to draw your attention to sub-clause c (1) in which it has been clearly laid down that if in addition to a residential house there are other houses in the ownership of a person, they will not be exempted. When this proviso is there I do not see any reason for not exempting the only residential house of a person. Let me assure the Government that by accepting this amendment they will be only exempting those people who are not in any sense well to do and rich. As a matter of fact large number of lower middle class people live both inside and outside the city walls in their residential houses the rental value of which amounts to about Rs. 40 per mensem, and it will be absurd that the head of the family who is earning livelihood out of Lahore should pay the tax of his own ancestral house in which his family is living in Lahore. And if the head of the family passes away his children will have to part with their residential house and live in a rented house. So, it will be really hard for such families and therefore an exemption should be made for the residential houses of the rental value of Rs. 500 in cases where the owner has only one residential house. And if the Government do not accept this amendment I would say they have absolutely no compassion for the urban poor. Besides, amendments of a similar nature to this clause have been tabled from every side of this House which means that the honourable members of every party in this house are at one with me in requesting for an extension in the limit of exemption, the houses of rental value from Rs. 300 to Rs. 500.

With these few words, Sir, I support the amendment moved by my honourable friend Lala Sita Ram and I once again request the Government that buildings of annual value of Rs. 500 should at least be exempted.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban). Sir, I only want to draw the attention of the Honourable Premier to the fact that the Bombay Government has exempted the owners of houses from the payment of urban tax, the annual rental value of which does not exceed Rs. 500. Yesterday when the Premier was making his speech I interrupted him and drew his attention to this matter, but on receipt of information from his Parliamentary Secretary, Mir Maqbool Mahmood, he got up and said that there was absolutely no provision for any exemption of the kind I pressed in the Bombay Act. I do not mean to suggest that the information given by his Parliamentary Secretary was given intentionally wrong, nor do I mean to say that the Premier had any intention in making a statement which was not correct.



I have studied the Act myself and I wish to draw the attention of the Honourable the Premier as well as of his Parliamentary Secretary, who was responsible for imparting to him that information, that under section 29 of the Bombay Act of 1939, the Bombay Government on the 31st May, 1939, by means of a notification exempted all houses from the payment of the tax, the annual value of which did not exceed Rs. 500.

**Mir Maqbool Mahmood :** Not in the Act.

**Malik Barkat Ali :** What does it matter that this specific exemption is not in the Act? It is certainly given under the authority of the Act. Under section 29, the Bombay Government took to itself the power of framing rules in regard to property which ought to be exempted and in regard to which this tax may be remitted. The Bombay Act contains no specific provision about exemption, leaving the matter to be dealt with in Rules, but you have introduced a provision and the Honourable the Premier was yesterday under the impression that the credit is entirely due to his Government for having made a provision of this kind in the Act itself. I want to draw his attention to it—I do not mean to criticise him—that since he has dealt with this matter in the body of the Act, the question of exemption also should be dealt with in the Act. For reference I will draw his attention to the full bench ruling of the Bombay High Court reported at 1940, Bombay, page 66 of the report where you have the following sentence :—

Then there is a proviso that the tax shall be levied and paid to the Provincial Government at the rate of five per cent of the annual letting value in the city of Bombay on the buildings and lands, the annual letting value of which does not exceed Rs. 2,000.

You will please note that in regard to those properties the annual value of which does not exceed Rs. 2,000 the tax is reduced from 10 to 5 per cent. This is not relevant here. The report goes on—

Subsequently, by a notification under section 29 of the Act, lands and buildings the annual letting value of which does not exceed Rs. 500 were exempted from the tax.

I have traced that notification and I will give you the date of that notification. The date is 31st May, 1939. The Act was passed on the 30th March, 1939. It received the sanction of the Governor-General on the 30th March and it came into force with effect from 31st March. I have in my possession 42nd Volume of the Bombay Law Reporter : probably the Premier has it in his possession. This case is reported, as well as the lengthy arguments, at page 12 where there is the following sentence :—

On May 31st, 1939, the Bombay Provincial Government issued a notification whereby the tax was remitted entirely in respect of lands and buildings in the city of Bombay the annual letting value of which was less than Rs. 500.

Therefore although there was no provision for this kind of exemption in the Bombay Act, the Government realized its duty and came out with a notification to that effect. You have actually in the body of this Bill provided that the tax shall not be levied in respect of—

Buildings and lands the annual value of which does not exceed three hundred rupees in the rating areas of Lahore and Simla and two hundred rupees in other areas.

Having made this provision our request is that you will kindly increase Rs. 300 to Rs. 500 in a town like Lahore. I will ask you to remember

[Malik Barkat Ali.]

not that Government would take it — that in the case of lands and buildings which are on the border line your assessing officer will easily raise it to more than Rs. 800, and they make them taxable. There will be no remedy. You have not provided any remedy for recourse to courts, you provide for an appeal to the Collector, and a revision to the Commissioner. There is no effective remedy against any over-assessment of the kind in the case of lands and buildings which are situated on the border line.

Then I will draw your attention to another aspect of the matter. My sister, Begum Rashida Latif, yesterday drew the attention of the House to the fact that in the town of Lahore there are any number of widows and orphans who have more or less fallen on bad days. There are families which used to possess lot of property but owing to the cycle of fate they have been thrown out and all that they have got to support them are a few houses, one or perhaps two in each case. Supposing one of the houses can fetch a rent of Rs. 20 and the other Rs. 12. Now, because the total rental is more than Rs. 25, the owner of these two houses is liable to this tax. Suppose he lives in one of the houses and the other is let out on rent. Probably he will get a rent of Rs. 12 or Rs. 18 or at the most Rs. 15. It is on this rent that he has to support himself and his family for subsistence. Is it fair that he should be made liable to pay this tax? I therefore make an appeal, if my appeal can find any echo or response in the Honourable Premier's heart, to provide for relief in such cases. Probably he was originally under the impression that he was the first to introduce this exemption clause. So far as the provisions of the Act are concerned, no doubt he was right. But he was not aware that by a notification the Bombay Government had fixed the limit of exemption at Rs. 500. In view of these reasons which have been adduced by the various sides of the House I request him to agree to raise the limit of exemption from Rs. 300 to Rs. 500 so far as Lahore and Simla are concerned.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): Sir, I am afraid we are treading the same ground which we have trod so often during the course of discussions on this measure. My honourable friend has brought to my notice the notification of the Bombay Government on this subject. All honour to the Bombay Government for this belated justice to the poorer classes. But we have, as the honourable member himself admitted, even from the very beginning exempted the poorer classes. We had in view, while giving exemption to the poor people, those who were living or had houses with an annual rent of Rs. 300 or less, which means Rs. 25 a month.

Now, to compare Lahore city with Bombay. The honourable member himself conceded that Bombay is a rich city and that the rents there are very high as compared with rents here. Now he is trying to turn that argument in his favour. He said that the rents in Bombay were Rs. 5,000 or Rs. 10,000 a month while the exemption was for Rs. 500. It means that the houses that have been exempted from this tax in Bombay are mere slums. Besides my honourable friend knows that this exemption applies only to the Bombay city proper and not to Bandra, Juhu and such other suburbs of Bombay not to Ahmedabad. The exemption applies only to

Bombay proper and there, I can assure the House, these tenements are mere slums which have almost disappeared or will disappear in a few months' time in accordance with the Improvement Scheme. Therefore in actual practice except for these few fishermen's huts in Chowpaty which I think have all been removed, nobody will be affected, because in Bombay no building fetches Rs. 500 or less rent per annum. The rent is always more than that. Therefore this notification of the Bombay Government is merely to create a sort of what you may call psychological effect, to avoid the criticism that the Bombay Government had done nothing to help the poorer people. But we had this point of view even from the very beginning when we drafted this Bill, because we have got certain principles and creeds as a party on which we work and we wish that the backward and the poor people, whether in rural or urban areas, should be helped. My honourable friend argued that there are widows and orphans in cities. I agree. That is why we have exempted them and exempted not only them but other poor people also. At the same time I may point out to him that no such exemption has been granted in the matter of land revenue. If a person has been paying land revenue of Rs. 5 his widow will have to pay that land revenue after the death of that person. She is not exempted. (*An honourable member*: you may exempt her also). I am quite willing to do so. But that can be done only when I get more money from the richer people. When I get more money it is my intention to give relief even to these poor people. It is for that purpose that this measure has been brought before the House. We have already exempted the poor people in cities and when we get more revenue as a result of this measure we will be able to give relief to poor people in rural areas also.

I am afraid I cannot accept any amendment to this clause for the simple reason that the figure we have now fixed is a compromise figure. We discussed the matter in the select committee and elsewhere also and I may say that with regard to other places I may be prepared to consider a lower figure, but for Lahore and Simla I cannot accept any amendment meant to increase the limit to Rs. 360 or Rs. 400 or Rs. 500.

**Mr. Speaker**: The question is—

That in sub-clause (1), part (c), line 3, for the words 'three hundred' the words 'three hundred and sixty' be substituted.

*The motion was lost.*

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

(*Urdu*): I beg to move—

That in sub-clause (1) (c), for the words "two hundred" the words "two hundred and forty" be substituted.

Sir, my object in placing this amendment before the House is simple enough. The Honourable Premier has been pleased to observe that in exempting houses with annual rental value of Rs. 300 in Lahore and Simla, and Rs. 200 in other towns of the Punjab he has only acted on the same principle which has been followed in Bombay where house with an annual rental value of Rs. 500 had been exempted. I want respectfully to point out that the difference in the standard and cost of living in Lahore and in other big towns like Rawalpindi and Amritsar is not so great as is reflected by the figures 300 and 200. If this were a true ratio then we would suppose that living in Lahore

6 p.m.

[Sheikh Sadiq Hasan.]

is 150 per cent more costly than it is in Amritsar and Rawalpindi. Far from it. These big cities are nearly as dear as Lahore is. At any rate the difference is not so great as the Government has thought it to be. I, therefore, beg to suggest that whereas houses with annual rental value of Rs. 300 are being exempted in Lahore, houses with annual rental value of Rs. 240 ought to be exempted in other big towns like Amritsar and Rawalpindi. I hope the Honourable Premier will very generously accept this amendment.

With these few words, Sir, I commend my amendment for the acceptance of the House.

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

That in sub-clause (1) (c), for the words "two hundred" the words "two hundred and forty" be substituted.

**Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) : I rise to give my support to this amendment. I myself have tabled a similar amendment which runs as follows :—

That in sub-clause (1) (c), between the words "hundred" and "rupees" the words "and fifty" be inserted.

Since Mr. Sadiq Hassan has moved almost a similar amendment, give it my whole-hearted support. I hope the Honourable Premier will be kind enough to accept it.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : I would like to save the time of the House. I am glad to accommodate my friends Shaikh Sadiq Hassan and Sardar Ujjal Singh and other honourable members who have tabled similar amendments. I think Rs. 240 is a reasonable figure and we will accept it.

**Mr. Speaker :** The question is—

That in sub-clause (1) (c), for the words "two hundred" the words "two hundred and forty" be substituted.

*The motion was carried.*

**Mr. P. H. Guest** (Punjab Commerce and Industry) : Sir, I beg leave to move—

That at the end of sub-clause (1) (c), the following further proviso be added :

Provided further that a rebate will be allowed if the land or the house remains vacant for a period exceeding 180 days.

*Leave to move the amendment was given.*

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) : I have every sympathy with the subject matter of this proviso. As a matter of fact, I have already given an undertaking that where *bona fide* vacancies occur, I will be prepared to meet the wishes of my friend. That will be provided for in the rules. It is not necessary to put this provision in the Act itself. It might even to some extent hamper, if I may say so, the Act itself as it might become a rigid provision, and may hamper us in giving relief wherever further relief is necessary. I, therefore, suggest that my honourable friend need not press this amendment, and I give an undertaking that the principle underlying his amendment will be incorporated in the rules which will be framed.

**Mr. P. H. Guest :** In view of the very definite undertaking given by the Honourable Premier, I beg leave to withdraw my amendment.

*The amendment was by leave withdrawn.*

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) : I beg leave to move—

That after sub-clause (1) (c) the following new sub-clauses be added :—

"(d) One house or building occupied by the owner, provided the owner is infirm, old, a widow or an orphan—a person with no earning capacity.

(e) Lands paying land revenue and used for agricultural purposes only."

Sir, in reality these are not new sub-clauses. I hope they will not be treated as new sub-clauses.

**Premier :** If the person is one with no earning capacity, it is useless to bring in this amendment. If a man lives in a house he must have some earning capacity.

**Mr. Speaker :** Question is—

That leave be granted to move the following new sub-clauses :

(d) one house or building occupied by the owner, provided the owner is infirm, old, a widow or an orphan—a person with no earning capacity.

(e) Lands paying land revenue and used for agricultural purposes only.

*The motion was lost.*

**Mr. Speaker :** Question is—

That sub-clause (1) (c) as amended stand part of the clause.

*The motion was carried.*

**Shaikh Sadiq Hassan** (Amritsar City, Muhammadan, Urban) (Urdu) : Sir, I beg to move—

That in sub-clause (1) (d), line 4, between the words "schools" and "boarding houses," the word "colleges" be inserted.

Sir, the purpose of moving this amendment is to include colleges also in the sub-clause. If the colleges are included in it, then I shall not move it.

**Premier (Urdu) :** Sir, the colleges are included in the sub-clause. It says "buildings or lands or portions thereof used exclusively for educational purposes including schools, etc."

**Shaikh Sadiq Hassan :** Sir, I do not then move the amendment.

**Mr. Speaker :** Question is—

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

*The motion was carried.*

**Mr. Speaker :** Question is—

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

*The motion was carried.*

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) : I beg to move—

That in sub-clause (1) (f), line 5, between the words "dharamsala" and "gurdwaras" the word "gaushalas" be added.

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

That in sub-clause (1) (f), line 5, between the words " dharamsala " and " gurdwara " the word " gaushalas " be added.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan): This is covered by the words " infirmaries for the treatment and care of animals ". It is said in the clause ' including ' all these things, not ' excluding '.

**Rai Bahadur Mukand Lal Puri :** Do I take it that the intention of the legislature as expressed by the Honourable Premier is that these gaushalas will not be taxed ?

**Premier :** The amendment is unnecessary.

**Mr. Speaker :** Yes. It is and is, therefore, out of order.

**Rai Bahadur Lala Sohan Lal** (North Punjab, Non-Union, Labour): Sir, I beg to move—

That leave be given to move the following amendment :—

" That at the end of sub-clause (1) (f), the following be added :—

(g) The house which is under the occupation of the owner himself;

(h) All business premises."

*The motion was lost.*

**Mr. Speaker :** The question is—

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

*The motion was carried.*

**Mir Maqbool Mahmood :** I beg to move—

That clause (g) be shifted to the end of the proviso following :—

*The motion was carried.*

**Mir Maqbool Mahmood :** I beg to move—

That in part (i) of the proviso to sub-clause (1) (f), line 3 for the word ' and ', the words ' unless the rent derived from such buildings or lands is applied exclusively to religious purposes or such public charitable institutions as may be prescribed; and ' be substituted.

*The motion was carried.*

**Mahant Girdhari Das** (South-East Multan Division, General, Rural. Urdu): Sir, I beg to move—

That the second part of the proviso to sub-clause (1) (f) be deleted.

My object in moving this amendment is to remove the ambiguity. In fact I want to know how many buildings or lands there are in the Punjab in respect of which rent is derived and such rent is not applied exclusively to religious purposes or to public institutions. The rent which is received from such buildings is not even sufficient to maintain the buildings concerned in good order. I want to know whether there are any such buildings, whose rent is not exclusively applied to any mosque, shrine or gurdwara that Government have felt the necessity of incorporating this proviso for levying their own share. In my opinion there are such buildings on which this tax can be levied. To say the least the income derived from such buildings and lands is not even sufficient to meet the expenses that are incurred in respect of religious institutions. Under these circumstances it is highly essential that the second part of the proviso to sub-clause (1) (f) be deleted. With these words I move my amendment for the acceptance of the House.

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

That the second part of the proviso to sub-clause (1) (f) be deleted.

*The motion was lost.*

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

That leave be given to move—

That after part (g) of sub-clause (1), the following further part be added :—

“(h) Residential houses used by the owner or his family exclusively for their own purpose and not given to tenants on rent.

*The motion was lost.*

**Sir William Roberts** (European); Sir, I beg to move—

That leave be given to move—

That after part (g) of sub-clause (1), the following be added :—

“Residential quarters within the Factory premises used exclusively for employees of a Factory.”

*The motion was carried.*

**Sir William Roberts :** Sir, I beg to move—

That after part (g) of sub-clause (1), the following be added :—

“Residential quarters within the Factory premises used exclusively for employees of a Factory.”

The reason for this amendment is that we want to encourage the development of our industries and so we must provide quarters for their employees and we must show that concession to them. I do not think I need make any further point in this connexion.

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

That after part (g) of sub-clause (1), the following be added :—

“Residential quarters within the Factory premises used exclusively for employees of a Factory.”

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, I would request my honourable friend Sir William Roberts to add the following words at the end of his amendment:—

Provided that no rent is realized for them.

That will make the amendment more acceptable. There are certain factories where the employees have to pay rent in respect of these residential quarters and there is no reason why they should get this concession. The exemption can, however, be granted with justification to those factories where no such rent is charged.

**Sir William Roberts :** No rent is generally charged. I think it is not necessary to satisfy the honourable member on this point.

**Lala Sita Ram :** I also support this amendment.

**Premier :** Labour supporting capital.

**Lala Sita Ram :** It is in the interest of both.

**Premier :** Punjab is very harmonious in this matter. Labour supporting capital.

Sir, I am going to request my honourable friend not to press his amendment, for the simple reason that there is already a proviso in this Bill, which gives us an opportunity to exempt such buildings as we consider reasonable and necessary. This amendment cannot be accepted in its present

[Premier.]

form for the simple reason that we have confined exemption only to the factories that may be prescribed, and not for other industries. We want to encourage, foster and nurse such industries, which probably will be killed by unfair competition. The proviso in the Bill gives us ample opportunity to help such industries. You must leave this to our rules and where necessary we will exempt such buildings. I request the honourable member not to press his amendment.

**Sir William Roberts :** In view of the explanation given by the Honourable Premier, I ask for leave of the House to withdraw my amendment.

*The amendment by the leave of the House was withdrawn.*

**Rai Bahadur Lala Sohan Lal** (North Punjab, Non-Union, Labour): Sir, I beg to move—

That leave be given to move—

That after part (g) of sub-clause (1), the following further part be added:—

- (h) Premises or parts thereof used for business purposes exclusively will pay half rates only.

*The motion was lost.*

**Mahant Girdhari Das :** I beg to move—

That leave be granted to move—

That at the end of sub-clause (1) (g), the following further part be added:—

- (h) Buildings or lands the annual value of which does not exceed Rs. 1,000 in the rating area and which are the only or mainly the means of sustenance of widows or orphans or old persons.

*The motion was lost.*

**Sardar Sahib Sardar Santokh Singh :** I beg to move—

That leave be granted to move—

That at the end of sub-clause (1) (g), the following further parts be added:—

- (h) Buildings and lands fetching no rent or income.  
(i) Buildings unfit for use for want of repairs or for any other reason.  
(j) Buildings that remain unlet for a period of continuous 60 days or more in a year, for the period of vacancies.

*The motion was lost.*

**Mr. Speaker :** The question is—

That proviso and parts (i) and (ii) to sub-clause (1) (j), as amended, stand part of the clause.

*The motion was carried*



**Mr. Speaker :** The question is—

That sub-clause (1) (g), now shifted to end of sub-clause (1), stand part of the clause.

*The motion was carried.*

**Rai Bahadur Lala Sohan Lal (Urdu) :** I beg to move—

That in sub-clause (2), line 4, the words "any person or class of persons or" be omitted.

I simply want to make a request to the Honourable Premier that he should make it clear as to what the words "any persons or class of persons" mean. He may be pleased to explain as to who are the people that are intended to be exempted.

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

That in sub-clause (2), line 4, the words "any person or class of persons or" be omitted.

**Premier :** If I find that a widow has got one residential house in which she lives and has no other property and if half of the house is let to somebody else for her maintenance, then it may be that in that case she would be exempted and all those widows, who have got one house and live in half the house and the other half is rented, may be exempted. Does my honourable friend see that there is anything wrong if we decide to do so? This provision is for that class of people.

**Rai Bahadur Mukand Lal Puri :** I hope you would not only keep that as a possibility but you intend to make those exemptions.

**Premier :** You cannot at the moment think of all the contingencies which might arise in hard cases. Exemption would be given where hardship would be caused. That is with regard to a person. The same is the case with regard to property. Take, for instance, the amendment moved by Sir William Roberts. If we exempt a particular factory and we find that the rent-free quarters are provided for poor class labourers, then it would not be equitable to charge rents on those quarters which are given rent-free to their labour and, therefore, that property can be notified as such. That is why we take wide powers because you do not know what hard cases might crop up during the course of the working of this Act and it is to meet those contingencies that we have made such a provision. I, therefore, request that the honourable members who have got amendments in their names would not press them.

**Rai Bahadur Lala Sohan Lal :** I beg leave of the House to withdraw my amendment.

*The amendment was, by leave, withdrawn.*

**Mr. Speaker :** The question is—

That sub-clause (2) of clause 4 stand part of the clause.

**Mian Muhammad Nurullah :** I want to oppose this sub-clause because the reason given by the Honourable Premier has not convinced me nor anybody on this side of the House. The reason given in Rai Bahadur Lala Sohan Lal's amendment is that widows can be brought in the rules

[Mian Muhammad Nurullah.]

and the Government has taken proper powers to frame rules. We want that the Government should cover practically all the cases which can possibly come into line in the rules so that in future there be no fear or favour for anybody and the widows or orphans would not come here and dance attendance before the rooms of the authorities that be or outside the Secretariat and each time waste the time of the Government. I think the Government are not so cheap and their time is precious and, therefore, they should not take this exemption in their own interest because it is likely to be mis-used for other reasons also. Sometimes local officials make recommendations which are never cared for by the Government and the Government officials — even the Ministers — sometimes do not know what has actually happened while the case has passed through their hands. I know of a case and there are several cases of this type. A person was appointed member of a debt conciliation board but the Deputy Commissioner did not know who that fellow was. This thing is more likely to be mis-used and the powers are too wide and the people will have to come here at very great expense and it is likely to be the cause of great corruption. I, therefore, feel that this clause is unnecessary and would cause more hardship to the people than doing any good to them.

**Lala Sita Ram** (Trade Union, Labour), (*Urdu*): Sir, I oppose this sub-clause on the ground of the defect that has been left in it on account of Rai Bahadur Lala Sohan Lal having withdrawn his amendment. The Government is welcome to reserve for it the power to exempt certain persons or properties from this tax but we must know the principle on which these exemptions will be made. That principle should be specified clearly. Let the Government make this point absolutely clear whether or not any distinction will be made between agriculturists and non-agriculturists as this Government always does. These exemptions should be granted on some economic basis and not on the basis of classes and communities. For example, if you want to exempt widows or poor people dependent on the income from their houses you should exempt all of them and there should be no differentiation.

**Premier**: Sir, I was rather surprised that my honourable friend Mian Muhammad Nurullah has become an economist. I do not know why he takes away this power. He says that the Government has got the rule-making power. My honourable friend has been a member of this House and also of the previous Council for several years and he ought to know by now that Government cannot possibly frame rules which go beyond the scope of the Act. Rules must be framed within the scope of the Act. If you do not give me any power of exemption, I cannot frame the rule and say that Mian Muhammad Nurullah is exempted or his community is exempted. I must have powers in the Act itself to enable me to frame rules where necessary or to give exemption by notification. If you delete this sub-clause altogether then we would not be able to give any exemption which we have agreed to give during the course of the discussion to-day.

**Mr. Speaker**: The question is—

That sub-clause (2) of clause 4 stand part of the clause.

*The motion was carried.*

**Mr. Speaker :** The question is—

That clause 4 as amended stand part of the Bill.

*The motion was carried.*

---

*Clause 5.*

**Sardar Sahib Sardar Santokh Singh :** Sir, I beg to move—

That in sub-clause (b), line 1, for the words "ten per centum", the words "one-sixth of the gross annual rent" be substituted.

This amendment, if accepted, will bring this clause into line with the Income Tax Act. In the Income Tax Act they have allowed one-sixth for repairs. I really see no reason why the same should not be allowed here. I do not want to make a long speech in support of this amendment, but would request the Honourable Premier to please bring it into line with the Income Tax Act.

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

That in sub-clause (b), line 1, for the words "ten per centum", the words "one-sixth of the gross annual rent" be substituted.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General Rural) (*Urdu*): Sir, I may point out to the honourable members that in view of this amendment we have to see as to how the annual value of a particular building or land should be ascertained. For instance, if a particular building or land brings Rs. 800 as annual rent the tax will be assessed on it after deducting a certain amount of money for its repairs and maintenance from Rs. 800. I mean to say that tax is assessed on the net value of a building or land after working it out as I have just mentioned. Every corporate body may be it municipal committee or provincial government or central government, gets the net value of a building after deducting the expenses necessary to maintain it, from its gross annual value as it has to consider the actual income of the owner of that building. In this connection I would like to say a word with regard to the method of ascertaining net value of a building as adopted by Income Tax Department. It has fixed a certain percentage to be deducted from the gross rent for the purpose of repairs to the buildings, etc. When this amount is deducted from the gross rent realised from the tenant the remaining amount is considered to be the net annual rental value on the basis of which income tax is assessed. To be more brief I would submit that people who pay income tax are well aware as to how their properties are assessed by income tax authorities who are generous enough to exempt two months' rent for the purpose of repairs and other necessary expenses, at the time of assessing the net value of a property.

Under these circumstances I do not understand why the Punjab Government is not prepared to deduct a sufficient amount out of gross annual rent. Does it mean that our Government want to make a departure from the standard fixed by the Central Government? Does it mean that the All-India standard fixed by the Government of India has proved defective in any case? No. This is not so. The standard is there, and it has stood

[R. B. Mukand Lal Puri.]

the test of time. Objection has never been raised to its being excessive by any authority or public body. If only a single honourable member has the audacity to say that this standard or limit fixed by the Central Government has been once objected to I will resume my seat without uttering a single word in support of this amendment. And if I am correct I do not see any reason why this Government should insist upon providing us with 10 per cent only and not with one-sixth of the gross annual rent. As this is an ordinary concession the Government should not hesitate in granting it while they are sure to get large sums of money by this tax which is to be levied at exorbitant rates in the province. I would, therefore, again request the Government to set apart a sufficient amount of money for the maintenance and repairs of buildings as the Central Government is doing.

*At this stage the Assembly adjourned till 10 a. m. on Saturday, 14th December, 1940.*

# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Saturday, 14th December, 1940.

*The Assembly met in the Assembly Chamber at 10 a. m. of the clock. Mr. Speaker in the Chair.*

### URBAN IMMOVABLE PROPERTY TAX BILL.

#### Clause 5.

**Mr. Speaker :** The Assembly will now resume consideration of the Urban Immovable Property Tax Bill.

The question is—

That in sub-clause (b), line 1, for the words "ten per centum", the words "one-sixth of the gross annual rent" be substituted.

*The motion was lost.*

**Shaikh Sadiq Hassan :** Sir, if the amendment standing in my name is a new clause for which the leave of the House is to be sought, then I do not propose to move it.

**Mr. Speaker :** This is a new clause. Besides, its subject matter has already been disposed of.

**Mian Muhammad Nurullah :** Sir, I beg to move—

That in sub-clause (b), the following be substituted:—

"and such allowances and deductions as are made by the Income-tax Authorities," Yesterday the Premier asked me not to move amendment No. 2 because it contained reference to collection charges.

**Mr. Speaker :** The honourable member's amendment is a new clause.

**Mian Muhammad Nurullah :** No, Sir.

**Mr. Speaker :** What does the honourable member mean by saying that in sub-clause (b) the following be substituted? The honourable member's amendment that in sub-clause (b) the following be substituted is quite vague.

**Mian Muhammad Nurullah :** That sub-clause (b) be deleted and this be substituted.

**Mr. Speaker :** The next amendment.

**By Shaikh Sadiq Hassan :** That at the end of sub-clause (b), the following be added:—  
"and rebate shall be given on buildings or lands for the period for which they were not let or occupied".

**Rai Bahadur Lala Gopal Das :** Sir, I beg to move—

That leave be granted to move—

That after sub-clause (b), the following sub-clause be added :—

“(c) for determining the annual rent for the purpose of assessment adequate allowance shall be made for vacancies and unrealised rents”.

*The motion was lost.*

**Sardar Sahib Sardar Santokh Singh :** Sir, I beg to move—

That leave be given to move the following :—

That at the end, the following new sub-clauses be added :—

“(c) house-tax, if any, paid on such building or land to a local authority ;

(d) land revenue paid or payable on such building or land ;

(e) income-tax and super-tax paid on the income of such building or land ;

(f) the amount spent on insuring such building against fire ;

(g) allowance for the period for which such building or land has been lying vacant”.

**Premier :** Sir, I suggest that if the honourable member would propose only (d), I might be prepared to consider the amendment.

**Sardar Sahib Sardar Santokh Singh :** I suggest that (f) may also be accepted.

**Premier :** No.

**Sardar Sahib Sardar Santokh Singh :** It is very reasonable.

**Premier :** Unfortunately, if we are too reasonable, there will be nothing left of the tax.

**Sardar Sahib Sardar Santokh Singh :** It is very reasonable. Anyway I am prepared to accept the suggestion of the Premier. Sir, I beg to move—

That leave be given to move the following new sub-clause at the end :

“(c) land revenue paid or payable on such building or land”.

*The motion was carried.*

**Sardar Sahib Sardar Santokh Singh :** Sir, I beg to move—

That at the end, the following new sub-clause be added :—

“(c) land revenue paid or payable on such building or land.”

**Mr. Speaker :** Clause under consideration, motion moved is—

That at the end, the following new sub-clause be added :—

“(c) land revenue paid or payable on such building or land.”

**Premier :** I am prepared to accept the amendment. The word ‘paid’ will be sufficient.

**Mr. Speaker :** The question is—

That after sub-clause (b) the following new sub-clause be added :—

“(c) land revenue paid on such building or land”.

*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.

**Mian Muhammad Nurullah :** I move—

That leave be granted to move the following new clause, namely :—

“That at the end of sub-clause (1) the words ‘and where house-tax already exists re-assessment need not be done unless asked for by the owner’ be added”.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 6 stand part of the Bill.

*The motion was carried.*

## Clause 7.

**Mian Muhammad Nurullah :** I beg to move—

That leave be granted to move the following new clause, namely :—

“that at the end of the proviso to sub-clause (1), the following be added—  
‘and shall by order revise the valuation list

(i) after a widespread calamity affecting prices ;

(ii) when an application is made by 25 per cent of the persons paying the tax that the fall in the prices has exceeded 25 per cent within two years”.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 7 stand part of the Bill.

*The motion was carried.*

## Clause 8.

**Mian Muhammad Nurullah :** I beg to move—

That at the end of sub-clause (2) the words ‘in case of absence from the country thirty days from the date of his return’ be added.

(Urdu) : Sir, the object underlying this amendment is that as soon as the war is finished, the well-to-do people like my honourable friend Rai Bahadur Lala Gopal Das will go out to visit foreign countries as they had been doing before the outbreak of the present war. All routes will then be open and there will be free intercourse between the inhabitants of the various countries. In that case when a Punjabi lands from his ship at Bombay, he will be confronted with the Government demand under this Bill. May be he has made no arrangements with his banks and they are not prepared to make prompt payment and non-payment will lead him to serious difficulties. The Government have proposed heavy penalties of fine for the defaulters and these innocent persons who knew nothing about this Bill while they were in some foreign countries, would be at once confronted with the provisions of this Bill. It is quite in the fitness of things that such persons should be given some time. That is why I have proposed that they should be given 30 days' period by way of notice and for making necessary arrangements.

With these few words, Sir, I commend my amendment for the acceptance of the House.

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

That at the end of sub-clause (2) the words ‘in case of absence from the country thirty days from the date of his return’ be added.

**Premier (Urdu) :** Sir, my honourable friend Rai Bahadur Lala Gopal Das and others like him usually go to Bombay and Dharamsala. But in that case they appoint agents to carry on their business. Even when they are not absent from their province, their work is done by their agents. Some of them do not know each and every estate of theirs. For instance, my honourable friend Rai Bahadur Lala Gopal Das once betrayed his ignorance about an estate of his. Besides, if they go away from this country to visit some foreign country, they will certainly appoint some agent and he will be fully aware of the provincial laws and dues. With these words, Sir, I oppose this amendment.

**Mr. Speaker :** The question is—

That at the end of sub-clause (2) the words 'in case of absence from the country thirty days from the date of his return' be added.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 8 stand part of the Bill.

*The motion was carried.*

---

*Clause 9.*

**Mr. Speaker :** The question is—

That clause 9 stand part of the Bill

*The motion was carried.*

---

*Clause 10.*

**Mian Muhammad Nurullah :** I beg to move—

That in sub-clause (1), line 8, for the word 'Collector', the words 'District and Sessions Judge' be substituted.

(Urdu) : Sir, I should like to submit that since the introduction of provincial autonomy, several changes have taken place in the Punjab. Ministers have been made in charge of all the branches of the administration and they control everything, so much so that the officers of the permanent services look up to them for each and every detail, and have begun to dance to the tune of the Ministers. In fact the local officers behave as if they were partisans. They actually take sides with different parties and try to please the Unionist Ministry. The result is that elections have become vitiated by official intervention. I want to raise my voice of protest against this degradation of democracy in this province because the end of democracy is going to be defeated by these methods. But for the High Court, my honourable friend, Pir Lal Badshah would not have been here. That is only one instance out of many others.

In view of these remarks, I urge that sessions judges and not the collectors should be empowered to hear appeals.

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

That in sub-clause (1), line 8, for the word 'Collector', the words 'District and Sessions Judge' be substituted.



**Shaikh Sadiq Hassan** (Amritsar City, Muhammadan, Urban) (*Urdu*): Sir, the amendment which is now before the House is very important. As a matter of fact its importance surpasses that of the controversy about the rate of tax to be levied by this Bill. I may point out to the House that the downfall of many an Empire in the world has been caused by the injustice and tyranny of the rulers. That was the real cause of the French Revolution. The people were heavily taxed and when they were groaning under the crushing load of taxes, no one listened to their grievances. I may warn the Government that over one crore of rupees will be assessed as tax under the present Bill when it is passed into a law. Now this assessment will surely be done by the patwaris or naib-tahsildars or at the most by some Extra Assistant Commissioner. Does it stand to reason that an Extra Assistant Commissioner will go from door to door and collect the necessary information? After all much of the material will be supplied to him by the subordinates who are apt to make serious blunders sometimes. They may even deliberately try to harm certain people. Even if a complaint would be made to the Extra Assistant Commissioner in charge of these matters, he being an executive officer will try to save the skin of his subordinate officials. Full justice is hardly to be expected from these executive officers of the Government. The Government will appoint an officer, and probably a district magistrate, to hear any such appeals. We know that the district magistrates are over-worked and have little time to devote to any new work. The result would be that the work of hearing appeals will be entrusted to some Extra Assistant Commissioner. And we know the difficulties of an executive officer. He has to please his officers and also to see that the revenue is not reduced. We have before us the example of the Lahore Municipality. The appeals which are made are mostly dismissed. In judicial courts the chances of injustice are very few. There are always courts of appeal above the ordinary courts. The aggrieved party can appeal to the High Court against any unjust orders of a lower court. A reference was made to the procedure adopted by the Bombay Government in this behalf. Bombay was a Congress governed province. And I do not believe in the Congress. Therefore, I am not ready to follow their example. The Congressites may attach importance to what the Bombay Government have done in this respect. I am not prepared to accept them as an authority. We must see what the Government of India has done regarding a similar matter. There was a time when there was no appeal against the assessment made by the Income Tax Department. But later on it was found necessary to appoint an assistant commissioner to hear appeals against assessments made by the Department. But experience showed that one assistant commissioner was not sufficient for the whole province of the Punjab. Therefore, they appointed three assistant commissioners. But even the appointment of three assistant commissioners was found to be unsatisfactory so far as the work of hearing appeals was concerned. And the result is that now the Government of India have appointed an independent tribunal to hear appeals. The Punjab Government's income from this tax will be over one crore of rupees, approximately the same amount which the Government of India collects on account of income-tax from the Punjab. Hence it is advisable that the Punjab Government should also follow the example of the Government of India who have appointed an independent tribunal

[Sh. Sadiq Hassan.]

I do not mean that they should appoint an independent tribunal like the Government of India. What I mean is that they should entrust the work of hearing any such appeals to the sessions judges. I can safely predict that experience will show them the necessity of making such arrangements as the Government of India have made, to hear appeals against the property tax assessment orders.

**Sardar Sahib Sardar Santokh Singh** (Eastern Towns, Sikh, Urban): Sir, this amendment though very important does not require a long speech in support thereof. If the Government has an open mind in the matter and wants to do justice to the people, I feel sure they must readily accept this amendment. As you all know collectors are already overburdened with work. The recent successive legislation that has been passed has very much overburdened them with work. On the contrary the district judges have not so much work to do. As you all know, several sub-judges have been transferred to the executive side and I would request the Government, if they only keep an open mind on the subject, not to feel shy of the civil courts but to accept this amendment and entrust this work to the district judges instead of to the collectors.

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): Sir, I want to say just a few words as regards the controversy which has unfortunately once again started regarding the collectors and the district judges. So far as the experience of the sessions judges is concerned, I may assure the House that their attention is mainly confined to the criminal work before them. They are not so much in touch with the rates and rents and such other miscellaneous matters. As a matter of fact there are several districts where the criminal work is so heavy that the district judges can hardly find time even to pay proper attention to the civil work which is before them, and the Government have to appoint additional sessions judges for this work. Therefore I personally think it would be very unfair both to the district and sessions judges and to the public to entrust those officers with such duties. Besides the officer who should be entitled to hear appeals should be one who is in close touch with the public. The deputy commissioner or the collector has various capacities such as president of the district board. Being closely connected with the municipal administration and in charge of the notified areas, he has naturally more opportunities to see for himself the houses and the different localities and to judge the rents. At the same time as you are aware, the collectors are for most of the time on tour, and so they come across several people and have ample facilities to meet the people in different tahsils, sub-tahsils, notified areas, etc. If such appeals are to be lodged with the district judge, all the cases shall have to be decided at the headquarters, because we cannot expect the district and sessions judges to go over to various municipalities just for the sake of hearing arguments regarding an appeal concerning a house rent. Therefore I think it would be inconvenient to the public, and placing an additional burden on the district and sessions judges if this work is entrusted to them.

One other thing. I cannot see why the honourable members think that if the collectors hear these appeals, they will not do justice. I think 90 per cent of the sessions judges are I. C. S. people. These I. C. S. men have had the same qualities and have passed the same

examination. How then can you say that the moment one of them is appointed a collector he becomes unfair, and the moment he is appointed as a district and sessions judge he becomes fair and just? Then the argument is advanced that the district and sessions judges are independent because they are under the control of the High Court. The collectors, I can assure you, are also independent because they are under the control of the Government. (*An honourable member*: Question.) And what does the Government mean? The Government means the people's Government. I think my friends are still harbouring the wrong notion that the deputy commissioners are as bureaucratic as they used to be. Now they are under the control of the Government of the people. Therefore let us dispense with those old ideas and not always try to malign the collectors who have very onerous duties to perform. Unfortunately some members do not seem to realise that they are creating a very wrong impression abroad. After all the collectors are responsible men, most of them, a majority of them are our own brethren, and they belong to the same province to which we belong. If honourable members every time get up in this House and try to show that the collectors will not do justice, because they are under the influence of the executive, they are being very unfair to those gentlemen. I may assure them that the collectors are as much independent as the district and sessions judges. They are as much honest and straightforward and conscientious in discharge of their official duties as any other officer. Therefore I would request the honourable members not to press this amendment.

For instance take the Jhelum district. The deputy commissioner visits the towns at least six times a year and it will be easy for the parties concerned to see the collector on the spot instead of going all the distance to headquarters. The same is the case with the commissioner. The commissioner of a division tours in every district at least twice or thrice a year and the commissioners are generally those people who have been selected from experienced deputy commissioners and I think the public should feel very fortunate if their appeals are heard by these officers rather than by those officers whose activities are limited to the four walls of the court room.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General Rural): I hope that the point of view which has been expressed by the Parliamentary Secretary is not shared by the Punjab Government or by any considerable section of this House. He has entirely missed the point which my honourable friend, the member for Amritsar, Shaikh Sadiq Hassan, has put forward. The principle underlying the point of view expressed by my honourable friend is this, that the authority which has to decide objections or which has to hear appeals should be entirely different from the assessing authority. Now, whether it is the collector of a district or whether it is the commissioner of a division or whether it is the financial commissioner, they are mainly and principally responsible for the collection of revenue in this province and once they have performed their duty of assessing the tax, the duty of adjudicating upon that assessment, the question of deciding whether that assessment is correct or incorrect should, *ex hypothesi*, be placed not in the hands of the assessing authority, whether it be the collector or the commissioner or the financial commissioner, but should be placed, on all grounds of commonsense, on all recognised principles of

[B. B. Makand Lal Puri.]

jurisprudence, on all recognised grounds on which justice is based, not in the hands of the person whose action is being called into question nor even in the hands of the person who happens to be the immediate superior of that person, but in the hands of quite an independent person. That is the principle underlying the amendment which has been moved by the honourable member from Lyallpur, Mian Muhammad Nurullah, namely, that this work should be entrusted not to an assistant collector or a collector or a commissioner or a financial commissioner, but to another Government servant who is mainly concerned with the administration of justice in the province like the senior sub-judge. My honourable friend from Amritsar has suggested the name of the sessions judge for this duty. The Parliamentary Secretary has pointed out that the sessions judges are overburdened with work. That is a point of view with which I do not agree. But if the sessions judges are overburdened with work, the senior sub-judge is not overburdened with work. You have transferred some senior sub-judges from the cadre of judiciary to the cadre of the executive, because there was not enough civil judicial work for them. One senior sub-judge is posted to the headquarters of each district, so that he can look after this additional work without any inconvenience to himself or the litigants. The officer is already there on the spot and is entrusted with deciding cases of the highest value. Why do you fight shy of him? Why do you think that the senior sub-judge of Lahore is not fitted to discharge these functions and that a commissioner or collector only can? I maintain that this power should be given to an authority which is entirely distinct from the authority which makes the assessment. My honourable friends are entirely overlooking another principle. It is not only necessary that justice should be done, but justice should be seen to have been done. Suppose the Honourable Premier himself has imposed this tax on me. He may be the most honest person in the province. But who would appoint him to sit in judgment over his own assessment? One of the fundamental principles of British jurisprudence is that the state should take steps to create confidence in the administration of justice and therefore should take steps to ensure that not only justice is done but that it should appear to have been done. I do not wish to say anything against our collectors and commissioners. Most of them are quite honest and if left unhampered by the present parliamentary machinery, they try to do justice between man and man. I therefore have not got any grievance against them as such except that they happen to be the persons whose judgments as assessors often have to be reviewed, and this should be done by an agency outside that cadre. Further, I am afraid what will happen in the case is this. The collector, as has already been pointed out by the Government, is overburdened and so this work is not going to be entrusted to the regular collectors. It is going to be entrusted to the new minions of the provincial Government whom the Government will nominate as collectors for this purpose. We have got a very unfortunate experience in this respect in regard to what I call the black Bills which were passed by this Assembly, that is, the Benami Act and the Restitution of Mortgages Act. Whether they are just or unjust, this is not the occasion to discuss. But when you have passed a law, just or unjust, cruel or good, leave the administration of that Act at best,

in the hands of impartial persons, that is, those against whom no objection can be raised. Our grievance has been that in administering the Benami Acts and the Restitution of Mortgages Act, you have invariably appointed persons as collectors, who were believed to belong to your party and whom you expected to favour one party. Is it or is it not so? I challenge the Government to controvert my statement if they can. Have you appointed a single non-agriculturist, who was not already a collector, to administer any of these Acts?

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

**Rai Bahadur Mukand Lal Puri :** I am pointing out that the same thing is going to be repeated in this case also. I am quoting an instance which the Government cannot refute. Have they on any occasion nominated a single non-agriculturist collector who was not a collector before, to administer those Acts? Can you expect these people who have been thus nominated to administer these Acts impartially or to hold the scales even between man and man? We know to our cost that the Government has not only passed those unjust laws but appointed its own men to administer them most unjustly. How do we know that in this case of urban taxation the same thing will not be repeated?

**Mr. Speaker :** To say that this House has passed unjust laws is not parliamentary.

**Rai Bahadur Mukand Lal Puri :** I do not attribute any injustice to the House, but let me at any rate raise my humble voice against the injustice of the Unionist Party which forms the Government. I wish to raise an outcry not only against the tyranny of the majority in passing these unjust laws, but still worse and undefendable tyranny of appointing its own party men to administer them in its own way without even attempting to do justice specially when the civil courts jurisdiction has been specifically ousted under the Act. Further I wish to submit in support of the amendment of my honourable friend Mian Nurullah and also the forceful observations of my honourable friend, Shaikh Sadiq Hassan from Amritsar, that functions which these assessing and appellate authorities will have to perform would be essentially of a judicial character. Let me illustrate my point. The House has been pleased to exempt from taxation houses outside the towns of Lahore and Amritsar whose annual rental value is Rs. 240, that is, whose rental value is Rs. 20 per mensem. A person, say in the town of Lyallpur, is living in his own house and the assessing authority values the house at Rs. 22 per mensem. The contention of the assessee is that the house cannot fetch more than Rs. 15 a month and produces in evidence in support of his contention, the rent deed of a neighbouring house which has got more amenities than his own house and which is let out say at Rs. 16 a month and produces also other evidence, but that evidence is rejected by the assessing authority, whose interest it is to assess the house at as high a value as he can because every collector will have to show its *kar kardgi* like the Income-Tax Department by increasing the revenue (*Interruption*). I welcome the interruption of the Honourable Malik Sahib. He says 'No, our collectors would not do it'. Have we not got the unfortunate instance of the Income-Tax Department itself? Do we not know it

[R. B. Mukand Lal Puri.]

to our cost as unfortunate assesses of income-tax that every income-tax collector tries to excel another in his attempts to raise the revenue to the utmost? Do you think that the collectors whom the Provincial Government will nominate for this purpose under this Act, will act differently from the collectors appointed under the Land Revenue Act or the Income-tax Act? Are we not familiar with the grievance of our zamindar members that although 25 per cent of the net value is the maximum land revenue which can be levied under the Land Revenue Act, yet some collectors assess them at much more than is permissible under the Act? Does the Honourable Minister think that the collectors who will not even ordinarily be regular collectors subject to the discipline of their services but collectors who will be brought into existence under the Act, will be super human beings? Therefore it is absolutely necessary to ensure fairness in assessment that the assessment when made by the collectors should be subject to scrutiny at the instance of the aggrieved party, by an independent authority, it may not be the senior sub-judge or the district judge or the High Court, if you do not like the judicial agency, but let it be an independent authority. The House knows that this principle after a long administration of the Income-Tax Act, the Central Government has also recognized and has given it effect. The Central Government was flooded with complaints about the injustice caused by appeals entrusting the decision of the departmental superior of the assessing authority and after a long time, the Government has recognized the justice of the grievance of the public and has now instituted an independent judicial authority to sit in scrutiny upon the assessment by the departmental heads. Why does the Punjab Government not accept this salutary principle which is not only justified on *a priori* grounds but which is also justified by the experience of the Central Government? Why do the Government object to it, unless their intention is that while imposing taxation at some fixed rate they intend to realise more and subject the urban people to the vexatious tyranny of their henchmen and party friends when they evidently intend to appoint as collectors for this purpose, as they have lately done in the case of panchayat officers? Again it is apparent from some provisions in the Bill relating to the assessment of annual value that the Government wants the incidence of taxation to be maximum. Even the requisite allowance for repairs, as is given by the income-tax authorities, is not deducted from rents, nor have the Government provided any allowance for collecting charges which is invariably done in all taxations on rental value. Therefore the intention of the Government appears to be not to levy a certain percentage of taxation on the net value but on the gross value. The Bill is therefore very harsh and inequitable and there is no reason why the Government should hesitate to provide for its proper and just administration by independent agency. Apart altogether from the question of sentiment and principle, a great hardship is likely to be inflicted unless the suggestions of my honourable friend, Mian Nurullah, are accepted. I prefer the amendment of Mian Nurullah to some others who want to entrust the business of hearing appeals to the district judge. Now that the civil work is less, you do not have a district judge in each district and the assesses will have to take the trouble of going to distant places. The senior sub-judge is posted at the headquarters of each district and it would be very convenient for the assesses, if they are aggrieved by the assessment, to

approach the senior sub-judge, far more convenient than it will be if they have to go to the commissioner. The House, I hope, knows that commissioners in this province are not to be found in every district. There are only five commissioners whose headquarters are at Multan, Rawalpindi, Lahore, Jullundur and Ambala. A person belonging say to Kot Adu in the Dera Ghazi Khan District will have to go for an appeal from a small assessment to the Commissioner at Multan and a person somewhere in the Shahpur district will have to undertake a long journey to Rawalpindi and a person somewhere in the Gurdaspur district will have to run to the Commissioner at Lahore, which is practically negating the right of appeal. If you give a right of appeal in such circumstances that it cannot be exercised with reasonable convenience and expense by the assesses, you are practically giving no right of appeal at all. What is the use of a right of appeal if a person to get his rent reduced from Rs. 30 to Rs. 25 has to spend a large sum of money on court fees, etc., and has to undertake a troublesome journey to a distant town and then as his objection is not likely to be disposed of that very day, he will be given a date when he will have to go again or stand the chance of his objection being dismissed in default? It would be much better if you did not give any right of appeal at all, if you propose to give it in such circumstances that no reasonable man can exercise it with reasonable convenience and without undue discomfort and expense. On these grounds I strongly support the amendment of Mian Nurullah.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, if the Government had any objection to the matter being referred to a senior sub-judge or a district judge, I do not see any reason why they should insist upon referring it to a collector or a commissioner. We take exception to this action of the Government not because we consider the collectors and the commissioners to be dishonest people, but the insistence of the Unionist Government upon having them as final authorities in the matter of appeals arising out of the orders of the assessment officers makes us rather suspicious. This conflict of the judicial and executive functions and the desire for their separation is not a new thing. In the history of modern democracies there has always been a demand for the separation of the judiciary from the executive, for the simple reason that an executive authority cannot on account of its manifold duties be expected to exercise that much care and express as unbiased an opinion as a judicial authority can do. My honourable friend, Raja Ghazanfar Ali stated that as the senior sub-judges and the district judges had a lot of work to do they could not be further burdened with this additional duty. May I ask him if the collectors have in any way a less amount of work than the senior sub-judges? So far as I know a collector who has, apart from the executive functions, to act as a Deputy Commissioner, Registrar of Marriages, Births and Deaths and also as Registrar for sale-deeds and other business transactions, as well as a District Magistrate, is a hundred times more burdened with work than a senior sub-judge, especially at present when the work of the collectors has been immensely increased on account of the agrarian legislation, particularly since this work has been taken over from the Civil Courts such as sub-judges or senior sub-judges. This is evident from the fact that about 15 or so sub-judges have been transferred to the executive

[Mian Abdul Aziz.]

side, owing to lack of work in civil courts, as was mentioned by an honourable member in the course of his speech. Therefore it cannot with any justification be said that because the judicial officers have more work to do, the appeals should lie to the collectors or the commissioners. Anyway, I beg to submit that there should be no restriction on aggrieved persons seeking justice from any judicial authority. So far as my knowledge goes there is no restriction on a Revenue Assistant or a Collector to take the advice of the Deputy Commissioner or the Commissioner in any executive matter. It would mean that the appellate court has in a way pronounced its judgment and in case the matter is referred to him the Deputy Commissioner or the Commissioner would not go against the Revenue Assistant or the Collector's decision. There have been many such instances, but I would quote a recent case which went up to the High Court.

A house-building plan was rejected by the Administrator. The Deputy Commissioner upheld the decision of the Administrator and even the Commissioner refused to admit the appeal. On the matter being taken to a civil court, the matter was decided against the Committee and on the municipal Administrator's appeal to the High Court it was decided against the appellant, viz., the Administrator, and it was mentioned in the judgment that the executive authorities have acted in a very highhanded manner. This shows that the judicial department is the only department where one can hope for justice. I fail to understand why the Government feel shy of referring such matters to judicial courts. If they really want to do justice, they should not oppose the amendments moved by two honourable members belonging to their own party. My submission is that it would be in the best interests of the Government itself to allow the aggrieved persons to seek justice in judicial courts. Public have more confidence in the judiciary than in the executive. The executive authorities do as they please and do not strictly care for the spirit of the law. They will in this case think that the Government requires money and will leave no stone unturned to collect the largest possible amount. I have already stated, that in a recent full-bench judgment of the High Court it has been made clear that the executive authorities act in a highhanded manner and there can be no hope of getting justice at their hands. (Voices: Question). Yes, you always question other people's statements but never substantiate your own. May I ask if it is not a fact that the executive authorities dance to the tune of the Government? (Voices: No.) On the contrary, the fact is that they do. There are hundreds of instances in which such officers have earned their rewards by getting an extension in their services at the time of retirement.

**Minister of Education :** For rendering meritorious services.

**Mian Abdul Aziz :** Yes, for rendering the services of dancing to your tune. If you are not afraid of anything, why do you not accept this amendment?

Is it a case of کے دے کی as the Honourable Premier is wont to remark?

**Khan Bahadur Mian Mushtaq Ahmao Gurmani :** He does not grow beard!



**Mian Abul Aziz :** But there are many members in his party who have long flowing beards ! In fact the Government is apprehensive that if people go to judicial courts, their complaints will receive careful consideration and in all probability their assessment will be modified.

Sir, you may judge it yourself as to whether public have so much confidence in the executive officers as they have in the judiciary.

11 A.M.

(Voice) from the Government benches : More than the judiciary). I beg to differ with my honourable friends who say that public have more confidence in the executive officers. My learned friend, Raja Ghazanfar Ali Khan, has remarked in the course of his speech that as executive officers make tours in their ilaqas they keep themselves well informed about facts. I do not agree with Raja Sahib in saying so. The fact is this that certain people wait upon them individually or in the capacity of a panchayat, so to say consisting of men of the same stock, and they give expression to their views before the executive officer in a manner which cannot deserve a better word than back-biting. I mean to say that they make complaints against others or their opponents, to whom no chance is given to see the executive officer. Sometimes it so happens that they send their associates to see the Deputy Commissioner or the Collector in order to convince them that whatever they say is cent per cent true and what the other party says is untrue and it is most unfortunate that the other party against whom this venom is used does not know of it. Moreover no chance is given to the other party to vindicate its position. Sir, these are the political tricks being played day in and day out with people to whom no facility is granted to see their officers. My submission, therefore, is that under these circumstances, when particularly a party Government is in power, if this amendment is rejected the public confidence will be shaken which is already at stake. Besides, the collectors are already unable to clear their tables on account of heavy work, and I do not think that they will be able to devote any time to hearing appeals. Therefore they will not be in a position to do full justice to the appellants. My apprehension is that the Government want to do favour to certain people of their own kith and kin and favourites and that is why they insist upon giving executive officers the right to hear appeals. And so far as the expenditure for these appointments is concerned, it is obvious that the brunt will fall on the public. Further, as it has been remarked by my honourable friend, Mr. Mukand Lal Puri, appeals were preferred in regard to income-tax cases to the authorities appointed for this purpose by the Government of India, who after experience came to know that the authorities did not take pains in giving their decision with regard to income-tax appeals made to them. So the Central Government lost no time in making arrangements for the removal of these complaints and have recently appointed a judicial board to administer the income-tax cases by hearing the appeals. I am at one with my honourable friend Mr. Mukand Lal Puri who has referred to the abovementioned instance with regard to appeals. Keeping all these facts in view, I submit with all the emphasis at my command that the right of hearing appeals should not rest in the hands of executive officers. If the Government really wish that fair and honest decision be made with regard to appeals, they must not hesitate to accept the amendment moved from this side of the House. But the trouble is this that when the Government once

[Mian Abdul Aziz.]

say 'No', they never change their negative reply to a positive one. Anyhow, Sir, with these few remarks I lend my full support to this amendment.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, it is very bad on the part of my honourable friends opposite to start discussing irrelevant things which have nothing to do with the real subject. As you have seen, they have now started making comparisons between executive officers and judicial officers. Anyhow, I would not like to enter into this debate. I think my honourable friend Mian Abdul Aziz will agree with me that so far as the honesty of Collectors and Commissioners is concerned, no one can raise his little finger against them.

(*Voice from the opposition*) : We have not said anything against Collectors).

My honourable friends did say so, I remember. My learned friend Mr. Mukand Lal Puri first said "a few Collectors", and then said "most of the collectors" are dishonest and inefficient.

**Rai Bahadur Mukand Lal Puri** : On a point of personal explanation. I have not attributed any inefficiency or dishonesty to any of the collectors, much less to most of the collectors, except in so far as they may be influenced by the parliamentary machinery of the present Government.

**Premier** : I am glad to hear that my honourable friend agrees with me that the collectors are honest.

**Mian Abdul Aziz** : On a point of personal explanation, I may inform the Honourable Premier that I certainly did never attribute any dishonest motives or anything of that sort. What I said was that as executive officers their tendencies are on that side. That is all.

**Premier** : It is a matter of pleasure that my honourable friend, Mian Abdul Aziz, has also admitted after consideration that he has nothing to say against the honesty of collectors, although he makes irresponsible remarks in his zeal to make a speech. He has just now said that the collectors dance to the tune of the Government and my learned friend Mr. Mukand Lal Puri has also supported him. But, may I ask them whether they are aware of the fact that so far as the subordinate judiciary is concerned, there are many people who doubt their honesty and say that they are biassed? It does not mean that all of them are biassed and dishonest. I know there are honest subordinate judicial officers, and new men entering this cadre by competition are honest and hardworking. It is said that where there is smoke there must be fire, and it is but natural that complaints should be made against sub-judges. Again as black sheep are found every where, so in the subordinate judiciary also there are black sheep. Then, my honourable friends opposite have remarked that one gives judgments according to the instruction of the Government. I assure my friends over there that this remark is absolutely uncalled for. But they ought not to have ignored this fact at the same time, that there are certain sub-judges whose judgments are written for them at Lahore. In one case, for instance, a newly appointed sub-judge wrote a judgment that even their lordships of the Privy Council would think a hundred times before coming to the conclusions contained in that judgment. And what was the result of that judgment? The result was that a

stir was created in the whole of the province. May I also point out to my friends that I had received information even regarding the place where the judgment in question was typed? By referring to this instance I want to submit that it is wrong to say that all sub-judges are dishonest, and as I have already submitted some of them may be dishonest and biassed. I would, therefore, point out that it is not reasonable to say that district judges are trustworthy and collectors are not, while district judges and collectors are interchangeable. I may remark, for the information of my friends opposite, that district judges are the same persons who have already served in the executive branch. It is, therefore, queer that when a person is a district judge my honourable friends opposite have confidence in him but when the same person becomes a collector they lose all confidence in him. Similar by, provincial service officers get promotion by appointments to the posts of district judges and deputy commissioners. It is very strange that my honourable friends opposite exhibit confidence in these gentlemen when they are district judges and show lack of it when they become collectors, while in reality they are of the same stock. Then my honourable friends seem to have another curious apprehension in their minds, namely that collectors, being mostly agriculturists, will be inclined to help the agriculturists, and sub-judges being preponderantly non-agriculturists will be inclined towards helping the non-agriculturists. But I think this apprehension is not founded on facts. I am of the opinion that members of the judiciary can be trusted to hold the scales of justice even, irrespective of their being connected with agricultural or non-agricultural classes.

Then, sir, so far as collectors are concerned, I am not in a position to give fuller information about them as the civil list is not with me at present. But this much I can state that there are about 17 Indian deputy commissioners out of whom 8 or 4 are agriculturists and the rest are non-agriculturists. I may assure the House that the Government have the fullest confidence in these non-agriculturist gentlemen. They are as trustworthy and patriotic as others are. Government greatly appreciate the unremitting efforts made by them in raising funds for War. The amount of confidence and the popularity enjoyed by them can be best judged by this fact that people themselves come to them and offer contributions towards the War fund. I, therefore categorically deny the charge levelled by my honourable friends against these collectors, and I consider it unwarranted and wholly unjustified.

Then a reference has been made to the appointment of additional officers. I may tell the honourable members that we are not fond of increasing the number of officers unnecessarily. We make additional appointments because work has increased enormously as a result of recent legislation, and the present incumbents are unable to cope with it. I make no secret in mentioning the fact that we have appointed an additional officer on special duty at Multan to assist the commissioner in disposing of the copious revenue work resulting from the operation of agrarian laws. Similarly my honourable friends are already aware of the appointment of an additional Financial Commissioner in the Punjab. We had to resort to this course because the two Financial Commissioners were so much over-worked that they could not attend to the revenue appeals. They had no time to devote their

[Premier.]

attention to this important matter. Hence the Additional Financial Commissioner's appointment. If, in future, circumstances so shape themselves as to require the appointment of an additional district judge, I would undoubtedly consider the case on its merits. But as I have already stated, the post of a collector and that of a district and sessions judge are interchangeable and I would appoint, as far as it lies in my power, district judges from the cadre of collectors. Besides, I see no reason why Shaikh Sadiq Hassan should be debarred from hearing appeals in regard to this tax, when he is a collector, but should be allowed to hear them as soon as he is transferred to the other cadre and appointed as a district judge. I fail to understand why such baseless apprehensions and doubts should arise in my honourable friends' minds. Both the collector as well as the district judge are under the jurisdiction of this Government. Both of them are accountable to us. I, therefore, see no sense in making this invidious discrimination between them. Besides, it would be convenient for the appellants to prefer their appeals to the collector rather than to the district judge who is encumbered with multifarious duties. He has to hear criminal cases such as murder cases and civil and revenue appeals. It is only after disposing of such cases that he would be able to devote his attention to the appeals preferred in regard to the property tax. It is quite obvious that the people would experience much inconvenience. I assure the House that we decided to have a collector instead of a district judge after weighing the *pros* and *cons* and taking all necessary facts into consideration. I hope my honourable friends opposite will not press this amendment. One thing more. I have never received any complaint against any collector when he adjudicates revenue or ancestral property cases involving colossal amounts of money. But it is a thousand pities that my honourable friends opposite should express doubts about his honesty when he would be dealing with appeals regarding this tax which might involve only a small sum of Rs. 50 or 100 or more.

**Rai Bahaadur Mukand Lal Puri :** It is because of the office that he holds and not as the person that we express doubts.

**Premier :** I do not subscribe to this view. His apprehensions are no longer based on cogent reasons.

**Mian Abdul Aziz :** But when these gentlemen are transferred from the executive to the judiciary, it often happens that their executive decisions are upset or reversed by the sub-judges.

**Premier :** Is my honourable friend aware that a Financial Commissioner is appointed from amongst the commissioners? He acquires this judicial authority in revenue matters after having been an executive head as a commissioner and a deputy commissioner. As Financial Commissioner he can decide a revenue case worth 2 crores of rupees and nobody raises his little finger against his decision. But it is a matter of surprise to know that as collector he is not expected to administer justice in a case worth fifty or a hundred rupees.

**Dr. Sir Gokul Chand Narang :** Will the Honourable Premier just allow me one second. The Honourable Premier seems to be labouring under a sad misapprehension with respect to the jurisdiction of the revenue courts.

He says when a case worth 2 crores can be decided by revenue authorities, why cannot a case worth a hundred or fifty be decided by the revenue authorities? He does not know or at least he might have forgotten that as the law exists, the decision of the highest revenue authority can be up-set by a sub-judge. Even the judgment of the Financial Commissioner can be upset by a sub-judge. In a land acquisition case, the collector gives a judgment, but the district judge can still sit over him in judgment.

**Premier :** I am sure no case regarding land alienation goes to a sub-judge. I ask when revenue cases worth crores of rupees are adjudicated by a Financial Commissioner, nobody objects but—

**Dr. Sir Gokul Chand Narang :** But that decision is liable to be upset by a sub-judge.

**Premier :** Yes, that is liable to be upset by a sub-judge, but in land alienation cases "no".

**Dr. Sir Gokul Chand Narang :** Who says land alienation case?

**Premier :** I was submitting that when land alienation cases involving lakhs and crores of rupees are decided by the Financial Commissioner, none can raise objection against his decisions. But it is strange enough that my honourable friends insist upon the appeals, involving much less amounts in respect of this tax, being adjudicated by a district judge.

While laying stress upon the independence of a district judge my honourable friends made a reference to the Income-tax Tribunal. May I know why this tribunal has been constituted? Why could they not vest those powers, conferred on the tribunal, in the High Court, in which everybody has the fullest confidence? Because the High Court has no time to devote attention to this matter; its hands are already full. Besides, this tribunal consists of members possessing highly technical knowledge about income-tax. For instance, persons well-versed in legal knowledge and chartered accountants have been appointed to serve on it. As I have already stated the High Court has not been entrusted with this task simply because it has no time to spare. Similarly, the district judges are very over-worked persons. If they are entrusted with the work of hearing appeals with regard to this tax, much delay would be caused in their disposal. I think in this way the object of my honourable friends would be defeated altogether. I hope in view of these hard facts the honourable mover of this amendment would see his way not to press it.

**Mian Muhammad Nurullah (Urdu) :** Sir, I would like to say a few words in reply to the observations made by the Honourable Premier and other honourable members on the ministerial benches. My honourable friend, Raja Ghazanfar Ali Khan, remarked that as the collectors and commissioners frequently came in contact with the public, they were eminently suited for the purpose of hearing appeals arising out of this tax. I beg to differ with him and this is the very cause of my grievance in view of which I tabled this amendment. Strictly speaking I am against officers who have to adjudicate the appeals mixing up with the people. They are liable to be influenced by the latter. As a matter of fact when a deputy commissioner goes on tour and visits a certain place, sycophants come around him and

[**Mian Muhammad Nurullah :**]  
 din into his ears such misleading things about a matter as prejudice his point of view. The result is that true facts are ignored by him and he being executive minded takes action on the basis of the information supplied by these selfseekers. Consequently justice is trampled under foot. But if an independent person tries to apprise the collector with the real state of affairs, he incurs his displeasure. The collector thinks that the statement of this petty person cannot be relied upon in view of the information made available to him by his flatterers. Well, sir, what I want to emphasise is that the collectors are executive minded and vindictive. I know certain persons against whom action was taken by a certain collector out of sheer vindictiveness. Chaudhri Krishna Gopal Dutt must have been handcuffed due to the vindictiveness of some local official. What have you done so far in this matter? It is a pity that a person of the status of Chaudhri Krishna Gopal Dutt, who is the Deputy Leader of the Congress Party in this legislature, should on offering satyagrah, be handcuffed while no satyagrahi has been treated like this anywhere. Was he suspected of running away? I have given notice of a short-notice question regarding this matter. But what does this unfortunate incident indicate? This clearly shows the vindictiveness of some executive officers. Whereas an executive officer wishes to be welcomed by huge crowds at each and every town that he visits, a judicial officer has no such wish. As a matter of fact judicial officers have no concern with the public as such. Yet my honourable friend, the Premier, the first citizen of the Punjab though he is, has cast a reflection on the judiciary on the floor of the House.

**Premier :** It is a most uncharitable and false allegation against me. In fact it is a lie (ੳੳ) pure and simple. I have cast no aspersions on the judiciary.

**Mr. Speaker :** The Honourable Premier has used the word "ੳੳ" (lie) which is unparliamentary. I ask him, therefore, to withdraw it.

**Premier :** I withdraw it. But the honourable member should not have used words which I never said.

**Mian Muhammad Nurullah :** I am prepared to put up with whatever the Honourable Premier may say about me. Only the other day he said that I was a B. Com. (*Laughter*). But I would not retaliate because I have great respect for him. We must honour him as the Leader of the House even though we may have no confidence in him. I feel it my duty to respect him as he is the Premier of the Punjab. Our political differences with him do not detract anything from the esteem to which as Leader of the House he is entitled. I do not wish to go into personal matters in which he so often indulges on the floor of the House. But when I do not boast of my qualifications or make a show of them, why should the Premier call me a B. Com. when I made no such claim?

As to the present remarks of mine to which he has taken exception, I assure him that I had no intention of misrepresenting him. I stated what I understood from his remarks according to my lights. I had absolutely no sinister motive in stating that he had said that the judiciary was

suspected of being biassed and that some mufassil sub-judges had got their judgments written in Lahore.

**Premier :** I repudiate the charge. What I said was that a lot of people suspected the subordinate judicial courts of being biassed. I further said that I had heard that judgments were written in Lahore and typed in Lahore. I did not pass any remarks myself.

**Mian Muhammad Nurullah :** Why did you not make an inquiry as soon as you heard this?

**Premier :** I will certainly institute an inquiry. Even the typewriter on which the judgment in question is alleged to have been typed is known to the people.

\* \* \* \* \*

**Mian Muhammad Nurullah (Urdu) :** Sir, the executive should not be entrusted with this work.

**Mr. Speaker :** The honourable member has said this several times.

**Mian Muhammad Nurullah :** Sir, I gave notice of this amendment because I have little faith in the executive. The executive often does things which cause us grief. We have to tolerate their excesses because we cannot migrate from the Punjab to some other place. We have to live here. It is because of this that I moved the amendment which stands in my name. As regards the other matter I am glad that it has been proved that I was not wrong. The portion relating to this unhappy affair will not go in today's proceedings.

**Mr. Speaker :** He withdrew his remarks.

**Mian Muhammad Nurullah :** Thank you very much. I am glad he did it. But I must say that I have little faith in the executive. From bottom right up to the highest authority they are all the same and cannot be entrusted with—

**Mr. Speaker :** That is an insinuation against the executive which should not have been made.

**Mian Muhammad Nurullah :** That is my feeling. I have no faith in the executive.

**Dr. Sir Gokul Chand Narang :** May I ask you to find out from the Honourable Premier whether he accepts the suggestion that what he said about the particular sub-judges should also be deleted from the proceedings unless he is sure of his ground?

**Mr. Speaker :** I have not called upon Mian Nurullah to withdraw his remarks. I simply told him that his remarks were an insinuation against the executive and should not have been made.

**Dr. Sir Gokul Chand Narang :** I leave it to the good sense and fairness of the Honourable Premier.

**Premier :** I did not cast any aspersion on any particular subjudge. I only gave expression to what was being said outside.

**Mian Muhammad Nurullah :** Sir, I was saying that I have no faith in the executive. Therefore, I want that instead of the collector the district judge may be entrusted with the duties of—

---

\*Under orders of the Assembly certain matter been omitted.

**Premier (Urdu) :** You want to restart the same unhappy controversy. You are making a most unjustified accusation against the executive. It was the same executive four years back but at that time no such complaint was made against them. The work of a deputy commissioner is such that there are more chances of his becoming unpopular than popular. Sometimes in the offices of the district boards undesirable people get employment through the influence of their members. And often the deputy commissioners have to turn them out. This leads to their unpopularity. But this does not mean that they are dishonest. It is most unjust to accuse the whole executive of being dishonest. There may be some black sheep among them but it does not mean that they are all like that. Black sheep are even among the judiciary. We know enquiries have been made against the district judges. Can you quote any instance of any enquiry against any district magistrate who may have been turned out as a result thereof?

**Mian Abdul Aziz :** What is the use of repeating it again and again?

**Premier :** So far as the Government are concerned they have full faith in the executive as well as in the judiciary. If there are any black sheep among them the Government are prepared to take action against them but the Government are not willing to accept this amendment simply because Mian Muhammad Nurullah has a prejudice against the executive.

**Mr. Speaker :** The question is—

That in sub-clause (1), line 8 for the word "Collector" the words "District and Sessions Judge" be substituted.

*The Assembly divided : Ayes 11, Noes 64.*

#### AYES.

Abdul Aziz, Mian.  
Gauha, Mr. K. L.  
Gokul Chand Narang, Dr. Sir.  
Gopal Das, Rai Bahadur Lala.  
Jalal-ud-Din Amber, Chaudhri.  
Lal Singh, Sardar.

Muhammad Nurullah, Mian.  
Mukand Lal Puri, Rai Bahadur.  
Sadiq Hassan, Shaikh.  
Santokh Singh, Sardar Sahib Sardar.  
Sita Ram, Lala.

#### NOES.

Abdul Haye, The Honourable Mian.	Fateh Muhammad, Mian.
Abdul Rahim, Chaudhri (Gurgaon).	Fazl Ali, Khan Bahadur Nawab Chaudhri.
Ahmad Yar Khan, Chaudhri.	Fazal Din, Khan Sahib Chaudhri.
Akbar Ali, Pir.	Fazal Karim Bakhsh, Mian.
Ali Akbar, Chaudhri.	Few, Mr. E.
Amjad Ali Shah, Sayed.	Ghazanfar Ali Khan, Raja.
Anant Ram, Chaudhri.	Ghulam Qadir Khan, Khan Bahadur.
Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.	Ghulam Rasul, Chaudhri.
Dasaundha Singh, Sardar.	Gopal Singh (American), Sardar.
Faiz Muhammad, Shaikh.	
Farman Ali Khan, Subedar-Major Raja.	



Gurbachan Singh, Sardar Bahadur Sardar.	Muzaffar Khan, Khan Bahadur Nawab.
Habib Ullah Khan, Malik.	Nasir-ud-Din, Chaudhri.
Haibat Khan Daha, Khan.	Nasrullah Khan, Rana.
Hans Raj, Bhagat.	Pir Muhammad, Khan Sahib Chaudhri.
Hari Chand, Rai Sahib Rai.	Pohop Singh, Rao.
Het Ram, Rai Bahadur Chaudhri.	Prem Singh, Chaudhri.
Indar Singh, Sardar.	Pritam Singh Siddhu, Sardar.
Jafar, Ali Khan, M.	Ram Sarup, Chaudhri.
Karamat Ali, Shaikh.	Ranpat Singh, Chaudhri.
Khizar Hayat Tiwana, The Honourable Malik.	Ripudaman Singh, Rai Sahib Thakur.
Kishan Das, Seth.	Roberts, Sir William.
Manohar Lal, The Honourable Mr.	Shahadat Khan, Khan Sahib Rai.
Muhammad Akram Khan, Khan Bahadur Raja.	Shah Nawaz, Mrs. J. A.
Muhammad Ashraf, Chaudhri.	Shah Nawaz Khan, Nawab Sir.
Muhammad Azam Khan, Sardar.	Sikander Hyat-Khan, The Honourable Major Sir.
Muhammad Jamal Khan Leghari, Nawab Sir.	Sohan Lal, Rai Bahadur Lala.
Muhammad Saadat Ali, Khan, Khan Bahadur Khan.	Sumer Singh, Chaudhri.
Muhammad Sarfraz Khan, Raja.	Suraj Mal, Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Talib Hussain Khan, Khan.
Muhammad Yasin Khan, Chaudhri.	Tara Singh, Sardar.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.
	Wali Muhammad Sayyal Hirj, Sardar.

**Mr. Speaker :** The question is—

That clause 10 stand part of the Bill.

*The motion was carried.*

#### Clauses 11—14.

**Mr. Speaker :** The question is—

That clauses 11, 12, 13 and 14 stand part of the Bill.

*The motion was carried.*

#### Clause 15.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural)

(Urdu) : Sir, I beg to move :—

That in sub-clause (1), lines 2—5, for the words “such notice.....notice” the words “notice of one month fails to pay within that period” be substituted.

The sub-clause as it stands reads thus :

“If any person on being served with such notice as may be prescribed fails to pay within the period specified in the notice”.

What I want is that the period of notice should be specified in the Act itself instead of determining it afterwards. It is with this object in view that I have moved this amendment.

**Mr. Speaker :** The question is—

That in sub-clause (1), for the words "such notice.....notice" the words "notice of one month fails to pay within that period" be substituted.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 15 stand part of the Bill.

*The motion was carried.*

---

*Clauses 16 and 17.*

**Mr. Speaker :** The question is—

That clauses 16 and 17 stand part of the Bill.

*The motion was carried.*

---

*Clause 18.*

**Rai Bahadur Lala Sohan Lal** (North Punjab Non-Union Labour)  
(Urdu) : I beg to move—

That in sub-clause (2), line 4, for the word "twenty-one" the word "thirty" be substituted.

The sub-clause as it stands reads thus :—

Every person on whom a notice to make a return is served in pursuance of the provisions of this section shall within twenty-one days of the date of the service of the notice make a return in such form as is required by the notice and deliver in the manner so required to the assessing authority.

Now Sir, it is provided in the sub-clause that a person on whom a notice of this nature is served shall have to make a return within 21 days. What I want is that this period is too short and should be thirty days and not twenty-one days as provided in the sub-clause.

**Premier :** I am prepared to accept this amendment.

**Mr. Speaker :** Question is—

That in sub-clause (2), line 4, for the word "twenty-one" the word "thirty" be substituted.

*The motion was carried.*

**Mr. Speaker :** The question is—

That clause 18 as amended stand part of the Bill.

*The motion was carried.*

---

*Clause 19.*

**Rai Bahadur Lala Sohan Lal** (North Punjab Non-Union Labour)  
(Urdu) : Sir, I beg to move—

That in line 11, for the word "fifteen" the word "thirty" be substituted.

I need not make any speech in support of this amendment. It is identical with my amendment to the previous clause which has been accepted by the Honourable the Premier and I hope that he will accept this one also.

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

That in line 11, for the word "fifteen", the word "thirty" be substituted.

**Premier :** I have no objection, but I think it would be better to make it 21 and not thirty days.

**Rai Bahadur Mukand Lal Puri :** You have thirty days in the previous clause and, therefore, I am of opinion that the same period should be allowed in this case.

**Premier :** Very good, I accept the amendment.

**Mr. Speaker :** The question is—

That in line 11, for the word "fifteen", the word "thirty" be substituted.

*The motion was carried.*

**Mr. Speaker :** Question is :—

That clause 19 as amended stand part of the Bill.

*The motion was carried.*

#### Clause 20.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural)-  
(Urdu) : I beg to move :—

That in lines 7—12, for the words "on conviction.....conviction", the words "be assessed *ex-parte* and have no right of appeal whatsoever" be substituted.

Clause 20 is a penalty clause and it provides for punishment to those who fail to make a return. Now let us see what the Income-tax Department does in such cases. They assess the person concerned *ex-parte* and there is no right of appeal. The penalty provided in this clause is too severe and, therefore, I would request the Government to either accept the amendment of Sir William Roberts and delete this clause or follow the example of the Income-tax Department. If any person fails to make a return your assessing authority can assess him *ex-parte* and that assessment will be final. This is a very innocent amendment and I hope the Premier will see his way to accept it.

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

That in lines 7—12, for the words "on conviction.....conviction", the words "be assessed *ex-parte* and have no right of appeal whatsoever" be substituted.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : It appears to me that my honourable friend is labouring under a misunderstanding. This clause does not relate to assessee alone. He says the assessee can be assessed *ex-parte* if he fails to make a return. True. But there may be other people from whom such a return may be required. Supposing I am a tenant. You cannot assess me but you may require from me a return in respect of the rent paid by me to my landlord. Now, if I do not make that return, what will you do if this amendment is accepted. Such a case is covered by no other clause.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban) (Urdu) : Sir, I think the Honourable the Premier has not bestowed proper consideration to the fact that even after the substitution of the words as proposed in the amendment this clause will be comprehensive enough to cover both the cases mentioned by him. There will be no such distinction as he has sought to make between the owner and the tenant. My honourable friend Mian Nurullah was quite right when he said that this is the first Act of the kind.

[Mian Abdul Aziz.]

in which you come across a penalty like the one provided in the words appearing after line 6 of the clause namely. "He shall on conviction be liable in respect of each offence to a fine....." Under the Income Tax Act the authorities concerned have the power to assess a man *ex-parte* if he fails to make a return. There is no distinction there of the kind just mentioned by the Premier. Only the man concerned loses his right of appeal. The same will be the case with this measure. I would, therefore, request him to accept this reasonable amendment.

**Premier (Urdu):** I am afraid I have not made my point quite clear. As I have said this clause is not intended to cover the cases of default in making returns on the part of assessee alone. We may require certain returns and information from some other persons for the purpose of making a correct valuation list under section 8, and we want the power to demand and obtain such information from such persons. If my honourable friends read sections 8 and 18 this point will become quite clear to them.

**Mian Muhammad Nurullah:** I beg leave to withdraw my amendment.

*The amendment was by leave withdrawn.*

**Mr. Speaker:** Question is:—

That clause 20 stand part of the Bill.

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Rural): I want to oppose this clause and my reason is very simple. In the previous clause, clause 18, you would see a very important provision. Clause 18 (9) reads—

"If any person on whom such notice has been served fails within such period to submit such return the assessing authority may proceed to value such property in such manner as it deems fit".

Now, Sir, after all it is a fiscal measure, it is not a measure which is supposed to be penal. In fact the Statement of Objects and Reasons also states that it is a fiscal measure.

12 noon.

It is not to create a new offence which ought to be punished. All that is necessary is that the assessing authority should know what amount ought to be taxed or is to be assessed and for that purpose he has to send a return and the return is to be submitted by the owner of the house within a certain time. That part of the Bill has already been passed. If a person whose house is going to be assessed fails to submit that return, power is given to the assessing authority to assess him at any figure that the assessing authority considers fit. What more do you want? The provision in sub-clause (8) of clause 18 is based on a similar provision in the Income Tax Act. A return is submitted to the assessee or would-be assessee and if he does not comply with the provision of the section under which returns are submitted or if he fails to produce accounts when he is called upon to do so under, I believe, section 22 or 28 or some other such section, then power is given to the Income-Tax Officer to assess at any figure that he may consider fit. In the same way here the assessing authority has been given the power. There is no provision, speaking subject to correction, in the Income Tax Act under which an income tax authority can either imprison a person who commits a default in this respect or can fine him if he commits a default. They can punish him in another way and that is that they may assess him at a figure

at which probably he would not have been assessed if he had submitted a return. If he has submitted a return he may have been assessed on Rs. 5,000 but it is open to the assessing authority under the Income Tax Act to assess him on Rs. 7,000 or 10,000 and then there is no appeal. That by itself is a great deterrent and I do not know why it has been proposed that a person would be subjected to a penalty of five hundred rupees and a further penalty not exceeding Rs. 20 for each day during which the default continues after conviction. What offence does he commit against public morals or against any morals at all in failing to submit a return? He says, "I do not want to submit the return or I do not care if I am assessed Rs. 20 more or less, I am not going to do this, let the assessing authority assess me at any figure. The assessing authority has seen my house and the assessing authority cannot be so blind as to make a very great mistake". There is no reason why a person who does not submit a return should be punished by a fine of Rs. 500 and a daily fine of Rs. 20. This is really extortionate. If he is prepared to run that risk, let him run that risk and even if the analogy of the Income Tax Act is to be kept up, he will lose his right of appeal. The appellate authority can say: "What can I do? The assessing authority asked you to submit a return, but you failed to do so and the assessing authority has exercised his own judgment; what grievance have you?" Then the assessment made by the assessing authority will remain intact. It may be much more than he deserves or was liable to. That I submit with all respect would be a sufficient deterrent and there should be no provision of fine or other things. You should not make the Bill look blacker than it is.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (Urdu): Sir, I have tried to make the position absolutely clear but it appears to me that there is still some misunderstanding. I think that is due to concentrating all the attention on the clause which is under discussion at the time and losing sight of others. The position is that in this matter of making returns we are not concerned only with the assessee. Supposing a certain building or land is, for the time being, in the possession of a lessee or an occupier. Now the owner is not on the spot and his whereabouts are not known. Under the circumstances, it will be necessary to ask the lessee or the occupier what he pays to the owner because, otherwise, your valuation list may be open to genuine objections. In fact you may not have any other means of ascertaining the value of the property in question. Now if that lessee or occupier refuses to make a return what can you do?

**Mian Abdul Aziz**: But here in this clause you have only the word "person". How will you make a distinction between the owner and lessee or occupier?

**Premier**: If my friend were to read clause 18, this point will become clear. It says that the assessing authority shall serve notice on the owner, occupier or lessee.

**Rai Bahadur Mukand Lal Puri**: Then what do you require clause 19 for? Why not delete it?

**Premier**: Let my honourable friends exercise a little patience. Clause 18 (1) reads as follows:—

In every case where a new valuation list is to be made of any rating area or where the assessing authority considers that an amendment of the existing valuation list may be required, the assessing authority shall serve notice on the owner

[R. B. Mukand Lal Puri.]

occupier or lessee of every building or land in the area, or on any one or more of them, requiring him or them to make a return containing such particulars as may be prescribed.

Thus if the amendment is accepted what will happen if a lessee or an occupier does not make a return when required to do so? You will be able to assess the owner *ex-parte*, but what about the lessee or the occupier? I would request my honourable friends to read clauses 18 and 19.

**Chaudhri Jalal-ud-Din Amber :** But why do you want to penalize both? This clause is so wide that even the owner can be subjected to both punishments namely, *ex-parte* assessment and the penalty provided in this clause.

**Premier :** True. But here the question is, what can you do in case a lessee or occupier refuses to make a return? In view of that question the words sought to be replaced by the amendment under discussion are absolutely necessary. Then again the penalty has been reduced by the select committee and, therefore, this provision is no longer a harsh one. In short, Sir, if you read clauses 18 and 19 carefully you will find that the amendment cannot be accepted and the clause should stand as it is.

**Mr. Speaker :** The question is—

That clause 20 stand part of the Bill.

*The motion was carried.*

---

*Clauses 21 and 22.*

**Mr. Speaker :** Question is—

That clauses 21 and 22 stand part of the Bill.

*The motion was carried.*

---

*Clause 23.*

**Mr. Speaker :** Question is—

That clause 23 stand part of the Bill.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) (*Urdu*) : Sir, I do not wish to make a speech on my amendment which seeks the deletion of this clause. It is the same old story of depriving the judiciary of all jurisdiction in connection with the measures passed by this Government and, therefore, I oppose this clause.

**Rai Bahadur Mukand Lal Puri :** I also wish to oppose this clause 23 on the ground that civil courts are recognized in all civilized countries as the custodians of the liberties of the subject against arbitrary action of the executive authorities and we are naturally very jealous of the jurisdiction of the civil courts which, not only in England but in all English-speaking countries where British jurisprudence is followed and cherished, have stood as the guardians of the liberties of the individual. The Punjab legislature in the various Bills which it has recently passed ousted the jurisdiction of the civil courts and thus has taken away one of the most cherished safeguards.

that the individuals enjoyed for their liberties. Whenever a clause like that is introduced in any Bill it is our duty to raise our humble but emphatic protest and I do so accordingly.

**Mr. Speaker :** The question is—

That clause 23 stand part of the Bill.

*The motion was carried.*

#### Clause 24.

**Rai Bahadur Lala Gopal Das** (Kangra North, General, Rural)  
(Urdu) : I beg to move :—

That in sub-clause (1), line 2, between the words "may" and "make", the words "subject to the previous approval of the Legislative Assembly" be inserted.

The object of this amendment is clear and simple. It says that the approval of this Assembly may be taken at the time of framing rules for carrying out the purposes of this Bill. I, therefore, submit that it will be a wrong policy to make rules and enforce them without taking the opinion of this House. I request the Honourable Premier that before rules are given their final form he should consult this House in this respect. With these few words, Sir, I support my amendment.

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

That in sub-clause (1), line 2, between the words "may" and "make" the words "subject to the previous approval of the Legislative Assembly" be inserted.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General, Rural) : There appears to be a fair amount of unity amongst members, who are interested in this Bill, at least on this amendment. You will find that the same amendment finds support from Khan Sahib Khawaja Ghulam Samad, Rai Bahadur Lala Sohan Lal, Sardar Bahadur Sardar Ujjal Singh, Sir William Roberts and Mr. Guest. If I remember correctly, in some of the Bills which the Government have recently passed and have become Acts, Government inserted such a provision themselves. Why should not Government make a similar provision here? After all the rules are placed on the table of the House. They will be open to inspection by the members and some honourable members, who may be affected may suggest some modification which will facilitate the working of the Act itself. I think Government should appoint a committee consisting of members from the various parts of the House to consider these rules. The Government have not even circulated this Bill for public opinion or invited non-official opinion. It is all the more necessary, therefore, that the Government should accept the amendment which has the support of so many honourable members, even of their own party.

**Begum Rashida Latif Baji** (Inner Lahore, Muhammadan, Women, Urban) (Urdu) : Sir, I rise to support the amendment moved by my honourable brother Rai Bahadur Lala Gopal Das in regard to the rules. As this Government is a democratic Government and we all are representatives of the public it will be rather injustice if we are not consulted with regard to the formulation of the rules. It is quite obvious that if our opinion is taken in this connection we will be in a position to offer good suggestions to the Government and we will not be able to do so otherwise. Moreover,

[Begum Rashida Latif Baji.]

public will not blame the Government for not eliciting their opinion on this matter as they are doing now with regard to this Bill. I think it is the bounden duty of the Government to consult the members of the Assembly in regard to every matter relating to public interest. With these few words, Sir, I strongly support the amendment which is now before the House.

**Premier** (The Honourable Major Sir Sikander Hyat Khan) (*Urdu*) : Sir, when a popular Government is in power such amendments with regard to rules ought not to have come. So far as these rules are concerned I may point out to my honourable friends opposite that they will be published in the Government Gazette and will reach their hands shortly. However, my honourable friends may rest assured that the rules will receive our consideration in party meeting. As you are aware, Sir, this Bill has already taken a sufficient time and if now rules are brought in the Assembly for approval, more time will be unnecessarily spent on them. Full details have been given in the Bill with regard to the formulation of the rules. My honourable friends, therefore, may rest assured that the rules will be framed according to the principles laid down in the Bill. My friends opposite should believe me that, if the majority ask me to invite objections upon the rules, Government will certainly do so and accept them if they are reasonable. But it would be waste of public money to discuss rules to which objections can be sent in otherwise also, and as public representatives it does not behove us to spend unnecessarily 4½ thousands rupees every day. Besides, a large portion of the money realised from tax will thus go out of the Government treasury.

**Mian Abdul Aziz** : This is quite true but if you send us copies of the rules fifteen days, no, a month in advance of their publication, we would be able to send in our objections.

**Premier** : Yes. Copies of the rules will be supplied to you.

**Rai Bahadur Lala Sohan Lal** : May I request the Honourable Premier to supply us with copies of the rules before they take final form ?

**Premier** : Yes. Instructions will be given to the Assembly office to supply to the members of the House copies of the rules earlier to enable them to send in their objections.

**Malik Barkat Ali** : Will you kindly invite objections to your rules ?

**Premier** : Certainly.

**Malik Barkat Ali** : You will also invite objections from the public.

**Premier** : Certainly. Rules are published in the gazette meaning thereby that if anybody has objections to them he can send in those objections to the Government so that the latter can consider them promptly.

**Malik Barkat Ali** : I understand that the copies of the rules will be supplied to the members before they are published. But our further request is that objections from the public should be invited and should receive due consideration before the rules are given final form.

**Premier** : Yes, it will be done. Sir, with your permission I would like to say a few words to the honourable members who have moved or intend to move amendments with regard to the schedule. They should



bear this fact in mind that a clause empowering the Government to add, omit or vary any of the entries contained in the schedule to this Act, has been passed. It is crystal clear that even if my honourable friends now succeed in getting certain rating areas omitted in the schedule, the Government would afterwards rectify these omissions, if they considered that the retention of those towns was desirable and necessary. I am, therefore, of the opinion that no useful purpose would be served by moving amendments of this nature. Besides, I may tell the honourable members that we have no intention of introducing this tax into the smaller towns. I am sure that they would not press their amendments in view of this explanation.

**Begum Rashida Latif Baji :** Sir, I find that the honourable Mir Maqbool Mahmood proposes to move an amendment with a view to getting Majitha excluded from the schedule. I am of the opinion that every honourable member should be permitted to bring forward such amendments. I, therefore, suggest that new *abadis* which have sprung up outside the city of Lahore, should be exempted from the operation of this Bill.

**Mr. Speaker :** Question is—

That in sub-clause (1), line 2, between the words "may" and "make" the words "subject to the previous approval of the Legislative Assembly" be inserted.

*The motion was lost.*

**Mr. Speaker :** The question is—

That clause 24 stand part of the Bill.

*The motion was carried.*

---

*Clause 1.*

**Mr. Speaker :** The question is—

That clause 1 stand part of the Bill.

*The motion was carried.*

---

*Clause 2.*

**Mr. Speaker :** The question is—

That clause 2 stand part of Bill.

*The motion was carried.*

---

*Schedule.*

**Khan Sahib Chaudhri Muhammad Shafi Ali Khan :** I beg to move—

That in line 14, on page 10, the word "Bahadurgarh" be omitted.

*The motion was lost.*

**Mian Muhammad Nurullah :** I beg to move—

That all the towns of less than 5,000 population be omitted from the Schedule given at the end as Rating areas.

This is an amendment on principle and I have not gone into details and tried to find out which town should be omitted. My honourable friends have previously mentioned Fateh Jang, Bahadurgarh and Gohana, but I am not acquainted with all the towns in the Province. Even when the franchise was given, it was then considered that towns with a population of 7,500 or

[Mian Muhammad Nurullah.]

below should be included in the rural areas and not taken on the urban areas and here the limit should also have been 7,500. But considering that the Government was very keen to impose this tax even on smaller areas, I have tried to fix the limit at as low a figure as 5,000. I think practically all the towns above mentioned would be included in it. When I cast a glance on Jullundur I find that there are towns like Banga which have been included in the schedule. I think it would be fair to exclude such like towns from the imposition of this tax because they are practically rural areas. So far as Lyallpur district is concerned, I find that all the mandis in that district are included. It is quite right that all mandis should be included but I want to draw your attention to Pir Mahal Mandi. This mandi has been brought into existence since the last few years. It is just in the making. If you impose this tax on that mandi, the people, who would like to settle there, would be discouraged and thus your own mandi and your own revenue will suffer and that town will not grow. Therefore, it would be great discouragement to the growing mandis. As soon as they grow above 5,000 or reach a certain limit, then the taxation should be imposed. For the sake of seeing that the mandis grow I think this class of places should be excluded.

**Mr. Speaker :** Schedule under consideration, amendment moved—

That all the towns of less than 5,000 population be omitted from the Schedule given at the end as Rating areas.

**Premier** (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : Sir, I have already made my position clear regarding those amendments which seek to make certain omissions in the schedule. But as this amendment stood in the name of my honourable friend, Mian Nurullah, he perhaps deemed it his duty to make a speech on it. I may tell him that we have already passed a clause which vests powers in the Government to add, omit or vary any of the entries contained in the schedule to this Act.

**Mian Muhammad Nurullah :** Then, will you include it in the rules ?

**Premier :** But where is the necessity of doing so ? It comes under the purview of the clause referred to by me. When I introduced this Bill, and at several stages of the discussion of the clauses, I stated this fact in clear terms that Government had absolutely no intention of levying this tax in every town indiscriminately. The honourable member may rest assured that we would begin with bigger cities. Besides, we would impose this tax after taking into consideration the merits of the case. We would certainly be careful not to put the commerce of the town out of gear by the imposition of this tax. We would also refrain from introducing this tax in those places where the collection charges are disproportionately incommensurate with the amount of tax to be realised. I am sure my honourable friend would not press his amendment in view of the facts stated by me.

**Mr. Speaker :** The question is—

That all the towns of less than 5,000 population be omitted from the Schedule given at the end as Rating areas.

*The motion was lost.*

**Mr. Speaker :** Khan Sahib Khawaja Ghulam Samad cannot be allowed to move his amendment No. 6<sup>1</sup>, as the Schedule has been referred to in the body of the Bill itself.

<sup>1</sup>By Khan Sahib Khawaja Ghulam Samad : That the schedule be deleted.

The question is—

That the Schedule be the Schedule 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.*

**Mian Muhammad Nurullah :** On a point of order. May we just have an hour for taking our meals before the third reading is begun?

**Mr. Speaker :** Now the question is whether the Bill should be referred to a committee for consequential amendments. I will read out the rule and then the House may decide as it pleases. Rule 108 (2) says :—

If any amendment of the Bill is made, the Speaker, of his own motion, may and on the request of any member shall, direct that the Bill be examined by a committee consisting of the Minister to whose department the Bill relates, the member who introduced the Bill, the Advocate-General and the Deputy Speaker or a member of the panel of chairmen nominated by the Speaker under rule 87, with orders to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting, and such report shall be presented within such period as the Assembly may direct.

**Premier :** There are only a few amendments of 'of' and 'the' and they are formal. The only consequential amendment which we want to make is that the land revenue which is paid on such building or land should be deducted from the tax. So on legal advice I propose that the following words be added after clause 5 (b) :—

(c) Any land revenue actually paid in respect of such building or land.

This is the amendment.

**Mr. Speaker :** The question is—

That the following words be added after clause 5 (b) :—

(c) Any land revenue actually paid in respect of such building or land.

*The motion was carried.*

**Premier :** Sir, I move—

That the Punjab Urban Immovable Property Tax Bill as amended be passed.

**Mr. Speaker :** Motion moved is—

That the Punjab Urban Immovable Property Tax Bill as amended be passed.

**Malik Barkat Ali** (Eastern Towns, Muhammadan, Urban): **Mr. Speaker,** now that the Bill is entering on its last and final stage in the process of enactment, I rise to offer to it my most relentless and unyielding opposition.

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

This House will remember that when I last addressed the House on the 2nd December, on the Premier's motion that the Bill be referred to a select committee, I had controverted the position taken up in the statement of objects and reasons and again repeated by the Honourable Premier on the

[Malik Barkat Ali.]

floor of the House that the object of the Bill was to equalise the burden of taxation on the urban and rural classes. I had then tried to show conclusively by citing facts and figures that this statement that the residents of rural areas are being more heavily burdened with taxation than the residents of urban areas, was a myth and a particularly unfounded assumption. The Honourable Premier, whom I do not see on the benches facing me, was pleased to summarily dismiss those facts and figures by an airy wave of his hand, observing that those facts and figures were not the result of my independent study but had been taken from a pamphlet that was prepared by a certain professor. The Honourable Premier was perfectly right when he said that those facts and figures that I had cited were not the result of my independent study, but I had taken those facts and figures from that pamphlet prepared by a certain professor. I have satisfied myself that the facts and figures given in that pamphlet were taken from your budget estimates, your printed publication. (*Hear, hear.*) If the Honourable Premier or any occupant of the Treasury Benches had stood up to say that those facts and figures, though reproduced from an official publication, had, however, been manipulated by that professor and had also indicated the manner in which the manipulation had taken place, I would have understood their point. But a reply like this that those facts and figures have been taken from a book prepared by a certain professor is no answer to those facts and figures. When he himself is addressing the House he often quotes facts and figures although those facts and figures have never been prepared by him, but have been prepared by an army of Government officials working day and night at those facts and figures; and when those facts and figures are placed before us we do not dismiss them by an airy wave of the hand with the remark that those facts and figures have not been prepared by the Honourable Premier himself. As a matter of fact, I made it clear in my statement that day that those facts and figures which I was placing before the House with regard to the average incidence of taxation on urban classes and rural classes had been worked out by that professor. Now that that professor is under discussion let me take this opportunity of acknowledging on the floor of this House the debt of gratitude which I and the public of the province owe him for his labours.

It was also said in criticism that the pamphlet had been prepared at the instance of Raja Narendra Nath Sahib, and that the Raja Sahib was the President of the Hindu Mahasabha. All honour to this grand old man who at this age in the evening of his life has come forward to espouse the cause of the general public of the province. He was speaking not as the President of the Hindu Mahasabha. He has given a conclusive answer to his critics by saying that this Bill that you are passing to-day does not only affect the 11 lakhs Hindus that reside here but it affects 16 lakhs Muhammadans, 11 lakhs Hindus and 8 lakhs others and it is thus not a communal measure. It will affect everybody, be a Hindu, Muslim or Sikh. Therefore, this kind of argument, by which you try to draw a communal red herring across the trail of the discussion, will not carry you further. In passing, what compliment paid by the Premier to the Raja Sahib, the very Raja Sahib whose shelter he sought and whose refuge he sought when he wanted to form his Government, and to-day he refers to him in a spirit of scorn—the very Raja

Sahib whose actual nominee he is still hugging to himself as a colleague, whatever the suppressed role assigned to that nominee, because of his being the sole and solitary rump of a party which has altogether left him! I leave the Premier to deal with another member of the Government, the Honourable Chaudhri Sir Chhotu Ram, who has given a reply to my facts and figures. I am sorry that he is not present here. I wish he were present because I wanted to put him a few questions on the floor of the House,—questions the reply to which, I am sure, if he had replied to them at all, would have furnished the most conclusive corroboration of the facts and figures given by that professor in that pamphlet. The Honourable Sir Chhotu Ram has sent a reply to those facts and figures in the press of the province. His reply appeared in *The Civil and Military Gazette*, of which I hold a copy in my hand. His reply also appeared in *The Tribune*. What is his reply? Confining himself to the figures of provincial taxation, he says, the two main items are land revenue and irrigation receipts. Yes, that is true. He says that according to the budget of 1940-41 the land revenue of the province is 4 crores, 67 lakhs and 19 thousand. Quoting irrigation figures he says that the irrigation receipts, after deducting working expenses, come to 4 crores, 68 lakhs and 82 thousand. The total of this is 9 crores 36 lakhs and 01 thousand. Dividing this total of 9 crores 36 lakhs, 01 thousand by 2 crores, which is the population of the rural areas, he works out the incidence of taxation on the rural classes on the basis of these two main items, land revenue and irrigation receipts, at 4.68 per head. Now one of the objections, I want the House to note this, by Sir Chhotu Ram against this professor is this, and I shall quote his very words. He says. "The author of the pamphlet relied upon by Malik Barkat Ali, has proceeded upon a most indefensible method of calculation. He has not credited the proceeds of what is technically known as indirect receipts either to irrigation or land revenue. The proceeds under this head amount to nearly two crores". I want to show to the House that this Minister of the Crown, who is in receipt of Rs. 8,000 a month besides house allowance of Rs. 800 a month and besides Rs. 9,000, which he puts into his pocket every year as travelling allowance, while objecting to this professor of economics for not having taken into account the indirect irrigation receipts (although the professor has taken them into account properly) has himself not proceeded on correct lines but has blundered. He has included this item of two crores twice in his calculations. The professor was perfectly right. He counted but once this item of 1 crore 86 lakhs, an irrigation receipt, an indirect receipt on account of 'khush hasiyati, the higher status which irrigated lands acquire when they receive canal water. This indirect irrigation receipt is not the price of the water supplied to the peasants, it is only a kind of land revenue assessed on the land because it has acquired higher status. I shall show to you that this item of 1 crore 86 lakhs forms part of and is included in the item of 4 crores, 67 lakhs given by Sir Chhotu Ram under the head Land Revenue" in his article. This item of 1.86 lakhs forms part and is again included in the Irrigation receipts which Sir Chhotu Ram gives in his article as 4 crores, 68 lakhs. If Sir Chhotu Ram were here I would put this question to him whether I am right or not that he has counted this item of 1 crore, 86 lakhs twice over.

**Rai Bahadur Mukand Lal Puri:** Sir, I think the honourable Minister for Development or the Premier, the great sponsors of the Bill,

[R. B. Mukand Lal Puri.]

should do the House the courtesy of being present. Statements of fact made on the floor of the House are challenged.

**Mr. Deputy Speaker :** It is not the concern of the Chair to ask them to be present.

**Rai Bahadur Mukand Lal Puri :** You are the custodian of the dignity of the House. If an insult is heaped on the House you ought to call upon the Premier and the Minister for Development to come to the House.

**Mr. Deputy Speaker :** It is for the Honourable Premier and the Honourable Minister for Development to see that they should be here. It is not for the Chair to ask them to do so.

**Malik Barkat Ali :** Sir, we read in the scriptures:—"What is the Truth", said the jesting pilate, and would not stay for an answer". Well, I was pointing out that Sir Chhotu Ram in working out the incidence of Rs. 4.68 per head on the rural population has taken twice over in his calculations this sum of 1 crore, 86 lakhs. I have got the pamphlet of the much criticized professor with me and I find that this professor of economics, who knew his subject, has done the right thing. He has deducted this item from the item of land revenue, but he has taken intact the item of irrigation receipts as given in the budget figures. You will be pleased to see that the figures given by the professor were taken from the budget of the year. While analysing those figures he took care not to count the item of indirect receipts twice as Sir Chhotu Ram has done. If you deduct this item of 2 crores from the total land revenue and irrigation receipts, the balance comes to 7 crores, 49 lakhs and 34 thousand. In other words, 4,67 lakhs as land revenue and 4 crore, 68 lakhs irrigation receipts after deducting this item of 1 crore 86 lakhs; the total is 7,49,34,000. Now what is the average of incidence on this total? If you divide it by 2 crores, the average incidence is Rs. 3.74 per head. There is another fact to be reckoned. I wish Sir Chhotu Ram were here, as he is bound to admit what I am saying on the floor of the House. That fact is this: It is an admitted fact that 17 per cent of the land is held by those classes whom you call non-agriculturists or urban classes. Land revenue and irrigation receipts paid by these 17 per cent must be deducted and if you deduct their 17 per cent contribution, the incidence of the burden in regard to these two main items, land revenue and irrigation, on the rural classes will dwindle down to less than Rs. 3.7 per head. Again, there is another deduction to be made. It has been stated and very rightly by my honourable friend Dr. Sir Gokul Chand Narang, that irrigation receipts, namely the direct irrigation receipts, are not taxes at all. They represent the cost, the price of that water which the State supplies to any person who may receive that water. The Irrigation Department is a great commercial concern. You have been running this great commercial concern on that very basis. You cannot therefore call these irrigation receipts proper, which represent the selling price of water, as tax proceeds. If you therefore deduct this item of 4 crores 68 lakhs, while taking into account 1 crore, 86 lakhs of revenue that you earn from the irrigated lands as enhanced land revenue due to those lands having become irrigated, then the net result is that the incidence of taxation on the rural classes falls from Rs. 3.7 per head to hardly Rs. 2 per head.

I was just submitting that the Irrigation Department is being run by the Government as a great commercial concern and it can by no manner of means be argued that water-rate is a tax on the payer. In this connection I will refer the House to the Report of the Joint Parliamentary Committee of 1934, Volume I, Part I, page 160. For the help and assistance of the joint Parliamentary Committee, that great expert, Sir Malcolm Hailey had prepared a statement in order to give the committee a comprehensive and objective review of the facts and figures relating to the revenues both of the Government of India and of the provinces. In that statement, he rightly treats land revenue, excise, stamps, registration and other scheduled taxes as taxes; but the income from forests and irrigation he classes as sources of revenue but not as taxes. Not only that. I have with me the audit report for the year 1938-39. In that report at page 11 you will find it stated that the Irrigation Department is really run as a commercial concern and every year we are furnished with a statement showing the total amount of capital sunk by the State in this commercial concern and the total amount of interest earned by the Government every year. Here I find under the head, Irrigation Works, that Government is earning during the year 1938-39 a return of 18 per cent, 64 per cent, 25 per cent, 22 per cent, 28 per cent, 10 per cent, 46 per cent, and so on on the various canals and that this return on an average works out to a return of 9.23 per cent on the capital sunk by the State. If you deduct this item, viz. income from irrigation works, the incidence of provincial taxation on the rural people sinks down to hardly Rs. 2 per head.

Now, I will place before the House another very extraordinary statement made by this responsible Minister of Government. In an article to which I will presently refer, which is the only reply that we have got from the Treasury Benches to the facts and figures on which I relied to controvert that most unfounded statement that the people of the rural classes are overburdened and that a share of this burden should be transferred to the urban people in order to equalise the burden of taxation, in this article another astounding statement has been made and I am really surprised that any Minister should have had the courage to give such figures on his own authority unless he does so in a spirit of utter abandon and absolute recklessness. What does he say? He says that the urban classes pay in the shape of income tax only 24 lakhs. I will read out from his article—

The only direct tax worthy of the name paid by urban classes is the income tax. In order to make a corresponding allowance in favour of urban classes for a little higher margin credited to rural classes under land revenue I am prepared to credit the whole amount of this tax to urban classes.

as if the matter was really susceptible of any other view. Everybody, every tyro even knows that income tax is not levied on agricultural income. That income stands excluded from the operation of the Income-Tax Act and the rules thereunder (*An honourable member*: There are many assesses to income-tax in rural areas also). Please give the figures then. We all know that so far as agricultural income is concerned, it stands excepted. Still this great Minister says :—‘I am prepared to credit the whole amount of this tax to urban classes. The total under this head is 24 lakhs. This will give an incidence of a little over thirteen annas per head’. I say, there can be no more reckless statement made by anybody than this. I have with me the annual returns of the Income-Tax Department for the

[Malik Barkat Ali.]

year 1938-39 and I find therein that so far as income tax is concerned, the resultant tax which the people of the Punjab pay under the head "Income Tax" is Rs. 1,28,20,000. There is another item known as super-tax. The amount of super-tax paid by the people of the Punjab for the year ending 31st March, 1939 is Rs. 8,41,030. If you total these two figures, you get Rs. 1,31,61,490. (*Rai Bahadur Mukand Lal Puri*: What a comparison). If you divide this total income-tax by 30 lakhs, which is admittedly the total of the population which has the misfortune of residing in urban areas during the tenure of office of the present Government the incidence comes to Rs. 4·8 per head. I wish Sir Chhotu Ram were here to refute my figures if he could. I am sure he cannot refute them.

(*Rao Pohop Singh interrupted*).

**Mr. Deputy Speaker**: Order please.

**Rao Pohop Singh**: I only want to ask a question of the honourable member.

**Mr. Deputy Speaker**: Let the honourable member proceed with his speech. He should not be interrupted while speaking.

**Malik Barkat Ali**: This Minister has given this figure as 24 lakhs. Evidently he did not study his brief. I wish he had consulted the Finance Minister. The Finance Minister would then have given him the right figures and would have told him that these 24 lakhs are not the total income-tax paid by the people of the towns in the Punjab but is the share out of the divisible proceeds that the Government of India under the award of Sir Otto Neymeyer gives to the Punjab Government. What is this share? The House knows and I think the Ministers ought to know that originally

all the taxes from whatever source went into the coffers  
of the Government of India and that this position

**I P. M.**  
continued from the year 1858 right up to the year 1920 when the Montagu Chelmsford Reforms were introduced. All these taxes, whether land revenue—yes this very land revenue that you are quoting over and over again, or irrigation receipts, were all-India receipts right up to the year 1920, and as the Government of India was responsible for the provincial governments, the Government of India originally by means of doles and later, by means of quinquennial settlements as they were called and again later by making permanent settlements, paid a proportion out of these all-India receipts to the Provincial Governments. Later in 1920 another change was made. Up to this time, as I have said the Government of India used to divide these heads of revenue, viz. land revenue and irrigation. They said, five-eighths of land revenue we shall keep and  $\frac{3}{8}$ ths we shall pass on to province. Similarly in the case of irrigation receipts, the Government of India kept five-eighths to itself and passed on three-eighths to the various provinces. In the case of minor receipts, they said, let those minor heads go completely to the provinces, viz. court fee stamps, registration charges, etc. In 1920 another change was introduced and that change was this that land revenue and irrigation receipts, which before 1920 were all-India receipts and were shared by the Government of India in certain proportions with the provinces, were transferred to the provinces as provincial sources of revenue and as a settlement, the Government of India took over the entire income-tax to themselves. Therefore you cannot say that this item of more than one crore



of income-tax should not be taken into account. It is a settlement. You have this revenue and you have the irrigation receipts. Do you mean to say that you can run independently of the Government of India? You do not pay for the defence of the country. It is the Government of India that pays, and it is our contribution to the Government of India which is responsible for the peace that you enjoy in the countryside. You cannot get away from that position. I here would like to remind the Ministers that even after the income-tax became a Government of India head, there was an agitation at the time of the last Reforms scheme. In 1935 a claim was advanced on behalf of the provinces, that income-tax should come back to them. It was stated that the heads of revenue assigned to the provinces were really very rigid. The result of that agitation was that the claim was entertained. The joint Parliamentary Committee considered this question, viz. whether income-tax should be completely given over to the provinces or whether income tax should remain with the Government of India or whether income-tax should be shared between the Government of India and the provincial Governments. This was a thorny subject. They left it to another technical committee. The dispute ultimately was settled by the award of Sir Otto Neimeyer. That award was that in view of the Government of India's expenditure on the defence of the country, in view of the subventions which the Government of India was giving to the North-West Frontier Province for the defence of the country and to other deficit provinces, 50 per cent of the net income-tax proceeds, namely, after deducting the cost of collection of the income-tax from federal areas and federal emoluments should remain permanently with the Government of India. As regards the remaining 50 per cent, they give it as their decision, that the Government of India for the first ten years should take something out of this and the formula adopted was that if the divisible proceeds as they called them, which were to be shared, namely, 50 per cent—if this 50 per cent of the net income-tax proceeds realized by the Government of India together with the contribution which the railways, which were run as a commercial concern, made to the Central revenues, if the two exceeded 13 crores, then the surplus should be distributed in a certain fixed proportion amongst the provinces, the share of the Punjab being 8 per cent (*Interruption*). When you are trying to find out the incidence of taxation on the people of rural areas and on the people of urban areas, you cannot by any stretch of reasoning or any stretch of argument exclude the total income-tax paid in the province. What is the other part of Sir Chhotu Ram's argument? He says, look to these railway receipts amounting to about 112 crores paid in the main by the rural people as if railway receipts were the proceeds of a tax. If his complaint had been that the Railway Department was charging more on account of third class fares from the people of rural areas than from the people of urban areas—if his complaint had been that the Railway Department, although a commercial concern was charging higher freights from the residents of rural areas and was charging lower freights from the residents of urban areas, then I could have understood that argument. But I cannot understand the complaint that the railway is realising 112 or 113 crores, and the bulk of it must be from residents of rural areas. I am really surprised that any Minister of the Crown, with any sense of responsibility, should in his article say that the Railway, on account of the commercial services that it renders to everybody, irrespective

[Malik Barkat Ali.]

of all caste or other distinction, is a burden on the residents of the rural areas. I cannot understand that argument. It was very correctly stated on the floor of this House by Mir Maqbool Mahmood in his speech that Railway receipts are not taxable proceeds and they cannot be taken into account for the purpose of working out the incidence of taxation. Perfectly correct. Similarly there is the post office. Chaudhri Chhotu Ram did not say so, but he could say by parity of argument that there are also the post office receipts to be taken into account. I pay the post office for stamps when I send my letters by dak. The post office charges me for my money remittances which is perfectly legitimate. How can you take into account those receipts? These are not taxable proceeds. I am taking up the time of the House in order to show what a perverted mentality it is which makes this statement that the people of the rural areas as compared with the people of the urban areas are overburdened with taxes.

If you please turn to the Central revenues, you will find that the income of the Government of India is based on customs; it is based on salt tax, it is based on opium. All the other commercial concerns of the Government of India are not taken into account when calculating the total taxable proceeds of the Government of India. In regard to these customs, Chaudhri Chhotu Ram says that the Government of India realises about 50 crores and he says that it is being paid in the proportion of 87 and 13, rural and urban.

The professor has not calculated it that way. I have before me the Statistical Abstract for British India, the last edition which is available. It is up to the year 1936-37. I will give to this House an idea of the items which form the subject matter of the customs duty, and I will leave it to the House to form its own conclusions, whether these items are really consumed by the residents of rural areas or whether the articles that fall under these items are consumed in much larger proportion by the residents of urban areas. It is true that customs revenue is an indirect tax and one of the essential characteristics of an indirect tax is that its burden does not abide and remain with the person who pays it, it is passed on by him to the consumer. That is the test of an indirect tax. Now, in order to calculate how this indirect tax is passed on to the consumers, and of what class, kindly listen to these figures:—

	Lakhs.
Spirits and liquors .. .. .	175
Wines .. .. .	13
Spices .. .. .	19
Kerosine oil .. .. .	153
Motor spirit .. .. .	53
Motor cars, cycles, omnibuses, chassis, vans, lorries and parts thereof .. .. .	186
Machinery .. .. .	175
Silver bullion, coin, sheets, plates and other manu- factures .. .. .	147
Yarns and textile fabrics and others .. .. .	127
Cotton fabrics of British manufacture .. .. .	167
Cotton fabrics not of British manufacture .. .. .	294
Silk fabrics .. .. .	57
Artificial silk fabrics .. .. .	182

I could go on reading from this book. I put this question to the occupants of the treasury benches. If these are the figures, how do you say that the customs revenue of 50 crores is really paid in the proportion of 87 to 13, the proportion of the people in the rural areas and the people in the urban areas? Now I just want to tell the House that the learned professor has very rightly calculated that out of the customs duty payable for articles consumed in the Punjab the exact division would be something like 60 to 40, 60 per cent being paid by the urban classes in the Punjab and 40 per cent being paid by the rural classes.

Now I come to the salt tax. (*Interruption.*) My learned friend says, and I accept the position, that salt tax is passed on to the people, people in the urban areas and people in the rural areas and therefore the salt revenue must be divided in the proportion of 87 to 13, a perfectly correct proposition and that is what the professor has done.

**Minister for Public Works :** What about the rural cattle?

**Malik Barkat Ali :** Nobody on earth can give you the figures of the salt consumed by cattle. The professor has calculated it as 87 to 13 and the Honourable Chaudhri Sir Chhotu Ram has also accepted that proportion as perfectly correct. Therefore you will be pleased to see that taking into account the figures of the central taxation, the calculation that the incidence of taxation works out at Rs. 5-14-0 per head in the case of rural areas and Rs. 19-14-0 in the case of the urban areas is far more correct than the incidence worked out by Chaudhri Sir Chhotu Ram in that hurried article which he has written as a reply to the challenge of the Editor of the Civil and Military Gazette.

There is one other item to which I wish to refer in order to show to this House how utterly wrong are the calculations of Chaudhri Sir Chhotu Ram. There is one item of provincial revenues, called Excise which comes to something like a crore and odd. In working out the proportions of this revenue and in distributing it between the rural and the urban classes, so far as the item of country spirits is concerned, the professor put the ratio at 60 to 40—urban and rural areas. Chaudhri Sir Chhotu Ram says, "no, it cannot be that, it should be in the proportion of 87 to 13, rural and urban," forgetting that the figures of the distribution of country spirits amongst the rural classes and amongst the urban classes were taken by this professor from the Excise Administration Report of the Punjab for the year 1937-38. I can understand if you say, that they are wrong and that you put forward your own figures as calculated by you in your own ways. But these figures are taken from the Administration Report. They are as follows:—

Country spirit—Relative Consumption in Urban and Rural areas—

Urban areas—L. P. gallons	..	.. 246,942
Rural areas	..	.. 162,902

Total gallons	..	409,844
---------------	----	---------

Therefore this consumption of 409,844 gallons of country spirits in the province of the Punjab was distributed amongst urban areas and rural areas in the proportion of 246,942 and 162,902 and the calculation of the

[Malik Barkat Ali.]

ratio of 60—40 of the consumption of country spirits in the Punjab given by the professor is thus quite correct. (*Interruption.*) This is what your Administration Report says. If that table is wrong, have another table prepared and take the man concerned to task for giving wrong figures.

**Minister for Public Works :** It is sold in the towns but consumed in rural areas.

**Malik Barkat Ali :** I submit that on the basis of these facts and figures that I have placed before the House, we have to draw our conclusions and unless and until they are controverted by facts and figures on the other side, they stand and we are not prepared to accept the fantastic and monstrous statement that the rural people are over-burdened. When I make this statement I do not want to be understood that I am in any wise or in any manner hostile to my friends of the rural areas. If you had come forward with a proposition like this, if you had committed yourself on the floor of this House to the position that this one crore that you are going to realize from us will be used by you in exempting all payers of land revenue of Rs. 5 and less, we might have accepted the situation. We will agree that these poor people who pay Rs. 5 and less should be relieved, whose number you say is 17 lakhs and in whose case the payment comes to 85 lakhs. We accept the position that they must be relieved of that burden. Mir Magbool Mahmood said : "Here is this burden, which has to be lifted off". But what is the position of the Honourable Premier? What is the position of the Honourable Chaudhri Sir Chhotu Ram? Have they committed themselves on the floor of this House? Nothing of the kind. They will not commit themselves. We know how they are going to spend this revenue. It is being extorted out of us in keeping with the declaration that was made by Chaudhri Sir Chhotu Ram that he would extort 6 crores out of these urban taxes. Having dealt with this aspect of the matter, I now come to another.

It is said that this tax on urban property has a precedent. What is the precedent? The Act of the Bombay Presidency. I just want the House to realize what this precedent is. I find from this Act that it is only 16 places from which the Bombay Government is going to realize this urban immovable property tax. Now what are those 16 places? The City of Bombay, the four municipal boroughs of Thana, Kurla, Bandra and Ahmedabad, then three municipal districts of Ville Parle, Ghatkopar, Kiroli and Juhu in the Bombay suburban district and seven notified areas of Malad, Kandivali, Borivali, Chembur, Mulund, Bhayandar and Sabarmati and one cantonment, the cantonment of Ahmedabad. As against 16 municipal areas in Bombay you are extending your net here over 272 municipal areas, small towns, notified areas and cantonments. And what is the tax the Bombay Government has decided to levy? The maximum rate of the Bombay Government is ten per cent and in the case of those properties, the annual rental value of which is below 2,000, the Bombay Government charges only 5 per cent. I ask if you have taken the Bombay Government as your precedent, well at least follow that precedent. Where is the justification for a tax at the rate of 20 per cent? What do you mean when

you fix 20 per cent? In the case of smaller properties, in the case of rental incomes below two thousand you should have after all adopted a graduated scale. Is the Punjab richer than Bombay? If it is richer than Bombay I can understand 20 per cent as against 10. Nothing of the kind. When it is a question of asking for the exemption after the Bombay model of those houses the annual rental value of which would be below Rs. 500, the Premier tells us, "Bombay is a great city, what is Rs. 500 in Bombay? Five hundred is really the rental of the slums of Bombay". A perfectly wrong statement. If you use that argument from Bombay in justification of your position that you will not reduce the exemption limit below three hundred, because Bombay is very rich, then with what face can you ask us to accept this figure of 20 per cent in a poor province like the Punjab? In the Punjab the income-tax realized is 1,80 lakhs, in Bombay it is more than 4 crores and seven lakhs and not only that nowhere in the whole of India is this tax levied. I have studied the question of urban taxation as it stands to-day throughout this country and I find that there is no such tax in the city or province of Madras, there is no such tax in the province of Bengal, there is no such tax in the province of the United Provinces, there is no such tax in the province of Bihar, there is no such tax in Rangoon, there is no such tax in Coorg, there is no such tax in Karachi and there is no such tax in the Central Provinces. The only tax on immovable property in these provinces is what is known as the municipal house-tax. This municipal tax you also are realizing. Those provinces I have mentioned do not go beyond this municipal tax and the maximum limit in Madras is from 15½ per cent to 20 per cent. There is not charged anywhere, excepting the Bombay tax, anything beyond 20 per cent from the annual rental value of urban immovable property. In your case, under section 61 of the Punjab Municipal Act your maximum is 12½ per cent of the annual rental value. What does it matter if to-day the Lahore Municipal Administrator is charging say one per cent or two per cent or four per cent, in another two years, eight or ten per cent will be charged? He has got the power to charge us to the extent of 12½ per cent and you have taken the power of levying an annual additional 20 per cent so that the maximum for which you have taken powers is 32½ per cent on the annual rental value of the property. The Premier says. "Trust me, I am not going to charge the whole of it. I will begin with ten per cent" (*Interruption*) and then as my learned friend has reminded me, there is another 50 per cent of this urban tax as a surcharge on us. I will deal with it later but I am thankful to my learned friend for reminding me. The Premier says: "You believe us, trust us". I wish he were here. It is not a question of trusting him or trusting anybody. We are sitting here as members of the legislature who are here enacting a law. The law must be certain, the law must not be arbitrary. It must not leave everything into the hands of the Premier; and on the floor of the House we have seen, how the occupants of the Treasury benches have been shifting ground. Only the other day when Diwan Chaman Lall was here, he reached a certain understanding with Mir Maqbool Mahmood in regard to reference to the select committee of the Removal of Disqualification Bill.

**Mr. Deputy Speaker :** I would request the honourable member to confine his remarks to the subject matter.

**Malik Barkat Ali :** I am only telling you how difficult it is for members of the legislature, what a wrong position it is for the members, to leave everything to the arbitrary will and pleasure of one individual. After having reached that understanding he came to the House next day and said that he did not abide by the letter of the understanding, because his party did not agree to it. He went back on it. When this Bill was introduced, the Honourable Leader of the House pointed out that although the maximum rate is one per cent on the capital value he is not going to charge more than one quarter per cent. He said therefore, "Do not you worry". But now when the the Bill has actually been passed by the House, what do we find ? Instead of one quarter per cent, he is really doubling it and for no reason whatever. I wish the Premier would really give up this habit of asking everything to be left to him. When it is a question of exempting widows and we ask him to exempt widows, he says "No, I am not going to exempt widows, why should I exempt widows?", and when it is a question of leaving out the poor he says "Leave the power to me, I will use it in the case of widows". It is very difficult to deal with such an attitude and to reply to an argument of this kind, and then if it were a question of leaving everything to the arbitrary will of a member of the cabinet, my reply would be "As legislators we are interested to see that the clauses of the Bill are made certain and that nothing is left vague and arbitrary". It is our duty to ask him to crystalize the law in the Act itself. I wish he were here, for I would like to remind him of the very wise words uttered by a very eminent English Statesman, Sir Robert Peel, on a great and momentous occasion. Speaking with reference to the proceedings of the House of Commons in regard to the Reform Bill he said, "The proceedings of the House of Commons in regard to the Reform Bill had taught me three things : One that nothing has so little vitality as a vital point ; second, that nothing was so insecure as security". I wish Chaudhri Sir Chhotu Ram would bear this in mind, as he is so fond of talking of his party's five thousand years rule "and thirdly that nothing was so elastic as the conscience of a cabinet minister". No greater truth was uttered and I say that this argument and this appeal "leave everything to me" cannot weigh with us, howsoever much it may weigh with my friends on my left.

Then, Sir, I come to another aspect of this matter. You will be pleased to remember that when I last spoke, I had an occasion to refer to the tendency of this present Government of taking all the powers, even the judicial powers of the civil courts, to themselves. I then wanted to know why they wanted to secure those powers, the powers of framing rules and regulations for the purposes of their enactments without reference to this House and the power of ousting the jurisdiction of civil courts. I then pointed out the true reason why they were taking all these powers, because they were afraid of the verdict which might be passed on them and their measures by an independent judiciary. With reference to that speech of mine, which I delivered on the 2nd of December, 1940, the reply which the Honourable Premier gave in this House was that this was an attempt on my part to create mischief and that I was trying to create distrust between the Government and the judiciary. It is not my words or any statement of mine which is responsible for the creation of this open distrust you are exhibiting ; it is your own act.

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

**Malik Barkat Ali :** I am replying to the unfounded charges made by the Honourable Premier. On that occasion he indulged in a great deal of vituperation; he has become very fond of abuse. He seems to think that abuses are his most powerful weapon. He attacked not long ago no less a member, a very prominent member of this House, than my honourable friend, Mian Abdul Aziz. On another occasion, only yesterday, he used very provocative language against me when I supported Sir William Roberts' amendment that the war surcharge should not be 50 per cent, but that it should be reduced to 25 per cent. In reply, the Honourable Premier said, "What does this Barkat Ali know? He has no idea of the crisis through which the Empire is passing. He is living comfortably in a mansion at Temple Road and would be nowhere when the crash comes". Sir, I have got no mansion. I live in a cottage. But he lives in what is comparatively a mansion at the cost of the tax-payer. He also insinuated that we people of the towns were not doing our duty towards the war. I said then that he was exploiting the war situation. I repeat it to-day that he is exploiting the war situation. Let him exploit it as much as he can, that is no concern to us; only let him not exploit at our expense. He cannot prove himself to be a greater friend of the Englishmen than Sir William Roberts. Sir William Roberts was the mover of that amendment and I supported him. He was more honest and alive to the needs of his country and I repeat to-day what I said yesterday in this House that there was no necessity or urgency for a surcharge of 50 per cent and that no Indian could possibly feel for England as much as an Englishman, and that if ever there was such an Indian, he was more of a cheat and a knave. I was perfectly right. I did not make any insinuation. I simply stated the bare fact. I had also said that we of the towns were taking our proper and adequate share in the war effort. What I said was perfectly true. It is impossible, Sir, for any Indian from the nature of things to feel like the way the Englishman feels in this crisis when the fortunes of freedom are as it were hanging in the balance. This does not mean that we have no sympathy with the Englishman in the present crisis. We have every sympathy with the Englishman in this great crisis. I shall be very sorry, God forbid, if the Englishman is defeated. We all wish him success. The Honourable Premier while dealing with this matter—

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

**Malik Barkat Ali :** I am replying to the charges and attacks levelled against me by the Honourable Premier yesterday. I repeat here with all the sincerity of which I am capable, that we are friends of the Englishman and that we wish him success from the bottom of our hearts. We are not opposed to the surcharge, but we wish that the Government of India had started it. There is, however, considerable difference between him and us. The difference is this that if that moment ever comes, God forbid, when the English arm is broken and England's power is defeated, God forbid that it should take place—

**Mr. Deputy Speaker :** The honourable member is irrelevant.

**Malik Barkat Ali :** I am not irrelevant, Sir, I am dealing with the question of surcharge. I was saying that if that occasion ever comes, God forbid that it should come, when the English power collapses and English might is defeated, then while men like me will go back and sulk in their homes over the loss, over the disappearance of a mighty force and factor for human progress and human freedom, men like my honourable friend the Premier, will be the first to offer addresses of welcome to the victorious new comer, falling before him into mimic trances of gratitude with the proverbial alacrity of slaves, over *their* release, as *they* would then call it, over *their* emancipation as *they* would then describe it, from the yoke of English oppressor.

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

**Malik Barkat Ali :** I will pass on. I wanted to refute the insinuation made in season and out of season that the people of towns and cities are not taking their due share, their proper and adequate share, in the war effort. I must tell him that the people of towns and cities are taking their proper and due share in the war effort. This insinuation, this allegation that we are enjoying while the country is burning, is a calumny of the worst type.

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

**Malik Barkat Ali :** I will resume my arguments. The Honourable Premier is not present in the House. I wanted to tell him this to his very face. I shall now deal with the question of civil courts. I was saying that in ousting the jurisdiction of the civil courts, he was carrying forward the policy begun by his Government of complete mistrust in the courts. This is a very serious matter. Sir, one thing which is dear to us is this system of independent courts, which the Englishman has instituted in this country. (*Hear, hear*). This independent judiciary is the greatest contribution which the westerner has made to the political knowledge and political institutions of a people who were accustomed in the past to arbitrary rule. The justice of Shah Jehan or Jahangir, who did not spare even his dear wife, is but a solitary instance in a jungle of despots. The general tradition is that of a succession of arbitrary kings, untrammelled by rules of law. Does my honourable friend want to take us back to that tradition, long forgotten, of the purest despotism? This can only be done by destroying the existing courts.

**Minister for Public Works :** You are from the west.

**Malik Barkat Ali :** I am not from the west. This light has undoubtedly come from the west and I wish you to derive some benefit from it and see better with this light. I am glad the Honourable Minister for Public Works is in his seat. I have in my possession a copy of the address given by the Honourable Minister on the occasion of the Refreshers' Course to the field staff of the Panchayat Department. In that address he has referred to these panchayats in glowing terms as proud mementoes of the past and he powerfully pleads for this indigenous system as he calls it of the panchayats to take the place of the present courts. Sir, in doing



so, he has done a great disservice to this country and also to those British administrators who have installed him in that position of authority which he is occupying. This is what he says in his address.

**Mr. Deputy Speaker :** The honourable member should speak to the motion before the House. He is irrelevant.

**Malik Barkat Ali :** I think this address was sent to the Press either by the Director of Information Bureau or the Minister himself. Whatever it is, I am sure, the Minister will not deny his words. He will accept them.

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

**Malik Barkat Ali :** As for relevancy, please do not forget that I am discussing this Bill and clause 23 under which the jurisdiction of the civil courts has been excluded.

**Mr. Deputy Speaker :** The honourable member can speak only as regards the matter contained in the Bill.

**Malik Barkat Ali :** I say that they are ousting the jurisdiction of the civil courts and thereby adding to that distrust which they began. This is what he said in that address :—

“ It is bad that one should have to pay for justice which should be almost as cheap as water and air but it is scandalous that one should be made to pay for getting injustice done. I can think of no worse condemnation of the present legal system than the common saying, (Sach bolo, adalat nahin hai). It is obvious that all this must change,.....”

**Minister for Public Works :** Do you challenge this, Malik Sahib ?

**Malik Barkat Ali :** Further on it is stated—

“ and I can think of no better instrument for replacing the present system”.

And this furnishes by the way a most conclusive proof of the complaint I had made on that day when I was speaking on this Bill and which complaint the Honourable Premier characterised as a mischievous statement. I had then said that the present Government were planning to uproot the present system of independent courts planted in this country by a generation of enlightened English administrators and to replace it by a system of panchayats consisting of their minions and this is exactly what the minister has said in this very address. Note his words—

“ I can think of no better instrument for replacing the present system than panchayats. It is true that the present legal system has its good points. But it is certainly foreign and unsuited to conditions prevailing in this country.....If the village panchayats succeed, we may one day have an heirarchy of panchayat courts group panchayats, district panchayats (to replace the present sessions courts) and the provincial panchayat (to replace the High Court)”.

This is exactly what I had complained about, namely, that they were trying to replace the High Court and the Honourable Premier said that it was a mischievous statement. If it is a mischievous statement, the mischief lies with your Minister for Public Works ; the mischief does not lie with us who want to expose you and who want to tell you that whatever your majority you shall not succeed in uprooting that system of independent courts which has been planted in this country for the last several centuries and I, therefore, say that this clause 23 under which you are again ousting the jurisdiction of the courts is a continuation of the mischievous policy which you began from the day that you came into power.

[Malik Barkat Ali.]

I will now come to another point of attack. You will be pleased to remember that when the motion for select committee was made by the Honourable Premier, I had told him that very day that this House was really not competent to enact this Bill and the reason that I gave was that it was perfectly clear from the provisions of this Bill, as originally introduced and from the Statement of Objects and Reasons, that the Government were going to tax capital, that capital was the concern of the Government of India and that this provincial Government could not touch it. I would draw the attention of the House to certain statements made in the Statement of Objects and Reasons. It is said in paragraph 3 :—

“The tax will be levied on the ‘capital value’ of urban buildings and lands which it is proposed to fix at a specific multiple of the annual value. The method of ascertaining the annual value has been detailed in clause 5 of the Bill and the multiple applicable to each area concerned will be found in the schedule attached to the Bill. At present the multiple entered in the schedule for all areas is 20”.

Again, in paragraph 4 the Honourable Mr. Manohar Lal says :—

“Provision has been made in the Bill for exempting from the tax (i) buildings and lands the capital value of which does not exceed Rs. 6,000 in the cities of Lahore and Simla and Rs. 3,000 in other areas ;”

In paragraph 5 it is said—

“Clause 3 (1) of the Bill specifies the maximum rate of tax as one per cent of the capital value of buildings and lands.”

When you come to the provisions of the Bill, as originally introduced, you will find that the provisions leave absolutely no room for doubt that this Government did introduce this Bill for the purpose of taxing capital. This is what they said in clause 3 of the original Bill :—

“3. (1) There shall be charged, levied and paid an annual tax on buildings and land situated in the rating areas shown in the first column of the Schedule to this Act at such rate, not exceeding one per centum of the *capital* value of such buildings and lands,.....”

Again, in sub-clause (c) of clause 4 of the Bill it was said that the tax shall not be levied “on buildings and lands the *capital* value of which did not exceed six thousand rupees.” In clause 5, they say that the *capital* value of any building or land situated within any of the rating areas shall be ascertained by multiplying the annual value by the figure shown in the second column, namely, 20 and where this multiple annual value is not a correct basis for calculating the *capital* value, the assessing authority shall assess the *capital* value in such and such a way. I had, therefore, on these grounds, said that the Bill was incompetent of the House as it could not tax capital. The Honourable Minister of Finance, who is a lawyer, got up and referred us to a full bench ruling of the Bombay High Court and said that according to that full bench judgment, they could tax capital.

**Mr. Deputy Speaker :** That provision is no longer in the Bill and the honourable member is not relevant.

**Malik Barkat Ali :** I am submitting that notwithstanding the change involved, the Bill remains what it was originally. (*Hear, hear*). That is the proposition. I do not admit for a moment that this nominal change in the Bill will alter the substance of the Bill, as ascertained according to those established canons of interpretation which must apply. Sir, I am

only at the beginning of my argument. I will read out to you the judgment of the Honourable Chief Justice, the Honourable Mr. Justice Beaumont. On page 69 of the Volume of All India Reporter for March, 1940, he says as follows :—

The Advocate-General submits that item 55 is directed only to a tax on the whole of the assets other than agricultural land of individuals and companies, and that it is directed to what is known as a capital levy. An analysis of the language employed in items 54 and 55 respectively affords scope for this argument but whether the contention be sound or not, in my opinion, it is impossible to say that this tax, although it is a tax on lands and buildings, is a tax on the capital value of the lands and buildings.

His brother judge said as follows—I am going to show to the House the nature of what the Honourable Minister of Finance was pleased to say, was *obiter dicta*. Broomfield J. on page 71 of the All-India Reporter says—

It was rather faintly suggested that if the impugned tax is not a tax on income, it must be a tax on capital and within the mischief of item 55. What is meant by the capital value of assets in that item is by no means clear, and the argument threw little light on the matter. It may be that what is intended is a tax on the total value of assets in the nature of a capital levy. In any case the measure of the capital value of assets would appear to be the market price. That would obviously be affected by several factors, e.g., mortgages and charges, of which the impugned tax takes no account.

So that you will be pleased to see that even in this full bench ruling of the Bombay High Court the contention whether such a tax is a tax which is outside the mischief of item 55 or comes within the mischief of item 55 was left open. In fact there was nobody's case in that court that the tax of the Bombay Government was a tax on capital. The only question in that case was whether the tax imposed was a tax on income, which also is forbidden field for the provincial Government, and the Bombay High Court held that the tax on annual rental value is not a tax on capital. (*Interruptions*). The Honourable Finance Minister on his own reading of the words of the schedule said that it was only a tax on the totality of the assets which was prohibited. Let us examine this argument. Supposing my assets contain ten items of property. Then according to the argument of the Honourable Finance Minister, he can tax the capital value of one item of property to-day, he can tax the capital value of another item tomorrow, of the third item the third day and so on and so forth, or he may take away one item by means of one piece of legislation and he may take away the remaining items by another piece of legislation. Now, can such an argument prevail with any right-thinking person that although the capital value of ten items is the preserve of the Government of India, yet the provinces can encroach upon that preserve by taking away 4 items, 5 items or 9 items at a time, always less than the total and thus reduce me to the status of a pauper by taking away 9 items, and still argue that the totality of 10 items has not been taxed? Therefore, my submission is that the argument is absolutely fallacious. I am sure the courts will come down upon this argument and reject it if ever this question goes there.

Now, I will take up the Bill in its present form. Being face to face with this objection of mine, the Government thought it better, and in the select committee that have made a few nominal amendments, the real amendment being that for the word 'capital' wherever it was used in the Bill, the words "annual value" have been substituted. The second amendment made in the select committee was that where in the original

[Malik Barkat Ali.]

Bill the rate of tax was one per cent on the capital value which capital value was fixed as being 20 times the annual value, the rate of tax adopted in this Bill, as it has come before us from the select committee, is 20 per cent on the annual value. It has already been made clear by several speakers that this leaves this Bill—so far as the amount of impost that they want to extract goes—exactly where it was in the original Bill. If this is the position, my submission is that the Government have obviously attempted to escape from the consequences of the law, and in this, let me tell them, they cannot possibly succeed, because, as was laid down by the Honourable Chief Justice of India in a ruling reported as 1939 Federal Courts, page 1,—I cannot do better than quote the Chief Justice, because his language is so beautiful and so fully and picturesquely brings out what has been attempted by the present Government. The Honourable Chief Justice says :—

“The courts are entitled to look at the real substance of the Act imposing it, at what it *does* and not merely at what it *says*.”

This Government seem to think that by change of language they can escape. But the Chief Justice says that the courts will look at what the Act does and not merely at what it says. You started exactly on the same lines and you wanted this identical money to be raised as a charge on capital. Being face to face with my objection, you have tried to remove it by the ugly and transparent guise of raising the percentage of the tax from one per cent to 20 times and by deleting the words ‘capital’ and retaining the words ‘annual rental value’ without its multiple 20. Here I should like to quote an English authority which the Honourable Chief Justice has referred to. It is reported in the All England Law Reports, 1937, Volume 3, page 598 and is a judgment of the House of Lords. This is what is said by Lord Atkin in his judgment at page 601 :—

“It is well established, by *Russel V. R.*, that you are to look at the ‘true nature and character of the legislation, . . . the pith and substance of the legislation’. If on the view of the Statute as a whole, you find that the substance of the legislation is within the express powers, then it is not invalidated, if, incidentally, it affects matters which are outside the authorised field. The legislation must not, under the guise of dealing with one matter in fact encroach upon the forbidden field”.

You cannot under the guise of dealing with the annual rental value encroach upon the forbidden field of the Government of India.

There is another objection and that is this that even assuming that this Bill does not tax the capital value and that it does not come within the mischief of item 55, it comes within the mischief of item 54 of the Government of India Act schedule. Item 54 says that tax on income other than agricultural income can only be imposed by the Government of India. Now, Sir, I maintain that this is a tax on income. You have used the words “annual rental value”. You have used these words and you have deliberately avoided the use of the word ‘income’ or the use of the word ‘rent’ for what you think are good reasons. You seem to think that if you use the word ‘rent’ or if you use the word ‘income’ the hammer of the law will at once fall on you. But do you seriously think that you can avoid this hammer fall? (*Interruptions*). I must tell you what the law is, so that it may not be said later that no member of the House warned the Government. My duty is to warn you. I was submitting that you cannot escape

this hammer-fall by using the words "annual rental value". After all, looking at the annual rental value and its definition—that it will be such value as the property may be reasonably expected to fetch if it is let—means that where a property is let out, the best measure and the best criterion of that annual rental value is the real income, the actual rent, which a person receives. It is only in those cases where the property is not let and where it does not yield any rent that you will be called upon to determine the real annual rental value. So, even the use of the expression "annual rental value" cannot suffice to exclude or negative the contention that you are really not taxing income. I maintain that you are taxing income. On that point, no doubt, you are sustained by the Full Bench of the Bombay High Court, where a tax on ten times annual value was held not to be a tax on income, on the ground that tax on income means tax on income which is actually received in one's pocket. But the Bombay ruling is not the last word on the subject. The Federal Court has yet to pronounce its verdict. Following the Bombay argument you have enacted that even if a person may receive nothing, not a single pie in the shape of rent, yet he will be liable to this impost which therefore can not be a tax on income. Whether this argument is good or bad, I do not want to go into it at this moment, but I do maintain that this is a tax on income and therefore, I warn this Government that by this very stupid effort and by this very thin guise—which I can see through and which every reasonable person can see through—by this attempt they are really placing themselves between two stools, between two fires. They are between the Scylla of capital on the one side and the Charybdis of income on the other. I submit that this Bill from all points of view is incompetent and illegal.

I will now deal with another argument. It was said by us that this Bill is really a vindictive Bill which is aimed primarily in all its bearings, at the residents of the towns. How does the Premier meet that argument? He says that this is not a Bill aimed at the residents of the urban areas only, as several residents of the countryside have got their houses at districts headquarters and will be liable to this tax. Some of you, have undoubtedly got one or two houses in these headquarter towns. There are some rich notables from the countryside who have got their houses built at headquarters. The honourable Sir Chhotu Ram has recently built a palatial house here and it has been said that he will have to pay the tax; but I put it to you, "Are you really serious in this contention"? The houses which you are going to touch by this Bill are according to your computation 4 lakhs in number. Out of these 4 lakhs, how many houses, I ask, belong to the members of the countryside statutory agriculturists living in their villages. Hardly a few hundreds at the most. You can give us the number as you have surveyed the field. You say you are going to tax houses which are 4 lakhs in number. How many of these houses belong to you in that technical sense? Then, the Parliamentary Secretary, Mir Maqbool Mahmood says in a mealy-mouthed fashion:—"We do not recognise any distinction between residents of urban areas and residents of rural areas". I wish that happy day would dawn on this province. We want this distinction certainly to be eliminated. We know who started this distinction. It was Sir Michael O'dwyer who injected this poison into the body politic of the province. I see that poison working beautifully, but the time

[Malik Barkat Ali.]

has come when this poison should be ejected. We do not want this distinction. It is you who have been emphasising this distinction. It is you who have selected these 272 urban areas. If you wanted to raise funds for nation building departments, it was up to you to come to the House. The Premier says: "I want to tax people according to their taxable capacity". The House accepts this basis. We do not run away from that basis. If you want to tax on that basis, why have you refused to tax or refused to bring within this measure those magnates, those Lords of Acres, who pay Rs. 50,000 revenue, those who pay Rs. 30,000 revenue, those who pay Rs. 10,000 revenue, those who pay Rs. 5,000 revenue and those who pay Rs. 1,000? Why have you left them out? You could as well have framed a taxation measure which could have applied uniformly on the basis of taxable capacity. You have selected the urban towns. In other words, these urban people do not according to you pay the tax which you want them to pay, and yet the argument has been advanced in this House with all the responsibility that can attach to a Minister's word that it is not a Bill aimed at the residents of urban areas. This is what the Premier says. I repeat that the Bill is aimed to apply exclusively and specifically to the residents of urban towns. Therefore it is palpably wrong and is an attempt to side track and mislead the public into thinking, that this is a Bill which is not aimed at the residents of urban areas. Such talk is pure bunkum. Sir, I have received innumerable letters not only from the Muhammadans but from the Sikhs and the Hindus protesting in a most vehement manner against this unjust measure. I do not want to give any communal turn to my argument. But if I were speaking only as a Muhammadan, I would say that this Bill is aimed more at the poor Muhammadans than perhaps any other people. I have with me an extract from the Eastern Times in which the Secretary of the Muslim League, Bombay, has written in the most vehement and strongest terms protesting against the urban tax by the Bombay Government. It was a tax imposed on the poor people, he says. I do not want to give the discussion a communal turn, but I want to tell you, as my friend Khawaja Ghulam Samad very rightly pointed out, that this measure will hit the poor Muslims more than any other. My honourable friend over there said: "No, it will fall on those rich people who are cutting the throats of the people and the poor Muslims, whom he is doing his worst to ruin". I do not know but the reference is clear. He was referring, as he has said on the floor of the House, to the money-lender cutting the throats of the poor people in the country. It is a most obnoxious measure. I, therefore, oppose it with all the strength of which I am capable. I know we are helpless. You have got a great majority; and as I have often said, this is a majority which with a slight change in the attitude of the powers that be, will become at once converted into a minority: it is a most undependable majority that takes its cue from other quarters; at the first hint, all these men will desert you. So, Beware! However it is our duty to our constituents to protest and to tell you that this measure is a measure of the greatest oppression. We may not be in a position to force your hands. We have done our best to warn you. Well, if we fail, that does not matter. I would particularly tell my friends on these benches that they should not despair and that they should take courage from the words of the poet who sings:—

"It matters not how deeply entrenched the wrong.

How hard the battle goes, how long.

Fight on, to-morrow comes the song."

**Raja Ghazanfar Ali Khan** (Parliamentary Secretary): I have heard with very great interest and patience the speech of my honourable friend, Malik Barkat Ali. He has spoken for about an hour and three-quarters and he has given proof that he has tried to study the subject. He has quoted sufficient data and figures. Some of them were very interesting although very misleading. Although I must congratulate him on his peroration, I must confess that certain portions of his speech were very disquieting. I was shocked to notice that he also has developed the tendency of becoming very much personal in his speeches. I think we should make up our mind once for all to give up this most undesirable habit of becoming personal. (*Interruption.*) I do not want to imitate him and therefore I will not give any reply in detail in regard to his attacks on the Development Minister and his travelling allowance bills. Such an insignificant matter should not have entered into this discussion at all. I know that lawyers and doctors when they are asked to appear in courts or see a patient outside Lahore charge at the rate of six annas per mile. (*An honourable member*: Why are you afraid of that?) What I submit is that after all travelling allowance money does not go into the pocket of the person undertaking the journey.

**Rai Bahadur Mukand Lal Puri**: Is any saving effected from the charge for travelling allowance? If no saving is effected then there is no harm.

**Raja Ghazanfar Ali Khan**: I think we should not go into that matter in detail. Next, my honourable friend unfortunately made what I may call an objectionable and disgraceful attack on the Premier regarding what his attitude would be if unfortunately the British Government was defeated in this war.

**Rai Bahadur Mukand Lal Puri**: What about his attacks on the urban people?

**Raja Ghazanfar Ali Khan**: Although there were sentences in the speech of my honourable friend, Malik Barkat Ali, which were so provocative that I felt like interrupting, yet I kept quiet. So I too do not want to be interrupted. His argument was that as Sir William Roberts had given notice of an amendment that the surcharge be reduced to half the amount which the Premier opposed the conclusion was that as Sir William Roberts was an Englishman and the Premier an Indian therefore, the Premier was more loyal to Englishmen than Englishmen themselves. Malik Barkat Ali evidently forgot that Sir William Roberts does not know the details of the situation. The Premier knows more than Sir William. The Premier knows that a major portion of the war contributions have come from the poorer classes. (*An honourable member*: Question.) I am stating only a truth when I say that a major portion of it has come from the poor villagers, the zamindars. Sir William Roberts does not know it. That is why the Premier thought that if these gentlemen would not like to

[Raja Ghazanfar Ali Khan.]

pay voluntary contribution towards this war there was no reason why a reasonable surcharge should not be charged from them to meet the expenses which the Government has to meet on account of this war.

**Rai Bahadur Mukand Lal Puri :** May I ask a question of the honourable member ?

**Raja Ghazanfar Ali Khan :** I do not give way. That was his argument. I agree that there can be a controversy on this point. It can be argued both ways. But from this argument my honourable friend came to the conclusion that if Hitler wins and the Britisher is defeated, he and his friend would still fight with Hitler while members of our party would present an address to him. I think it is only a perverted mind like that of my honourable friend that can draw that conclusion from this simple question of difference of opinion between Sir William Roberts and the Honourable Premier. I will not take this argument beyond this stage, because, if I do so I will be committing the same offence which Malik Barkat Ali has committed. So I will leave the point at that. The world knows, the Punjab knows, what capacity the Premier possesses and whether the martial classes of the Punjab are behind him or behind Malik Barkat Ali, what our past traditions are and what we have been doing with regard to the various invaders to whatever community the invaders might have belonged. However I need not argue that point any more.

Then my honourable friend tried to argue that we had great respect for Raja Narendra Nath and that now the Premier had mentioned his name with scorn. I assert that we still have great regard for Raja Narendra Nath's personality. We respect certain of his views. We respect his culture and we respect his family. But does it mean that we should agree with all his opinions ? May I ask Malik Barkat Ali if he agrees with the views of Raja Narendra Nath about the Pakistan scheme and the Muslim League resolution on the subject ? (*An honourable member :* That is irrelevant.) Why is that irrelevant ? If he does not agree with a particular opinion of Raja Narendra Nath, does it show that he has no respect for him ? Therefore if we cannot see eye to eye with Raja Sahib on the question of these Bills, that does not mean that we have no respect for him.

Another most unfortunate controversy that the Malik Sahib dragged into the discussion was the question of civil courts. I can tell him that the Premier has declared emphatically and several members, practically every member on this side has declared that we have perfect faith in the civil courts. We consider it our sacred duty to protect the rights and privileges and independence of civil courts as much as anybody else in this province can ; because we feel that the judiciary is the wall between the rights of the people and the encroachment which any person may make on them. We want that that wall should remain strong. Therefore, there is no use indulging in the puerile habit of getting printed in the Press that the Unionist Government has got no respect for courts. If the Honourable Minister for Public Works while addressing the panchayat officers in the refresher course said that when swaraj comes we will consider the High Court also like a big panchayat, he did not mean any insult to the High Court. On the other hand he paid the greatest compliment to the High Court. Because



we feel that the panchayats which will now come into existence will be representatives of the real people of the province. Therefore if you compare any institution with those bodies which are elected by the people on universal adult franchise I think you are paying that institution the greatest possible compliment. Therefore we do not mean any insult. I can assure the House that we have the greatest regard for the High Court. Of course sometimes our views may clash. Sometimes our opinions may come in conflict. But there is one fundamental fact behind this difference. Our own conception of provincial autonomy is that under this Government of India Act the provinces have very wide and unlimited powers. On the other hand my friends opposite think that the provincial autonomy is a mere farce and that legislators have no real power. That is a fundamental point on which we agree to differ. There is a certain school of politicians who would like to see unitary form of Government in India. There are others who would like to see the provinces absolutely independent and autonomous. That is an honest difference of opinion. We belong to that political party which believes that under provincial autonomy we have every power to legislate as we like.

That is our interpretation. And, sir, let me assure him that if the intention of the Parliament was to leave the provinces to depend entirely on this one rigid source of income, that is land revenue, I think they have cheated us all, because after all what is this source? Land revenue is a source of income that is very, very rigid. It is not flexible. It cannot increase by crores, it cannot increase even by lakhs. Therefore in a provincial autonomy where we have been given a wide franchise and the people are anxious to see beneficent departments being rapidly developed, new roads, medical arrangements, schools, hospitals, colleges, can it be expected that the provision made for the province to depend on the slender source of land revenue is fair? Therefore our own interpretation is that the provincial governments have full power to levy any tax they like on the people taking into account their capacity, except of course encroaching upon the source of income of the Central Government, and let Malik Barkat Ali know that we feel that we will be on perfectly safe grounds when we pass this Bill which will levy the tax on those who are rich enough to pay. My friend Malik Barkat Ali has quoted certain figures. I would not like to go into details because these figures have been quoted by my friend Malik Barkat Ali and I understand that the Minister for Development has also published those figures in the press. What I am concerned with is this, that the total amount of money collected by the Punjab Government is in the neighbourhood of 18 crores. That includes the share of income-tax which is paid by the Central Government. The entire taxes paid by the Punjab amount to about 18 crores. Out of these 18 crores roughly speaking 10 crores is land revenue and abiana. Out of the 18 crores which are levied, a major portion of it is again borne by the zamindars. Another thing we notice is that in this most unsatisfactory system a poor zamindar whose income is hardly Rs. 20 a year from his land is required to pay Rs. 5 to the Government. Would it be fair for those honourable gentlemen representing the rich classes, representing the capitalists, to grumble when they have to pay the maximum rate of 20 per cent of the annual rent which they

[Raja Ghazanfar Ali Khan.]

receive from their houses? I submit that the Government is to be congratulated for having brought forward this most equitable and just fiscal measure. This is the first time that the Government have brought forward an important piece of economic legislation where there is no communal distinction.

My friend Malik Barkat Ali has quoted just now that the people who will be affected by this Bill will be Muslims 16 lakhs, Hindus 11 lakhs and Sikhs 3 lakhs. I am very glad that that is approximately according to communal proportion. (*Laughter.*) This fact is in itself enough to show that so far as this Bill is concerned, there is no communal distinction involved directly or indirectly. Is that agreed? My honourable friend agrees.—

**Rai Bahadur Mukand Lal Puri :**—that all your facts and figures are wrong.

**Parliamentary Secretary :** I have taken these figures from the speech of Malik Barkat Ali.

**Mian Abdul Aziz :** Leave them alone. Tell us how many of them are agriculturists and how many non-agriculturists.

**Parliamentary Secretary :** Mian Sahib wishes me to leave them alone. I was saying that so far as this Bill is concerned, there is no communal question.

Let us take the next vexed question of agriculturists and non-agriculturists. I am very glad to say that this measure does not make any distinction between the agriculturists and the non-agriculturists, because it applies to both classes equally. If my friends have any doubt, I can give them facts and figures but I would not like to take the time of the House by giving figures. (*Interruption.*) The lady member wishes me to give the figures, so I will just give one instance. Malik Barkat Ali only just now stated that there are hardly forty houses in Lahore belonging to statutory agriculturists and my friends Rai Bahadur Mukand Lal Puri and Rai Bahadur Gopal Das said : Oh, yes.

**Rai Bahadur Lala Gopal Das :** No, no. I have not taken any census of the houses.

**Raja Ghazanfar Ali Khan :** Let me inform you that one agriculturist member of this House.....

**Rai Bahadur Mukand Lal Puri :** Nobody made that statement.

**Mr. Deputy Speaker :** I would request the honourable members not to interrupt.

**Rai Bahadur Mukand Lal Puri :** My honourable friend is putting certain figures into my mouth. I have not made a speech so far.

**Mr. Deputy Speaker :** That is not a point of order.

**Raja Ghazanfar Ali Khan :** I think the Government will be well advised to tax the impatience of the members opposite. I was saying that at least there is one statutory agriculturist who owns fifty houses in Lahore which will be liable to be taxed under this Act. (*An honourable member : Question.*) Here is my friend Sayed Amjad Ali.

**Rai Bahadur Lala Gopal Das :** Would you class him as a rural member or an urban member ?

**Raja Ghazanfar Ali Khan :** As an agriculturist.

**Rai Bahadur Lala Gopal Das :** I do not think he owns any houses here in Lahore. His father may possess them or his grandfather, but not he.

**Raja Ghazanfar Ali Khan :** If he does not possess, his father is also a statutory agriculturist. Then there is Mian Sahib sitting opposite. Ask him whether he is a statutory agriculturist or not.

**Mian Abdul Aziz :** You may take away all my houses.

**Raja Ghazanfar Ali Khan :** Then there is Begum Shah Nawaz. Is she not a statutory agriculturist ? There is then the Nawab of Mamdot. Is he not a statutory agriculturist ? I can assure you that so far as this tax is concerned, I would not like to give any exact figures at present, because I do not believe in making wild statements, but let me tell you that a substantial portion of the burden will be borne by the agriculturists. Then it is not only Lahore to which this Bill will apply. Take Pind Dadan Khan, Jhelum, Gujrat, Campbellpur where most of the houses belong to statutory agriculturists. Therefore this Bill neither makes a distinction between communities nor between classes.

Then my honourable friend referred to urban and rural. I think these words have been invented just to define the geographical conditions under which people live. As a matter of fact if the Premier had accepted my advice, he should have made this Bill universal. It would not have made any difference so far as the practical side of the Bill is concerned. Because what does this Bill mean ? It only means that you will be charging a maximum of 20 per cent on the rental value of the house. Suppose you go to a village. Suppose you go to the village of my honourable friend, the Minister of Public Works, Kalra. There he has got a magnificent house, almost like a palace and you try to find out the rental value. It may not be able to fetch a rent even of Rs. 2 a month. (*Laughter.*) Naturally he will come under the exemption clause. (*An honourable member :* Kalra is not mentioned in the Bill). (*Interruption.*) The honourable members may put whatever question they want. I am in a mood to give them way.

**Mian Abdul Aziz :** May I ask one question ? What is the total number of houses which belong to statutory agriculturists which come under this scheme and what is the number which belong to non-agriculturists ?

**Raja Ghazanfar Ali Khan :** May I ask a question in return ? What is the total number of non-agriculturists whose houses will be taxed under this Act ? (*An honourable member :* That is not answering a question.) (*Interruption.*)

**Mrs. J. A. Shah Nawaz :** May I request you, Mr. Deputy Speaker, to try and see that there is some order in this House ? Only yesterday a visitor had come from another province and he was dining with me last night. He said, 'is this the Punjab parliament or is it a menagerie' ?

**Chaudhri Jalal-ud-Din Amber :** On a point of order. This remark is an aspersion on the chair.

**Raja Ghazanfar Ali Khan :** I was trying to prove and I have proved that if these gentlemen were to take facts and figures into consideration, this measure makes no distinction between classes or sects or communities. So far as taxation is concerned, my honourable friend, Malik Barkat Ali, gave us some figures which I personally think are quite correct. But the conclusions he deduced therefrom are entirely wrong. As a very clever lawyer he is naturally in the habit of drawing wrong conclusions and trying to prove that they are right conclusions. He said that a major portion of the tax is practically paid by the urban people, so far as railways are concerned. Now so far as this is concerned, there are only two sources of income to the railway, one is income from passengers and the other, income from goods. So far as income from passengers is concerned, 95 per cent of it comes from 3rd class passengers, that is, it is the poor zamindars who form 88 per cent of the population who pay it. (*An honourable member :* Is it a tax?) Yes. My honourable friend said that the railways only recently yielded about 25 crores to the general revenues. Therefore it is a tax.

**Malik Barkat Ali :** May I for the information of my honourable friend say this, that the railways make out of their earnings, under the Government of India Act, a certain contribution to the general revenues? They now pay something to the extent of 18 crores or more but that is not a tax. Sir Malcolm Hailey in that statement of tax proceeds which he prepared for the Joint Select Committee puts a big zero opposite Railways because railway receipts are not a tax.

**Raja Ghazanfar Ali Khan :** The railways make annual contribution to the general revenues. If he is not aware of it, he may know it now. Therefore he cannot claim that he is alone responsible for the benefits he derives under defence and arms. This small sum of one crore of rupees does not carry us very far.

So much has been said about the burden which would fall on the urbanites. May I ask, where do these urbanites derive their income from? Their income is either from industries or from agriculture. So far as the Punjab is concerned, I do not think I can conceive of any other source of income except these two. Now, so far as industries are concerned, I do not think the Punjab is a great industrial province and the income derived from industries is very small. Therefore all the wealth, all the income drawn in this province is from the zamindars. If some leading lawyers have constructed magnificent palaces in Lahore, 95 per cent of their income comes from zamindars. Therefore whatever taxes we get from the urbanites we get them back as a portion of our own money. (*Interruption.*) There are of course a few industries and my honourable friend Dr. Sir Gokul Chand Narang may have derived money from industry, but not everybody. I do not think there are more than 20 or 30 mills in this province. These gentlemen have been harping on one argument and that is, what is the contribution per head? We urbanites are 87 and the ruralites are 13. They ask us as to how much tax we pay per head. This is the first time in my life when I hear that in levying a tax you should count heads. The only fair principle is to charge the tax from those who have money. To tax those

who have no money is to my mind distasteful and if it were in my power, I shall to-day remit all land revenue paid by those poor people who cannot even afford to earn their living from those lands. (*An honourable member: Why do you not do it?*) Let us raise another 4 crores and we shall do it.

Now a question has been asked as to what the Government will do with this money. When we have not got a definite idea as to how much money we will get by this taxation, how can we give any details? But let them rest assured that the Government will bear two things in mind. One is giving all reasonable relief to the poor zamindars and the other is the spending of more money on the beneficent departments which will help the rural areas. At present unfortunately the condition of poor zamindars in the villages is most deplorable. In this province you know what has been the life of a poor villager. He thinks that if he can get enough bread to eat and if he can just sit under the sun during winter and under a shade during summer, that is his highest ambition. Even these people pay their share of the taxes. That being so, why should not these gentlemen sitting opposite feel sympathy for those poor zamindars? Why should they not feel that these poor people who cannot even earn their bread do not mind when they are charged taxes. They have been paying it cheerfully, at any rate they have not threatened the Government with legal proceedings, they, I am sure, never think of defying the Government or going to the Federal Court or the High Court. This is the first time that the Government has decided to levy a tax on these classes and who can pay and we hear so much protest and so many threats from interested gentlemen. I can assure you that what we are doing is the natural consequence of the rights which this country has now gained from the British Government. It is a democratic Government. It is a democracy that is responsible for this. It is because in this House there is a majority of the representatives of these poor zamindars with whom nobody showed, nobody had any sympathy previously. As long as that majority remains, and I am sure that that majority shall always remain, the days of their exploitation have gone. Let my friends express as much impatience as they like, let them hold out any number of threats, let them take any kind of legal proceedings they want, but in one form or the other, we may have to change the words, we may have to change the language, we may have to change the clauses of the Bill, whatever steps we may have to take, we shall take and achieve one end and that end is that taxes should be paid by those who have and relief should be granted to those who have not. (*Hear, hear.*)

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, I am in a peculiar position. On the one hand I am considered to be a ruralite because I am a zamindar as I pay annually over Rs. 1,000 as land revenue to the exchequer. On the other I am taken as one of the urbanites because owing to the extension of the municipal limits of Lyallpur a considerable portion of my lands and property has come within the purview of this Bill and will be subject to the property tax. Besides, I have strong ties with certain commercial and industrial concerns in the province. In view of my happy connections both with the rural and urban areas I would endeavour to discuss the matter dispassionately. I would not follow the ruralite representatives who advance no reasons for doing a thing but believe in achieving their object by sheer strength of numbers. Nor would I allow

[Mian Muhammad Nurullah.]

myself to copy the urbanite representatives who only place one side of the picture before the public. I would, therefore, express my impartial view on the subject, as a citizen of the Punjab. I may state at the very outset that I am not at all opposed to the imposition of the property tax. But it is a matter of great regret that much unnecessary heat has been engendered during the discussion of the Bill and an unnecessary attempt has been made to raise the question of ruralites *versus* urbanites. This has happened because Government has utterly failed to adduce facts and figures for the purpose of convincing the honourable members on this side of the House regarding the desirability and justification of this tax. On the one hand a book has been published which advocates the cause of the urbanites and demolishes the line of argument put forward by the Government. On the other, Government have taken no pains to put proper data before us so that it may be said that the tax proposed to be levied by them is fair. I understand that the Honourable Chaudhri Sir Chhotu Ram made an attempt to refute the figures given in that book by writing an article in the newspapers, which I could not read owing to paucity of time. However, I made up my mind to clear up the position for myself as to why the ruralites raised this hue and cry that the urbanites were lightly taxed and the urbanites said that they were already over-burdened with taxes. As a matter of fact I wanted to know the cause of this heart-burning in the ruralites. I consulted the budget of this year and searched out the relevant facts and figures which I would briefly bring to the notice of the honourable members. The gist of that research is this. The income of the exchequer is more than Rs. 14 crores instead of about 12 crores as shown in the budget. The reason of this discrepancy is that Government do not include deduct entries of Rs. 160 lakhs and Rs. 38 lakhs on account of irrigation and hydro-electric scheme respectively. I claim to be a sound statistician and my figures show that the urbanites who constitute 13 per cent of the population of the Punjab, make a contribution of roughly 15 per cent to the exchequer. If we include the income-tax paid by them to the Central Government, then their total share of taxes might come to roughly 20 per cent. Then there is another important aspect of the matter. We have to see how the disbursement of the provincial revenues is effected. We find that out of 14 crores about Rs. 3½ crores go out of the province in the form of salaries to Europeans, overseas allowances and other payments. This amount is in no way spent in the cities. But out of the remaining 10 crores less than 6 crores are expended on rural areas and under 4 crores on urban people. Thus urbanites being 13 per cent contribute 20 per cent at the most and utilize about 40 per cent of provincial revenues and the zamindars obtain only 40 or 50 per cent of what they contribute to the provincial exchequer. That is the amount spent by the Government on the welfare of the ruralites and it is not commensurate with either their population or contribution. This is the real cause of the heart-burning in the rural people. It is a pity that Government have not cared to work out these details for explaining the real position regarding contribution and expenditure as between the so-called ruralites and urbanites. It is regrettable that in spite of the fact that services of able statisticians and that of a great secretariat are available to the Government, they have made no endeavours to collect the data for satisfying the people. It is a pity that they always think in terms of the comfortable

majority at their back. They believe that when they can accomplish things with the help of numbers, they need not worry to place facts and figures justifying the proposition before their opponents.

Then, Sir, nobody is against the principle underlying this Bill. I for one sincerely believe that a property tax should be imposed on the urbanites. Even the representatives of the urban people are not opposed to the principle. The difficulty arises out of the incidence of taxation. The tax should not be so heavy as to crush the urban people. I tabled about a few dozen amendments with the sole purpose of reducing the rigours of the tax. If my honourable friends want to levy this tax on the urbanites, they should not do so with a vindictive mind. No discriminatory treatment should be accorded to them. Previously Government wanted to impose this tax on the basis of capital value. When this proposal met with a vehement opposition, the Government changed their course and proposed to charge 20 per cent tax on the annual rental value instead of one per cent on capital value. Result is the same. I consider this percentage to be exclusive and heavy. It should be cut down to 10 or at the most 15 per cent. This would be a happy mean and everybody would welcome it. I, therefore, suggest to Government that when they frame rules they should try to tone down the rigours of this tax so that it may not cause untold hardships to the urban people.

I think that the amendments made in this Bill during the select committee stage or during its consideration clause by clause do not go far enough. We do not know what will be done by the Government when rules are made. Much depends upon the rules that have yet to be framed by the Government. The rate of tax has remained 20 per cent as was originally proposed in the Bill. Just as before persons with an annual income of Rs. 1,200, that is Rs. 100 per month will have to pay Rs. 30 per month as tax under this Bill. That will constitute a great hardship. I want that the present rigours of the Bill should be removed to the minimum limit.

Besides, there must be many more exemptions in deserving cases at the time of making rules. For instance, if a clerk lays by something every month after observing economy and making many sacrifices, and when he retires builds a house in a town by spending all the money that he thus saved during the long service of 30 years and lives in it, would the Government not exempt him from the payment of this tax? Surely, he will have no other income than what he can get as rent or his pension. He must have spent his last penny in erecting that house. The Government should try to exempt such cases from the operation of this Bill. If this exemption is not made the poor fellow will think that by paying tax on his house, he is living, so to say, in a house which belongs to somebody else, and not to himself.

Then there is the case of widows and orphans, who may have absolutely no other source of income except the Houses which they inherited from their ancestors. Such people must be given some concessions through the rules which the Government will prepare. On grounds like these I feel it my duty to criticise the Government.

[Mian Muhammad Nurullah.]

Again, let us consider what adverse effect this Bill will have on the development of our industries. I am afraid this measure will retard the progress of industries in the Punjab. That will be the ruination of the province as a whole because if the urbanites suffer, the ruralites will also be adversely affected thereby.

I also want to urge another important point which I am afraid Mr. Deputy Speaker might declare to be out of order. But it has strong bearing on the discussion of this Bill. The Government will spend this money as lavishly as it has been spending the previous funds. May I ask where the previous funds have gone and how the proposed taxes will be spent in the future? I would like to quote here some facts and figures from the budgets of 1931, 1932, 1933 and 1934 and compare them with the budget of recent years.

**Mr. Deputy Speaker :** Order, please. The honourable member is not relevant.

**Mian Muhammad Nurullah :** My point is only this, whereas the Government used to manage its affairs with 9 crores or 10 crores of rupees in the previous years, how is it that it cannot now be content even with 14 crores of rupees? This points to the inefficiency of the Government and its officers. My question is as to how and for what purpose the Government will spend this one or two crores of rupees which will be raised through this Bill. My honourable friend Raja Ghazanfar Ali Khan said that it would be spent on the zamindars.

**Raja Ghazanfar Ali Khan :** I did not say so.

**Mian Muhammad Nurullah :** The Honourable Premier had also remarked that the Bill was intended to equalise the burden of taxation on the urban as well as the rural people. But may I ask what they have been doing for the last four years they were in office? They could have mitigated and lightened the burden of the zamindars already if they had so desired. But they have done nothing of the kind. They have not even acted on the advice of their own Retrenchment and Resources Committee.

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

**Mian Muhammad Nurullah :** The famine of Hissar is over now. The money saved from that item should be spent on granting remission to the zamindars.

**Mr. Deputy Speaker :** Please speak to the motion.

**Mian Muhammad Nurullah :** Sir, I am speaking about the money which will be raised through this Bill. I am, therefore, perfectly relevant. My real object in criticising the Government is to ask them to decrease the rigours of the Bill. The zamindars whose lands have now come within municipal limits had already been heavily assessed, specially the areas near the towns. Colony towns already pay a very heavy rate of Teh zamini about Rs. 2-5-0 a marla. Lands within the municipality, therefore, are already paying high rates of land revenue. Now they will be charged additional tax under this Bill. So those zamindars will be doubly hit. They were already paying much more than the average rate of the assessment circle. To that land revenue will be added this tax of 20 per cent. So,



the total paid by the owners of these lands will exceed 50 per cent. The third hardship to which they have been put is that town planning schemes are not being approved with respect to those lands. No house can be built and no income can be derived from them. The Government should order that this tax may only be imposed on such lands when 6 months have elapsed after the town planning schemes have been passed. The present tax should on no account be imposed before any building scheme is approved.

My next point is that appeals and revisions should not lie with executive officers like the deputy commissioners or commissioners, because they are apt to be biassed in favour of the party in power and be hostile to the opposite party or persons having any self-respect and those who hold independent views.

Moreover, sir, there is a section regarding valuation. According to this rule the officers of the Government will estimate the rental value of the urban property. This will result in a good deal of botheration to the public. I suggest that in all those towns where house tax is already levied the same figures relating to valuation may be taken for purposes of the property tax as were prepared for the assessment of the house tax by the municipalities. In all such towns where house tax is assessed the property may not be valued a second time for it will result in good deal of expense both to the Government and the people. It will give chance to the officers entrusted with the work of valuation to coerce people into giving them bribes, etc. The facts and figures prepared by the municipalities for purposes of house tax may be taken for the levy of the property tax.

The rules may be framed in such a manner that the widows and orphans may get some concession. The rules should not be such as may result in hardship to the orphans and widows.

As regards the war levy I have no objection to it. To begin with let it not exceed 5 per cent. I pray that the war may terminate as early as possible, and the war theatre may not extend to India. And if the war has to extend to India as well then we are also prepared to pay to meet its charges. What we have to do we must do at once, and in a way which may not cause any hardship to those who are not able to bear the burden of more taxes. Defence of our province and the country should be our first concern and no effort spared to make the defence as strong as possible. Delay would be suicidal. If a regular defence programme is at once taken in hand I should think no one, ruralite or urbanite, would have any objection. A permanent rate of a loan of 20 per cent as urban property tax must be opposed. In the end I request that every attempt may be made to remove the rigours of this Bill which would soon become an Act.

**Rai Bahadur Mukand Lal Puri** (Rawalpindi Division, General Rural): On the very first day that this Bill was placed before this House, the position of the Government that rural people were taxed more than the urban people was controverted not by a mere denial but by facts and figures and the Government was invited to controvert that position if they could

[R. B. Mukand Lal Puri.]

Now what has the Government done to meet that position? They have not placed before the House any facts and figures drawn either from official or non-official sources to controvert that position and they go on persisting in their assertion without supporting it by any material. This is a most curious way of dealing with any subject by a responsible Government and much less with an important subject like taxation and then taxation to an extent to which this Bill proposes to go. The Government did not choose to appoint a committee to go into the question and report on it. They have not consulted any expert opinion outside the Government. They have not even consulted the experts that they possess. The House has not had the advantage of even the opinion of any official of the Finance Department. The Government or the Cabinet has not placed before this House or before the province any report by even one of their Financial Commissioners on the vexed subject of rural and urban taxation. They have not put before the House a single opinion of any expert, official or non-official in support of their pet theory that rural people pay more in taxation to the revenues of this country beyond the bare *ipse dixit* of the Honourable Minister for Development. Have they even consulted their own Financial Commissioners—three of them—whose main business is to collect revenue and the finances of this province? Were they at all consulted and if so, did they inform the Government that the rural people were taxed more than the urban people? Did they even consult all their colleagues? They have, fortunately, amongst themselves a gentleman whom the Honourable Premier was pleased to describe the other day 'an economist of repute'. Have they placed before this House the opinion of 'that economist of repute', Mr. Manohar Lal, that the assertions of the Honourable Minister of Development has any semblance of truth that it is supported by any facts and figures? Is this economist of repute prepared to support the statement of the Honourable Minister of Development that the 'entire burden of taxation is being borne by the rural people'? He has not cared to open his lips on this subject, although he is a Minister of Finance and this Bill appeared under his name on the agenda paper. A vast majority of educated people of this province believed that the assertion of the Government in this respect is baseless. Would not the Government like to justify their position by the appointment of an expert? Why do they not get expert opinion even now? After all experts would place certain facts and figures before us. Why do they fight shy of enquiry, why are they afraid of light being thrown on this subject? They do not consult the experts, nor accept the conclusions of experts embodied in taxation enquiry reports or other published papers. What is the necessary and inevitable inference from the conduct of the Government? The conclusion is that the facts and figures placed before the House by Malik Barkat Ali and by other members of the House have not been controverted at all. The mere denial by the Honourable Minister of Development is nothing without any support from any official or non-official sources. Therefore, the entire basis for this taxation stands on sand. There is absolutely no foundation for the baseless suggestion that the urban people are not paying more than their due share of taxation. Tax people if you like, without rhyme or reason, but do not imagine you have any justification for it and kindly do not do so in a vindictive spirit as has been

done in this case. We are familiar with the speeches of the Honourable Minister of Development who had been trotting round the whole province at public expense and saying, "I am going to squeeze out of the urban people six crores of rupees". If that is the spirit in which a particular class of population, to which the Honourable Minister of Development does not belong, have to be taxed, then God help this province. I do hope that that spirit and that attitude of mind is not that of all the members of the Government or at any rate of the majority of the members of their party. In any case, an enquiry is certainly called for, with a view to determine whether the raising of additional taxation amounting to crores from the urbanites is justified on any ground of fairness, justice or of equality of taxation. Have all the members of the Cabinet satisfied themselves in this respect?

Let me refer to another oft-repeated assertion. Over and over again it has been stated on the floor of this House that a rural person, even if he has got one marla of land, has got to pay a certain amount of taxation in the form of land revenue. Why should people living in towns, who do not pay any income-tax be exempted from contributing to the provincial exchequer? There is exemption from income-tax, it is stated, in the case of people who do not earn more than two thousand rupees a year. This is certainly true, but why is it so? It is because the income-tax is levied on a graduated scale and people who earn large incomes in towns agree to pay more than their humble brethren. We all know that the lowest rate of income-tax is nine pies, the man who earns five thousand rupees pays one anna and three pies and people above that pay two and a half annas in the rupee. Then we go to four annas and ultimately you reach the limit of eight annas in the rupee. The man earning less in the towns is exempted because people who make more income in the towns agree to pay more. That is how that man gets the exemption. Why do you not adopt the same method of assessment in the case of land revenue and give relief to the small holder? We wish that the land-owners of small holdings should be entirely exempted. But how can you exempt them? You can do so by adopting a graduated system of land revenue, that is, smaller rates for smaller owners and higher rates for people who own large pieces of land. This is a suggestion made by the Indian Taxation Enquiry Committee in the year 1935. Sir, this is again definitely within the purview of the provincial legislature. Agricultural income is one of the items on which the provincial legislature can levy a tax. If you want to exempt the owner of one marla of land, do it by all means, but do so by adopting a graduated scale of land revenue, as is done with respect to the income-tax. I do not wish to enquire into the reasons which have prompted the Government to introduce this Bill. They have been referred to at great length by some of the honourable members. But I cannot ignore a matter which has been pointedly referred to by Raja Ghazanfar Ali Khan, one of the Parliamentary Secretaries. He pointed out, with reference to the objections raised by Malik Barkat Ali, that the Premier knew more than Sir William Roberts about the state of the province and therefore he was more enthusiastic about certain matters than Sir William Roberts, and he said that the urban people or the trading

[R. B. Mukand Lal Puri.]

classes were not making such contributions to the war effort compared to people living in rural areas. On this matter I sent a question to the Honourable Speaker asking the Premier to lay on the table of the House the amounts of contribution that had been made to the Viceroy's war purposes fund districtwise and communitywise and that would have disclosed as to who had contributed to that fund and who had not and how much. It has been repeated in several speeches outside this House in the province, specially with reference to the Hindus, that they were not making proportionate contributions to the war efforts. I am not aware of all the facts, but the facts that I know lead me to make a statement on the floor of the House that the Hindus and the trading classes of Hindus, whether living in rural areas or urban areas, have contributed more than their proportionate share to the Viceroy's war purposes fund and other funds which have been raised in this province. I deliberately put a question to the Premier, asking him to lay a statement on the table of the House. If there are no rules which prevent the disclosure of that information, he would certainly take us into his confidence and disclose that information to us. I am saying this because I am not against war effort and I say that the maximum war efforts be made by every community. But some of the speeches made by the Honourable Premier are not likely to bring about the maximum war effort which some of us desire. The method of achieving the best results is not by telling people that they have done nothing towards the war efforts, but the better method is, 'you have done well, but you can certainly do better and you should still do better'. I am stating here the position of my community that the statements which have been made by some responsible Minister of the Crown to run them down on this score are not at all justified.

**Premier :** I think my honourable friend is labouring under a misapprehension. I have in public speeches thanked urban people, specially in the districts of Gujrat and Hoshiarpur and where it was brought to my notice that the urban people are helping, I thanked them and I was grateful to them for their help and said, as my honourable friend just mentioned, that they would do more. But I have also received reports from other districts where they have not done what they should do and I appeal to them on this occasion that they will now take their share of the burden also and help in the war efforts.

**Rai Bahadur Mukand Lal Puri :** Why I am raising this point here is that I wish to know whether those speeches—I am not referring to the Honourable Premier—were made with a view to lay the foundation of this taxation. If the Honourable Premier or the Government think that the proportion of the contribution of the Hindus of this province is less, let them place facts and figures on the table of the House and those of us who want that their contribution should not be less shall see that that proportion is made up.

**Premier :** There is no question of Hindus or Muslims. Some Hindus, specially the South-Eastern District Hindus, have paid beyond their resources.

**Rai Bahadur Mukand Lal Puri :** What I am stating is that the contribution of the Hindus of this province as a whole I am not dividing

them into urbanites, ruralites, southern or western districts—is much more than their proportion in the population and considering even their paying capacity.

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

**Rai Bahadur Mukand Lal Puri :** I am speaking to the motion. I was submitting that the contribution of the Hindus of this province as a whole is much more, considerably much more, than their share in the population or in the paying capacity. That is my contention and if anybody wishes to controvert it, he should controvert it with facts and figures. I have satisfied myself by enquiries in proper quarters.

**Chaudhri Tikka Ram :** We do not want to join with my honourable friend.

**Rai Bahadur Mukand Lal Puri :** The Parliamentary Secretary does not wish to join with me and to be reckoned as a Hindu of this province.

**Mr. Deputy Speaker :** The honourable member should proceed with his speech and speak to the motion.

**Rai Bahadur Mukand Lal Puri :** I did not like to mention this matter at all, but this incorrect statement was unfortunately hinted by Raja Ghazanfar Ali Khan on the floor of the House to-day and that is why I have thought it proper to contradict it and I am glad that the Honourable the Premier has supported my assertion, otherwise I should not have touched upon this rather delicate ground. In any case, no harm will be done, if for comparison and statistical information the Government were to place on the table of the House the information with regard to the contributions made by the various districts and divisions, and communities. That might help the war effort itself.

**Mr. Deputy Speaker :** I would request the honourable member not to repeat his own arguments over and over again.

**Rai Bahadur Mukand Lal Puri :** The Raja Sahib in his speech said that this taxation makes no distinction between the members of the agricultural tribes and those who are not members of the agricultural tribes and then he referred to one or two instances on the floor of the House and said, here is a member of the agricultural tribe who owns scores of houses in a particular town. Now, a member of the statutory agricultural tribe, Mian Abdul Aziz, who adorns the Opposition Benches, asked him whether he seriously maintained that this taxation was going to fall mainly on the members of the agricultural tribe, although some members of that tribe may own houses in towns; and the answer was 'no'. In fact an argument like that begs the whole question and shows the straits to which Government are reduced in defending this oppressive and discriminating piece of legislation.

**Premier :** May I ask Mian Abdul Aziz what is the population of Arains in Lahore?

**Mian Abdul Aziz :** Why this question to me at this particular moment? Are you going to give their share in the Cabinet?

**Mr. Deputy Speaker :** Order, order, please. The honourable member may go on with his speech.

**Rai Bahadur Mukand Lal Puri :** I wish to close my speech by recording my emphatic protest not only against the principle of the Bill which is based on discrimination but also against the excessive rate, the vindictive rate at which this taxation is being levied.

**Mr. Deputy Speaker :** The question is—

That the question be now put.

*The motion was carried.*

**Premier :** Sir, I do not think I need take much time of the House at this late stage but certain remarks made by my honourable friend Mr. Puri call for some reply. He asked whether the statutory agriculturists are going to pay their share. My information is—and I speak subject to correction—that the Arains alone, who are an agricultural tribe, constitute a lakh and 12 thousand of the population of the Lahore city within municipal limits.

**Mian Abdul Aziz :** All together.

**Premier :** That is only one tribe within the municipal limits. That is more than one quarter of the population. Then there must be Rajputs, then there must be Awans, then there must be Jats and other agricultural tribes. I think if somebody makes a research he will find that more than half the population consists of agricultural tribes. They are used to paying and I do not think they will speak like my honourable friend over there. Sir, I am grateful to the members for trying to expedite the business. We have discussed this measure threadbare and we have tried to meet all legitimate and reasonable demands which have been put forward by any member of the House. I have tried my best in the select committee to reduce the rigours of the Bill and to see that no particular provision would be harsh; and in this House also we have accepted some amendments which try to make this Bill more palatable, I cannot say absolutely palatable, to my honourable friends opposite. I may also assure you that when the rules are framed I will see that they are carefully framed so as not to give any undue power to the assessing authorities to harass the people and to see that they are justly and fairly assessed and realised without any undue harshness. I might also add, for the information of my honourable friends, that this surcharge will be spent mostly on the expenditure which we have already incurred or which we are likely to incur directly in relation to our expenditure, for instance on A. R. P. and the additional police which we have to employ on account of the war. We have also to pay proportionate expenditure from the provincial revenue for the civic guards. Therefore I may assure Mian Nurullah that we will be doing everything possible in the interest of the province itself to save it from all those contingencies which he mentioned. This amount will be spent, though it will not go very far, for meeting the emergencies; and as soon as the war is over the surcharge would be removed. I have already given an undertaking to this House that it would in no way exceed 10 per cent. We have made many amendments and the land revenue paid will be deducted from the actual levy of cess. As I have already said I am going into the matter further and it is possible that I may come to the conclusion that we should start still lower than 10 per cent in the beginning, and increase it gradually if necessary. So, all legitimate grievances of my honourable friends have been met. I

can assure them that I will try to go through the rules and see that they do not unduly harass the assessee or anybody else and to see that the incidence of taxation is not suddenly fixed at a pitch which may prove a real burden on the people. With these words I thank the House for their help in passing this measure. It is of the greatest importance because it is a departure in the legislative policy of this province. Formerly there was only one royal road and that was of revenue, except from certain sources, through the agency of the patwaris, etc. We have no the way and I hope that eventually by further legislation the tax would be so adjusted that no section of the citizens may believe that one section has to bear more than their share while the other is treated leniently. It is a departure in taxation, but no section of the people should feel that it is a burden and that it is harsh. If you want to establish democracy and self-government you will have to impose some tax, and therefore in the interest of the province if we all have to bear our share of the burden we should do so willingly and cheerfully. I hope my honourable friends will go out and tell the people that we have tried our best to minimise the harshness to the poorer classes by getting them exempted, and so far as more affluent classes are concerned tried to be as lenient as was possible under the circumstances.

**Mr. Deputy Speaker :** The question is—

That the Punjab Urban Immovable Property Tax Bill be passed.

*The Assembly divided : Ayes 47, Noes 17.*

AYES.

Abdul Haye, The Honourable Mian.	Muhammad Akram Khan, Khan Bahadur Raja.
Abdul Rab, Mian.	Muhammad Ashraf, Chaudhri.
Ahmad Yar Khan, Chaudhri.	Muhammad Azam Khan, Sardar.
Ali Akbar, Chaudhri.	Muhammad Hussain, Chaudhri.
Amjad Ali Shah, Sayed.	Muhammad Jamal Khan Leghari, Nawab Sir.
Anant Ram, Chaudhri.	Muhammad Nawaz Khan, Major Sardar Sir.
Ashiq Hussain, Major.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Balwant Singh, Sardar.	Muhammad Yasin Khan, Chaudhri.
Faiz Muhammad, Shaikh.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Faqir Hussain Khan, Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fateh Muhammad, Mian.	Nasrullah Khan, Rana.
Fazl Ali, Khan, Bahadur Nawab Chaudhri.	Nawazish Ali Shah, Sayed.
Fazal Din, Khan Sahib Chaudhri.	Pir Muhammad, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.	Pohop Singh, Rao.
Ghazanfar Ali Khan, Raja.	Ram Sarup, Chaudhri.
Gopal Singh (American), Sardar.	Ranpat Singh, Chaudhri.
Hans Raj, Bhagat.	Ripudaman Singh, Rai Sahib Thakur.
Jafar Ali Khan, M.	
Jogindar Singh Man, Sardar.	
Karamat Ali, Shaikh.	
Khizar Hayat Tiwana, The Honourable Malik.	
Manohar Lal, The Honourable Mr.	
Maqbool Mahmood, Mir.	

Shahadat Khan, Khan Sahib Rai.	Sumer Singh, Chaudhri.
Shah Nawaz, Mrs. J. A.	Tara Singh, Sardar.
Sikander Hyat-Khan, The Honour-	Tikka Ram, Chaudhri.
able Major Sir.	Ujjal Singh, Sardar Bahadur Sardar.

## NOES.

Shah Nawaz, Mrs. J. A.	Muhammad Nurullah, Mian.
Sikander Hyat-Khan, The Honour-	Muhammad Raza Shah Jeelani,
able Major Sir.	Makhdumzada Haji Sayed.
Shahadat Khan, Khan Sahib Rai.	Mukand Lal Puri, Rai Bahadur.
Shah Nawaz, Mrs. J. A.	Rashida Latif Baji, Begum.
Sikander Hyat-Khan, The Honour-	Sadiq Hassan, Shaikh.
able Major Sir.	Santokh Singh, Sardar Sahib Sardar.
Shahadat Khan, Khan Sahib Rai.	Sita Ram, Lala.
Shah Nawaz, Mrs. J. A.	Sohan Lal, Rai Bahadur Lala.
Sikander Hyat-Khan, The Honour-	
able Major Sir.	

*The Assembly then adjourned till 12 noon on Monday, the 16th December 1940.*



# PUNJAB LEGISLATIVE ASSEMBLY.

## SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 16th December, 1940.

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

### STARRED QUESTIONS AND ANSWERS.

PAYMENT TO TRIBUNE, CIVIL AND MILITARY GAZETTE, HINDU, INQILAB, ZAMINDAR AND SHAHBAZ FOR ADVERTISEMENT.

\*6988. Mr. Dev Raj Sethi : Will the Honourable the Premier be pleased to state the rates, respectively, of advertisement sanctioned by the Director, Information Bureau, for insertion in (i) *The Tribune*, (ii) *The Civil and Military Gazette*, (iii) *The Hindu*, Lahore, (iv) *The Inqilab*, (v) *The Zamindar* and (vi) *The Shahbaz*, Lahore, and the bills of advertisement paid to the above papers during the twelve months ending 31st March, 1940 ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Individual newspapers have agreed to charge Government concession rates for the publication of various kinds of advertisements. These concessions have been given on the stipulation that their nature and extent are not made public. In these circumstances it will not be fair to the newspapers concerned to disclose the information asked for in the first part of the question.

As regards the second part, the collection of the information will involve labour and expenditure out of all proportion to the results.

### RULES GOVERNING HOLDING OF DARBARS.

\*7415. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether there are any rules for the holding of Darbars by the officers of the Government ; if so, whether he will be pleased to lay a copy thereof on the table of the House ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : No specific rules for holding Darbars exist, but instructions are issued from time to time to regulate procedure when Darbars are held. The attention of the honourable member is, however, invited to Punjab Government Consolidated Circular No. 21 (Darbaries) which is a priced publication.

### DANGEROUS CURVE ON MILESTONE 18 ON KOTKAPURA-BAGHAPURANA ROAD.

\*6940. Sardar Pritam Singh Siddhu : Will the Honourable Minister for Public Works be pleased to state whether it is a fact that near mile 18 on Kotkapura-Baghapurana Road in Ferozepore district.

[S. Pritam Singh Siddhu.]

there is a dangerous curve due to the slanting bridge over the canal distributary where it is crossed by the said road and that there have been many accidents close to the bridge of this distributary; if so, the steps Government intends to take to remove this danger to the public?

**Parliamentary Secretary** (Shaikh Faiz Muhammad): There is no such curve as mentioned by the honourable member in mile 18 of the Moga-Kotkapura Road. Presumably the honourable member refers to the curve in mile 18 of the Kotkapura Road. If so, action is being taken to improve it.

#### FAMINE RELIEF WORK IN ROHTAK DISTRICT.

**\*7120. Pandit Shri Ram Sharma:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Famine Relief Work has been stopped from 15th September, 1940, in the district of Rohtak and from the end of September in the district of Hissar;
- (b) the number of labourers in each district at the time of closure of the work;
- (c) the nature of relief works carried on till the closure of the Famine Relief Work in the above-mentioned two districts;
- (d) what is being done or is intended to be done for the poor people of those villages in these two districts where crops have completely failed after the closure of the Famine Relief Work?

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

(b) District.	Week ending	Daily average of workers.
Hissar	.. 28th September, 1940	3,184
Rohtak	.. 14th September, 1940	1,679

(c) Some labour was absorbed by the Western Jumna Canal Extension Scheme: famine labour employed on the excavation of tanks, the construction and metalling of roads, and miscellaneous works of utility, e.g., *watbandi*.

(d) The health organization is being maintained at its reinforced strength; and gratuitous relief will be distributed where necessary. The possibility of constructing work of public utility in the neighbourhood is still being explored.

#### IRRIGATION OF LANDS BY EXTENSION OF WESTERN JUMNA CANAL AND SIRHIND CANAL.

**\*7336. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of the villages of Hissar and Rohtak districts, tahsil-wise, which will be irrigated by the proposed extension of the Western Jumna Canal and Sirhind Canal, respectively;
- (b) the date by which this work is likely to be completed?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a) Three lists<sup>1</sup> showing the names of the villages of the Hissar and Rohtak Districts, tahsil-wise proposed to be irrigated by the proposed extension of the Western Jumna Canal, are placed on the table.

I must impress on the honourable member that the details of villages given in these lists are purely provisional, and the information given now must not be taken to bind Government in any way.

There is no such scheme as Sirhind Canal Extension.

(b) It is impossible at this stage to make any statement as to when the works in this connection are likely to be completed. It is hoped to provide a limited supply to the Tosham Extension during the kharif of 1941. Similarly, it is hoped to provide a strictly limited supply to the Beri Balaut and Pai Rohana Extensions by kharif 1943.

#### SUPPLY OF WATER TO VILLAGES AT THE TAIL OF WESTERN JUMNA CANAL.

**\*7337. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state with reference to the reply to starred question No. 4822,<sup>2</sup> dated 15th January, 1940—

(a) whether the villages in the Hissar and Rohtak districts at the tail of the Western Jumna Canal had sufficient and full supply of water in the last kharif season as promised in that reply;

(b) whether the revenue authorities have received any representation from the persons living in villages mentioned above at the tail of Western Jumna Canal complaining of the short supply of water in the last kharif as well; if so, the action taken thereon?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** (a) The work foreshadowed in reply to Assembly question No. \*4822<sup>2</sup>, of the 15th January, 1940, has been carried out. Consequently the supply of irrigation water to irrigated villages on the tail channels in the Hissar and Rohtak and other districts served by the Western Jumna Canal has been as adequate as the river supply would permit.

(b) All irrigated villages invariably complain that they do not get sufficient water. If channels are in good condition and works properly maintained, the available river supplies are properly distributed. Vexatious and unfounded complaints are invariably filed. Genuine complaints respecting isolated instances of inaccurate distribution are invariably enquired into and remedied as rapidly as the rules permit.

#### PATWAR SCHOOLS.

**\*7338. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state whether any *patwar* school is likely to be opened in the Ambala division in 1941; if so, in which district and where?

<sup>1</sup>Kept in the Assembly Library.

<sup>2</sup>Volume XI, page 281.

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** Decisions are taken in February when the number of schools to be opened and their location is decided.

**FAILURE OF CROPS IN CERTAIN VILLAGES  
IN LUDDHIANA DISTRICT.**

**\*7355. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the crops in villages Jodhpur, Pirkot, Chananwal and Bhaini in Ludhiana district failed for four successive years as it was brought to the notice of the Honourable Minister of Development by the zamindars concerned when he visited Shahna in the year 1939; if so, the relief, if any, granted to the sufferers?

**Parliamentary Secretary (Raja Ghazanfar Ali Khan):** In 1936-37 and 1937-38 crops were normal. In 1938-39 and 1939-40 conditions of drought prevailed and the barani crops were not good. On examination it was found that relief was due in the shape of suspension of the land revenue demand, but the zamindars preferred not to take them and paid the entire demand. Relief was, however, given in the shape of taccavi loans for the purchase of fodder.

**JOINT DEVELOPMENT BOARD.**

**\*6966. Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state—

- (a) the constitution of the Joint Development Board and its Executive Committee;
- (b) the dates on which its meetings were held during the past two years;
- (c) the total amount spent so far by the Board out of the Joint Development Fund since it came into existence?

**Parliamentary Secretary (Chaudhri Tikka Ram):** (a) A statement is laid on the Table.

(b) The Board met once each year on 29th April, 1939, and on 5th June, 1940.

(c) There is no fund known as "Joint Development Fund". The total expenditure of the Board from 1927-28 to 1939-40 amounted to Rs. 64,887 and was met out of the general revenues of the province.

(a) (1) The constitution of the Joint Development Board is as under:—

**PRESIDENT.**

The Honourable Minister of Development.

**VICE-PRESIDENTS.**

The Secretary to Government, Punjab, Development Department.

The Secretary to Government, Punjab, Electricity and Industries Departments.

**MEMBERS.**

**Officials.**

1. The Director of Agriculture, Punjab.
2. The Agricultural Engineer.
3. The Principal, Mayo School of Arts, Lahore.
4. The Principal, MacLagan Engineering College, Moghalpura.

*Non-officials.*

(Representatives of Industrial interests.)

1. The Honourable Rai Bahadur Ram Saran Das, C.I.E., M.C. S.
2. Sir Daya Kishen Kaul, K.B.E., C.I.E., D.B.
3. Rai Bahadur Panna Lal, Proprietor, Upper India Glass Works, Ambala City.
4. Sheikh Sadiq Hasan of Amritsar.
5. Rai Bahadur Seth Maha Narain of Lyallpur.
6. Khan Sahib Chaudhri Abdul Karim of Lahore.
7. Sheikh Mohammad Ismail of Lyallpur.
8. Dewan Harbhagwan Nanda of Lahore.
9. Dewan Daulat Ram of Gujranwala.

(Representatives of Commercial interests.)

1. Sardar Sahib Sardar Sampuran Singh Chawla of Lahore.
2. Mr. J. J. Haslet of Dhariwal.
3. Rai Sahib Lala Janki Das of Lahore.
4. Mr. W. J. Campbell of Lahore.
5. Mr. Balkishen Munjal of Amritsar.
6. Mr. Satya Paul Virmani of Amritsar.
7. Rai Bahadur Pandit Balak Ram Pandya of Lahore.

(Representatives of Agricultural interests.)

1. Sir W. Roberts, C.I.E., M.L.A., of Khanewal.
2. Colonel Sir E. Cole, Coleyana Estate, Montgomery.
3. Rao Pohop Singh, M.L.A., of Gurgaon, District Gurgaon.
4. Sayed Afzaal Ali Hasnie, M.L.A., of Lahore (dead).
5. Sardar Bahadur Sardar Gurbachan Singh, Rais of Alwalpur.
6. Khan Bahadur Nawab Fazal Ali, M.B.E., M.L.A., of Gujrat.
7. Sardar Jogindra Singh Man of Qila Sardar Harnam Singh, District Sheikhupura.
8. Mian Sultan Mahmud Hotiana, M.L.A., of Hota, District Montgomery.
9. Chaudhri Ram Sarup, M.L.A., of Rohtak.

SECRETARY.

The Director of Industries, Punjab.

(2) No Executive Committee has yet been elected since the reconstitution of the Board in July, 1939.

AGRICULTURAL LAND AS SECURITY FOR THE LOANS ADVANCED IN AID OF INDUSTRIES.

\*7218. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Development be pleased to state whether it is a fact that applications of several of the members of the notified agricultural tribes for State aid to industries were rejected during the last few years on the ground that they could offer only agricultural land as security for the loans ?

**Parliamentary Secretary** (Chaudhri Tikka Ram) : The reply is in the negative.

ENFORCEMENT OF THE PUNJAB TRADE EMPLOYEES ACT.

\*7414. **Sardar Sampuran Singh** : Will the Honourable Minister of Development be pleased to state when it is proposed to enforce the Punjab Trade Employees Act passed in the last session of the Assembly ?

**Parliamentary Secretary** (Chaudhri Tikka Ram): Attention of the honourable member is invited to the reply to part (a) (i) of starred question No. 6935<sup>1</sup>.

**Mian Abdul Rab**: Is the Parliamentary Secretary aware of the fact that the employees in shops are anxious to have this Act enforced immediately?

**Parliamentary Secretary**: Yes, I think people are anxious. As soon as the rules are framed, the Government will put the Act into operation.

**Mian Abdul Rab**: Will the Parliamentary Secretary please state whether Government has received representations and telegrams to the effect that the Act should be enforced immediately?

**Parliamentary Secretary**: The honourable member is right.

#### FEMALE PRISONERS, LAHORE CENTRAL JAIL.

**\*6774. Mr. Dev Raj Sethi**: Will the Honourable Minister for Finance be pleased to state—

- (a) the number of female prisoners in Lahore Central Jail suffering from tuberculosis;
- (b) the total number of deaths during the last 12 months of the female prisoners giving separately the number of deaths due to tuberculosis?
- (c) what special arrangements for treatment of tubercular patients are made by the jail authorities both inside and outside the jail premises?

**Parliamentary Secretary** (Rai Sahib Thakur Ripudaman Singh).

(a) None.

(b) Three: all of tuberculosis.

(c) There is no separate ward for the treatment of T. B. cases in the Lahore Female Jail. Such cases are kept separate from other patients in a verandah of the Jail hospital and are there given suitable treatment.

#### CIVIL SUITS AND CIVIL COURTS IN HARYANA DISTRICT.

**\*7126. Pandit Shri Ram Sharma**: Will the Honourable Minister of Finance be pleased to state—

- (a) the number of civil suits decided and pending in the civil courts in the districts of Rohtak, Gurgaon, Hissar and Karnal, respectively, at the end of each year during the years 1937, 1938, 1939, and during the period from 31st January, to 31st October, 1940?
- (b) the decrease during these years in the number of civil suits at places in the above-mentioned districts from where civil courts have been removed wholly or partially?

**Parliamentary Secretary** (Rai Sahib Thakur Ripudaman Singh) :  
The required information is given in the attached statement.

(a)

Name of district.	1937.		1938.		1939.		FROM 1ST JANUARY TO 31ST OCTOBER, 1940.	
	Decided.	Pending.	Decided.	Pending.	Decided.	Pending.	Decided.	Pending.
Rohtak ..	4,350	1,643	4,126	914	2,847	492	1,408	729
Gurgaon ..	2,815	987	2,510	1,037	2,530	413	1,085	405
Hissar ..	3,446	1,387	3,222	694	1,880	352	865	364
Karnal ..	6,271	1,797	5,286	1,125	3,701	802	1,898	525

(b)

Name of Court.	1937.	1938.		1939.		1940.	
	Institution.	Institution.	Decrease as compared with the last year.	Institution.	Decrease as compared with the last year.	From 1st January, 1940, to 31st October, 1940, Institution.	Decrease as compared with the last year.
*Subordinate Judge, Sonapat (District Rohtak).	936	730	156	507	273	317	190
†Subordinate Judge, Jhajjar, District Rohtak.	1,073	1,007	68	849	158	60	789
Subordinate Judge, Gurgaon.	2,678	2,278	400	1,797	481	1,210	587
‡Subordinate Judges, Hissar.	3,442	2,529	913	1,538	991	1,037	501
§Subordinate Judges, Karnal.	2,125	1,712	413	1,414	298	1,055	359

\*The court of the Subordinate Judge, Sonapat, was abolished on 12th February, 1940; and the court of the Subordinate Judge, Jhajjar, was abolished on 4th September, 1940.

†One court was abolished in 1940.

‡One court was abolished in 1939 and one in 1940.

§The court of one Subordinate Judge was withdrawn from Karnal in 1940.

## CRIMINAL CASES IN COURTS AT LUDHIANA.

**\*7319. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Finance be pleased to state the number of criminal cases filed in each court in the Ludhiana district during the last two years in which charges were framed against the accused without taking all the evidence referred to in section 252 of the Criminal Procedure Code, and after recording the evidence of one or two or three witnesses at the most ?

**Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :** The attention of the honourable member is invited to section 254 of the Code of Criminal Procedure and the power given to the magistrate under that section where, if the magistrate is of the opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused. I have also to point out that it will be an exceedingly troublesome matter to collect criminal cases of the type which the honourable member has in view.

## METALLING OF ROADS IN FEROZEPUR DISTRICT.

**\*6795. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Public Works be pleased to state when the roads given below in the Ferozepore district will be metalled :—

- (i) Baghapurana-Nathana Road ; (ii) Malout-Fazilka Road ; (iii) Giddarbaha-Muktsar Road ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** For reasons stated below there is no early prospect of metalling these roads :—

- (i) *Baghapurana-Nathana road.*—The Nathana Sub-Tahsil is surrounded by Indian States and unless the portions of the roads in the States territories are metalled it will be waste of money to metal the portions lying in the Punjab.
- (ii) *Malout-Fazilka road.*—A metalled road connecting these towns via Abohar already exists and it is considered that this connection sufficiently serves the present needs of the ilaqa.
- (iii) *Giddarbaha-Muktsar road.*—These towns are already connected by a metalled road via Malout and Lambi. Giddarbaha is also connected with Malout by railway.

**Pir Akbar Ali :** Is the Parliamentary Secretary aware that the road from Fazilka police station extends to more than 20 miles and there is no road at all ?

**Parliamentary Secretary :** I am sorry I am not so very conversant with the topography of that place.



CONVERSION OF NOTIFIED AREA COMMITTEES INTO ELECTIVE  
LOCAL BODIES.

**\*7058. Sardar Sampuran Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) at present the number and the names of local bodies in the province in which there is no provision for elected majorities and for elected presidents ;
- (b) the number and the names of such notified area committees which have been converted up to date into elective local bodies by the present Government ;
- (c) the number and names of such local bodies in which nominated element as compared with that existing on 31st March, 1937, has been increased and also the extent to which it has been increased giving the reasons for this increase ?

**Parliamentary Secretary (Shaikh Faiz Muhammad) :** (a) (i) Number and names of local bodies in the province in which there is no provision for elected majorities :—

1. *Municipal Committees—*

- |               |                  |
|---------------|------------------|
| 1. Kasumpti.  | 6. Dharmsala.    |
| 2. Pindigheb. | 7. Dalhousie.    |
| 3. Isakhel.   | 8. Murree.       |
| 4. Kalabagh.  | 9. Khanewal.     |
| 5. Simla.     | 10. Mian Channu. |

2. All notified area committees in the Punjab consist of appointed members only.

3. The District Boards of Mianwali and Dera Ghazi Khan.

(ii) Number and names of local bodies in the province in which there is no provision for elected Presidents :—

1. Municipal Committee, Kasumpti.
2. Municipal Committee, Simla.
3. Municipal Committee, Dalhousie.
4. Municipal Committee, Murree.

[Sh. Faiz Muhammad.]

In all notified area committees the president is nominated.

(b) The notified area committee of Mandi Baha-ud-Din was converted into a town committee in 1933.

(c)—

Serial No.	Name of local body.	Increase in nominated seats.	Reasons.
1	Municipal Committee, Rohtak ..	2	The increase was sanctioned in each case with a view to securing proper representation for the various communities.
2	Municipal Committee, Kaithal ..	1	
3	Municipal Committee, Fazilka ..	2	
4	Municipal Committee, Amritsar ..	1	
5	Municipal Committee, Rawalpindi ..	1	
6	Municipal Committee, Lyallpur ..	3	
7	Municipal Committee, Gojra ..	1	
8	Municipal Committee, Pakpattan ..	1	

#### CONSTRUCTION OF NEW ROADS.

**\*7390. Mr. Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- the amount of money that the Government have ear-marked or decided to spend for the construction of new roads in the province during the current financial year ;
- which of the *kutchha* roads, if any, will be made *pakka* (metalled roads) during the current financial year ;
- the length of the roads mentioned in (b) above ;
- the number of licensed public vehicles plying on fare on these roads respectively at present ?

**Parliamentary Secretary (Shaikh Faiz Muhammad):** (a) Rs. 10·87 lakhs.

(b), (c) and (d). A statement showing the information is placed on the table. The metalling of the roads mentioned in the statement will be started this year but excepting the few cases where the lengths are small, the metalling of these roads will take some years to complete depending on the availability of funds.

*Statement showing new roads which are to be metalled, the metalling of which will be or has been started during the year 1940-41, and the number of licensed public motor vehicles plying thereon.*

Serial No.	Name of road.	Length in miles.	Number of licensed public vehicles plying for fares.
1	Ghatta Hill-Mandi .. ..	45.5	43 (33 goods vehicles licensed in the Mandi State and 10 vehicles licensed in the Punjab).
2	Toba Tek Singh-Chichawatni ..	30.3	..
3	Pind Dadan Khan-Khewra ..	5	..
4	Bharwain-Chintpurni .. ..	1.65	No permit has been issued specifically for this route. The passengers for Chintpurni travel by vehicles sanctioned for Hoshiarpur-Bharwain road on which 18 vehicles ply.
5	Khushab-Mianwali .. ..	55	..
6	Lahore-Moga near Harike .. ..	3	52
7	Kote Isa Khan-Harike .. ..	18	2
8	Lak-Jhawrian .. ..	18.12	..
9	Kot Chutta-Jampur .. ..	18	..

*N.B.*—Roads mentioned in item Nos. 2, 5, 8 and 9 above lie in regions which have not yet been settled. The old public motor vehicle licence did not restrict a vehicle to any particular route or area.

#### MAINTENANCE OF POLICE ESTABLISHMENT BY SMALL TOWN COMMITTEE, MANDI DABWALI.

**\*7409. Chaudhri Sahib Ram :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that a number of municipal committees in the province have been relieved of the obligation to maintain a sufficient police establishment for police requirements within municipal limits and that the Small Town Committee, Mandi Dabwali, which is even now paying Rs. 1,500 annually for the maintenance of such establishment, has not so far been relieved of this obligation, if so, the reasons therefor?

**The Honourable Malik Khizar Hayat Tiwana :** Yes. In several municipalities and small towns, including Mandi Dabwali, the expenditure for watch and ward has still to be borne by the local body concerned; because the proposal to substitute regular police for town watchmen was abandoned for want of funds.

**DISPENSARIES IN SUB-TAHASIL NATHANA, FEROZEPUR DISTRICT.**

**\*6801. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Education be pleased to state—

(a) the number of dispensaries in sub-tahsil Nathana in the Ferozepore district and police station Kot Bhai giving the areas served by such dispensaries ;

(b) whether any lady doctor or nurse *dai* has been attached to any such dispensaries for maternity cases ?

**The Honourable Mian Abdul Haye :** (a) Five. Any person from any area can come to any dispensary.

(b) Of the five dispensaries two have a nurse *dai* each. A third dispensary will also be provided shortly with a nurse *dai*.

**HIGH SCHOOLS IN FATEHABAD AND SIRSA TAHSILS.**

**\*7406. Chaudhri Sahib Ram :** Will the Honourable Minister of Education be pleased to state whether he is aware of the fact that the number of high schools in Fatehabad and Sirsa tahsils of the Hissar district is too small to meet the educational requirements of the people of these two tahsils ; if so, the action intended to be taken in the matter ?

**The Honourable Mian Abdul Haye :** The Government High School at Sirsa is a single section school. The question of providing another school in this Tahsil, therefore, does not arise. The one middle school with optional English classes at Fatehabad has very poor attendance. In the circumstances, it is not desirable to start another high school in Fatehabad or Sirsa Tahsils.

**DISPENSARIES IN SIRSA TAHSIL.**

**\*7408. Chaudhri Sahib Ram :** Will the Honourable Minister of Education be pleased to state whether he is aware of the fact that the number of dispensaries in the Sirsa tahsil of the Hissar district is too small to afford adequate aid to the people of that tahsil, if so, the action intended to be taken in the matter ?

**The Honourable Mian Abdul Haye :** There is undoubtedly room for increase in the number of dispensaries in the Sirsa tahsil as in other parts of the province. Primarily it is the duty of the District Board, Hissar, to provide medical aid for the inhabitants of the rural areas. Efforts will, however, be made to open some subsidized dispensaries next year.

**SHORT NOTICE QUESTION AND ANSWER.**

**CONVICTION AND SENTENCE OF MUNSHI HARI LAL, M.L.A.**

**Dr. Sir Gokul Chand Narang :** Will the Honourable Minister of Finance be pleased to state whether he is aware that Munshi Hari Lal, M.L.A., has been convicted and has been sentenced to one year's rigorous imprisonment and fine of Rs. 800 by the District Magistrate of Multan ; if so, the class in which he has been placed in the jail ; whether he has been placed in ' A ' class and if not, the reasons therefor ?

**The Honourable Mr. Manohar Lal :** He has been placed in 'A' class.

**Mian Muhammad Nurullah :** Do I understand that Government has issued instructions that all satyagraha prisoners should be placed in 'A' class ?

**Minister :** Government has issued general instructions that any M. L. A. prisoner who is convicted as a satyagraha prisoner would be placed in class 'A'.

**Mian Muhammad Nurullah :** And that no 'A' class prisoner should be handcuffed ?

**Minister :** They should not be handcuffed.

**Mian Muhammad Nurullah :** Was not Chaudhri Krishna Gopal Dutt handcuffed ?

**Minister :** I have no knowledge.

**Mian Muhammad Nurullah :** Why was not my short notice question on this subject allowed ?

**Minister :** I have not seen that question.

**Rai Bahadur Mukand Lal Puri :** Will the Government be pleased to issue instructions that while under trial M.L. As. will be given 'A' class treatment ?

**Mr. Speaker :** That does not arise.

#### LEAVE OF ABSENCE OF LALA DESHBANDHU GUPTA, M.L.A.

**Mr. Speaker :** I have to read out to the Assembly the following application received from Lala Deshbandhu Gupta for permission to be absent from the Assembly. The application reads as follows :—

With reference to rule 33 of the Rules of Procedure of the Punjab Legislative Assembly I have the honour to state that for reasons of inability incurred on account of political conviction, I shall not be able to attend the Assembly during the present session and I therefore seek permission of the House to be absent from the House.

The question is that the permission asked for be granted.

*Permission was granted.*

#### ADJOURNMENT.

**Minister of Finance (The Honourable Mr. Manohar Lal) :** I beg to move :—

That the House on its rising to-day shall stand adjourned to Monday, the 20th January, 1941, at 12 noon.

*The motion was carried.*

#### RESOLUTIONS.

**Mr. Speaker :** The House will now resume discussion on the Resolution moved by Sardar Wali Muhammad Sayyal Hiraj.

LOANS FOR STARTING STATE-OWNED OR STATE-MANAGED  
INDUSTRIES.

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural) (Urdu):  
Sir, the resolution as amended now before the House is as follows :—

This Assembly recommends to the Government to raise whenever necessary and desirable adequate loans for starting wholly or partly state-owned and state-managed industries in the province.

Now the resolution as amended seeks to empower the Government to raise adequate funds instead of one crore of rupees as originally proposed. Let us see what difference this new suggestion will make. You know, Sir, that when the Hissar and Rohtak districts were visited by a severe famine about three crores of rupees were set apart by the Government to provide relief to the people of the famine-stricken area. If I remember aright 96 lakhs were spent during the first year and the same amount had to be spared for the purpose during the second year also. Now that fortune has smiled on the people of that area and they had good showers of the welcome rain the curse of famine has been removed and the Government will thus save at least 96 lakhs of rupees. I ask, why not utilize that amount for the purpose visualized in this motion? Even if it be not possible to spare the whole amount you can at least afford to set apart half the amount, i.e., Rs. 48,00,000 for starting new industries. I think there is no need of raising a new loan. Moreover, what does usually happen when the Government raises a loan for such purposes? Let us take the case of the Hydro-Electric Scheme. It has not been brought on commercial lines up to this time. The expenditure on this scheme was originally estimated at 2½ crores of rupees, but it went on increasing year after year. There were a good many supplementary demands under this head till the expenditure rose to more than double the original estimate. Still there were further demands and in the end the scheme was completed at a cost of about 9 crores. And what is the income? No more than 49 lakhs of rupees. Of course, I speak subject to correction. If any honourable member cares to make sure he can consult the budget, but I think these figures are correct. So many promises were held out that this scheme would pay its way in a very short period, but what is the result? They have wasted so much money of the poor zamindars of the Punjab and, what is more, they try to befool us by juggling with figures. In the general Budget working expenses are not included in the total of provincial revenues. This is done in the case of other departments also. For instance, Rs. 1,60,06,000 are deducted from the total receipts of the Irrigation Department. This is done so that the zamindars may not realise that they are paying to the Government about fifteen crores of rupees and not 11 crores, 78 lakhs and some thousands. Anyway, there is no doubt about the fact that there has been criminal waste of money in connection with Hydro-Electric Scheme. And the reason is not far to seek. It is want of proper control. I am sure that if proper control were exercised the scheme could be completed with 3 crores of rupees and thus 6 crores could have been saved. Now take another aspect of the matter. The income from this department is, as I have said, about 49 lakhs of rupees while the working expenditure amounts to 38 lakhs. Have you ever heard of a businessman spending 38 lakhs on a business which brings him no more than 49 lakhs? This is due to their top-heavy administration. Now, if another loan is raised the same story is

sure to be repeated. There will be neither any advancement of industry nor any reduction in unemployment among the poor classes. The whole amount will be wasted on the salaries and allowances of high officials. That loan shall have to be repaid by the zamindars. It will be their money and the Government knows only how to waste it.

Again, we are not without some experience of the business acumen of this Government. They invested two lakhs of rupees in a sugar factory at Panipat or Sonipat. The Honourable Sir Chhotu Ram is not present in the House, otherwise I would have asked him to tell us what happened in connection with that factory. May I ask whether the Government has no person who can understand anything about such matters? Is it not a pity that a concern, where a man like Mr. Macpherson, the Financial Advisor to the Co-operative Department represented the Punjab Government, was running at a loss on account of mismanagement and at last had to go into liquidation? This means that the whole money invested in that concern is gone. We know what liquidation means. The expenses of liquidation have become so high that neither creditors nor shareholders can expect to gain anything from this process. When the Peoples' Bank went into liquidation we were given to understand that its assets amounted to two crores of rupees as against liabilities amounting to one crore and some odd lakhs. I held shares of that bank worth Rs. 25,000 of which I had already paid Rs. 12,500. I thought that since the assets of the bank were in excess of its liabilities I would not have to pay anything more. But I was counting without my host. The expenditure on liquidation itself rose to such an extent that the third call of 25 per cent was made. Well, Sir, having thus paid 75 per cent of the price of my shares I was still thankful that although I had lost Rs. 18,750, it was better than having lost the full amount of Rs. 25,000. But that was not to be. After sometime the fourth call of 25 per cent was also made. The same will be the case with this concern and the Government is sure to lose all the money invested there.

This is only one example of how our Government starts and runs industries. There are many others where the results were no different. I have been a member of the Public Accounts Committee and I know what happened in the case of Shahdara Tannery. I often drew attention to the unbusiness-like methods of the Government but to no effect. The Finance Member was the chairman of the committee and whatever he said was dittoed by the majority of the members. At last it proved a miserable failure. I hear that some unfortunate person has committed the blunder of his life and purchased that factory. God help him.

Of course I do not mean to say that the Government should not be allowed to do anything in respect of the advancement of industries. On the contrary I am of the opinion that it must do as much as it can. But it must adopt the right and business-like methods. Our Government never consults proper persons and leaves such important and complicated matters in the hands of its sycophants howsoever unfit and undeserving they may be. I am sure that if the Hydro-Electric Scheme had been in the hands of a businessman or a syndicate it would have fetched very high profits at a

[Mian Muhammad Nurullah.]

comparatively lower cost. If the Government wants to undertake any industrial scheme it should not forget that those who can dance attendance on the Ministers and their friends are not necessarily good businessmen or industrialists.

Now, leaving aside the huge sum of 9 crores spent on the Hydro-Electric Scheme let us turn to the Lahore Sewerage Scheme. This scheme is going to cost a huge sum of money. It was urged upon the Government to start or to subsidize such industries in our own province as would produce the material required in connection with this scheme. If the money which is now going to other provinces or foreign countries were utilized for that purpose there would have been much saving in expenditure and at the same time a good many poor men would have got employment. But no heed was paid to all such suggestions. Not only that. In certain cases our Government does not care even to reply to such representations. The Government of India attends promptly to the representations and suggestions made by the Chambers of Commerce, but it is not so with the Punjab Government. Here the Indian Chamber of Commerce very seldom gets a reply in such cases. In all matters relating to municipal affairs the Administrator is all in all. When any representation is made to the Government he takes it upon himself to issue a rejoinder. Thus practically the Government have abdicated in favour of the Administrator in such important matters on which depends the prosperity of the whole province. So have they done in many matters within my knowledge. Instead of encouraging any local industrialist the Administrator awarded the contract for the supply of Hume Pipes to an Englishman from Jhansi, and a similar treatment is meted out to all the suggestions of responsible persons and organisations.

In the end I would request the Government to take stock of the whole situation and change its methods. If it wants to start any industries it should see that previous blunders are not repeated. Moreover, the work of industrialisation should start from rural areas even if you have to start with such small industries as fruit preserving and fruit canning. From the rural areas you can gradually reach the cities where your initiative and guidance are not required as much as in the countryside.

**Mr. Speaker :** I shall first put Rai Bahadur Lala Sohan Lal's amendment to the vote of the House. The question is—

That in line 3 after the word 'industries' the words 'as do not already exist', be inserted.

*The motion was lost.*

**Mr. Speaker :** The question is—

This Assembly recommends to the Government to raise whenever necessary and desirable adequate loans for starting wholly or partly state-owned and state-managed industries in the province.

*The motion was carried.*



# CADETS FOR ORDINARY AND EMERGENCY COMMISSIONS.

**Sardar Tara Singh** (Ferozepore South, Sikh, Rural) (*Punjab*) :  
I beg to move that :—

This Assembly recommends to the Government to urge upon the Army Department of the Government of India the vital importance of recruiting the bulk of their cadets both for the ordinary and emergency commissions from the ranks of enlisted classes.

By this resolution I ask the Government to make amends for the injustice that has been done to the martial classes. Sir, the members of the martial classes had laid their lives in the battle of Gallipoli and had been buried under snow in France but when the time for reward came it went to those who did not belong to these classes. This is not justice. My complaint, therefore, is against the practice of enlisting men from the non-martial classes in the officer's rank while the file consists of only martial classes. The Central Government instead of encouraging the martial classes for their remarkable services rendered to the Crown during the last great war went to such an extent as to take the bulk of the recruits from non-martial classes. And our surprise knew no bounds when we saw that according to the then passed resolution by the Central Assembly to the effect that non-martial classes also be given chance in armies, even Madrasis and Bengalis had been taken in the army whom we had never thought fit for fighting purposes amidst thundering guns. The reason for taking them in the army is obvious. They can speak simple Urdu and better English than the Punjabis. As a matter of fact we do not grudge it but our objection is that if the Military Department wanted to give them officer's rank they should have given it out of their own share, that is, out of the British Officer's share and not from Indian Officer's share. The martial classes have stood the test of the time and it is admitted on all sides as I have already pointed out that members of the martial classes have played splendid part in the last war and are playing their part well in the present war and have earned great reputation for themselves and for their country. So, it is difficult to conceive how a gentleman from Bengal or Madras who can speak English more fluently can be given officer's rank though he had stood no other test. I may also point out that when cannons on right and cannons on left thunder with a terrible noise and when shrieking shells and bursting bombs fall in front and behind an officer he forgets English and ballroom dances. What are required of a military officer at such a horrible moment are guts and nerves and courage and not ability to speak English. I, therefore, submit that the test for recruitment shall be not merely ability to speak English but every fresh officer to be recruited should be asked to pass through a jungle at night in pitch darkness. It is a fact that men of heart do not fear if they are put to such tests but to most people who profess themselves to be brave and courageous even bushes in the jungle will look like ghosts. I feel sure that many who get ranks now will fail in that test.

If the Government feel it necessary to enlist people of non-martial classes in the army they are at liberty to do so but they should see to it that martial classes are not to be deprived of their share. The Government may give non-martial classes their proportion without laying hands on our due

[S. Tara Singh.]

share and then we will not utter a single word in this respect. My point, therefore, is that martial classes should be given their share in the ranks proportionate to their numbers in the army. And I would submit that martial and non-martial classes should come forward and join the army in large numbers in this great hour of need and help the Government with men, money and heart. But, Sir, it is a matter of regret, that while the Punjab gives men to die in the soldier's ranks on the front of Flanders and Sidi Barani, officers ranks are given to men who know how to dress fashionably and to converse in English. Now I would like to tell you as to how people belonging to non-martial classes are taken in the army by recruiting officers. I took 400 men who were quite up to the mark to the recruiting officer, out of whom only 62 were selected by him, and I was very much surprised at this strict selection. But later on when I came to know that the recruiting officer was a Madras gentleman I was satisfied, as he was justified in not selecting a bulk of the Punjabi soldiers on account of his provincial prejudices. I may submit again that we do not object to non-martial classes being recruited, but what we really object to is that the share given to the non-martial classes has been given at the expense of martial classes, while this should have been done at the expense of British officers. It is not fair and just on the part of the Government to deprive those classes of their share whose members are fighting in sandy deserts of Africa and bearing every hardship for the sake of their mother country.

*(At this stage the Honourable Sardar Sir Sundar Singh Majithia, Revenue Minister, who came to the House after recovering from prolonged illness was cheered by all sides of the House.)*

Besides in the case of emergency commissions direct recruitment is made and thus non-commissioned officers are deprived of their promotions to higher ranks. My second submission, therefore, is that instead of direct recruitment the people in the ranks of the army should proportionately be promoted to the ranks of commissioned officers. You will be surprised to know that the Sikhs who have been admitted to be of martial race are not having their due share so far as promotions to higher ranks are concerned. The Sikhs are given promotion to officers' rank at a very low percentage, that is, 2.9 per cent, it means that even 9 per cent promotions are not given to them, while in reality they deserve promotion to the extent of 11½ per cent. In the end I would again warn the Government not to make direct recruitment of non-martial classes as some of the men of these classes do not know how rifles are loaded and some of them are under the impression that it never misses; that even unloaded guns can fire. In this connection I remember a story of a *bania* who was milking a cow and his wife and daughter were standing nearby and a gun fired. He asked his wife whether she was shot. She replied in the negative. Then he asked his daughter whether she was shot, she also replied in the negative. The *bania* jumped up, cried and said "Oh, then, I am certainly shot". What I mean to say by giving this instance is that Government should not provide the bulk of the army with such non-martial people. Recruitment is a responsible job and Government must think hundred times before recommending members

of non-martial classes to the armies. I may also point out that the Government should bear in mind that in times of war, leadership and martial tradition play an important part. Sometimes men of broad shoulders and high stature lose courage on firing lines. And as I have already said what is required in times of war is great heart and courage. Fifteen years ago when I was working as Kotwal at Bhatinda a very interesting incident happened. Two persons, father and son, stalwart and healthy, took up *lathis* and started from their place to make a journey. They came across an ordinary sweeper who harassed them and took up all that they had. So, the poor fellows came to Bhatinda police station to make a report with the police. They came to the muharar of the thana, begged mercy and cried. The muharar called me out as I was perhaps sleeping in my room, and told me the whole incident. I looked at them and asked "You are quite sturdy, how is it that a single man has robbed you of your articles; moreover you have *lathies* with you". The young man replied :

سردار جی - لائی - در کڑا تیں جٹے تے مہن ۽ دیو لے

(Laughter.)

All that I want to submit is that there are even such people in the Punjab who are quite sturdy to look at but have no heart to fight at critical moments. And if such people belonging to non-martial classes are taken in the army it will bring no credit to the Crown. With these few remarks, Sir, I commend my resolution to the acceptance of the House.

**Mr. Speaker :** Resolution moved :—

This Assembly recommends to the Government to urge upon the Army Department of the Government of India the vital importance of recruiting the bulk of their cadets both for the ordinary and emergency commissions from the ranks of enlisted classes.

**Mian Abdul Aziz** (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir, I rise to lend my whole-hearted support to the resolution moved by my honourable friend Sardar Tara Singh. I cannot help saying that the examples cited by him were very interesting and indeed we should learn a lesson from them. It is true that the valour of the Punjabis has become proverbial in India and they are really very brave and heroic people. I am reminded of the fact that only sometime back if a Punjabi would go to Bengal, the people there on seeing him would begin to shout and warn their kith and kin

ما شہرے پنجابی آئے گیٹو۔

(A voice : That is a fact even now.) No, Sir, I beg to differ with my honourable friend. Now they have developed a spirit of fortitude among themselves and they are no longer timid. What I want to emphasise is that my honourable friends of the Treasury Benches should not make any discrimination between martial and non-martial classes at the time of recruitment to the army.

**Minister for Public Works :** This discrimination no longer exists now.

**Mian Abdul Aziz :** Yes in words. But the difficulty is that this rigid differentiation is relaxed only during the time of emergency like the war. When this is over the question of enlisted class, etc., is again brought to the fore-front, and non-enlisted classes are debarred from recruitment to the army. I submit that as human beings all individuals, classes or communities are warlike in nature provided they are given proper military training. Now, gone are those days when wars could be fought with *gatkas*, swords and guns. I do not mean to cast any slur on the martial classes. But it is a fact. Now is the age of science. The methods of war have been revolutionised to such an extent that one begins to marvel at this remarkable progress. It has also been proved that mere prowess cannot be a decisive factor in a war. We simply look aghast at Germany's inventions of bombers and other fire-arms and also Britain's counter inventions of spitfires and fighters in the present world conflict. Present day military equipments and huge armaments require sound training on the part of those who would handle them. I, therefore, see no sense in taking arrogant pride in one's belonging to a martial class, when training is the vital factor for making one able to fight in the battlefield. I am of the opinion that recruitment should be made from the educated youngmen and from those uneducated people, who are physically fit or suitable from military point of view, no matter to what class they belong.

**Minister for Public Works :** That is what is being done now.

**Mian Abdul Aziz :** It may be so for the present. But I am sorry to contradict the Honourable Minister that such is not the case during the time of peace. The honourable lady member Begum Shah Nawaz would bear me out that at Simla she had a long talk in my presence with Mr. Ogilvie, the Army Secretary with the Government of India, on the subject of opening recruitment to the *Arain* community. It is a fact that the *Arains* have been given a step-motherly treatment in the matter of recruitment to army. The late Sir Mohammad Shafi, too, had made great efforts in this respect. Assurances were held out to him by the Government of India that *Arains*, physically fit to serve the army, would not be debarred from entering it. But all these assurances have been thrown to winds.

**An honourable member :** It is wrong to say so.

**Mian Abdul Aziz :** I am sure my venerable sister Begum Shah Nawaz would endorse what I have stated. I can show lists of *Arain* youngmen who offered themselves for recruitment. They were found medically fit. But they were asked to go away when the recruiting authorities came to know that they belonged to the *Arain* community.

**Sayed Mubarik Ali Shah :** It is not true.

**Mian Abdul Aziz :** It is true. It is possible that the experience of my honourable friend Sayed Mubarik Ali Shah, who is now engaged in recruitment work, may be a little different and I may be wrong. But as I have already stated, during the period of war all these restrictions are dispensed with owing to urgent need for recruits. But the fact remains that before and after the war the authorities revert to the old grooves of enlisted and otherwise classes. This is exactly what I deprecate. If the Honourable Minister wants I can produce documentary evidence to show

that the *Arains* otherwise fit have generally been refused recruitment to the army on account of being *Arains*. Even if those *Arains* who to their good luck were taken in the army, they were placed under such officers at Hong Kong, etc., as were antagonistic to their community, unfortunately on communitywise favours or hatred, and hence ill-treatment was meted out to them. I suggest that if they are recruited in the file, the recruitment of ranks should also be made from amongst them, and that experienced *Arain* military officers should be provided for their training so that the latter may feel sympathetic towards them. Besides, I can quote chapter and verse to show that members of my community have been holding high offices in other departments of the Government very creditably but it is a pity that differential treatment has been accorded to them in the matter of recruitment to the army. I wish the Honourable Minister to create such environments as may make this invidious discrimination impossible. I would request Sayed Mubarik Ali Shah that if he really feels that even-handed justice is being administered to the *Arains* in this matter, then in order to give a convincing proof of his *bona fides*, he should tour the Jullundur and Lahore Divisions and raise a regiment from them. I would be glad to hear what my honourable friend Lieutenant Naunihal Singh Mann and my honourable friend Sayed Mubarik Ali Shah have to say with regard to this matter. But I am afraid, from the wording of the resolution, that Jats and Rajputs alone will be taken in the army to the exclusion of *Arains*.

**Lieutenant Sardar Naunihal Singh Mann :** *Arains* are already one of the enlisted classes. They have been and they are even now among the enlisted classes.

**Mian Abdul Aziz :** At present they may be. But if they are they should be taken as officers also.

**Minister for Public Works :** That is what the resolution seeks. See Mian Mushtaq Ahmad's amendment.

**Mian Abdul Aziz :** My fear is that *Arains* are not freely accepted in the army. They should be enlisted in the army without any let or hindrance.

**Lieutenant Sardar Naunihal Singh Mann :** That is what is being done.

**Mian Abdul Aziz :** Sir, I frankly support this resolution. All I want is that a liberal interpretation may kindly be put upon the words "enlisted classes".

**Minister for Public Works :** Please wait and listen to Lieutenant Sardar Naunihal Singh. He is a Recruiting Officer.

**Lieutenant Sardar Naunihal Singh Mann :** I will speak to you about all the points that you have raised.

**Mian Abdul Aziz :** I will be glad to hear what my honourable friend has to say about this important matter. With these few words, Sir, I support the resolution.

**Lieutenant Sardar Naunihal Singh Mann** (Sheikhpura West, Sikh, Rural) : I rise to give my whole-hearted support to this resolution moved by my honourable friend Sardar Tara Singh. As a matter of fact, this has been a long-standing grievance of the fighting classes that they have not

[Lt. S. Nannihal Singh Mann.]

been allowed the same proportion in the officer ranks of the army as they have in the ordinary ranks. In this connection I would add that if we look at the history of this province, we would find that even in the time of the Sikhs we were not lacking in leadership, even before the British came we had men who could be colonels and generals and do higher jobs. But unfortunately ever since King's commissions came to be granted to Indians, men from the fighting classes have not had their proper share. I do not mean to reflect any discredit on any class of men. I mean by fighting classes those classes which have been tried by the British. In this connection I would put a question to the Government. Why is the Punjab leading in the matter of recruitment? Simply because the British Government have tested their mettle. On the other hand we find that Bengal, Madras and other provinces have not even subscribed half their quota of men. You would see that during the present war we have provided no less than 60 per cent of the quota required in the expansion of the army, while the whole of the rest of India has not been able to give more than 40 per cent. It is quite clear from this that this province has got the material which has always done excellent work for the British Government at the hour of their need. I was reading this morning that in the last war the Punjab by itself provided more than five lakhs of men and even in the beginning of this war when the Indian army is expanding our share is not less than the rest of whole of India has provided. But it is most unfair that we are not getting the same proportion in the officer ranks. This is the time for test and I am very glad to know that on the motion of the Honourable Premier, the Army Headquarters and the Government of India have agreed to raise a battalion of the urban people and that it is now open to everybody to join the army and there is no question of martial and non-martial classes. I might say for the information of the honourable members that conditions of service for the urban battalion are easier in comparison to those for the rest of the Indian Army. These people are not required to go over-seas. But you would be astonished to see that from the 1st of August ever since we started the enlistment for the urban battalion, only 8 men have been enrolled in spite of our best efforts. We have asked all the leading men of Lahore and other towns, but the response has been very poor. On the other hand you would be astonished to note that 189 applications have been received for the senior grade officers out of which only 2 are to be taken. This means we can get any amount of men as commanders but none to be commanded. This is the time when everybody should come forward and show that he is loyal and that he is up to the standard required. For the corresponding period from the 1st of August, I would like to inform the House that in the Lahore recruiting area, we have been able to enlist 8,200 men from the rural areas and the conditions of service in the case of all these are that they are liable to go overseas. But they came with the greatest pleasure. I have my personal experience as the Assistant Recruiting Officer in this area and I have visited three districts under my charge and I can say with confidence that the people who have come forward have come forward with great heart. They never fear anything and they never question anything. When we ask them if they are prepared to go overseas, they laugh and say what else they have come for. But when we find that such easy conditions

are given to urbanites and yet they do not come forward and join the army we cannot help thinking that they fear they might be sent abroad. (*Interruption*). I am quoting figures. I am not suggesting anything at all.

**Mian Abdul Aziz :** I do not blame you. That is the policy of the Unionist Government.

**Lieutenant Sardar Naunihal Singh Mann :** They have denied help by giving men ; they are not willing to give money. On the other hand the poor people in rural areas are prepared to give men and money. Whatever they have got is at the disposal of the Government. They are prepared to go out at the first call of their King and country and do all that they possibly can do to help.

But, unfortunately, I shall have to repeat my argument that they are not getting their proper share with the result that there is this heart-burning. I would even go further and say that I would agree with Mahatma Gandhi when he says that the Punjabis are mercenaries if we people do not get our proper share in the officer's appointments. We are the people who are now serving in the ranks but the British Government would try to distribute all sorts of jobs to those who are now launching satyagraha. I quite agree that the people coming out of rural areas will perhaps be not up to the standard of an urbanite in the matter of speaking in English, because the urbanite is rubbing his shoulder with the British people in the cities and has got amenities of better education but this does not mean that we should not look to the claims of those who have done great service in the past and are doing at present.

Coming to the question raised by my honourable friend Mian Abdul Aziz, I would like to tell him that it is absolutely incorrect to say that the *Arains* are not being enrolled. I have got very high opinion about *Arain* recruits. They are excellent recruits that I have seen and they are the people who are going with great heart and I quite agree with him that in the matter of distribution of officer's ranks, each community deserves the same proportion as they have got their men in the ranks. (*Hear, hear*).

**Mian Abdul Aziz :** What does the honourable member mean by 'enlisted' classes?

**Lieutenant Sardar Naunihal Singh Mann :** All classes who are being enlisted at the time are enlisted classes and you will find that, after the war, if certain classes have got biggest proportion of men, due credit will be given to them in the matter of officers' ranks and even during the war, those who are coming in large numbers certainly deserve all credit and there would not be any discredit to them and I once again assure the honourable member that in case he has got any *Arains* in the Lahore area or anywhere else, I shall be the first man to do all I possibly can in putting them up before the Recruiting Officer and asking him to take as many *Arains* as wish to come up. (*Hear, hear*). (*An honourable member :* What about other district areas ?) Lahore recruiting area is pretty large and consists of two divisions and we are taking *Arains* in this area and so far as my knowledge goes, there has been no complaint of the *Arains*. If the honourable members have any complaint, I think it would be very good of them if they wrote to the Recruiting Officer pointing out if any member of the recruiting staff has

[Lt. Naunihal Singh Mann.]

refused to take *Arains*. With these few remarks I whole-heartedly support the resolution moved by my honourable friend. (*Cheers*).

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (Muzaffargarh North, Muhammadan, Rural) (*Urdu*): Sir, I beg to move:—

That in lines 2—4, for the words 'The Army.....classes', the words 'the Government of India the vital importance of recruiting cadets both for ordinary and emergency commissions from different classes in the same proportion in which they are represented in the ranks of His Majesty's Indian Defence Forces' be substituted.

The amended resolution will read thus:—

This Assembly recommends to the Government to urge upon the Government of India the vital importance of recruiting cadets both for ordinary and emergency commissions from different classes in the same proportion in which they are represented in the ranks of His Majesty's Indian Defence Forces.

**Sayed Amjad Ali Shah**: May I ask a question from my honourable friend to clarify his amendment? Would he include the British officers in the same category?

**Khan Bahadur Mian Mushtaq Ahmad Gurmani**: If my honourable friend has patience, he will be saved of the botheration of asking questions.

**Mian Muhammad Nurullah**: May I ask if the new amendment does not change the whole sense of the resolution?

**Khan Bahadur Mian Mushtaq Ahmad Gurmani**: No, Sir.

**Mian Muhammad Nurullah**: The sense of the resolution is that the commissions should be given from ranks of enlisted classes and now you are laying down only a proportion.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani**: The resolution deals with the mode of selection of King's Commissioned Officers. My amendment relates to the same subject but suggests a different method.

**Mian Muhammad Nurullah**: By the new amendment you are laying down the proportion amongst those classes of officers but here it is from the ranks that they have to come. I am seeking the help of the Chair to clarify this position.

**Dr. Sir Gokul Chand Narang**: Is the amendment in order?

**Khan Bahadur Mian Mushtaq Ahmad Gurmani** (*Urdu*): Sir, if I have correctly understood my honourable friend the mover of the resolution his object seems to be that officers in the defence forces should come from the same classes of sections which constitute those forces. But the resolution as it is worded, does not clearly express this point of view. It suggests that the bulk of the commissioned officers should be appointed by promotion from the ranks. I am rather doubtful whether this would be a practical proposition. I am not quite sure as to whether suitable men would be available in sufficient numbers in the ranks for promotion as commissioned officers. Moreover, the suggestion will provide a plausible excuse to the Government for retarding the progress of Indianization. I think my amendment will achieve the object which my honourable friend has in view. The study of defence problem is really synonymous with the study of history. In dealing with this question, we should, therefore, bear in mind the historical



background of our Indian society. According to the Hindu doctrine of 'Varn Ashram', the Hindu society is divided, since times immemorial on vocational basis. This grouping was, perhaps, originally based on the principle of division of labour and specialization; but it later developed into a rigid caste system. The four main divisions of the Hindu society were the Brahmins, the Kshatriyas, the Vaishyas and the Shudras. The Brahmins concerned themselves with ecclesiastical affairs and education; the Kshatriyas were responsible for the administration and the defence of the country; the Vaishyas occupied themselves in trade, commerce and agriculture; and the Shudras were left to take up menial occupations and to serve the above three classes. This brought about the distinction of martial and non-martial classes in the country. The caste system is a unique feature of the Indian society which has no parallel in other countries of the world. The Simon Commission referring to this question, made the following observations:—

In contrast with the self-governing dominions and indeed in contrast with almost all countries of the world, India presents to the observer an astounding admixture, not only of competing religions and rival races, but races of widely different military capacity. Really speaking, one may say that those races which furnish the best soldiers are emphatically not those which exhibit the greater accomplishment of mind in examination. The contrast between areas and areas in India that take to soldiering and those that do not, have no counterpart in Europe, whereas the most virile of the so-called martial races provide fine fighting material; other communities and areas in India do not furnish a single man to the regular army. It seems certain that in the future equal efficiency in the military sense, such as is necessary, in view of the severe tasks which the army in India has to perform, and in view of the urgent need of reduced military expenditure, cannot be expected from all the sections of population in India.

Let us now, examine the composition of the Indian army at various periods of the Indian history. As I have already said, in the Hindu India the task of defending the country was entrusted to one particular class and the armies were organized on feudal system. During the Mughal rule, apart from the Muslim forces, the rest of the Indian army was composed of the martial classes alone, such as Rajputs, Marhattas, Jats, etc. To supplement the Imperial army, feudal chiefs were granted subsidies to maintain a certain number of troops for Imperial purposes. In each unit the officers and men belonged to the same race or tribe. This ensured homogeneity and brotherhood amongst them. The native regiments of the former East India Company were also officered and commanded by Indian gentlemen of high rank and birth and though Clive added British officers and men to the native battalions, their Indian commanders survived for a time. It is a strange irony of fate that the very Indians, who some 150 years before commanded not only Indian regiments or units but also commanded British units, which included British officers as well, are now considered unfit and unsuitable to command even their own men. It was Clive who first started adding British officers to the Indian units belonging to the Company's army. The number so added went on increasing with the result that gradually the number of Indian officers in Indian army diminished. Pre-mutiny army was a unifying and consolidating force. But after the mutiny came a re-organization inspired by a spirit of fear and distrust—a spirit which ever since has inspired and determined the British Government's Indian army policy. After the mutiny the composition of the army was changed on the recommendation of the Peel Committee which unanimously suggested the

[K. B. Mushtaq Ahmad Gurmani.]

discontinuance of the past homogeneous composition of the Indian army. It was considered that the more diversity that can be introduced in the constitution of different corps the better so as to avoid any future combination. Not only the British element was considerably increased but other non-Indian elements such as Nepali Gurkhas and transborder Pathans were introduced in the Indian army. A bar was placed upon the entry of Indians to the commissioned ranks of the Indian army and in course of time the Indian officers, who had exercised real authority in their battalions, who had enjoyed opportunities of personal distinctions; who had felt an honourable pride in their position, were pulled aside by the incursions of Englishmen, who took all substantive power into their own hands, and left scarcely more than a shadow of rank to those whom they supplanted. Army ceased to be a profession in which men of high position accustomed to command, might satisfy their aspirations and expand the energies of their lives. It was natural, therefore, that this non-eligibility of suitable Indians of high and respectable families, to become King's Commissioned Officers, went a long way to change their outlook on the army in India. It is queer that, this very fact of the paucity of suitable candidates forthcoming, is trotted out as one of the pet arguments for not indianizing the Indian army officers' ranks.

With the political awakening of India the need and importance of indianization was felt. In place of the old vague aspirations, concrete demands of a definite character were put forward by Indians. They asked for the rapid indianization of the King's commissioned ranks, replacement of the British units by Indian units. The introduction of short service system in the Indian army. After the Great War a few Indians were first admitted into the King's Commissioned Officers ranks. For some time they were absorbed in the general cadre of officers but soon after a scheme evolved whereby these officers were shelved into specified Indian units where future Indian King's Commissioned Officers were to be posted. This scheme is known as the 8 units scheme. The 8 units scheme was an attempt to indianize only about 6 per cent of the total Indian army officer establishment. This scheme was severely criticized and in view of the persistent demand of Indians to accelerate the pace of indianization a committee popularly known as the Skeen Committee was appointed to examine this question. This committee after throwing away the 8 units scheme, look, stock and barrel, recommended:

- (a) that an Indian Military College with a capacity of 100 cadets should be established by 1933;
- (b) that from 1938 half the number of officers recruited annually for the Indian army should be Indians;
- (c) that by 1952 half the total cadre of officers for the Indian army should be Indian.

The Government of India, not only did not accept the conclusions of the Skeen Committee but even went so far as to uphold their actions especially

the 8 units scheme in spite of its severest denunciation at the hands of the Skeen Committee. After a great deal of vacillation it was, however, decided to open an Indian Military Academy at Dehra Dun and the Government decided to fix the annual intake of the proposed Military College at sixty. Apparently this number seemed to accelerate the pace of indianization but by another ingenuous method the pace of indianization was retarded. It was decided to abolish the Viceroy's commissions in the Indian army as far as the indianized units were concerned and it was decided to fill such posts by cadets passing out of the Indian Military Academy. A plea of re-organization of the Indian army on the British model was advanced and it was argued that the system prevalent in India, of having two classes of officers, namely, the King's commissioned officers and the Viceroy's commissioned officers in the one and the same unit was cumbersome and unique in the whole world. It is curious to note that the high military officers, who were members of the Skeen Committee should find the Viceroy's commissioned officers dispensable only in the case of the Indianized units. The logical explanation is that the Viceroy's commissioned officer as an intermediary, is a necessity to a non-Indian officer, due to his young age, inexperience, and a lack of knowledge about the men in the non-Indianized units. But then the question arises as to the propriety of having such foreign officers at all. These English officers are not only too expensive but their efficiency also is not above reproach. Twenty-one commanders of the Indian army, during the Great War were relieved of their commands. The appalling breakdown in Mesopotamia, the failure of the Indian military authorities to train the Indian army in modern warfare and to provide them with the modern equipment are only a few examples of their incompetence. The fact that these highly paid British officers have failed to prepare us in more than a century, to command our defence forces, is in itself sufficient to shake our confidence in their efficiency and sincerity. With the development of political consciousness in this country the demand for the indianization of the defence forces has become more persistent. This demand is based on the political principle, that the defence of a country should be the sole concern of its own people. Indians quite legitimately demand that they should be allowed to assume full responsibility for the defence of their country. The attitude of the Government towards this demand, has been to say the least, most unsympathetic and unjust. It has been argued on their behalf time after time that suitable Indians are not available in sufficient numbers to take the officer's ranks in the Indian defence forces and that for the sake of efficiency and for maintaining the high morale of the Indian Army it is necessary to proceed with the Indianization scheme slowly and cautiously. The war has, however, changed many facts, dismantled various pedestals and smashed many arguments. According to the high military authorities and the Government, Indianization could not, during peace time be accelerated, on account of the perils, namely, to lowering the standard of efficiency and weakening the morale of the defence forces, which such a course might have entailed. But during war, when higher standards of efficiency and morale are required we find the doors flung open for Indians to join the emergency commissions. This clearly shows that we are treated like rain coats,—they think of us only when it rains. May I know, if Indians are fit for emergency commissions in war, to fight against powerful,

[K. B. Mushtaq Ahmad Gurmani.]

skilled, seasoned, highly trained and mechanized enemy forces, whether those very Indians are not good enough to laze about in the barracks during peace time. If the Government of India had accepted the Indian demand for training a larger number of Indians to take up commissions, they would not have been in the position in which they are placed to-day—making haphazard selections for the emergency commissions. It is distressing to note that even at this hour of grave danger and trial, the Government has not been able to rid itself of the policy of distrust and racial discrimination. In the selection of candidates for emergency commissions Anglo-Indians are given undue preference over Indian candidates. There will be hardly any young Anglo-Indian clerk in a Government office who has not been sent up for emergency commission; but Indians in Government service with better academic qualifications and superior social and family status have been refused permission even to apply for a commission. Similarly English and Anglo-Indian businessmen and shop assistants have been freely selected for such commissions. Two Anglo-Indian taxi drivers who used to ply their cars on Kalka-Simla road have been given emergency commissions, but highly educated Indian youths belonging to respectable families and sons of retired army officers have been rejected because they were not well versed in the art of dressing smartly and could not speak colloquial English. I understand, one young English Journalist who was taken as a second lieutenant was, soon after his appointment, promoted to officiate, as a lieutenant-colonel. Almost every unemployed Englishman or Anglo-Indian in this country, whether he is a technical hand or not, has been fixed up either in the emergency commission or in any one branch of the supplies department. Does the Government of India mean to utilize this emergency for solving the problem of unemployment among the Anglo-Indians or do the army authorities consider that Anglo-Indians possess greater power of drive, superior qualities of leadership or better martial traditions than Indians? They, no doubt, have more experience in driving railway engines but they have seldom led the armies. (*Laughter!*) Indians, on the other hand, have already established their mark as soldiers, even in the present generation. During the last Great War they proved, by their courage, bravery, selflessness, sacrifice, discipline and high sense of duty that they are second to none. Their heroic deeds were highly praised not only by their comrades in arms but also by their enemies. A dozen Indian officers and soldiers won the Victoria Cross; out of these three were Punjabi Indian officers. Thirty-nine Punjabi Indian officers received the Military Cross; 210 Punjabis were awarded foreign decorations and over 2,400 military decorations and honours were won by the Punjabi officers and soldiers alone. In a large number of cases the official reports dwell, upon the readiness of Indian officers to take responsibility in the absence of British officers; their disregard of personal danger of pain when rescuing a comrade or an officer; their willingness to face the fire of superior numbers at close range; and their determination to stick to their post till death. In the present war too, the Indian soldiers, a majority of whom hail from the land of five rivers and the rising sun have already made their mark in the battle fields in the Middle East. They have given shattering blows to their Italian enemies in spite of the fact that the enemy forces were much

superior in numbers and equipment and were better trained in modern methods of warfare (*Loud cheers!*) I have full confidence that by the Grace of God, our brave soldiers will succeed in uprooting the evil and brutal forces of aggression and will relieve the world of its sufferings. (*Cheers.*) But let us not forget that we are pitched against a very formidable and powerful enemy. The danger, that lies ahead, is real and grave. If we are to combat with it successfully, we must send our very best material to face the enemy. Let us not treat this question as that of loaves and fishes, but look at it from a broader point of view, namely, the efficiency of the defence services and the best interests of India and the Empire. As I have already stated the Indian army policy of the British Government has all along been based on distrust and fear. The experience of the past should leave no room for suspicion. Indian officers and soldiers have always fought, side by side with their British comrades, with similar zeal, equal devotion to duty and equally strong feelings of patriotism for the common cause. Then, why not trust them and thus strengthen the bonds of mutual good-will and friendship and earn their fullest confidence and co-operation?

**Mr. Speaker :** The Honourable member's time is over.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, if you will allow me a little more time I shall wind up. You will, of course, be good enough to make allowance for the interruptions made at the beginning of my speech. I have just one more point to submit. I am sorry to say that even in the matter of selecting Indian cadets for commissions, the Government has been influenced by consideration other than efficiency. Political expediency weighed more in their minds than the best interests of the Indian defence services. In selecting candidates greater regard was paid to their proficiency in the English language and the smartness of their dress and appearances than to their antecedents, family history and traditions, connections with the army, capacity for leadership and suitability for a military career. Some critics think that this was purposely done in order to make the experiment of Indianization a failure. But I am inclined to take a more favourable view. I personally think that this standard of selection was adopted to pacify and accommodate the towns people and non-martial classes, who constitute the vocal section of the Indian society. A majority of these youngsters had nothing or little in common with the men in the ranks. They could neither understand the language of the men whom they were destined to command nor appreciate their customs, manners or prejudices. At the same time they had another serious disadvantage in the Indianized units of being deprived of the help and advice of the experienced Viceroy's commissioned officers. Although the army authorities recognized that "the best educated are not the best valiant of our Indian soldiers, and if competitive examinations were eventually to decide the claims of candidates for the higher command the martial classes would have little chance against the Bengali or Madrasi or the anglicized Indian, whose brain might weigh more than his heart," yet they hesitated to make amends at the risk of annoying the vocal sections of Indian society. The Indian Military College Committee, made the following observations on this point :—

Most of us consider it essential to reserve a large number of vacancies for the classes that furnish recruits to the Indian army, and to offer adequate prospects of promotion to the rank and file.

[K. B. Mushtaq Ahmad Gurmani]

But this recommendation also, was not accepted on political considerations. It may be argued that nowhere in the world higher ranks in the army are reserved for any class, but let us not forget that the Hindu caste system in India is also unparalleled. This is a special feature of our Indian society. I am not in favour of army service being the monopoly of any one class; but I am equally opposed to the system, under which those classes which never, since time immemorial, sent a soldier into the field, should monopolize the officer's ranks in the army. As long as the caste system prevails in this country, the distinction of martial and non-martial classes will also remain. No Act of legislation or an order of Government can remove this. Since 1938 the army authorities removed the distinction between the martial and non-martial classes for the purposes of recruitment, but what do we see in actual practice? Even when there is no restriction on non-martial classes to join the army, they are not coming forward to enlist themselves. They are only tempted to obtain highly-paid jobs. The Government only recently decided to raise a towns battalion in the Punjab and only eight persons offered themselves for enlistment, but for 200 vacancies in the emergency commissions thousands of youngmen belonging to non-martial classes sent their applications. If they want to get commissions let them also join the ranks. I would personally be happy to see the non-martial classes of Indians replacing the foreign Gurkhas and the transborder Pathans and if they prove themselves to be good soldiers, the distinction between martial classes will automatically disappear. Now is the chance for the non-martial classes to prove their mettle. But they are clever enough to get out of the trial on some pretext or other. During peace time they agitated for obtaining a lion's share in the defence services of the country but when the war began they became believers in non-violence. The Congress creed of non-violence is a very elastic term. Its interpretation varies according to the exigency of the occasion. When the Congress Governments were in power, they deemed it quite consistent with their creed of non-violence, to use physical force against their own countrymen and even to resort to firing on their unarmed brethren. At the outbreak of the present war the Congress High Command was willing to join in the war effort, provided the Congress was allowed to have the monopoly of power in the Central Government. A gesture was made by modifying the creed of non-violence and a resolution was passed at Delhi and Poona, declaring that non-violence was incompatible, inadequate and incompetent method of defence against the violent forces of aggression. But as soon as they were told that the Congress must share the responsibility at the centre, with other political parties, communities and interests in the country, they took a somersault and once again became believers in the doctrine of non-violence. The Congress forbade its followers to join in war efforts and the greater leader of the Congress and apostle of truth and non-violence, Mahatma Gandhi went so far as to style the Punjabi soldiers as 'mercenaries'. Perhaps, he does not know that a number of Congress leaders, who are, under his orders, offering satyagrah and dissuading people from joining the army or from giving any other help in the war effort, are, at the same time, trying to secure emergency commissions for their sons and relatives. If according to Mahatma Gandhi, Punjabi soldier is a mercenary because

he is serving under a foreign Government, then every Indian who is serving under the British Government would be styled a mercenary—be he a Congress Minister, a High Court Judge, a high civil officer or a humble chaprasi. Why does he single out Punjabi soldier alone for this title? During the past imperial wars Mahtama Gandhi himself helped the British authorities in securing recruits for the army, but to-day he has the audacity of calling those brave and selfless soldiers who are shedding their blood in the defence of their motherland as mercenaries. Was the brave Punjabi soldier who fought shoulder to shoulder with Porus against Alexander a mercenary; or was he mercenary when he fought against Mahmud Ghaznavi or was he mercenary when he fought against the Muslim invaders at Panipat? It has always been his proud privilege to defend his country against the invaders. Now the invader has again attacked and he is once again called upon to do his duty. Let us not forget that now, on account of the revolutionary changes in the means of communications, the gates of India are no longer at Khyber, at Bombay or at Calcutta but at Aden and Singapore. He has gone abroad to fight on somebody else's land in order to keep the war away from the shores of India.

**Mr. Speaker :** The honourable member should wind up now.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Sir, I am grateful to you for the indulgence that you have shown me and I shall conclude by saying that, in order to bring about homogeneity and spirit of brotherhood in the army it is necessary that different classes, which constitute the ranks and file of the Indian defence forces should have proportionate representation in the officer's rank. The men in the ranks will have the satisfaction that they are officered by their own kith and kin and not by those who have nothing in common with them. This will increase mutual confidence and trust between the officers and men and will ensure greater co-operation and higher standard of efficiency. Sir, I commend my amendment to the House. (Cheers.)

**Mr. Speaker :** The alternative resolution which the honourable member has moved in the shape of an amendment is as follows :—

That for the original resolution the following resolution be substituted :

This Assembly recommends to the Government to urge upon the Government of India the vital importance of recruiting cadets both for ordinary and emergency commissions from different classes in the same proportion in which they are represented in the ranks of His Majesty's Indian Defence Forces.

The alternative resolution which the honourable member has moved and the original resolution will be discussed together.

**Dr. Sir Gokul Chand Narang** (West Lahore Division, General, Urban) : Sir, the resolution as moved by Sardar Tara Singh was not so offensive as the amendment which has been moved by my immediate predecessor Khan Bahadur Mian Mushtaq Ahmad Gurmani. If this resolution of Mr. Gurmani is accepted which has been proposed to be substituted for the original resolution of Sardar Tara Singh it means that no one who does not belong to certain castes considered to be martial can ever be given either a permanent commission or an emergency commission. I state it absolutely frankly just in the beginning of what I am going to say, that at present the proportion of the so-called non-martial classes in the Indian Army is almost nil. If the commissions are to be

[Dr. Sir Gokul Chand Narang.]

distributed according to the number which a caste represents in the army, then, as I have said no non-martial people can be given any commission at all. Is that the intention of the House? If this is the intention of the House then I may submit with all due deference that they would be giving their assent to a most mischievous, unfair and unjust proposal, because unless one is very narrow minded, unless one is very much biased and bigotted, one is unable to give his vote in favour of the total exclusion of the so-called non-martial people even from the commissioned rank. I am, therefore, bringing it prominently to the notice of the members of this House that this would be the effect of this amendment. I trust that, although they are all martial people at least most of them are martial people, they would not commit themselves to a proposition which is absurd on the very face of it. I may say, Sir, that I am speaking simply to vindicate the cause of the so-called non-martial classes otherwise I know that this resolution can have no effect whatsoever on the Government of India or the Army Department. I tell you why. Unless the Government of India and the Army Department are absolutely ignorant of the real state of affairs in this province and live in another world, they are bound to know something about the constitution of this Assembly. This Assembly, they would know, consists of 87 per cent of rural people, most of whom belong to the so-called martial classes. For the martial classes to pass a resolution that non-martial classes should be taken into the commissioned ranks of the army, what does it mean? It would mean only sheer nonsense. If any one at the head of the Government of India or at the head of the Army in India had a grain of sense of fairness, justice and intelligence—I believe they are not devoid of the sense of fairness, justice and intelligence—they would never be influenced by any such resolution. It is like saying in a meeting of Khatri that all posts should be given only to Khatri or at a meeting of Jats that all posts should be given only to Jats. In the same way here is a conglomeration of the so-called martial people who say that all commissions should be given to representatives of the martial classes. What is the value of such a resolution? In order not to create the impression that the non-martial people sitting in the House assented to this proposition I have considered it necessary to say a few words and I cannot do better than to begin my speech with a reference to what the honourable mover of this amendment said in the course of his speech. He said that tradition is the chief thing in this country and as there is caste system in this country and as certain castes have been brought up in martial traditions, therefore, they are the only classes entitled to commissioned ranks and not those who do not belong to the martial classes. If Mr. Gurmani would think for a moment the implications and consequences of the acceptance of such a principle I am sure he would find himself at once out of court. Let us carry this principle a little further. These Jats, Rajputs and others who claim to belong to martial classes are not brought up in the traditions of several callings, they are not brought up in the traditions of arguing cases in law courts, nor in the traditions of dispensing justice, nor in the traditions of business. Would he like that there should be a rule that no member of the martial classes should ever be allowed to practice as a lawyer, nor be allowed to act as judge nor should they be allowed to do any other business except that of ploughing and harrowing or fighting and



killing or being killed. Is he prepared to accept that principle? If he agrees to this principle we shall give up all intentions of asking for commissions in the army; we shall let you go and kill and be killed and enjoy yourselves in the battle fields of Egypt, Greece or anywhere else. (*An honourable member*: And you go on enjoying yourself.) But you do not want us to join the army. We allow you, or at least we have never objected to your becoming pleaders, accountants, engineers and so on. Where is the tradition among Jats as engineers or as accountants or as pleaders or as munsifs or as judges and so on? Can it be said that all avenues not involving any tradition of fighting should be closed upon them? I am referring to this only to show the absurdity, the obvious absurdity the great absurdity of the proposition just placed before this House by Khan Bahadur Mushtaq Ahmad Gurmani. I was surprised at his argument when he said that in other countries no doubt such distinctions do not exist. Everybody knows that there is no such distinction. The Englishmen whom you are accustomed to look upon as the *ma-bap*—(*interruption*). Now you look upon somebody else as your *ma-bap*. All those gentlemen have been brought up in the tradition of looking upon Englishmen as their benefactors and as people in whose hands their destinies rest. Do they ever object to be commanded by a lieutenant or a captain whose complexion is white and who is imported from England? They bow before these Englishmen almost touching the ground while bowing. That Englishman may after all be the son of an iron monger or a shopkeeper or some other businessman. I am not casting any reflection upon an iron monger or a shopkeeper or a blacksmith. In my eyes every human being is a bit of divinity and I respect him from that point of view. I never look down upon anybody because he comes of this caste or belongs to that profession. I see the Supreme Being in him. There is God in him as well as in His Majesty the King. As a human being I make absolutely no distinction. Now, it has been said that these gentlemen have not been brought up in these traditions and therefore they will not behave properly or that they will not conduct themselves properly if they are appointed as military officers. What is the *fann-i-sipaghari* of your enlisted classes? An Englishman of 25 years who has come from Sandhurst says 'March' and you march, he cries 'halt' and you halt, he says 'fire' and you fire, he says, 'retire' and you retire. What is the *fann-i-sipaghari* in him? These people are still living in the fifteenth century. They do not know what the art of war nowadays is. It is now entirely different from what it was in the times of the Moghuls and the ancient Rajputs. Do you not know what Carlyle said even with respect to the invention of gunpowder. 'Gunpowder has made us equally tall'. This is what was said in the last century, many many years ago by Carlyle. It makes no difference now whether I have got the gun or Gurmani Sahib has got it. He will only present a larger target. But that does not make much difference. In these days we want more brain than brawn. Nowadays we do not want men who will merely fire when asked to do so and stop firing when so ordered. It is not they that can win battles nowadays. They can only be tools or instruments. It is the brain behind, it is the science behind that wins wars in these days and therefore it matters very little whether the recruitment is from the martial classes or non-martial classes.

[Dr. Sir Gokul Chand Narang.]

Mr. Gurmani said that the tradition in India has been that in the ancient times there used to be feudal chiefs and they were asked to supply a contingent in times of war and that this system continued in the time of the Moghuls and even in the time of the Sikhs and that it was only the British that changed the system. When the feudal system was prevailing in India and when the duty of defending the country was confined to only one class India was losing ground, it fell an easy prey to aggression. I want this point to be noted by all Indians and particularly by the martial classes. When the duty of defending a country is confined to one class or to a few classes, the country is at the mercy of the foreigner. There are two evils which flow from this system. One is that those tribes which pride themselves by calling themselves martial classes, their heads swell with pride and haughtiness. They think that they are superior beings, superior to others who do not go to the battlefield. The result is that when they get into power they indulge in all sorts of luxury, they become demoralised and unfit to defend the country. No country presents a better picture of the degradation and deterioration arising out of this evil than India itself. That is why this system was discontinued by Ranjit Singh. He did not have feudal chiefs. He was the first in the Punjab after Shivaji who discarded this feudal system and recognised only merit and recruitment for the army was made from the non-martial classes as well as the so-called martial classes. He had a number of Brahmins and Khatri in his army who distinguished themselves in many battlefields and carried everything before them. If you will allow me to quote one instance. It was only in Maharaja Ranjit Singh's time that an invasion of India by a foreign power was checked on the other side of the Indus. Before him whether it was in the time of the Hindus or whether it was in the time of the Mughals, the invaders came as far as Lahore, as far as Panipat, and in the time of Nadir Shah they came up to Karnal. It was Ranjit Singh's army that for the first time crossed the Indus and beat the invader on the other side of the Indus. And who was it who commanded the the artillery? It was Misr Diwan Chand, a Brahmin of the Gujranwala district. Then Hari Singh's name is very well known but there were so many other Generals under Ranjit Singh. There were Diwan Mohkam Chand, Kirpa Ram as well as Misr Diwan Chand and so many others who won laurels in every battlefield. Even the Fort of Phillaur which stands as a monument of military engineering was the creation of Diwan Mohkam Chand. I am not trying to say that every non-military person is a hero, nor is it true that every member of the so-called martial classes is a hero. There are many individuals who may be martial by their caste but may go flying away from a member of a so-called non-martial class. So that it cannot be said that there is everything in the blood or in the tradition. Tradition can be created and tradition ought to be allowed to be created. I tell you why the British Government attached so much importance to the Punjabis of which so much was made by some speakers this morning. They first recruited their army from Madras, and they conquered a good deal of the country. It was these Madrasis who fought along with the British in the battle of Plassey where they defeated the Nawabs. They were not Punjabi Sikhs or Pathans or Awans or others. They were

men from the south. Then the British recruited their army from the United Provinces and with that army they conquered the martial races of the Punjab. They conquered the Punjab with the help of those Purbias from the United Provinces. Why did they give up the Purbias? Not that they were not good fighters. They had certain caste scruples which rendered them unfit for long marches. They had to go without food because they stuck too much to their caste system and their caste stood in their way. Here they found the Punjabis who did not care and who do not care whether their food was carried on mules or on donkeys, or whether their water was carried in skin bags or whether it was carried in some other manner. The Khalsas had no scruples at all and the Punjabi Muhammadans had practically none so far as the question of eating and drinking was concerned. And then they found the country very poor. The soils of Jhelum and Rawalpindi yielded the barest sustenance to the people who lived upon that soil. If there were four brothers, four families could not be maintained on the family land, it was probably enough for one family. The other three had to go to the army. It was for this reason that the Punjab provided a fruitful source of recruitment. I am proud of the fact although I am a non-martial person—that my martial brethren in the Punjab have provided the bulk of the army. But that does not mean that non-martial people should be entirely shut out of the commissioned ranks. It has not been pointed out to us how many commissioned officers have been recruited from among the non-martial people and how many from among the martial people. That was in fact the most necessary issue in order to sustain this resolution. We should have been told that while there are 160,000 soldiers belonging to the martial classes in the British Indian Army, the number of commissioned officers belonging to the martial classes is so much and that it is entirely out of proportion to the number of enlisted forces. So far as I am aware, nobody has said that, not in my presence. All that Sardar Tara Singh did was to make a joke at the expense of some poor *bania* who was afraid of gunfire. Had I been here at the time I would have retorted that that was the reason why martial spirit should be inculcated among the *banias* so that they may not be afraid of gunfire and so on. I tell you that if I had the power, in ten years I would entirely obliterate the distinction between martial classes and non-martial classes. The son of a carpenter and the son of a shopkeeper would be as well equipped and as well disciplined and would show as much courage and bravery as the son of the doughtiest Khalsa or of the most pugnacious Pathan or of the most defiant Tiwana or Jat anywhere. In England, in Italy, in Greece, in Germany and in Russia there is no such distinction. There used to be a time, for instance, in Japan when a martial class called Samuri formed the bulk of the fighting force, but no ancient Samuri got up and made the demand that other Japanese people should not be recruited in the army and that commissions should be confined only to the ancient class of Samuri in Japan. Certainly they are too sensible and too patriotic to make any such demand. There was some sense in the resolution of Sardar Tara Singh that the bulk of the commissions should go to the ranks of enlisted classes. That one could understand, but the amendment moved by my friend Mr. Gurmani certainly is mischievous and most unfair. (*Khan Bahadur Mian Mushta, Ahmed Gurmani*: I would request the honourable member to withdraw that expression "mischievous".) I am using the word

[Dr. Sir Gokul Chand Narang.]

"mischievous" not in the sense that he is deliberately wanting to create mischief, it is used in a different sense. I have no hesitation whatever in withdrawing this word, but if he knew more English he would have known that this is not necessarily a mischievous or offensive word. I would therefore strongly oppose this absurd resolution which has been placed before the House. There are many commissioned officers belonging to the non-martial classes and if their history is traced it will be found that they have done very well. I have personal knowledge of young men who are in the army who have won distinction, who have passed through the baptism of fire, who have been in the firing line and have acquitted themselves with the greatest possible credit and who have given striking proof of leadership and of administrative capacity and bravery and courage in the battlefield. I oppose both the resolution as well as the amendment.

**Parliamentary Secretary** (Raja Ghazanfar Ali Khan): Sir, I was shocked to find that Dr. Sir Gokul Chand Narang, instead of giving any arguments against this resolution, just confined his remarks to threats to the British Government and hurled taunting remarks against the martial classes and used strong language against the mover of the amendment, which has become a general practice with him. So far as the proposition before the House is concerned, I personally prefer the amendment to the resolution. As a matter of fact the principle contained both in the amendment and the resolution is the same. The resolution states that the bulk of recruits should come from the ranks of enlisted classes and the amendment of my honourable friend, Mian Mushtaq Ahmad Gurmani, whom I most heartily congratulate on his clear and bold speech, goes further and aims at fixing a definite proportion. After the speech of my honourable friend, Khan Bahadur Mian Mushtaq Ahmad Gurmani, Dr. Sir Gokul Chand Narang had no business to say that we do not mind British officers coming in and commanding our regiments. Our grievance is against the so-called non-martial classes in India. We very strongly protest against a large number of British officers being recruited to the Indian Army. We have strongly protested against it and as a member of the central legislature (*An honourable member*: With what result?) representing the largest recruiting constituency of Jhelum, Rawalpindi and other districts, I have been fighting for the last 20 years for Indianization of the Army and I can assure you that if we had more power we would stop the British recruitment today. But we have our own limitations. We have been crying over it and we will go on protesting till we succeed. Therefore so far as that question is concerned, it relates to higher policies of Army with which the provincial legislature has no direct concern. I will not go into details in that matter. But I take this opportunity to express that the policy of the Army Department towards Indianization of the Army has been most objectionable consistently. As a matter of fact, the term 'mercenary' which unfortunately has been used for martial classes was most uncharitable and uncalled for. This term can be applied only to those soldiers who have been hired from a foreign country and have been brought to another country to serve there. If there is any army for which this term can be properly used it is the Gurkhas. (*An honourable member*. "No, no"). If you say 'no' I will quote to you an authority. I was making a speech in the Council of State. Dr. Sapru

used the word 'mercenary' for the Punjabis. His Excellency the Commander in Chief said, 'yes, the Gurkhas are distinctly mercenary'. Therefore if the term 'mercenary' can be applied to an Army at all, it can be applied to the Gurkhas because they are not Indians and as such they are hired. It is most unfortunate that even now during the present war the Government should have decided to import 10 or 12 Gurkha battalions into this country. We Punjabis who take pleasure in serving the Government in the Army, do it mainly from a national point of view. You may call that our profession. Some of us can be called professional, not mercenaries and I am not ashamed to say that Army is our profession. (Hear, hear). It has been our profession and I hope it shall be our profession. A mercenary for the sake of a few rupees can be enlisted into the army but a mercenary would not win the distinction of getting the V. Cs. Which mercenaries would perform such gallant deeds as the great Sikhs and the great Muslims of the Punjab have been performing in the battle field? Unfortunately our grievance is that we have no press in our hands. We have not got any perfect propaganda machinery. We have not such leaders who would fight our battles to their logical conclusions, with the result that now when after all those sacrifices the Government have realised that they should have a large number of officers from India, what do we find? We find to our great disappointment that a very large proportion of these commissions is going to the non-martial classes. Here let me assure my honourable friends that when we use the expression 'non-martial classes', we do not have anything communal or sectarian in our minds. As a matter of fact, if I mistake not, there are 40 classes at least from which the army is recruited. If certain classes have become favoured classes for the army, it is because probably when the British came here they found that these classes have already been serving in the army here and they thought that these would be best fitted for the army and would be able to bear hardship and would be well disciplined, honest and reliable. So they enlisted those particular classes. The Commanding Officer cannot, supposing he wants ten men for a particular regiment, ask the recruiting officers to go and travel throughout India in order to obtain this number. The recruiting officers cannot go to Madras, Bombay and Calcutta for these recruits. They would naturally look to a particular area and select the best men. Is there any gentleman here who would like to suggest to the Government that for the money which the tax-payer pays, he should not get the best material in return? Is there anybody here who would suggest that the Army Department should be manned with cheap stuff, cheap guns, cheap artillery and other cheap things? No, I do not think so. Therefore it is ridiculous to suggest that the Government should recruit for the same salary cheaper stuff, weaker stuff and unreliable stuff. That is the only reason why the Government have confined their attention so far as this recruitment is concerned, to particular classes. Now I wish the honourable Dr. Sir Gokul Chand Narang over there had got up and said, 'here is a certain number of men. The Government is following the policy of extending the army to Indians. Here I will give them 500 recruits.' Had he said that I am sure that the Punjab Government would strongly recommend to the Government of India to ask Dr. Sir Gokul Chand Narang to bring from his own caste, those men and I would not mind if the Army department would pay them

[Raja Ghazanfar Ali Khan.]

twice as much as they are paying to us. But he has not touched that point. He has deliberately evaded it because he knows that even in times of peace it would be impossible for the non-martial classes to join the army and what to say in times of war?

Well, Sir, if the Government want to try a new experiment and they want to give an opportunity to the youngmen of other classes, we do not mind, but let me make one earnest appeal to the Government not to try such an experiment during the days of the war. I would not mind if they raise a battalion from among them after the war, but this experiment should not be tried now because too much is at stake to permit our taking such risks. I know what the results would be. So far as the amendment is concerned, is it not fair that the people who go and serve in the army on Rs. 20 or Rs. 30 a month who go to Egypt or any other part of the world to fight for the sake of their country and for the sake of the British Commonwealth that when there is a question of getting Rs. 300 a month these chances should not go to the youngmen belonging to these classes. Unfortunately the Government have lost sense of proportion, have lost the sense of justice and fair play and they are always cowed down by propaganda of politicians and it is most unfortunate that the army people forget that politics must be kept entirely apart from Army. I assert that nothing can be more detrimental to a country than to allow politics to enter into the army.

**Dr. Sir Gokul Chand Narang :** Politicians do not go to the army. They have boycotted the army. They are going to jails for asking people not to go to the army.

**Raja Ghazanfar Ali Khan :** It is a great pleasure for me to know that Dr. Sir Gokul Chand Narang is not a politician. I thought he was a politician. But his definition of a politician may have changed during the last two weeks perhaps that he may be forced to go to jail, for he thinks that every politician must go to jail. I was not talking of Congressmen, I was talking of such politicians as Dr. Gokul Chand whom I consider more dangerous politicians than Congressmen are, because naturally their outlook is very narrow and in the army there is no room for such outlook. In the army we must have people who have broad outlook and who on the battlefield can sometime think of their forefathers and their achievements. I can assure you that a man from my district would not find life worth living if when he returns from the battlefield, some body can say that he showed the slightest hesitation or sense of cowardice in the face of danger. This is our tradition. All the invaders which came from the North-West Frontier were met by us. We were the people who bore the brunt of their attacks. It has become a very noble profession with us. During the Great War 56 per cent of the total male population of recruiting age joined the army from some parts of my district. I have noticed in small villages as many as three hundred commissioned officers. It is not because they are mercenaries. I can assure you that I know of families whose income is ten thousands or 12,000 a year from their lands and their sons reading in schools went to the army and thus ruined their career (*hear, hear*), because after the war they were disappointed. This is not what a mercenary would do. These non-martial classes whenever they apply for posts in the army they think

of the salaries, they think of the allowances and of the increments. Would it be fair for the Government to show any favour for these people? I would earnestly appeal to the honourable members of this House to support and pass this amendment unanimously. You will be surprised to know that the total strength of the army, I am not talking of this year, but of the year 1935-36, there were 36 per cent Mussalmans, 48 per cent Hindus and 16 per cent Sikhs. There is nothing communal in it. I think Sikhs are only one per cent of the population in India, but they are 16 per cent in the Army. I do not grudge them; I feel proud of it. They are good soldiers and they deserve it. If the Punjabi Muslims are 36 per cent, it is because we have already established that we deserve it, so no body is showing any favour to us. The Government is not showing any favour to us, the Assembly is not showing any favour to us.

**Seth Kishan Das** (Jullundur, General Reserved Seat, Rural) (Urdu): Sir, I have risen to oppose the resolution moved by my honourable friend Sardar Tara Singh. It seeks to make and maintain a distinction between the recognized martial classes and non-martial classes. It is a matter of regret that the Honourable Minister too has supported it in spite of the fact that the Government of India have done away with this distinction. It saddens and pains me to hear from the youngmen of my community that when they appear before the recruiting authorities with the purpose of joining the army, they are rejected straightaway with the plea that recruitment of Ramdassias and Adharmis are not permitted as yet.

**Lieutenant Sardar Naunihal Singh Mann**: It is wrong. We are taking Ramdassias in the army.

**Seth Kishan Das**: We are not talking of labour corps.

**Lieutenant Sardar Naunihal Singh Mann**: No, for sappers and miners.

**Seth Kishan Das**: I wonder how we are being dubbed as inefficient today while our young men had given ample proof of their bravery and prowess during the last Great War. It has further surprised me to hear from my honourable friend Khan Bahadur Mian Mushtaq Ahmad that our youngmen are not fit to become officers in the army. May I ask, what is the difference between Sardar Gopal Singh (American) and any other Parliamentary Private Secretary? After all what difference can there be between Mr. Gurmani and Lala Harnam Das? It is really a great pity that our young men are not accepted in the army. In fact our community is more eager to join the army than any other community in the Punjab.

**Lieutenant Sardar Naunihal Singh Mann**: You may bring as many persons as you like. I am prepared to accept them.

**Seth Kishan Das**: I will mention what happened only yesterday when I had arranged a meeting in connection with war fund and recruitment. A sum of Rs. 1,818½ was collected at the spot in no time. The public is most gladly willing to help the Government in its war effort. But it is regrettable that the Government is not encouraging the people.

**Khan Bahadur Mian Mushtaq Ahmad Gurmani**: The distinction of martial and non-martial classes has been done away with at present. All are welcome to join the army.

**Seth Kishan Das :** I am thankful to Mian Sahib for this. But I would like to inform him that this arrangement is temporary and is made for the duration of the present war only. After the termination of this war, the same old thing will be revived and we will not be accepted in the army. With these few words, Sir, I oppose the resolution that is under the consideration of the House.

**Rao Pohop Singh** (East Punjab Landholders) (Urdu) : Sir, the non-martial classes have tried to remove the distinction of martial and non-martial classes. In the Central Assembly Maulana Zafar Ali Khan laid stress on the necessity of removing this distinction. Similarly Mahatma Gandhi has advised to remove this distinction. The non-martial classes want that recruitment should be made indiscriminately from all classes irrespective of the fact whether they have military traditions or not. The Congress which has emphatically demanded to remove this distinction is now alleging that the soldiers who are fighting in Egypt are mercenaries. They say that all those people who want to enlist are mercenaries. Dr. Sir Gokul Chand Narang stated that the rural people get themselves enlisted in the army because they are poor and cannot help joining the army. He said that if there are four sons in a family, only one of them can earn his livelihood by agriculture and the other three have to enlist themselves in the army. This is wrong. If we people join the army it is not because our poverty drives us to have recourse to the army but it is because of our military traditions and our military bent of mind that we get ourselves recruited to the army. Who can otherwise take the risk of going to the front to court death merely for the sake of Rs. 47 a month, ration and clothes? Even a starving man would not show willingness to risk his life on such cheap terms. Only such people can call us mercenaries who are not themselves military men. If we were to behave like them taking into consideration only the professional's point of view of the army we would also become non-martial.

The non-martial classes want that they may be taken in the army as officers. How can it be possible? How can those classes who constitute the major bulk of the army tolerate that officers may be appointed from the non-martial classes to boss over them and to reduce the chances of their promotion? It is quite another thing if the non-martial classes join the army in large numbers and then demand that they should be given representation among the officer ranks. The non-martial classes complain that they are not recruited to the army. We know that some of them were recruited but they refused to go out of India. Now, how can you expect that such people who do not want to go abroad to defend India should be put as officers over those who willingly go overseas to fight the battles of India.

Then, Sir, we must not ignore the fact that some classes have martial spirit and only they can form good soldiers. You have the case of the Italians before you. They are non-military. Although on the Libyan front they had an army of two lakhs still they were routed. They had all modern arms but they lacked the spirit and on account of that they could not resist the attack of the Indian army. The soldiers who come from non-martial classes often avoid going to the front by pretending illness. They usually



take soap to make themselves unfit for active service. Supposing you put such an officer over the head of a regiment. What would become of the regiment when ordered to advance in the face of the booming cannons? Under the command of such an officer the whole regiment will be extirpated in no time. Probably at the time of danger such an officer would submit a medical certificate and excuse himself from leading his regiment into the battle. We respect those men who belong to the non-martial classes but enter the army as privates. If they become officers we have no objection against them. But the demand that recruitment to the officer ranks may be made direct from the non-martial classes is objectionable. Let them join the army as mere soldiers and prove their mettle and then rise to the ranks of officers. No one would have any grudge against them. But to shirk on the one hand from joining the army as mere soldiers and on the other to demand that they may be taken as officers in the army is not tenable. I do not want to go into the merits of this question any further.

Then Dr. Sir Gokul Chand Narang made a reference to the British officers in India. I may tell him that there are 60,000 British soldiers in India who fight just as the Indians fight and bear all the hardships of the military life as the Indians do. Therefore, it is but just that there should be British officers in the Army. I wish the non-martial classes instead of demanding officer ranks in the army had joined it as mere soldiers. In that case they would have amply deserved our sympathy as comrades in arms.

**Dr. Sir Gokul Chand Narang :** I suggested conscription in the Press.

**Rao Pohop Singh :** Sir, if we join the army it is not because we regard it as a profitable profession. We join it because we are martial. Sir Sikander Hyat's son is at present a prisoner of war in the hands of the Italians. Did he join for the sake of an officer's pay? No, he joined because of his military traditions. Captain Lal Chand's son was an E. A. C. He joined the army as a lieutenant. Will you call him mercenary? No, he was not.

My submission is that the cadets who are admitted in the commissioned ranks usually belong to rich families and they secure admission on the basis of their wealth only. For instance my honourable friend, Dr. Sir Gokul Chand Narang, can send his son very easily to the Dera Dun Academy. He can send Rs. 500 or Rs. 1,000 to him monthly. Now the son of such a rich person can be very successful there because he can invite his officers to tea or luncheon. These are the things which at present count a great deal in the success of the cadets. But I ask, how can a son of a zamindar, who is otherwise quite capable and fit to be selected as a commissioned officer, extend such invitations to his officers? He cannot bear these expenses which the son of a capitalist can easily do. In fact this is the reason why some such arguments are advanced by army officers that the sons of martial classes do not know how to sit round a table and they do not know the etiquette of eating, etc. It is therefore my submission that so long as the recruits both for the ordinary and emergency commissions are not recruited from different classes in the same proportion in which they are represented in the ranks of His Majesty's Defence Forces this defect cannot be removed. My submission is that India

[Rao Pohop Singh.]

is bound to get independence some day and that day is not far off. Consequently it is all the more essential that those Indian officers should be appointed to command the Indian Army, who can create confidence in the rank and file. If the officers belong to one class and privates to another, naturally there will be no love lost between the two. This would in fact create a split in the officers and the soldiers. The latter will surely despise their officers on account of the fact that they belong to non-martial classes who up till recently have been terming them as mercenaries. This in my opinion will not be conducive to the spirit of discipline in the army. With these words I whole-heartedly support the amended resolution now before the House.

**Sardar Lal Singh** (Ludhiana Central, Sikh, Rural)(*Punjabi*): Sir, from the very beginning I have been carefully considering the original resolution as well as its amendment in order to make up my mind as to which of the two I should support. I have arrived at this conclusion that the resolution sponsored by my honourable friend, Sardar Tara Singh, is as thin as water but some colour is lent to it by the amendment which Khan Bahadur Mian Mushtaq Ahmed Gurmani wants to incorporate in it. However none of the two is good enough to be termed as milk. My submission is that if the amended resolution as it stands is further amended in the manner I like, in that case I would be prepared to support it. The wording of the amended resolution is as follows :

This Assembly recommends to the Government to urge upon the Government of India the vital importance of recruiting cadets both for ordinary and emergency commissions, from different classes, in the same proportion in which they are represented in the ranks of His Majesty's Indian Forces.

Now what I want is that for the words "in which they are represented in the ranks of His Majesty's Indian Forces" the words "in which they were represented in the ranks of His Majesty's Indian Forces in the last Great War" be substituted. If this amendment is accepted I will have no objection in supporting it. The reason for this is that after the last Great War the proportion of the Sikhs in the Army has fallen down considerably. If I support the resolution as it stands it would create misunderstandings in the minds of the Sikhs that I am in favour of reducing their number in the army while I have no such intention at all.

Then, there is another reason why I cannot support the resolution as it stands. That is that at present there are such British officers in the Indian army who hate those Sikhs who meticulously follow the tenets of their religion. For instance, only recently a near relative of mine who was studying in the Dehra Dun Academy has been turned out on the ground that he was too much religious, and he did not trim his hair. Honourable members will burst into peals of laughter if I tell them the remarks which the army officers gave him. He was turned out with the remark that he was too hairy. (*Loud laughter*). Otherwise he is quite fit and stout enough to pull on very successfully there. In fact I have seen that the British officers do not like those Sikhs in the army who do not trim their hair. The cadets who do so are their favourites. In short this is the treatment that is meted out by those people to the Sikhs who after five or ten years will be no more here to command our army.

My submission is that the original resolution sponsored by my honourable friend Sardar Tara Singh says that the bulk of the cadets for commissioned ranks should be recruited from the enlisted classes. This is an ordinary thing. Even at present bulk of the cadets for commissioned ranks are recruited from the martial classes. In fact this is not anything on which the precious time of the House should be wasted. But the point worth urging is that steps should be taken to Indianize the army. But this cannot be done so long as the Central Government do not take up this question right earnestly. In this connection I may also point out that the strength of the present Indian army is not sufficient to meet the needs of India. I think it cannot even withstand the onrush of an ordinary aggressor. Anyhow it is the duty of the Central Government to take immediate steps to Indianize the army. The present position of the Indian army is that wherever there is any emergency it is despatched post haste there. For instance, if there is any emergency in Egypt Indian army is sent there and if its services are needed in Europe it is sent there as well. Beyond that it has no other position. In fact an army of this nature cannot be called an Indian army. Besides I have already submitted the present strength of our army is not even sufficient to meet any aggressor. The upshot of the whole matter is that the Indian army is meant only for show and nothing more. The maintenance of such a small army for the protection of 40 crores of people is nothing but a mockery.

Now as the army is a Central subject it is hardly likely that the Central Government would accept our demand for reducing the number of British officers in the Army. Moreover as my honourable friend Raja Ghazanfar Ali has remarked they can, with ample justification, say that they are not prepared to make these experiments at the present moment when the war is in full swing. It is, therefore, a mere waste of the time of the House to discuss that aspect of the question.

Then Sir, I beg to differ with the position taken up by my honourable friend Dr. Sir Gokul Chand Narang. It is the tradition that counts. For instance, in Germany, the Prussians have since long been recognised as the leading fighters. In the same way the Highlanders in England and the Cossacks in Russia have been known to be the cream of the martial element in their respective countries. Even in India the Shastras have divided the society into four grades. The Brahmans, who were the religious heads; the Kshatriyas, who were the fighters, the Vaishyas who carried on trade and the Sudras who were the menials. If you think that these distinctions of the martial and non-martial classes will be done away with by a single stroke of the pen it is very difficult. Although I can believe that by and by, as has been the case in European countries, this distinction between martial and non-martial classes will ultimately disappear.

In the end I would urge upon the Government the necessity of promoting officers from the ranks and also of appointing only such officers who belong to the martial classes, but in so doing I neither support the motion nor oppose it.

**Khan Sahib Raja Fateh Khan** (Rawalpindi East, Muhammadan, Rural) (Urdu): Sir, I rise to support the original resolution and the amendment which has been moved in respect of it by Khan Bahadur Mian Mushtaq

[K. S. Raja Fateh Khan.]

Ahmad Gurmani. The object of this motion is to secure for every class the same proportion in the number of officers in the army in which its members have been recruited in the ranks. It seems very unfair that while a certain section of the population of this country should shed its blood for gaining victories at the battle-fronts, the capitalists should come in for richer shares in the matter of higher posts in the army. I have risen to make an emphatic protest against this state of affairs. I would make my view point clear to my honourable friend Dr. Sir Gokul Chand Narang by relating an anecdote. A philosopher who was probably a Ph. D. had to cross a river in a boat. As the boat left the bank, he fell into a conversation with the boat-man. "Do you know anything about Physiology, my man?" said he. The poor boatman naturally replied in the negative. "Very bad", said the doctor, "one-third of your life is wasted". Then he asked him if he knew Biology to which the boatman again gave a negative reply and the philosopher remarked that half of his life was ruined. Again he asked him whether he knew Psychology and again the answer was in the negative. The philosopher was about to say something when the boat was caught into an eddy. "Do you know anything about swimming, Sir?" asked the boatman. The philosopher replied that he did not. "Then your whole life is ruined", said the boatman. I would therefore draw his attention to the well-known persian hemistich:

در کس را نہر کارے ساختند

The environments, traditions, and practice of a people determines their suitability for a certain avocation. Marshal Petain gave a lack of endurance and martial spirit among the French people as one of the causes of the defeat of France. He did not mean thereby that they did not know how to fight on scientific lines but what he meant was that people of France had given themselves up to a life of luxury and ease and had lost the real martial spirit. In view of this fact I beg to submit that the arguments which my honourable friend, Dr. Sir Gokul Chand Narang, was advancing that the present war is a scientific war requiring more brain than brawn, do not stand scrutiny. Why are a handful of Greeks working havoc on Italian hordes in Albania? It is because the Italians are inferior in military skill to the Greeks. The Indian troops have only recently been congratulated by His Majesty the King for their victory at Sidi Barani. Most of these troops are Punjabis and they are second to none in fighting skill. But in spite of that my honourable friend advocates the cause of the non-martial classes.

مردان و زنہا بہ پنجاب بخور گاہ لکھ  
مگر یک کمیشن کے لئے (راس = آؤمر د لکھ)

It has pained me very much that Dr. Sir Gokul Chand Narang has made an attack upon the people of Rawalpindi and Jhelum.

**Dr. Sir Gokul Chand Narang:** On a point of explanation. I did not mean any attack on anybody. I respect all soldiers. I was only pointing out that those were the reasons for recruitment there, otherwise I did not call them mercenaries at all. That is the point.

**Khan Sahib Raja Fateh Khan :** You have insulted the people of Rawalpindi and Jhelum districts by attributing poverty as a reason for their enlistment and not their valour and traditional skill. Let me inform the Honourable Dr. Sahib that these districts have been given first place in the History of the Great War in respect of their sacrifices. I therefore protest against this uncalled-for attack which is a blot on the fair name of that area. Moreover I may point out to my honourable friend that if poverty were the main cause of their enlisting themselves, they could very easily make a living by vending *pakorās* and *kachalūs* like the non-martial classes. Similarly how many tenants have enlisted from the colony districts, such as Sargodha and Lyallpur? It is not because poor people are not to be found there but because they do not know how to lay down their lives. They prefer to live in accordance with the traditions of their class but those whose traditions have infused martial spirit in them and who can work under military discipline are thus maligned by my honourable friend who has made an absolutely uncalled for attack on them.

With these words, I whole-heartedly support the resolution under discussion.

**Mrs. J. A. Shah Nawaz** (Parliamentary Secretary): Both my colleagues Raja Ghazanfar Ali Khan and Mian Mushtaq Ahmad Gurmani have dealt with most of the essential points underlying the resolution and I have only a very few words to say with regard to it. I should very much like to say as a woman that many of us Indian mothers feel that for sometime to come all our sons should go to the army, because in order to make our nation great our sons must learn to live disciplined lives, learn to obey in order that they may learn to rule and at the same time become courageous sons of the soil. My colleague, Raja Ghazanfar Ali Khan, pointed out—and I was glad that a member of the Army Department was present in the Hall at that time,—that unfortunately we Indians are very much disappointed at the pace at which the Indianisation of the army is taking place. In 1920 the Government of India appointed a committee to go into this question, but the report of that committee never saw the light of day. Why? They had recommended therein that the Indian army should be gradually Indianized within 28 years. Had that recommendation been accepted, to-day we would not have had to face so many difficult problems. By 1938 the whole of the Indian army would have been Indianised and India would have attained the status of a Dominion.

My colleague Mian Abdul Aziz asked me to support him in what he said about the recruitment of our tribe, that is the Ahraíns. I should very much like to tell the House what the position to-day is. Sardar Neunihal Singh very kindly said that as far as the right of recruitment is concerned no restriction is placed upon the tribe. But unfortunately the position is quite different. As you are aware during the last war we supplied over 50,000 soldiers, but unfortunately in peace time we were told that as we did not belong to the enlisted classes the members of our tribe could not be taken into the army. Later on some of us approached the Government of India and the Army Department, and a representation was also sent to His Excellency the Viceroy. Some of us saw Mr. Ogilvie and had a long talk with him. We explained the position to him. When the members of the Ahraín

[Mrs. J. A. Shah Nawaz.]

tribe appeared before the recruiting officers they were told that as they did not belong to the martial races they could not be recruited. Later on I understand that orders were issued to them that they should not take up such an attitude, but unfortunately in many districts even to-day many members of the Ahrair tribe when they go to the recruiting officers are told that they will have to wait until all the members of the martial classes have been recruited. Therefore, I request that this injustice should be done away with. There are two grievances of the Ahrair tribe. One is that several of them who are so anxious to join the army are not given opportunities to do so. The second is that even if they are taken in the army they are not given the number of commissions that they are entitled to in accordance with their percentage in the army. I would therefore request the Honourable Minister to place these grievances of ours before the Army Department. At the same time I would also request him to see that the treatment meted out to our soldiers in Hongkong and Singapore should be a fair one. With these few words I would like to give my full support to the resolution and I would also request all honourable members on both sides to support it unanimously. (*Cheers*).

**Mian Muhammad Nurullah** (Lyallpur, Muhammadan, Rural): After the speeches of Mian Abdul Aziz and Sardar Naunihal Singh I had no mind to take part in the debate, but the matter that has been brought up by the amendment of my honourable friend, Mr. Gurmani, is so different from the original motion that I think I must oppose the amendment. The resolution would have been in its best form if the word 'enlisted' between the words 'of' and 'classes' had been omitted and the word 'all' had been substituted therefor. Mr. Gurmani said that those classes who are not enlisted are shy of going to war. That is the very reason why the amendment suggested by me should be accepted. They feel that they are not properly treated after the war. They are sent away and restrictions are imposed on them as was pointed out by the honourable lady member. If there were no such restrictions after the war on those who are not of the enlisted class but who are recruited for the war, they would certainly come forward in larger numbers next time. I say that this word 'enlisted' must go. I think the purpose of Mr. Gurmani would be served if in the original resolution of Sardar Tara Singh the words 'in proportion to their strength' were added. That would also have retained the sense of the original resolution and would not have brought in matters extraneous to the original resolution. If the amendment of Mr. Gurmani is accepted it would mean that the rank and file will continue to remain what they are for ever and the officers of the army will be recruited only from the upper classes that is richer classes with influence and money. Hold of the aristocracy should go. India can only progress if this distinction is taken away. A few years ago Captain, now Major Akbar who has again distinguished himself in this war at Flanders and everywhere recruited an Ahrair in a village in Lyallpur. That fellow served so ably and well that he was selected for training at Dehra Dun and very soon was thought fit to hold a King's Commission. Therefore, given the opportunity I do not see why a soldier even of the class not enlisted cannot acquit himself well to deserve the officer's rank. I therefore submit that every opportunity should be given to the soldiers of

the rank and file irrespective of whether he is rich or poor to go up to the top. (*Interruption*). I am explaining only my own position with regard to this resolution.

It was again remarked by Mr. Gurmani that so long as there was caste distinction in India this difference also should continue. It is very unfortunate that this very Government insisted on the recording of the caste in the census while no other Government wanted it. My point is that the poor people who are recruited to the ordinary ranks should be encouraged and should be given a chance to go to the higher ranks. Because ordinarily while it is easy for them to get into the lower ranks, it is most difficult for them to go to the officers' ranks for want of influence.

That is my other reason. I want that poor and rich alike should be able to rise from the ranks and at the cost of Government they should have further training and then command the forces. I do not want them to be taken right from outside the ranks and that capable people in the ranks should be discouraged. That is a mistake. In other countries like England a newspaper boy could rise to the premiership and similarly a man from the ranks generally rises to be the general of the force.

The amendment brought in by Mr. Gurmani is certainly most "mischievous". I think it is only for the upper classes that you want the higher ranks to be reserved.

ملانی اور مکین ایزے لئے جہاں غریبوں کے لئے

This should not be the case. That is why I oppose the amendment. Sardar Tara Singh's resolution is far better. I was astonished to learn from Sardar Naunihal Singh, the Recruiting Officer, that although an opportunity has been given to the urbanites, very few of them have come up. He said, only eight or four came up. And then he asked, why? I say the reason may not be what he thinks. The reason may be the great movement in the country and I would appeal to the Government and the Congress that if they are both well-wishers of India they should arrive at a compromise as soon as possible. They should make up the differences and the deadlock must be removed. I need not go into the details, but I want to say that I prefer the original resolution to the amendment moved by Mr. Gurmani.

**Chaudhri Jugal Kishore** (Ambala and Simla, General, Reserved Seat, Rural) (*Urdu*): Sir, I rise to oppose the resolution moved by my honourable friend Sardar Tara Singh. He has remarked during his speech that there is a world of difference between martial and non-martial classes and then he has put a distinguishing seal on the martial classes and made them patent-mark so to say. I beg to differ with the honourable mover of the resolution and ask him how he says that non-martial classes cannot become martial classes, while man is martial by nature. However he ought not to have advanced such absurd and weak arguments, as he has remarked that banias are cowards and weak and in this connection he has also narrated a story. If by a casual remark one can be characterised as a coward then I would be justified in saying that Rajputs are greater cowards. How

[Ch. Jugal Kishore.]

can these Rajputs claim themselves to be brave when a well known couple regarding their so-called bravery is there? It runs as follows:—

مکوں کے بھدند انہا میں کہا نہیں س۔ت

مکا مار تپاشا پھڑپھڑا ایں میں ر جیوت

What I wish to submit is that in a family or a tribe brave as well as coward men can be born. We observe such cases every day that a brave father has a coward son and these cases are not very rare. Then my honourable friend Mian Mushtaq Ahmad Gurmani has stated in the course of his speech that a Vaish is always a Vaish and a Shudra always a Shudra. And in this connection he has referred to Manu Smriti of the Hindu religion written by Manu Maharaj. He further said that this restriction was laid down by Manu Maharaj himself. I beg to contradict this point and in support of my argument I would like to quote the same Manu Smriti of the same Manu Maharaj in which it is obviously written that a poorly born man in a depressed nation can make himself a great man and it is also therein the Smriti that if a Brahman's son does Shudra's work he will be called a Shudra and if a Brahman's son takes to himself a bania's work he cannot be called a Brahman but he will be called a bania. As a matter of fact Manu did not create castes but he established professions, the attainment of which entitled a man to be called after that profession. Those professions were known as varnas in those days. Then the honourable member blamed that banias as a caste were cowards. I submit that only the people of the bania caste are not cowards while others are. My honourable friend should not think that people who can pass through a jungle in pitch darkness at night can be found only in martial classes. No. Such people can also be found in non-martial classes and most of them who belong to depressed classes plough land in jungles for the whole night. Then my honourable friend Sardar Lal Singh, while making distinction between Rajputs and other communities, referred to Shastras and also said that a Rajput is always a Rajput. But my submission is that it has been laid down in Shastras that a man can make himself a Shudra or a Brahman by virtue of his karmas. It is therefore absurd to persist upon maintaining distinction between martial and non-martial classes and I appeal to the Government to do away with this distinction as soon as possible. Again, I may point out that a doctor's son cannot be called a doctor unless he passes a medical examination. If a patwari's son passes patwar examination then we can call him a patwari, otherwise not. Similarly, young men of martial classes cannot claim themselves to be martial unless they prove themselves as such. Hence this claim of the martial classes that only they can fight in the firing line is wrong and unfounded. For instance, look at the history of olden times. You will find that even people belonging to small nations have performed acts of gallantry on certain occasions which perhaps people of big nations would not have performed. I would rather say that whereas the acts of gallantry performed by Rana Partab are found in history even the remarkable deeds of Bhil and Gond are also there in golden letters in the annals of history. By all these instances I want to make it clear that it is unjust and unfair to say that small nations are coward and weak while in reality they stand on an equal footing. My point is, as I have already submitted, that a brave



man can see dawn in a depressed and backward class and that in every community, be it big or small, a man can become brave or coward and we cannot attach distinction to any class in this respect. Before I resume my seat I would again submit that bulk of recruitment for lower and higher ranks may not be taken from enrolled classes but in making recruitment distinction of any kind may be avoided. With these few words, Sir, I oppose the resolution which is now before the House.

**Khan Muhammad Yusuf Khan** (Rawalpindi Sadar, Muhammadan, Rural) (Urdu): Sir, the resolution now before the House has been discussed threadbare and a great many speeches have been made on the subject. As the time at my disposal is very short I would briefly express my views in this connection. Now, the honourable members on this side of the House, while making speeches have been laying stress on this fact that recruitment of cadets for ordinary and emergency commissions should be made from the ranks of the enlisted classes, or to be more particular, from different classes in the same proportion in which they are represented in the ranks of His Majesty's Defence Forces. On the other hand the honourable members opposite have endeavoured to prove that the so called non-martial classes have also the right to serve in the army and they can also become warlike and martial-minded, provided proper military training is imparted to them. But they have failed to make out a case from the military point of view. My learned friend, Dr. Narang, whose ability is unquestionable, very adroitly twisted the arguments and tried to convince us by referring to Carlyle's view that the invention of gun powder had brought about equality in all human beings. But we can distinguish between the chaff and the grain. Again, it was argued that as present wars were fought with scientifically prepared armaments, the training and the knowledge of arms were the primary things for a soldier to know and hence everybody could serve in the army. But the pity is that my honourable friends opposite lose sight of the fundamental fact, that is the inherent martial spirit of the enlisted classes who are by temperament eminently suited for the army. If we cast a glance at the huge armaments of European countries we find that a few thousand tanks necessitate the maintenance of an infantry consisting of strong and brave soldiers. In this connection I am reminded of a story about a certain community. I have not the slightest intention to cast any aspersions on the valour of the members belonging to that community. Once during a war a regiment was raised from the Kashmiris. They were provided with rifles and ammunition. But on a sunny day they laid aside their arms and began to bask in the sun. When asked to get ready for resisting the onslaught of the enemy they refused and said that they must take rest, the rifles would fire of their own accord when they warmed up by the heat of the sun. (Laughter). The idea underlying this fact is that the most essential trait required of a soldier is that he should temperamentally possess the courage and the grit for fighting in the wars. I would not be exaggerating facts if I say that this trait is prominently inherent in the enlisted classes. I quite agree that the scientific knowledge of the armaments goes a long way to fight and win present day wars. But we must remember that it is extremely necessary that those who have to use and handle these fire-arms should not be of an inferior stuff. They should be dare-devils, hardy and dauntless in spirit. We should in no way under-rate the physical

[Khan Muhammad Yusuf Khan.]

prowess of the martial classes and ignore this fundamental characteristic found in them.

I may also point out that even in that country where the basic principle of the State is to provide equal opportunities to everybody, an endeavour is being made to create suitable environments and provide facilities for those individuals who are by temperament inclined towards military life. I am alluding to the socialist State of Russia. What I want to drive at is that even there the State makes efforts to develop martial characteristics found in its people. I wish our Government should also create such environments as are congenial to the development of martial spirit inherent in the enlisted classes. I fully realise the limitations of the Punjab Government in this matter.

Then there is another anomaly existing in the army which the resolution seeks to be removed by the central authorities. The officers commanding the army provided by the martial classes are taken from such classes as have absolutely no heroic traditions at their back. They neither possess any sympathy for the file nor any appreciation of the chivalrous characteristics of the latter. I strongly uphold the demand that commissions, both emergency or otherwise, should be granted to persons from the ranks of the enlisted classes.

One thing more and I have done. It is very unfortunate that it has been remarked by my honourable friends opposite that the Punjab soldiers especially recruited from the Rawalpindi division are mercenaries. I categorically repudiate this charge. They join the army with a view to save the hearths and homes and honour of our country from the depredations of the aggressors. They lay down their lives out of patriotism for their country. Besides, martial classes of the Rawalpindi division consist of sturdy and well-built people. They have to work hard in eking out their living in the mountainous regions of the division. As they have to face the rigours of life, being geographically situated in difficult ilaqas, they inculcate a dauntless spirit in them. Consequently they become very war-like and hence are really suited for enlistment in the army. Besides, serving in the army has become a profession with them and they have inherited this profession from their forefathers. And therefore the question of being mercenary does not arise at all.

Then as I have already stated we should consider the matter from the point of view of the military requirements. As a matter of fact the resolution and the amendment conforms to this principle. They have been put forward in the best interests of the country. There is nothing more unjust than to saddle those persons who have absolutely nothing to do with the army, over the head of the file recruited from the enlisted classes. We do not say that the non-enlisted classes should be altogether debarred from recruitment to the army. They should come forward and prove their mettle. But we cannot tolerate that they should be allowed to usurp the ranks which ought to go to the martial classes. Those who shed their blood for the country have every right to have officers in the same proportion in which they are represented in His Majesty's defence forces. With these words I support the motion now before the House.

**Diwan Bahadur S. P. Singha** (East Central Punjab, Indian Christian) (*Urdu*): Sir, I can understand and appreciate the main resolution and I would have perhaps not minded lending my support to it. But the amendment moved by my honourable friend Mian Mushtaq Ahmad Gurmani is unintelligible to me. That the recruitment of officers should be limited to certain classes and that in strict proportion to their representation in the fighting forces is a strange proposition. He was pleased to remark that the amendment had been put forward in the best interests of the country. Is it a joke or an eyewash? Is it not self-interest that has prompted him to move it? If it had been candidly admitted by my honourable friends that as they provided recruits for the file, they had the right to be represented in the rank proportionately, then we might have understood the meaning of this amendment and one could even sympathise with it. But to say that it had been brought forward simply for the good of the country, is obviously an attempt to throw dust into the eyes of the honourable members and waste the valuable time of the House. This proposal could only have benefited our country, if it was really possible and practicable to have all classes throughout India to join the Army. Such a thing could be envisaged under some military training scheme in a free India striving to remain free. But it is meaningless under the existing circumstances to put forward a scheme for officering the Army on lines that may be suitable under those at present non-existing conditions. Even to make a beginning requires a great change to be brought about not only in the Punjab but also in the whole of India. But the fundamental requisite for achieving this object is that the question of distinction between martial and non-martial classes should be forthwith done away with. The recruitment should not be reserved to certain so-called enlisted classes alone. Every fit person should have the opportunity to serve in the army. (*Interruptions*). Honourable members including the Honourable Minister of Local Self-Government who have interrupted me have reminded me that the distinction has already been done away with. Yes, I know that. What I meant to say was that the theory should be translated into practice. The fact remains that every one is not in practice free to join the army. For example, is there a place for the Indian Christian to join as a combatant? I am told "yes". I say "No". And I speak from first hand knowledge. As President of the Punjab Indian Christian Association, I have been trying to get Christians enlisted since the 7th of September, 1939, when we passed a resolution of unrestricted support in the War. We can now become clerks, stretcher bearers, signallers, etc., but except the Territorial Force in which we have a Company, there is no combatant unit in which our men can join. If the distinction between the martial and non-martial classes is done away with, Indian Christians would be prepared to join the Army in large numbers and I have no doubt this will be true of many other excluded classes. It has been said that some classes are not willing to accept the risks of military services. The remark cannot apply to Indian Christians at least. Far from it. In fact two thousand five hundred members of this community have already been recruited in various lines and thousands more are available. The difficulty is that there are not enough openings. What actually happens is that the Recruiting Officers are indented upon to supply so many Punjabi Muslims, Dogras, Jats, Sikhs, etc., and the Recruiting Officers cannot recruit from any other classes.

[Diwan Bahadur S. P. Singha.]

It is wrong to say that the Army is open to all alike. If you really want a Resolution of this kind to have any force, then you should earnestly work to make the Army open to all. If you are really martial and others are not, you should not be afraid of competition. The real banyas will not join. They will consider the pros and cons and weigh the gains and losses before making up their minds to join the army. But there will be others who may prove to be as martial as you. After all the present distinction of martial and non-martial classes was not created by God or by the famous law-giver of antiquity, that is Manu, who gave us in India the well-known caste system. Even if you follow him we would not mind. There would be some logic in it. Let Kshatrias alone join the army. We will not grudge it. But for God's sake do not arbitrarily divide and subdivide the human family into further classes and groups. Communalism has already poisoned our civic life in India. The amendment in question is a poison belonging to the same family—perhaps deadlier as the sub-division it seeks to consolidate is more artificial. However, if you must have Manuism, though not Manu, if you would rather follow the British classification than Manu's, then follow the British interpretation faithfully and completely. They made you martial. They can make others martial too. Who are you to object? Let your Manu decide. If the Britishers want to recruit officers for the army from any class they like, why do you seek to interfere with their discretion? You should not try to teach your own teachers. It is they who have been making their own choice in selecting recruits in the past. It is again they who want to exercise their discretion in the selection of their officers in the army. Why protest at all if you do not speak in self-interest? Some honourable member says that our young men want to be officers for the sake of pay. You must not say this. If you do, you have no right to protest against being called mercenaries yourself. Only the other day when Mahatma Gandhi called the Punjabi soldiers to be mercenaries, you vehemently protested against that accusation. Now if you really do not mind salary, why do you want to reserve the officers' rank for yourself? Why raise the question of high salaries and prize posts in connection with war? After all the powers that be, know well as to who is best fitted to command in the army. They will not commit the error of putting wrong men in the wrong places. We should have this confidence in them because they are fighting not only for India but for their own existence and cannot afford to select unsuitable officers for their army. They cannot afford to have an Army of mercenaries. Sir Gokul Chand Narang can buy many benches on this side. Would his son join the army for the sake of pay? I agree with you that the men from the enlisted classes do not join as sepoys for the sake of pay. Give the same credit to others. I assert with confidence that even the so-called non-martial classes can produce good fighters and patriots willing to lay down their life in the battlefield. There are many others like the son of Dr. Sir Gokul Chand Narang who have joined the army as officers from the highest motives. (An Honourable Member: But he is serving as an officer only and it is the soldiers who die in the battle field). I am afraid my honourable friend is not correct in saying that only the soldiers die in the battle. Is an officer not a soldier? Does he not stand as great a chance of being killed as the men he leads? Or is there some

masonic tradition in India that officers stay behind when the men are asked to charge? And is it because of this that you are jealous that these safe jobs should not be usurped by others? It is disgraceful to make such a suggestion and a most un-Punjabi thing to say. My honourable friend Rao Pohop Singh was pleased to observe that when a soldier belonging to a martial class has to serve under an officer who does not belong to any of the martial classes, his heart is broken and he has no confidence in him. His idea was that martial classes could best serve under martial classes. But I beg to differ from him. Facts belie him. But granting for the sake of argument that it was so, why should we oblige the Army authorities to fix the proportion of Muslim officers, the Jat officers and Sikh officers? Then another point. When a Muslim soldier can serve under a Jat officer, why cannot he also serve under a Christian who also happens to be a Jat? After all, all classes are welcome to embrace Christianity. But by conversion to Christianity, a man does not become a member of a non-martial class if he was originally a member of the martial class. Yet the amendment keeps out not only men like this, but even limits the proportion of the enlisted classes. For example, if there was already a full quota of Sikh officers, a third rate Jat would have to be preferred to a first rate Sikh and so on. It will be thus seen that from the military point of view there is no sense in the amendment. From the point of view of military efficiency, the best men must command the troops, be they from one class or sub-class or another. It should be kept in mind that the existing selection committees are not composed of Congress Ministers, but of British Generals and representatives of the enlisted classes. They may be trusted not to have a bias in favour of those whom you are seeking to hit. (*Interruptions*). It is senseless to say that it is our fault if we are not already well represented in the ranks. You know very well that we have been denied the opportunity. Take the example of Christians. There are some Christians in the Pioneer Regiment in the South. But it is a thousand pities that Indian Christians who are counted among the martial classes in Madras, fail to be recognised as such in the Punjab which province is the sword arm of India and the inhabitants of which are soldiers by nature. There is no place in the army for a Punjabi Christian. This in spite of the contribution we made in the last Great War. Proportionate to population, the percentage of Punjabi Christians was the highest taking the recruitment in all its phases. We had even a full combatant battalion, called the 71st Punjabis. One or two Punjabi Christian Companies were attached even to a Carnatic Regiment. Yet after the war we were disbanded. Did we ask to be demobilised or were we shunted out? This ignoble treatment rankles in the mind of the community to this day as a grievous grievance. It is a grievance we are still trying to get redressed. Would it not be a devilish mockery then, first to throw us out of the army and then say: "We cannot appoint your sons as officers as you have no representation in the fighting forces"? If you really wish to establish a convention of the kind sought by the amendment, I say, first classify the army on a juster basis. I am sorry I cannot follow my Party in supporting the amendment as I owe it to my constituency to strongly oppose it. You want the Officers' Selection Committees to reject us when already the members of my community are being rejected by the recruiting officers.

**Minister for Public Works :** I repudiate the charge. Who rejects the Christians ?

**Diwan Bahadur S. P. Singha :** The recruiting officers, because of your own kith and kin. Do I have to repeat what I have said before ? I know there is a demand for Christians in certain sections of the army. The outstanding demand is for signallers. But they must be Matrics. We are supplying the demand slowly and steadily. But it is not an easy matter. Ninety-five per cent of our men are villagers. How many Christians matriculate every year ? Of this small number, a large proportion is already employed. They have to arrange for their release. Of those who can join at once, only a certain proportion is found medically fit. So you need not repudiate the charge by saying that Christians can join the Signal Corps. Have the recruiting officers been told that they can take Christians as sepoys ? Is there a Christian unit or Christian Platoons or Companies in mixed units for which our men can be recruited ? We have long been an out-caste in the army and this in spite of our willingness to risk the risks

of the battlefield. Here I may relate what my own family experienced in this connection. Fifteen or eighteen members of my family including myself offered their services during the last Great War as soon as the war broke out. They offered to serve not as officers but as sepoys. Indians did not have King's Commission then. But we could not be enlisted. There was no provision in the Army Code for enlistment of Punjabi Christians. However, all of us did do our bit. We went out for overseas service in whatever kind of duty we could find a place in. Some later on joined the 71st Punjabis. Others had officially the status of Camp followers only, but we did not mind. It is not a thing one likes to say, but as there is so much bumptiousness on the other side, I hope I shall be excused mentioning that I was thrice mentioned in despatches, and I had gone out on Rs. 15 and rations. I and others with me completed our education after the war. My point is that you must not forget that love of adventure, patriotism and willingness to take risks of war is not the monopoly of the enlisted classes only. There are others who can face the war conditions voluntarily and do their jobs well. If they are not in a fighting unit, it is no fault of theirs. They cannot enlist. You may be interested to hear the story of a cousin of mine. He was at the time a school boy in Kandy, Ceylon. When his brother, cousins and uncles joined up, he could not restrain himself. As the family thought he was too young, he ran away. He reached Marseilles as a stowaway. He had been discovered and was under arrest. He jumped over board and swam away. Making enquiries, he found his way to me. I arranged to send him to Sir Andrew Fraser in Scotland, who got him admitted to the Public School Battalion. When this Battalion was broken up, as all these young men were given Commissions, the young cousin of mine was left out, as being an Indian he could not receive a Commission. He was willing to join as a sepoy, but could not as he was a Christian. They, therefore, enlisted him in a British Regiment—the Royal Fusiliers. The same blacky who was not taken in the Indian Army fought shoulder to shoulder along with the white Britishers. He was twice or thrice wounded and ultimately won a Commission. He amply proved his mettle as a soldier and is now a Major. But according to the present resolution men like him cannot be

regarded as belonging to the fighting classes who may be given a Commission. I can give you instances of how men belonging to my community, who were taken by mistake on the class basis, were sent back after joining their depot on discovery that they were Christians.

In face of facts such as these, how can any one with an ounce of justice or fairplay in him support such a resolution? If officers must be recruited in proportion to the number of sepoys belonging to his class, then first let there be a committee appointed to overhaul the proportion in the army. Are you willing that the communal proportion in the army should be in accordance with the communal population in the community? I daresay not. But let that "not" be not because it is bad for the country. Leave the army alone. Let it be above communalism or class politics. Instead of making it more class-based, let its rank and file be open to every son of our mother land, who is willing to join and is physically fit for service as a soldier. Thus will India become great and not through resolutions and amendments which are meant to serve self and not her.

**Sardar Tara Singh (Urdu):** Sir, I accept the amendment moved by Khan Bahadur Mian Mushtaq Ahmad Gurmani.

**Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana):** Sir, first of all, I would like to congratulate the mover of this resolution that he has afforded an opportunity to the members of this House to express their opinions on a matter of great and vital importance to the province. He has rendered a great service to the martial classes not only of this province but of the whole of India because the martial classes, though residing mostly in this province, are not only confined to it. We find them scattered all over India. There seems to exist considerable misunderstanding on this question of martial and non-martial classes. The martial classes have existed from the time of Manu as was said just now, still a clear definition of these classes cannot be found anywhere either in the Indian Army Orders or any Government instructions on the subject. What has happened is this, that although the fighting classes have existed right from the days of Manu, yet those described as such to-day are not necessarily the same. There has been an evolutionary history. Certain classes, which were warlike once deteriorated and dropped out and others which had developed aptitude and suitability for the work took their place. This had been going on even before the advent of the British rule. When the British came they employed certain classes available to them in areas then under their control. Later on, as has been said—I do not want to go into the history of how the development took place—they, the Englishmen, realised that there were still better classes available in the Punjab and elsewhere. As is natural for anybody who has to employ a person to go to the best market and get the best material, army authorities turned to the Punjab and these classes started their connection with the army and began to be enlisted. It is these classes which are commonly known as martial classes. There is no particular definition laid down. They were taken because of their suitability and for that reason alone they were preferred by the unit commanders and the army authorities. These classes used to fight, before the British came in, under their own officers. It is not a fact, as it is said sometimes, that they cannot.

[Minister for Public Works.]

produce leaders. They have produced very good generals of their own in the past. When the Britishers came as an imperial power, they naturally wanted to bring along a class of officers of their own because of language and certain other requirements and precautions necessary for a foreign power. They introduced the British officer class but had to retain the Indian Viceroy's commissioned officers or Sirdars without whom the British officer could not function efficiently. These Sirdars or Indian officers either rose from the ranks or they were leaders of these classes in the countryside and came along with their tribesmen and were recruited. These people who were their leaders in the villages were in some cases taken as Sirdars direct and given Viceroy's Commission. This state of affairs continued till the last war. At that time the British officers' commissions were not open to Indians. We find that before the last war 50 per cent of the men in the army were supplied by the Punjab. Their number was something like 92,000. Subsequently, during the Great War, enlistment was thrown open to all classes. It is not correct to say that a particular class was given preference. Scheduled castes and urban people were all invited to come in and join the army. Some of them did come. This invitation was not confined to this province only, but efforts to get recruits were made in all other provinces. All classes who wanted to enlist themselves were given the chance to do so. Bengalis and others responded. As to their success as soldiers it would suffice to cite the notorious instance of the Bengal Double Company. What was the result? They did not find that this was a work which suited them and their mode of living and they failed miserably abroad even before seeing the battle. After that the army authorities lost hope and the experiment was not continued and they were disbanded. So, it cannot be said that enlistment was either a privilege granted to the martial classes or that the army authorities were in any way partial in the matter. The process that I have tried to explain has thus been evolutionary. During the last war when horrors and news of casualties of war frightened the inhabitants of other provinces and non-martial classes here and when all those trembled at the idea of army service, these classes voluntarily produced four lakhs and eighty thousand men, that is to say, roughly about five lakhs of soldiers from the Punjab and the Punjab States joined the army. (*Hear, hear*). This was their contribution and not only that. They performed individual feats of valour and gallantry on the battle fields of Flanders, Mesopotamia, Palestine and fought under adverse climatic conditions on various continents and have established a record second to none. Their blood lies sprinkled there even to-day. It was established in the last War that the Punjabi fighter, be he a Sikh, Punjabi Muslim, Jat, Dogra or any other member of the martial classes, was in every way the equal of a German or British soldier. (*Hear, hear*). If they were not officered by their own people it was not of their choosing, but they had their own Sirdars, i.e. Indian Viceroy's Commissioned officers, who were virtually their commanders. The British officer was there to give the lead and to supply his quota of expert knowledge. Subsequently, on account of the sacrifices of the Indian troops in war, the scope of their responsibility in the army was widened and King's commissions were thrown open to Indians. During the war the services of these classes were fresh in the memory of the authorities. All those who were given the King's commission belonged



to the martial classes. Similarly, in the ranks also these classes who had virtually provided all the man-power during the war had a right to claim proportionate share in the peace-time army after the demobilisation of the war strength. They could not be turned out to make room for those who had shirked at the time of crisis and claimed a share during peace only. Consequently martial classes predominated in the composition of the army after the war as is detailed in the Army Order No. 711 of 1936. This state of affairs continued till the present war. When the present war started another Army Order, No. 1001 of 1939, was issued and this widened the scope of enlistment and threw open the door to any class that wanted to enlist provided it is suitable and is of the type that the army authorities would like to have. If they do not come forward or the army authorities do not enlist them for want of suitability, I do not think the blame lies at the door of the martial classes or the so-called enlisted classes. The demand for men is likely to go on increasing. So, now is the chance for those classes that want to be included in the enlisted classes to come forward, give their quota, prove their mettle and get their share in the future army of India. It is not that any class of persons, Arains or other suitable people are being refused. They are being taken as they come along. They are not rejected at all and one of the honourable members, Sardar Naunihal Singh, who is a recruiting officer, has just now confirmed this. What we protest against today is that a certain class of people do not want to join the army in war but claim officership and share in the ranks in peace time only. These peace time soldiers have no martial traditions and they will shirk danger now as they did in the last war. We challenge them to come out. The test is, as it has been rightly said by the mover of the resolution, let the classes that want to acquire martial traditions come forward. The war has begun, and they can prove their mettle and get their share. But we do not want that when only we come forward into the field and make sacrifices somebody else should come along, have the cream and get command over us by various devices and slogans. The Honourable Dr. Sir Gokul Chand Narang has described us as mere tools. Sir, we are tools of none. We have had our own leaders in the past and are capable of producing them still. We have proved our worth many a time by the test of war and it is only fair that when British officers are to be replaced by Indians, martial classes should be commanded by their own kith and kin and not by those who call us mercenaries and come merely to make money, that is, get officer's pay earned by the sacrifices of these classes and are themselves mercenaries of the worst type. I repeat, Sir, that certain classes in the Punjab are even now given special preference by Unit Commanders because of merit in the past and taken in large numbers in the army. This preference has been obtained as the result of an evolutionary process, which is a continuing one and is still going on. The classes that succeeded in this test are by common parlance called the martial classes. This is no separate class to which admission is barred. Any class can prove its worth as the enlisted classes have done and are doing. It was on account of sacrifices and valour shown by the enlisted classes that the British officer's ranks were thrown open to Indians. But the principle that applied to recruitment in the ranks and restricted it to people of tried worth, that is, enlisted classes, was not adhered to in the selection of officers. By then the Central Assembly had come into being. There the representatives of non-enlisted classes were

[Minister for Public Works.]

predominant. Only a few representatives of the enlisted class were present but their voice was a cry in the wilderness. They were not heard. By and by due to the pressure from the Central Assembly where people unconnected with the army had great say, and due to further pressure from the non-enlisted classes in the press and from the platform the weak Central Government gave way. This is how an unholy alliance started between powerful interests as a result of which certain classes were left in the ranks while others totally different began to be given officers' positions. The Britishers preserved their share. Out of the rest only a portion went to the people of enlisted classes in the shape of Y Cadets but the remainder went to the non-enlisted classes who were vocal and organised enough to claim command over others without making any sacrifice. How did it happen? The Britisher may be a brave fellow when he is in the battlefield or when he is in the navy on high seas, but when he is on land—and there is an article published against him in the press and agitation starts—he completely loses his nerves. This is how he was carried away by politicians championing the non-enlisted classes in the garb of nationalism. Certain enquiries have been carried out from time to time and commissions were instituted to look into the question of Indianisation of army, but in each of these politicians of non-enlisted view-point again predominated with the result that except a portion that we got as Y Cadets, the rest of the share went to the non-martial classes. This was brought about by various devices. First of all, the cost of education was pitched too high. Originally the training started at Sandhurst. The cost of education there was £ 557 for the son of an army man and £ 677 for the son of a private person yearly. So on account of the high cost the Indian officer's sons or the soldier's sons had no chance except the very wealthy among them who were unfortunately very few. Consequently the cadets could only come from the well-to-do commercial and urban classes. The poor soldier's son had no chance. (This is what we are trying to remedy). The cost at Sandhurst was thus enormous and no son of a soldier could pay. Now at the Dehra Dun Academy, too, for the first term the cost is Rs. 1,500 per annum and for the second Rs. 2,250. That even a soldier's son cannot meet. The result was that persons of non-enlisted classes began to find place in the officers' ranks in great numbers and to-day we find predominance of a class of officers totally different from the enlisted classes and that has been done under the usual bogey of efficiency and education. Education is nobody's monopoly. But people educated in a certain type of schools can only come through competitions of a sort now insisted upon. The authorities did not make any arrangements where such education could be imparted free or at a reasonable cost which an Indian officer's son could pay. Nor did they make any arrangements for those in the ranks to undergo further education while in service. Nor did they attempt to select matriculates from the enlisted classes and train them for officers' careers as was done during the last war when persons were selected on the basis of army service only and given training at Indore. They are to-day in the army and are efficient officers proving their worth. Why was not the same principle followed and people selected on account of services only with prescribed minimum educational qualification? Why is this absurd emphasis being laid on higher education,

which is impossible for a boy residing in rural areas to obtain? It is this that has produced the deplorable result that officers are to be of one class and men of another. No instance can be quoted of a successful and efficient army in the military history of the world where officers were of one class and ranks of another. Dr. Sir Gokul Chand Narang was kind enough to say, "Well, all people are alike and why should anyone grudge another person coming along and getting his share?" The Doctor has invested money, bought shares and is as a result of that enterprise Director of the Steel Mill, the Saraswati Insurance Co., etc. Would he like me to come along—after he has invested so much money and established those firms—and become a Director there, or even oust him without investing any money? In the same way when these classes have made so many sacrifices and can produce suitable officers, should they not be commanded by their own kith and kin and should some one else be allowed to come along and command them?

Now, Sir, I come to the emergency commissions. In the emergency commissions the position of the enlisted classes has further deteriorated. There the share of the enlisted classes is almost negligible and what we find is that salesmen, insurance agents and people of this type who dress well and can speak English fluently, carry the day in the selection board. This defect has now been realised and a scheme has been approved by which the provincial officers will have a greater say in the selection of the would-be cadets. Even this is tinkering with the problem and the position will not be set right until something like what we have suggested to-day is approved. The officers should only be provided by the same classes as provide the man power for the ranks. This is all the more essential at present because we are no longer fighting for the British but for our own country. We are also looking forward to a free India and to a free Punjab. (*Hear, hear*). It is in our own interest that we should have a good army before we acquire full liberty, otherwise any liberty will not be worth the paper on which it is written, as has been the case with many European countries. Therefore, if we are to look after this freedom, we must have an army officered by Indians of proved traditions and of the class that have in their past history proved their worth. (*Hear, hear*). This tradition about which we have been talking has not been easily acquired and is not easily acquirable.

Here I would like to say just a word by way of illustration about the Italians. They were great fighters, as we know, in olden days. Subsequently they lost that tradition. Then Mussolini came along to revive it. In 1935, when I was last in Italy, I saw that a regular propaganda was being carried on to infuse military spirit in the young men. This was done by taking out processions with bands and a cavalcade marching through the streets of Rome with a specially prepared map to show to the young men how the old Roman Empire existed and how Mussolini was reviving its greatness. In the procession following first came soldiers in Caesar's uniform to represent the armies of his time. Then followed others to represent different periods of Italian history in their respective uniforms. Last of all came Mussolini's black shirts and they went about from square to square making speeches and trying to revive the martial traditions of the people. But it is not easy even to revive the lost martial traditions,

[Minister for Public Works.]

not to speak of acquiring new ones. Even their so called victories have not left any permanent effect on their fighting spirit. What do we find to-day? They ran before the Austrians in the last War, and to-day they are running before the Greeks. I would not claim it as a credit if they run before the Punjabis (*Hear, hear*), for we are waiting for a stronger foe to be defeated by the Punjabis. Therefore I maintain that the best course for all the classes is to join in the ranks and to have their proportionate share amongst the officers. This would not in any way affect the mixed composition of the units. There is no objection on communal or other grounds to one of the officers of martial classes belonging to one religion commanding enlisted classes of another religion or community. There is no question of any rivalry between the martial classes *inter se*. They have the most brotherly feelings. They have certainly no objection to be commanded by any other officer of the enlisted class, to whatever community or province he may belong. Punjabis would be glad to be commanded by a Marhatta. What we do object to, however, is the class of people who come along to make careers and money in the army and want to use us as tools only, as Sir Gokul had the audacity to remark. Without their own leaders and officers no army can be of any credit to its country. It is true that there are at present a number of Indian officers from the non-enlisted classes serving in the army. Their number is, however, very small and the real work is being carried on by others. What we have to visualise is an Indian army totally officered by Indians, defending a free India, and for that we must have tried officers with martial traditions. If there is no new scheme forthcoming to meet the situation, and I know of none, then the only alternative left to us would be to copy England. There, Woolwich and Sandhurst have been closed and nobody can become an officer unless he enlists in the ranks. Here certain job hunters come and apply for commissions only and no more. They should not be allowed to enter by the back door through a so-called emergency Selection Board whose whims have now resulted in an almost total exclusion of the really deserving. They should be made to join in ranks before they can aspire to rise to an officer's position. Or we should lay down a definite principle that representation of various classes among commissioned officers will correspond to the man power supplied by them respectively in the ranks. Then certain other instances of individuals were cited. Dr. Sir Gokul Chand said that they want to prove their mettle. I dare say that the interest they evince in the army is proved by the fact that he and others of his type have all disappeared from their seats while this important discussion about army is going on. Mian Nurullah, an ex-Unionist, who is the only person left on those benches is not a representative of theirs. Those belonging to the martial classes are still occupying their seats to a man (*laughter*). In this connection let me state a concrete instance of what happened recently. A request was made to the Premier that there are certain classes who want to serve in the Territorial Force. He forwarded that request to the army authorities. They in their wisdom or, if I may say so, lack of it, decided to form an urban battalion. The recruitment for that urban battalion was started on the 1st of August this year. They wanted 157 recruits. Only eight men have appeared so far. This is the response from the classes who are anxious to prove their mettle. But they

all wanted to become officers and for commissioned ranks 189 applications were received, whereas the number of vacancies to fill up was only two, if I remember aright. Their entire game is to make cannon fodder of others and get the cream themselves. We are cannon fodder for none. If we have to make the supreme sacrifice then we can justly demand that we should be officered by persons of our own class and have our own leaders. Reference has also been made by some honourable members to certain other classes which are of the right sort but not enlisted in the army freely. I can assure them that their grievance will receive due consideration. But as regards others who had been in the past clamouring for a share in the peace-time army and have slackened now, I may inform them that the war is now reaching a stage when they would not only forego their so-called share but would not even come forward if we begged them at their houses.

Sir, these are my views. The resolution concerns a central subject. All that the Punjab Government can do is to forward the proceedings to the Central Government for their consideration. As this is the only House in which the representatives of the enlisted classes have their say, and in no other province are they in a majority, I hope that the debate will receive the consideration that it should receive from the army authorities; otherwise I can say that this blunder involving injustice to the enlisted classes will one day redound on the heads of those who are responsible for it.

**Mr. Speaker :** Does Sardar Tara Singh withdraw his resolution so that the alternative resolution may be put to vote ?

**Sardar Tara Singh :** Sir, I beg leave to withdraw my resolution.

*The resolution was by leave withdrawn.*

**Mr. Speaker :** Now the alternative resolution is as follows :—

This Assembly recommends to the Government to urge upon the Government of India the vital importance of recruiting cadets both for ordinary and emergency commissions from different classes in the same proportion in which they are represented in the ranks of His Majesty's Indian Defence Forces.

The question is that this resolution be adopted.

*The motion was carried.*

*The Assembly then adjourned till 12 noon on Monday, 20th January, 1941.*

# INDEX.

## Vol. XIV.

	PAGES.		PAGES.
<b>A.</b>		<b>ACCOMMODATION—</b>	
<b>ABDUL AZIZ, MIAN—</b>		Question re for legal practitioners and litigant public in Civil Courts, Lahore ..	239
Adjournment motion re, Legislative Assembly electoral rolls ..	192-93, 195-96.	<b>ACHHUTS—</b>	
Bill, General Sales Tax—Circulation ..	827-35	Question re—	
Bill Urban Immovable Property Tax—		Construction of wells for, in Karnal district ..	638
Appeal and Review ..	1163-66	Representation of, among Head Constables of Police ..	643
Levy of Tax ..	1056-59	Representation of, among process-servers ..	642
Penalty for failure to make returns ..	1175-76	Representation of, among Sub-Inspectors of Police ..	643
Motion re hours of business ..	17	Representation of, among Tehsildars and Naib-Tehsildars ..	641
References to late Khari Bahadur Ahmad Yar Khan Daulatana and Sayed Afzaal Ali Hasnie ..	23-4	Representation of, in Punjab Civil Service (Executive Branch) ..	641
Resolution re cadets for ordinary and emergency commissions ..	1239-41	<b>ACHHUT STUDENTS—</b>	
<b>ABDUL GHANI, SHEIKH—</b>		Question re Half-fee concessions to, ..	1034
Question re application of, to start a Printing Press ..	164	<b>ADDITIONAL POLICE—</b>	
<b>ABDUL HAYE, HON'BLE, MIAN—</b>		Question re ..	632
Bill, Primary Education—		Question re—	
Application ..	914-16	Expenditure on, posted at Raja Jang and Jia Bagga ..	643
Duty of guardian to send boy to school ..	920	In Lahore ..	633
Duty of guardian to send girl to school ..	952	Posted in Jullundur Hoshiarpur, Kangra, Ferozepore and Ludhiana districts ..	644
Exemptions ..	918, 919	<b>ADDITIONAL POLICE POST(S)—</b>	
Passage ..	954	Question re ..	858
Penalty for neglect by guardians ..	951	Question re removal of, at Sur Singh ..	869
Recommendation by local authorities for its application ..	878, 880, 881, 884.	<b>ADJOURNMENT—</b>	
<b>ABIANA—</b>		Of the House ..	1233
Question re—		<b>ADJOURNMENT MOTION(S)—</b>	
On Wad Wattar ..	1098	Action against police reporter for mis-reporting M. Abdul Ghani's speech ..	184
Remission in land Revenue and, ..	622	Application for enlistment as voters ..	265
<b>ABSCONDERS—</b>		Compelling people to buy tickets for wrestling match, Jullundur ..	98
Question re, in Lyallpur and Jhang districts ..	930	Confinement of Sardar Sohan Singh Josh without trial ..	88-91
<b>ACCIDENT(S)—</b>		Contributions for War Fund ..	185
Question re—		Des Raj Chaddha, undertrial prisoner under the Defence of India Rules ..	96-7
Compensation for Punjabees killed or wounded in Frontier Mail, ..	246	Executive Officer, Lyallpur Municipal Committee ..	91-96
Motor, ..	1105	Externment of Dr. Muhammad Ashraf ..	333, 365
Motor, in narrow public streets in Narowal ..	1025	Failure of cotton crop in Nili Bar and relief to sufferers ..	198
Motor, in the province ..	931		

PAGES.		PAGES.
	<b>ADJOURNMENT MOTION(s)—concl'd.—</b>	
	Failure to provide facilities to Secretary of Opposition Party in the Assembly ..	473
83-6	Forcible realization for war fund ..	
	Franchise of women voters of Lahore city ..	474
	Legislative Assembly electoral rolls ..	191
	Motor stands in Sialkot and Gurdaspur districts ..	188
	Moving of, ..	1
	Municipal Voters' lists, Rewari ..	471
	Orders of Regional transport authorities ..	189
	Police behaviour while arresting Mian Muhammad Iftekhar-ud-Din ..	647
	Postponement of, ..	17
	Premier's speech at Ludhiana ..	97-8
	Relief to peasants of Jullundur district ..	189
	Remedies against tirak epidemic to cotton crop ..	265
	Resort to repression ..	86-7
	Unsatisfactory reply to a question re newspapers and war publicity ..	264
	War fund, Kangra district ..	190
	Wrong report of Maulvi Abdul Ghan's speech ..	87
	<b>ADMISSION—</b>	
	Question re—	
	Of students to Punjab College of Engineering and Technology, Lahore, and Punjab Agriculture College, Lyallpur ..	261
	To the First Year Class of the Stratford College for Women at Amritsar ..	711
	<b>ADULT EDUCATION—</b>	
	Question re, ..	451
	<b>ADULTERATION—</b>	
	Question re, of ghee ..	709
	<b>ADVERTISEMENT—</b>	
	Question re payment to <i>Tribune, Civil and Military Gazette, Hindu, Insilab, Zamindar and Shabbaz</i> for, ..	1221
	<b>ADVISORY COMMITTEE—</b>	
	Question re Members of Canal, Bhatinda branch ..	1014
	<b>ADVOCATE-GENERAL—</b>	
	Bill, Urban Immovable Property Tax—Validity of, as tax is proposed on capital value ..	743
	<b>AFZAL ALI HASNIE, SAYED—</b>	
	Reference to late, ..	20-26
	<b>AFZAL HAQ, CHAUDHRI—</b>	
	Question re, ..	639, 704
	<b>AGREEMENT—</b>	
	Question re, between khaksars and the Punjab Government ..	518
	<b>Agricultural Assistants—</b>	
	Question re demonstration by, in Ludhiana district ..	235
	<b>AGRICULTURAL COLLEGE—</b>	
	Question re admission of students to the Punjab, Lyallpur and Punjab College of Engineering and Technology, Lahore ..	261
	<b>AGRICULTURAL LAND—</b>	
	Question re, as security for loans advanced in aid of Industries..	1099, 1225
	<b>AGRICULTURISTS—</b>	
	Question re—	
	Number of, in the Department of Industries ..	1017
	Of Ferozepore district in Government services ..	940
	<b>AHMAD YAR KHAN DAULATANA, KHAN BAHADUR, MIAN—</b>	
	References to late, ..	20-26
	<b>AHSAN AHMAD, QAZI—</b>	
	Question re transfer of, from Rawalpindi to Multan Jail ..	810
	<b>AIR-RAID—</b>	
	Question re, Precautions Officer ..	937
	<b>AIR RAID PRECAUTIONS—</b>	
	Question re, in Punjab ..	794
	<b>AIR WARDENS—</b>	
	Question re, ..	794
	<b>AJAIB SINGH—</b>	
	Adjournment motion re failure of Police to arrest, and other dacoits of Ludhiana district ..	98-100, 124-137, 590
	Question re arrest of, dacoit ..	590
	<b>AJIT SINGH, SAHDAR—</b>	
	Adjournment motion re—	
	Failure of cotton crop in Nihari ..	198
	Bar and relief to sufferers ..	
	Remedies against tirak epidemic to cotton crop ..	265
	<b>AKBAR ALI, PIR—</b>	
	Bill, Female Singers Prohibiting, Reference to Select Committee ..	783-85
	<b>ALI AKBAR, CHAUDHRI—</b>	
	Bill, General Sales Tax, circulation ..	827
	Bill, Urban Immovable Property Tax, Levy of tax ..	1049-50
	<b>ALLENATION—</b>	
	Question re, of lands of Brahmans in Jullundur district ..	231
	<b>ALLENATION OF LAND AMENDMENT ACT—</b>	
	Question re Restitution of Mortgage Lands Act and, ..	524
	<b>ALLAH YAR KHAN DAULATANA, MIAN—</b>	
	Oath of office ..	17
	<b>ALLOWANCE(S)—</b>	
	Question re—	
	For Government servants drawing Rs. 30 per mensem or less ..	142
	To overseers and other officers of the Public Works Department ..	640

PAGES.	PAGES.
<b>AMALGAMATION—</b>	<b>ARREST(s)—concl'd.</b>
Question re—	Question re—
Of Office of Superintending Engineer, Drainage Circle, Roh-tak, with Punjab Irrigation Secretariat ..	Of persons for non-payment of land revenue in famine-stricken southern districts of Punjab ..
Of Municipal Committee, Sadar Bazar, Ambala, with Cantonment Committee, Ambala ..	Of some leading citizens of Gujranwala under Defence of India Rules ..
<b>AMENDMENT—</b>	Under Defence of India Rules ..
Question re, of Election Rules ..	Under Defence of India Ordinance ..
<b>ANTI-CORRUPTION DEPARTMENT—</b>	<b>ARYA NAGAR—</b>
Question re cases of corruption instituted by, ..	Question re resumption by Government of, ..
<b>ANTI DOWRY BILL—</b>	<b>ASSEMBLY BUILDING—</b>
Circulation ..	Question re fixing of a clock on, and walled fencing of public galleries ..
<b>ANTI-RABIO TREATMENT—</b>	<b>ASSISTANT CONSERVATORS—</b>
Question re, ..	Question re Sikhs among Chief Conservator, Deputy Conservators and, Forest Department ..
<b>ANTOO HARIJAN—</b>	<b>ASSISTANT DIRECTOR, INFORMATION BUREAU—</b>
Question re entry of wrong report by Moharrir, Police station Manala made by, of Ambala district ..	Question re claims of Sikhs for appointment as Director and, ..
<b>APPLICATIONS—</b>	<b>ASSISTANT DISTRICT INSPECTORS—</b>
Question re—	Question re representation of Sikhs among, of schools and Head Masters of Government High schools ..
Inviting, for appointments ..	<b>ASSISTANT ENGINEERS (PUBLIC WORKS DEPARTMENT), BUILDINGS AND ROADS—</b>
Publication of, for stage carriages and public carrier permits ..	Question re communal representation among Sub-Divisional Officers and, ..
Received by Debt Conciliation Board, Jhang, from debtors and creditors ..	<b>ASSISTANT PANCHAYAT OFFICERS—</b>
<b>APPOINTMENT (s)—</b>	Question re—
Question re—	Panchayat and, ..
Agitation against, made by Government in different departments ..	Panchayat officers and, ..
Inviting applications for, ..	<b>ASSISTANT SUB-INSPECTOR(s)—</b>
In Punjab Educational Service ..	Question re—
Made by Government on recommendation or without consulting Public Service Commission, Punjab and North-West Frontier Province ..	Of police, Subathu ..
Of Muslim officers in place of Rai Sahib Nathu Ram, Diwan Harvansh Lal and Diwan Sukh Anand. ..	Recruitment of Sub-Inspectors and, ..
<b>ARMS—</b>	<b>ASSISTANT SUPERINTENDENTS—</b>
Question re—	Question re officiating, of Jails ..
Carrying of, in processions ..	<b>ASSISTANT SURGEONS—</b>
Licences for, in Hissar district ..	Question re, and Sub-Assistant Surgeons in the Punjab ..
Smuggling of unlicensed, into Shahpur district ..	<b>ASSOCIATION—</b>
Suspension of licences for, of Rai Bahadur Chaudhri Het Ram, M.L.A. ..	Question re, of Punjab Prisons officers ..
Unlicensed, in Ludhiana district ..	<b>ASYLUMS—</b>
<b>ARREST(s)—</b>	Question re, for lepers ..
Question re—	<b>ATA ULLAH SHAH BUKHARI, MAULANA—</b>
And convictions under Defence of India Act ..	Question re prosecution against, ..
And convictions of persons under Defence of India Rules In Amritsar district ..	<b>B.</b>
	<b>BACHELORS OF TEACHING—</b>
	Question re women, ..
	<b>BAHALBA MINOR—</b>
	Question re, and Meham Minor Jadid ..



	PAGES.		PAGES.
<b>BAILIFFS—</b>		<b>BENAMI TRANSACTIONS—<i>concl'd.</i></b>	
Question re representation of Sikhs among Process-servers and, ..	77, 469	Appointment of officers for dis- posal of applications relating to, and restitution of mort- gaged lands ..	1098
<b>BALRHA—</b>		Rendered invalid ..	696
Question re Survey operations of, and Nakher Khud Bund schemes in Kangra district ..	926	<b>BERI CIRCLE—</b>	
<b>BABANI VILLAGES—</b>		Question re election for, seat in district board, Rohtak ..	930
Question re supply of canal water for tanks in, in Rohtak district	595	<b>BHACHHO—</b>	
<b>BAB CONFERENCE—</b>		Question re relief to zamindars of, and other villages in the Feroze- pore district ..	184
Question re resolution by Punjab, and action taken thereon ..	141	<b>BHAGAT RAM SHARMA, PANDIT—</b>	
<b>BABRAT ALI, MALIK—</b>		Adjournment motion re—	
Adjournment motion re applica- tions for enlistment as voters ..	269	Motor stands in Sialkot and Gurdaspur districts ..	188
Bill, District Board of Gujrat (Tax Validating), motion for circulation ..	301	Orders of regional transport authorities ..	189
Bill, General Sales Tax, circula- tion ..	821—27	War fund, Kangra district ..	190
Bill, Legislative Assembly (Re- moval of Disqualifications) Amendment, Trade Union Con- stituency ..	558	<b>BHAKRA DAM SCHEME—</b>	
Bill, Urban Immovable Property Tax—		Question re, ..	622, 862
Exemptions ..	1140—42	<b>BHALBA MINOR—</b>	
Levy of Tax ..	1045-46, 1111—13.	Question re, ..	862
Motion for circulation ..	659	<b>BHATINDA DIVISION—</b>	
Passing of, ..	1183—1203	Question re special outlets to a landlord in, for gardening pur- poses or for seed farms ..	1096
Power to make rules ..	1180	<b>BHIM SEN SAHAB, LALA—</b>	
Validity of, because tax is proposed to be levied on capital value of property ..	666, 737, 955.	Bill, District Board of Gujrat (Tax Validating)—	
Point of order, re consider- ation of Urban Immovable Property Tax Bill under rule 96 ..	955—57, 960-61, 964.	Assessment ..	348, 351
Proceedings in Camera ..	5-6	Motion for circulation ..	338
<b>BEGAB—</b>		Proceeding in Camera ..	5
Question re proclamation against, taken from members of schedul- ed castes ..	247	<b>BILL(S)—</b>	
<b>BEGGARS—</b>		Question re—	
Question re movements of leper, in Lahore and other big cities and towns ..	1020	Enforcement of, passed by the Punjab Legislative Assembly For defining privileges of the members of the Assembly ..	592 247
<b>BERT ILAQA—</b>		Posting of objectionable, and posters on walls in Lahore ..	608
Question re—		<i>See Anti-Dowry Bill.</i>	
Decrease in Production from Lands in, ..	455	<i>See Colonisation of Government lands (Punjab Amendment) Bill</i>	
Poor health of people of, ..	617	<i>See Criminal Law (Second Amend- ment) Bill.</i>	
Visits by Director and Deputy Director of Agriculture to, ..	234	<i>See District Board of Gujrat (Tax Validating) Bill.</i>	
<b>BENAMI LANDS—</b>		<i>See Female Singer's Prohibiting. See General Sales Tax Bill.</i>	
Question re area of, restored to the original owners in the Jhang district ..	227	<i>See Hindu Charitable and Religious Endowments Bill.</i>	
<b>BENAMI TRANSACTIONS—</b>		<i>See Lahore Corporation Bill.</i>	
Question re—		<i>See Land Revenue (Amendment) Bill.</i>	
And mortgages ..	228	<i>See Legislative Assembly (Remov- al of Disqualifications) Amend- ment Bill.</i>	
And restoration of land to origi- nal owners ..	695	<i>See Municipal (Amendment) Bill. See Prohibition Bill.</i>	
		<i>See Punjab Province Prisons (Amendment) Bill.</i>	
		<i>See Removal of civil disabilities among Harijans Bill.</i>	
		<i>See Rural Poor and unemployed Relief Bill.</i>	

	PAGES.		PAGES.
<b>BILL(s)—concltd.—</b>		<b>CANAL ADVISORY COMMITTEE—</b>	
<i>See</i> Sikh Gurdwaras (Amend- ment) Bill.		Question re members of, Bhatinda Branch ..	1014
<i>See</i> Suppression of Immoral Traffic (Amendment) Bill.		<b>CANAL WATER—</b>	
<i>See</i> Urban Immovable Property Tax Bill.		Question re supply of, for tanks in <i>barani</i> villages in Rohtak district ..	595
<b>BLIND—</b>		<b>CASE(s)—</b>	
Question re Institute for the, ...	1017	Question re—	
<b>BOOKS—</b>		Disposed of by Debt Concilia- tion Board, Zira ..	864
Question re, to private schools for purchase of, for libraries ..	516	Disposed of by Magistrates at Ludhiana under Motor Vehi- cles Act ..	394
<b>BORSTAL INSTITUTE—</b>		Disposed of by Special Magis- trate, Lahore, relating to kid- napping of minors ..	394
Question re employment of some inmates of the, for levelling the ground of the house of Superin- tendent, New Central Jail, Mul- tan ..	140	Of corruption instituted by anti- Corruption Department ..	181
<b>BRAHMINS—</b>		Pending and decided by Sikh Gurdwara Tribunal ..	162
Question re Alienation of Lands of, in Jullundur district ..	231	Reported at police stations in Rawalpindi district ..	248
<b>BREACHES—</b>		Reported to police in the pro- vince ..	249
Question re, in Haveli Project ..	456	Under Defence of India Act ..	170
<b>BRIDGE—</b>		<b>CASTES—</b>	
Question re construction of, over water-course near village Mam- bala Jai Singh, Tahsil Kasur ..	770	Question re claims of different, for Government service ..	766
<b>BRITISH CHANNELS—</b>		<b>CATTLE-LIFTING—</b>	
Question re closing of, on account of insufficiency of water in Western Jumna Canal ..	48	Question re cases of, in Jhang dis- trict ..	705
<b>BROTHELS—</b>		<b>CENSORING—</b>	
Question re prostitution houses and, ..	251	Question re—	
<b>BUILDINGS—</b>		Of Dak ..	610
Question re minimum areas for, within the Municipal limits of Lahore ..	635	Of films ..	617
<b>BULLOCKS—</b>		<b>CENTRAL GOVERNMENT—</b>	
Question re feeding of, on molasses at Government Farm, Mont- gomery ..	140	Question re, Road Fund ..	1030
<b>BUND SCHEMES—</b>		<b>CENTRAL JAIL—</b>	
Question re Survey operations of Baleha and Nakeher Khud, in Kangra district ..	926	Question re Female prisoners, Lahore, ..	1226
<b>BURALA EXTENSIONS—</b>		<b>CHARI RATES—</b>	
Question re rack renting by lessees on tender system on, ..	624	Question re Abolition of, ..	612
<b>BURGLARIES—</b>		<b>CHAMAN LALL, DIWAN—</b>	
Question re, in Ambala district ..	800	Adjournment motion re—	
<b>BYE-ELECTIONS—</b>		Confinement without trial of Sardar Sohan Singh Josh ..	88
Question re, to local bodies ..	930	Legislative Assembly electoral rolls ..	194, 195, 197.
<b>C.</b>		<b>Bill, District Board of Gujrat (Tax Validating)—</b>	
<b>CASET(s)—</b>		Motion for circulation ..	298
Resolution re, for ordinary and emergency commissions ..	1237—81	Reference to Select Com- mittee ..	346
<b>CATTLE—</b>		<b>Bill, Legislative Assembly (Re- moval of Disqualifications)</b>	
Question re, grazing below Siwalik Range ..	527	Amendment—	
<b>CAMP—</b>		Government Treasurers ..	562, 565
Question re cases decided in, by Magistrates in Ludhiana dis- trict ..	453	Passing of, ..	570
		Reference to Select Com- mittee ..	356
		Trade Union Constituency ..	555—60
		Hours of business, ..	19
		Proceedings in Camera ..	8

PAGES.	PAGES.
<p><b>CHHOTU RAM, THE HONOURABLE CHAUDHRI SIR—</b>  <b>Additional Financial Commissioner</b> .. 419  <b>Bill, General Sales Tax—</b>  <b>Circulation</b> .. 848—56  <b>Reference to Select Committee</b> .. 810—12  <b>Select Committee, Sir Gokul Chand's resignation from</b> .. 920  <b>Bill, Rural poor and Unemployed Relief, motion for leave to introduce</b> .. 211  <b>Bill, Urban Immovable Property Tax, motion for consideration..</b> .. 955  <b>Resolution re loan for starting state-owned and State-managed industries</b> .. 507  <b>CHICHAWATNI-KAMALIA ROAD—</b>  <b>Question re Metalling of,</b> .. 395  <b>CHIEF CONSERVATOR—</b>  <b>Question re Sikhs among, Deputy Conservators and Assistant Conservators, Forest Department..</b> .. 467  <b>CHIEF ENGINEER—</b>  <b>Question re appointment of a Muslim as, Irrigation Department..</b> .. 1037  <b>CHILD—</b>  <b>Question re Theft of a newly born, of Karamat Ali of Lahore from Lady Aitchison Hospital, Lahore</b> .. 445  <b>CHILD LABOUR—</b>  <b>Question re, in workshops</b> .. 613  <b>CHILD MARRIAGES—</b>  <b>Question re cases under, Restraint Act</b> .. 444  <b>CHOLERA—</b>  <b>Question re, in Panipat</b> .. 244  <b>CHRISTIAN MEDICAL COLLEGE FOR WOMEN—</b>  <b>Question re disaffiliation of, Ludhiana</b> .. 710  <b>CINEMA FILMS—</b>  <b>Question re Banning of, in the Province</b> .. 765  <b>CIVIC GUARDS—</b>  <b>Question re,</b> .. 592  <b>Question re duties of,</b> .. 639  <b>CIVIL COURTS—</b>  <b>Question re—</b>  <b>Accommodation for legal practitioners and litigant public in, Lahore</b> .. 239  <b>Civil suits and, in Haryana district</b> .. 1226  <b>Clerks in, Gurgaon</b> .. 628  <b>CIVIL LITIGATION—</b>  <b>Question re,</b> .. 317  <b>CIVIL SECRETARIAT—</b>  <b>Question re—</b>  <b>Representation of Sikhs in the Punjab</b> .. 72  <b>Sikh stenographers in the,</b> .. 179  <b>CIVIL SUITS—</b>  <b>Question re, and civil courts in Haryana district</b> .. 1226  <b>CIVIL SURGEONS—</b>  <b>Question re representation of Sikhs among, and other officers of Medical department</b> .. 79</p>	<p><b>CLERKS—</b>  <b>Question re, in Civil Courts, Gurgaon</b> .. 628  <b>CLOCK—</b>  <b>Question re fixing of a, on Assembly Building and walled fencing of public galleries</b> .. 239  <b>CLOSURE—</b>  <b>Question re, of British channels on account of insufficiency of water in Western Jumna Canal</b> .. 48  <b>COLLEGES—</b>  <b>Question re Government, and schools</b> .. 780  <b>COLONIZATION OF GOVERNMENT LANDS (PUNJAB AMENDMENT) BILL—</b>  <b>Introduction</b> .. 781  <b>COLOURIZATION OF VEGETABLE GREY ACT—</b>  <b>Question re enforcement of,</b> .. 612  <b>COMMISSION(S)—</b>  <b>Resolution re cadets for ordinary and emergency,</b> .. 1237—81  <b>COMMUNAL PROPORTION—</b>  <b>Question re, in service</b> .. 921  <b>COMMUNAL REPRESENTATION—</b>  <b>Question re—</b>  <b>Among employees in office of Deputy Commissioner, Criminal Tribes and Reclamation Officer</b> .. 940  <b>Among head constables of police in Karnal district</b> .. 639  <b>Among Kanungos and Naib-Tahsildars</b> .. 946  <b>Among Sub-Divisional officers and Assistant Engineers, Buildings and Roads Branch, Public Works Department</b> .. 262  <b>In services in Government Printing Press</b> .. 945  <b>COMMUNISTS—</b>  <b>Question re release of,</b> .. 34  <b>COMPENSATION—</b>  <b>Question re—</b>  <b>For Punjabees killed or wounded in Frontier Mail Accident</b> .. 246  <b>To sufferers in the riots at Multan</b> .. 935  <b>COMPLAINT(S)—</b>  <b>Question re—</b>  <b>Against Inspector of Co-operative Societies, Shahdara</b> .. 236  <b>Against Sub-Inspector of Police, Tehl Singh, posted at Sukheki Mandi, in Gujranwala district</b> .. 144  <b>COMPOUNDERS—</b>  <b>Question re rules for the promotion, transfer and dismissal of,..</b> .. 1033  <b>COMPROMISE—</b>  <b>Question re, between Government and Khaksars</b> .. 521  <b>CONSOLIDATION—</b>  <b>Question re, of Holdings</b> .. 443  <b>CONSTABLES—</b>  <b>Question re recruitment of, in Multan division</b> .. 257</p>

	PAGES.		PAGES.
<b>CONTRIBUTIONS—</b>		<b>CRIMINAL PROCEDURE CODE—</b>	
Question re, controls towards development of Industries ..	797	Question re persons bound down under Section 107, in Rawalpindi district ..	152
<b>CONVICTION(S)—</b>		<b>CROPS—</b>	
Question re, under Defence of India Act ..	453, 795	Question re—	
<b>CO-OPERATIVE SOCIETIES—</b>		Damage to, by hailstorm ..	441
Question re, in Fazilka, Moga, Muktsar and Nathana ..	863	Damage to, by hailstorm in certain villages in Ferozepore district ..	183
<b>CORRUPTION—</b>		Damage to, in Ferozepore district ..	50
Question re—		Damage to, by hailstorm in Jullundur district ..	597
Cases ..	171	Damage to, by hailstorm in Lahore and five other districts ..	697
Cases of, instituted by Anti-Corruption Department ..	181	Damage to, in Ludhiana, Jullundur and Hoshiarpur districts ..	52
Complaints of, against police officers in Jhang district ..	799	Damage to, in Sheikhupura and Gujranwala districts ..	768
Complaints of, against subordinate officials ..	689	Failure of, in certain villages in Ludhiana district ..	1224
<b>CORRUPTION CASES—</b>		Failure of Gawara, in Ferozepore district ..	52
Question re, in Police in Ludhiana district ..	513	Remission for damage to, by hailstorm in Dipalpur Tahsil ..	327
<b>CORRUPT POLICE OFFICERS—</b>		<b>CULTIVATED AREA—</b>	
Question re suspension and dismissal of, ..	705	Question re, on Rajbaha, Ferozepore ..	623
<b>COTTON—</b>		<b>CURVE—</b>	
Question re—		Question re dangerous, on Kotkapura-Baghdanpura road ..	1221
Damage to American, by <i>Tirak</i> ..	770	<b>CUT—</b>	
Damage to, by <i>Tirak</i> ..	780	Question re, in the salaries of teachers by the Lahore Municipality ..	604
Damage to, in Montgomery ..	317		
<b>COTTON CROP—</b>			
Adjournment motion re—			
Failure of, in Nili Bar and relief to sufferers ..	198-99		
Remedies against <i>Tirak</i> epidemic to, ..	265		
Question re—			
Damage to, in Jhang district ..	772		
Damage to, in Montgomery district ..	439		
Relief for damage to, in Nili Bar Colony ..	530		
<b>COURT(S)—</b>			
Question re—			
Holding of, by District and Sessions Judge, Delhi, at Hissar, and by Sessions Judge, Hissar, at Gurgaon ..	703		
Of Sub-Divisional Officer, Fazilka ..	928		
Sub-Judge's, Muktsar, Ferozepore district ..	928		
Return of registered documents produced by, ..	929		
<b>CREDITOR CLASSES—</b>			
Question re representation of, on Debt Conciliation Board, Karnal ..	945		
<b>CRIME (S)—</b>			
Question re—			
In Kangra district ..	1029		
In Ludhiana district ..	646		
Increase in, ..	801		
<b>CRIMINAL CASES—</b>			
Question re, in courts at Ludhiana ..	1228		
<b>CRIMINAL LAW (SECOND AMENDMENT) BILL—</b>			
Motion for consideration ..	100—123		
Motion for circulation ..	100—123		
Passing of, ..	270—293		
		<b>D.</b>	
		<b>DACOIT(S)—</b>	
		Question re—	
		Gangs of, at large in Ambala and its adjoining districts and States ..	546
		Killed in encounters with police ..	614
		Reward for successfully resisting, ..	865
		<b>DACOITY(IES)—</b>	
		Question re—	
		And Theft in Jhang and Lyallpur districts ..	253
		Discharge of accused in, and murder cases ..	632
		In Rohtak, Gurgaon, Hissar and Karnal districts ..	929
		Murders, and highway robberies in the jurisdiction of Sidhwan Bet Police Station, district Ludhiana ..	605
		Murders and, in Haryana district ..	1099
		Murders and, in Rohtak district ..	1102
		<b>DACOITY CASES—</b>	
		Question re murder and, at Ludhiana ..	1018

PAGES.	PAGES.
<b>DAILY PAPERS—</b>	<b>DEFENCE OF INDIA RULES—concl'd.</b>
Question re warnings to, of Lahore ..	Question re—concl'd.
<b>DAIS—</b>	Prosecutions under. Sections 153-
Question re trained, in Ferozepore ..	A, Indian Penal Code and ..
district ..	under, ..
<b>DAK—</b>	791
Question re censoring of, ..	<b>DEOLI—</b>
<b>DAM—</b>	Question re Detenus transferred to; ..
Question re construction of a, near ..	324
Shivalik Hills ..	<b>DEOLI CAMP—</b>
126	Question re transfer of State prison-
<b>DAMAGE—</b>	ers to, ..
Question re—	517
By hailstorm to Kharif crops ..	<b>DEMONSTRATION—</b>
in tahsil Tallagang, district ..	Question re, by Agricultural As-
Attock ..	sistants in Ludhiana district ..
926	235
To crops by hailstorm in certain ..	<b>DEPARTMENTAL EXAMINATIONS—</b>
villages in Ferozepore dis-	Question re—
trict ..	Appointment of Sikh as Regi-
183	trar of, Vernacular Educa-
To crops in Ferozepore district ..	tion ..
50	81
To crops in Ludhiana, Jullundur ..	Examiners of, held by Educa-
and Hoshiarpur districts ..	tion Department ..
52	638
To crops in Shaikhupura and ..	<b>DEPARTMENT OF INDUSTRIES—</b>
Gujranwala districts ..	Question re number of Agricul-
768	turists in, ..
<b>DARBAR—</b>	1017
Question re rules governing hold-	<b>DEPRESSED CLASSES—</b>
ing of, ..	Question re employment of, candi-
1221	dates in the Departments in
<b>DASAUNDHA SINGH, SARDAR—</b>	Lyallpur district ..
Bill, Urban Immoveable Property ..	247
Tax. Motion for circulation ..	<b>DEPUTATION—</b>
725	Question re—
<b>DEATH—</b>	Officers on, to various municipal
Question re, of accused by torture ..	committees in the Punjab ..
in police custody ..	150
241	Transfer of, of Provincial Civil
<b>DERATE—</b>	Service (Executive Branch)
On answers to questions re Sikhs ..	officers ..
in the Education Department ..	173
184	<b>DEPUTY COLLECTORS—</b>
<b>DEBTS—</b>	Question re number of persons
Question re Settlement of, by Debt ..	appointed as Tahsildars, Naib-
Conciliation Board, Amritsar ..	Tahsildars, Zaildars and, ..
927	65
<b>DEBT CONCILIATION BOARD(S)—</b>	<b>DEPUTY COMMISSIONER(S)—</b>
Question re, ..	Question re leave reserve clerks in
180, 441	office of, ..
Question re—	391
Applications received by, Jhang, ..	<b>DEPUTY COMMISSIONER, CRIMINAL</b>
from Debtors and creditors ..	<b>TRIBES—</b>
252	Question re communal representa-
<b>Cases disposed of by, Zira ..</b>	tion among employees in office
864	of, ..
<b>Indebtedness of a member of,</b>	940
Muzaffargarh ..	<b>DEPUTY CONSERVATORS—</b>
603	Question re Sikhs among, ..
<b>Representation of creditor class</b>	467
on the, Karnal ..	<b>DEPUTY DIRECTOR OF AGRICUL-</b>
945	<b>TURE—</b>
<b>Settlement of debts by, Am-</b>	Question re visits by, to Beit
ritsar ..	Ilaga ..
927	234
<b>DEFENCE OF INDIA ACT—</b>	<b>DEPUTY DIRECTOR, PUBLIC INSTRU-</b>
Question re—	<b>CTION—</b>
Arrests and convictions under, ..	Question re appointment of a Sikh
795	as, ..
<b>Cases under, ..</b>	81
170	<b>DEPUTY RANGERS—</b>
<b>Convictions under, ..</b>	Question re representation of Sikhs
453	among, ..
<b>Detenus, Externees and Inter-</b>	76
<b>nees under, ..</b>	<b>DEPUTY SUPERINTENDENTS OF</b>
795	<b>JAILS—</b>
<b>Trials for offences under, ..</b>	Question re, ..
923	775
<b>DEFENCE OF INDIA ORDINANCE—</b>	<b>DEPUTY SUPERINTENDENTS OF</b>
Question re arrests under, ..	<b>POLICE—</b>
594	Question re representation of Hari-
<b>DEFENCE OF INDIA RULES—</b>	jans among, ..
Question re—	642
Arrests and convictions of per-	<b>DESHBANDHU GUPTA, LALA—</b>
sons under the, ..	Adjournment motion re unsatisfac-
618	tory reply to a question ..
<b>Arrests of some leading citizens</b>	264
of Gujranwala under, ..	
593	
<b>Arrests under, ..</b>	
36, 766	
<b>Prosecutions under, in Jullundur</b>	
<b>Division ..</b>	
519	

PAGES.		PAGES.
	<b>DESHBANDHU GUPTA LALA—concl'd.</b>	
1233	Leave of absence of,	
264	Withdrawal of remarks about the Press	455
	<b>DES RAJ CHADHA—</b>	
96-7	Adjournment motion re,	
	<b>DETENUS—</b>	
	Question re—	
795	Externes, and internees under Defence of India Act	
773	Senior Medical Officer in charge of, in Musaffargarh Jail	
324	Transferred to Deoli	47
	<b>DEV RAJ SETHI, Mr.—</b>	
400	Additional Financial Commissioner and special enquiry agency	
333,365, 387.	Adjournment motion re externment of Dr. Muhammad Ashraf	635
270	Bill, Criminal Law (Second Amendment), Passing of	866
397	Officer to work Motor Vehicles Act	
495	Resolution re loan for starting state-owned and state-managed industries	939
	<b>DEHARAM BIR SINGH—</b>	
4106	Question re issue of temporary permits to Messrs. Malik Ram-Narainjan Das and,	616
	<b>DIRECTOR, INFORMATION BUREAU—</b>	
470	Question re—	243
80	Appointment of a Sikh as,	
80	Claims of Sikhs for appointment as,	526-27
234	Representation of Sikhs among employees in office of,	
797	<b>DIRECTOR OF AGRICULTURE—</b>	
68	Question re visits by, to Beil-laga	
1033	<b>DIRECTOR OF INDUSTRIES—</b>	
1033	Question re visits of, to Industrial Centres of Punjab	
1232	<b>DIRECTOR OF PUBLIC INSTRUCTION—</b>	
872	Question re posts in the office of	
1034	<b>DISMISSAL—</b>	
616	Question re Rules for, of compounders	
608	<b>DISPENSARY (IES)—</b>	
	Question re—	
1232	In Ferozepore district	
1232	In Sirsa tahsil	
872	In Sub-Tahsil Nathana, Ferozepore district	
1034	Jagraon Municipal Dispensary Rai-kot, in Ludhiana district	
616	Reduction in contribution to be paid for subsidized,	
608	Subsidized, in Ludhiana district	
	<b>DISPUTES—</b>	
516	Question re settlement of, between management of non-Government schools and members of staff	
	<b>DISTILLERY—</b>	
1009	Question re removal of, from the Karnal city	
	<b>DISTRIBUTARY—</b>	
	Question re opening of a new, from Sirhind Canal	
	<b>DISTRIBUTION—</b>	
	Question re, of water from Jumna river between Western Jumna Canal and the United Provinces Government	
	<b>DISTRICT BOARD—</b>	
	Question re—	
	Government grants to Kangra, Jhang,	
	Lady doctor for, hospital, Jaranwala	
	Medical grant relief given to, Ludhiana	
	Scheduled caste representation in, Hissar	
	Transfer of management of Rangoi Canal to, Hissar	
	<b>DISTRICT BOARD OF GUJRAT (TAX VALIDATING) BILL—</b>	
	Assessment	
	Motion for circulation	
	Motion for consideration	
	Passed	
	Reference to Select Committee	
	<b>DISTRICT JAIL—</b>	
	Question re Ludhiana, hospital	
	<b>DIVISION—</b>	
	Question re New, of Shahpur	
	<b>DOCUMENTS—</b>	
	Question re return of registered, produced before courts	
	<b>DRAINAGE—</b>	
	Question re construction of, of dirty water into the Imti Sacred Tank by the Municipal Committee, Hansi	
	<b>DRAINAGE CIRCLE—</b>	
	Question re amalgamation of office of, Superintending Engineer, Rohtak, with Punjab Irrigation Secretariat	
	<b>DRILLING—</b>	
	Question re, by volunteers in private compounds or buildings	
	<b>DUNI CHAND, LALA—</b>	
	Additional Financial Commissioner and Special enquiry agency	
	Adjournment motion re—	
	Confinement of Sardar Sohan Singh Josh, without trial	
	Resort to repression	
	Wrong report of Maulvi Abdul Ghani's speech	
	<b>Bill—</b>	
	Criminal Law (Second Amendment), motion for circulation	
	District Board of Gujrat (Tax Validating), Assessment	
	Officer to administer Motor Vehicles Act	
	Resolution re loan for starting state-owned and state-managed industries	

PAGES.		PAGES.
	<b>DUNI CHAND, MR.—</b>	
	Bill, Urban Immovable Property Tax ..	
584	Oath of Office ..	
17	Resolution re loan for starting state-owned and state-managed industries ..	
493	<b>DUNI CHAND, MRS.—</b>	
	Bill, Criminal Law (Second Amendment), Passing of, ..	
274		
	<b>E.</b>	
	<b>ECONOMICS—</b>	
	Question re teaching of, in an Indian Language ..	
808	<b>EDUCATION—</b>	
	Question re—	
	Grant of greater facilities for the, of girls ..	
515	Reorganisation of the present system of, ..	
321	Spread of, in Lahore Municipality ..	
706	<b>EDUCATION DEPARTMENT—</b>	
	Debate on answers to question re Sikhs in, ..	
184	Question re—	
	Inspecting staff of the, ..	
871	Posts held by Sikhs in, ..	
68, 181	Posts in, ..	
67	Representation of Sikhs among officers and clerks in, ..	
82	Representation of Sikhs in different branches of the, ..	
80	<b>EDUCATIONAL INSTITUTIONS—</b>	
	Question re maximum limit of Rs. 6,000 for grant-in-aid to, ..	
1108	<b>EFFICIENCY WAGE—</b>	
	Question re of members of teaching staff ..	
245	<b>EJAZ HUSSAIN—</b>	
	Question re election of Mr., as Executive Officer, Municipal Committee, Gujranwala ..	
805	<b>ELECTED MEMBERS—</b>	
	Question re removal of, of Small Town Committee, Makhad ..	
143	<b>ELECTION(S)—</b>	
	Question re—	
	For Beri Circle seat in district board, Rohtak ..	
930	To Gohana Municipal Committee ..	
1101	To Municipal Committee, Amritsar ..	
636	Vetoing of, of Executive Officer, Gujranwala Municipal Committee ..	
1023	Vetoing of, Executive Officer, Lyallpur Municipal Committee ..	
933	<b>ELECTION FRITION—</b>	
	Question re, against Lala Kesar Mal of Lyallpur ..	
244	<b>ELECTION RULES—</b>	
	Question re amendment of, ..	
45		
	<b>ELECTIVE LOCAL BODIES—</b>	
	Question re conversion of Notified Area Committees into, ..	
1229	<b>ELECTORAL ROLL(S)—</b>	
	Adjournment motion re Legislative Assembly, ..	
191	Question re, of Punjab Legislative Assembly ..	
793	<b>ELECTRIC ENERGY—</b>	
	Question re, generated at Joginder-nagar ..	
634	<b>ELECTRIC POWER—</b>	
	Question re, for agricultural purposes ..	
139	<b>EMERGENCY COMMISSION—</b>	
	Resolution re cadets for ordinary and, ..	
1237—31	<b>EMPLOYEES—</b>	
	Question re communal representation among, in office of Deputy Commissioner, Criminal Tribes and Reclamation Officer ..	
940	<b>EMPLOYMENT—</b>	
	Question re, of depressed classes candidates in departments in Lyallpur district ..	
247	<b>ENGINEERING COLLEGE—</b>	
	Question re alumni taken into service ..	
391	<b>ENGLISH BOY EVACUEES—</b>	
	Question re, coming to Punjab ..	
766	<b>EXAMINATION—</b>	
	Question re—	
	Hours of, for Punjab Civil Service (Executive Branch) ..	
263	Medium of instruction and, at the secondary stage ..	
321	<b>EXAMINERS—</b>	
	Question re—	
	And Sub-Examiners of Punjab University ..	
466	Of Departmental Examinations held by Education Department ..	
638	Representation of Sikhs among, of Punjab University ..	
74	<b>EXCISE DEPARTMENT—</b>	
	Question re Sikhs in, ..	
178	<b>EXECUTIVE OFFICER(S)—</b>	
	Adjournment motion re, Lyallpur Municipal Committee ..	
91—6	Question re, ..	
805	Question re—	
	Election of Hakim Sikander Khizar as, Lyallpur Municipality ..	
802	Election of Mr. Ejaz Husain as, Municipal Committee, Gujranwala ..	
805	Lyallpur Municipality ..	
867	Gujranwala Municipality ..	
156	Vetoing of election of, Lyallpur Municipal Committee ..	
933	Vetoing of election of, Gujranwala Municipal Committee ..	
1023	<b>EXECUTIVE OFFICERS' ACT—</b>	
	Question re, ..	
931	<b>EXECUTIVE POSTS—</b>	
	Question re Punjab Civil Service ..	
34	<b>EXPENDITURE—</b>	
	Question re, on move of Punjab Government to Simla ..	
27		

	PAGES.		PAGES.
<b>EXPENSES—</b>		<b>FATEH KHAN, KHAN SAHIB RAJA—</b>	
Question re, incurred in connection		Bill, anti-Dowry. Circulation ..	790
with riots at Thatta ..	1022	Bill, Female Singers Prohibit-	
<b>EXPERIMENTATION—</b>		ing, ..	785-86
Question re grant of freedom to		Resolution re cadets for ordinary	
teachers for, ..	321	and emergency commissions ..	1263-65
<b>EXTENSION(S)—</b>		<b>FAZAL ALI, KHAN BAHADUR NAWAB</b>	
Question re—		<b>CHAUDHRI—</b>	
Of Hydro-Electric Scheme to		Bill, District Board of Gujrat (Tax	
Ambala ..	1037	Validating), Motion for circu-	
Of Western Jumna Canal, ..	230	lation ..	305, 335
To P. C. S. officers ..	609	<b>FEE CONCESSION—</b>	
<b>EXTERNEES—</b>		Question re grant of full, to the	
Question re, ..	453, 692	children of teachers at schools	
Question re—		and colleges ..	592
Detenus, and Internees under		<b>FEMALE PRISONERS—</b>	
the Defence of India Act ..	795	Question re, Lahore Central Jail ..	1223
Internees and, ..	766	<b>FEMALE SINGERS PROHIBITING BILL—</b>	
<b>EXTRA ASSISTANT COMMISSIONERS—</b>		Reference to Select Committees ..	782
Question re—		<b>FILMS—</b>	
Appointment of Muslim, in		Question re—	
Ambala division ..	60	Banning of Cinema, in the Pro-	
Appointment of Non-agricul-		vince ..	765
turists Hindus of Ambala		Censoring of, ..	617
division as, ..	1038	<b>FINANCE DEPARTMENT—</b>	
Appointment of persons belong-		Question re, of Secretariat ..	60
ing to Ambala division as, ..	1036, 1038	<b>FINANCIAL COMMISSIONER(S)—</b>	
On deputation ..	44	Additional, and special enquiry	
<b>EUROPEAN OFFICERS—</b>		agency ..	400
Question re resignation from ser-		Question re, ..	1096
vice or premature retirement of,		Representation of Sikhs among	
since the inauguration of Provin-		employees in office of, ..	75
cial Autonomy ..	1093	Share of Sikhs in posts in	
<b>EVACUEES—</b>		office of, ..	467
Question re English Boy, coming		<b>FIRING—</b>	
to Punjab ..	266	Question re, in New Central Jail,	
<b>F.</b>		Multan ..	141
<b>FACILITIES—</b>		<b>FISHING—</b>	
Question re grant of greater, for		Question re order prohibiting, in	
the education of girls ..	515	the Imti Tank at Hansi ..	460
<b>FAMINE—</b>		<b>FLOODS—</b>	
Question re arrest of persons for		Question re—	
non-payment of land revenue		In Dasuha ..	62
in, stricken southern districts		Relief to sufferers in villages	
of Punjab ..	943	Dhayan Singhwala, Gul Garh,	
<b>FAMINE RELIEF—</b>		etc., washed away by, in river	
Question re expenditure on,		Ravi ..	926
measures in Rohtak district ..	229	<b>FODDER SUPPLY—</b>	
<b>FAMINE RELIEF CENTRES—</b>		Question re, in Famine Relief	
Question re, in famine-stricken		Work ..	309, 311,
districts in Punjab ..	862		326.
<b>FAMINE RELIEF DEPARTMENT—</b>		<b>FOREST DEPARTMENT—</b>	
Question re irregularities and mis-		Question re—	
appropriations in the accounts		Representation of Sikhs among	
of the, Hissar ..	694	officers of, ..	76
<b>FAMINE RELIEF WORKS—</b>		Representation of Sikhs among	
Question re—		Rangers and Deputy Rangers	
Fodder supply in, ..	309, 311,	of, ..	76
	326.	<b>FOREST RANGERS—</b>	
In famine-stricken southern dis-		Question re, ..	462
tricts of Punjab ..	1016	Question re—	
In Rohtak district ..	1222	Communal representation	
<b>FAZAN ALI KHAN, GURSEHAR MAJOR</b>		among, recently appointed ..	466
<b>RAJA—</b>		Representation of Sikhs among,	468
Bill, Urban Immovable Property		<b>FORFEITURE—</b>	
Tax—		Question re, by Government of	
Levy of Tax ..	1063-4	money belonging to Khaksars ..	593
Motion for circulation ..	678		



	PAGES.		PAGES.
<b>FRANCHISE—</b>		<b>GHULAM SAMAD, KHAN SABIT KHA-</b>	
Adjournment motion re, of		<b>WAZA—concl'd.</b>	
women voters of Lahore city ..	474	Bill, General Sales Tax, circula-	812—16
<b>FREIGHT—</b>		tion ..	
Question re lowering of rates of,		Bill, Primary Education—	
by North-Western Railway ..	1104	Application ..	917
<b>FRONTIER MAIL—</b>		Excuse for non-attendance ..	947
Question re compensation for		Exemptions ..	919
Punjabees killed or wounded in,		Penalty for neglect by guar-	950-51
accident ..	246	dians ..	
		Recommendation by local au-	877, 880
<b>G.</b>		thorities for its application ..	947—49
<b>GAMES—</b>		Remissions of fees ..	952
Question re playgrounds and, in		Warning ..	
schools ..	808	Bill, Urban Immovable Property	
<b>GARDENS—</b>		Tax—	
Question re supply of water for,		Levy of Tax ..	1051, 1111,
from R. M. R. Minor on Sirhind		1135. <del>944</del>	
Canal ..	923	Motion for circulation ..	673
<b>GARDEN SITES—</b>		Recommended to select com-	970—77
Question re allotment of, at Mandi		mittee ..	1039
Burewala ..	315	Short Title ..	
<b>GAWARA CROP—</b>		Government Business on Thurs-	875
Question re failure of, in Feroze-		day ..	
pore district ..	52	<b>GIRDHARI DAS, MAHANT—</b>	
<b>GAZETTED OFFICERS—</b>		Bill, Urban Immovable Property	
Question re representation of the		Tax, Exemptions ..	1146, 1148
people of Hissar district among,	1096	<b>GOKUL CHAND NARANG, DR., SIR—</b>	
<b>GENERAL SALES TAX BILL—</b>		Bill, District Board of Gujrat (Tax	
Reference to Select Committee ..	810	Validating), motion for circula-	340
Select Committee, Dr. Sir Gokul		tion ..	
Chand's resignation from, ..	920	Bill, Primary Education, recom-	
<b>GHAZANFAR ALI KHAN, RAJA—</b>		mendation by local authorities	885—90
Adjournment motion re failure of		for its application ..	
cotton crop in Nili Bar and re-		Bill, Urban Immovable Property	
lief to sufferers ..	199	Tax—	
Bill, Female Singers Prohibiting,	787-88	Levy of Tax ..	1064—80
Bill, Land Revenue (Amendment),		Penalty for failure to make	1176-77
Motion for leave to introduce	206, 214	returns ..	
Bill, Primary Education—		Point of order re consideration of	
Application ..	915	Urban Immovable Property Tax	
Recommendation by local au-		Bill under rule 96 ..	958-59
thorities for application ..	890-94	Resolution re cadets for ordinary	
Bill, Urban Immovable Property		and emergency commissions ..	1251—56
Tax—		<b>GOONDAS—</b>	
Appeal and review ..	1158-59	Question re—	
Passing of, ..	1203—09	Nuisance by, in Lawrence Gar-	
Resolution re cadets for ordinary		dens, Lahore ..	776
and emergency commissions ..	1250—59	Teasing of school boys by, ..	871
<b>GREEN—</b>		<b>GOPAL DAS, RAI BAHADUR LALA—</b>	
Question re Adulteration of, ..	709	Bill, Anti-Dowry, circulation ..	789-90
<b>GHULAM MOHY-UD-DIN, KHAN BA-</b>		Bill, Hindu Charitable and Reli-	
<b>HADUR MAULVI—</b>		gious Endowments, Reference	
Resolution re grant of land to		to Select Committee ..	781-82
people whose lands have been		Bill, Urban Immovable Property	
acquired for cantonment or		Tax—	
military purposes ..	487	Capital value, ascertainment	
<b>GHULAM MUHAMMAD, CHAUDHRI—</b>		of, ..	1154
Question re arrest of, ..	594	Levy of Tax ..	1055-56
<b>GHULAM SAMAD, KHAN SABIT KHA-</b>		Motion for circulation ..	671
<b>WAZA—</b>		Power to make rules ..	1179
Additional Financial Commis-		Motion re sitting on 14th Decem-	1109
sioner ..	414	ber, 1940 ..	
Bill, Female Singers Prohibiting,		References to late Khan Bahadur	
reference to select committee ..	786-87	Ahmad Yar Khan Daulatana	25
		and Sayed Afzaal Ali Haanie ..	874
		Sitting on Wednesday ..	

	PAGES.
<b>GOVERNMENT BUSINESS ON THURSDAY—</b>	
Motion re ..	874—77
<b>GOVERNMENT CATTLE FARM—</b>	
Question re accelerated promotion of Mehar Chand, Clerk, Hissar ..	602
<b>GOVERNMENT FARM—</b>	
Question re feeding of bullocks on molasses at Montgomery ..	140
<b>GOVERNMENT HIGH SCHOOL—</b>	
Question re—	
For boys in Chitiot tahail ..	1034
For girls at Bhiwani ..	163
Vacancies in, Sirsa ..	608
<b>GOVERNMENT PRINTING PRESS—</b>	
Question re—	
Representation of Sikhs among officers, and clerks employed in, Punjab ..	77, 489
Representation of Sikhs in stationery office under control of Superintendent, ..	393
Communal representation in services, ..	945
<b>GOVERNMENT QUARTERS—</b>	
Question re stoppage of Lahore allowance to officials allotted, ..	934
<b>GOVERNMENT SERVANTS—</b>	
Question re—	
Allowance for, drawing Rs. 30 per mensem or less ..	142
And their participation in the activities of political organizations ..	247
Checking of near relatives by, from taking part in subversive activities ..	30
Lahore allowance to, ..	929
Service Books of, ..	692
<b>GOVERNMENT SERVICES—</b>	
Question re—	
Agriculturists of the Ferozepore district in, ..	940
Claims of different castes for, ..	766
Sehaj Dhari Sikhs in, ..	395
Sikhs in, ..	175—77
<b>GRANTS—</b>	
Question re Government, made to Kangra district board ..	635
<b>GRANT-IN-AID—</b>	
Question re—	
Amount of, to Primary Schools run by non-Muslims ..	61
Maximum limit of, to Educational Institutions ..	1108
To Muslim Primary School at Bhiwani ..	61
<b>GRAZING—</b>	
Question re, in Shivalik Hills ..	771
<b>GROWERS—</b>	
Question re representation of, and consumers on Tariff Board ..	702
<b>GUEST, MR. P. H.—</b>	
Bill, General Sales Tax—circulation ..	846-47

	PAGES.
GUEST, Mr. P. H.— <i>consolid.</i>	
Bill, Urban Immovable Property Tax—	
Exemptions ..	1144, 1145
Levy of Tax ..	1090-81
	1109, 1115
	1119-20
	1134.
Resolution re. loan for starting state-owned and state-managed industries ..	494
GUNS—	
Question re licences for, and rifles issued in Ludhiana district ..	936
GURBACHAN SINGH, SARDAR BAHADUR SARDAR—	
Bill, Hindu Charitable and Religious Endowments, circulation ..	782
Officer to work Motor Vehicles Act ..	398
References to late Khan Bahadur Ahmad Yar Khan Deulatana and Sayed Afzaal Ali Hasnie ..	25
GURDIAL SINGH—	
Question re strictures passed by Sessions Judge, Hoshiarpur, against, Head Constable ..	320
GURDWARA TRIBUNAL—	
Question re—	
Cases pending and decided by Sikh,	142
H.	
HAILSTORM—	
Question re—	
Damage by, ..	611
Damage by, to Kharif crops in tahsil, Talagang, district ..	
Attack ..	926
Damage to crops by, ..	441
Damage to crops by, in certain villages in Ferozepore district ..	183
Damage to crops in Jullundur district by, ..	597
Damage to crops by, in Lahore and five other districts ..	697
Remission for damage to crops by, in Dipalpur tahsil ..	327
HAKIM-UD-DIN—	
Question re re-employment of Khan Sahib Mian, ..	452
GIRLS—	
Question re grant of greater facilities for education of, ..	515
HALF-FEE—	
Question re, concessions to Achhut students ..	1034
HANS RAJ WIRELESS, MR.—	
Question re, ..	620
HAQ-I-ABFASHI—	
Question re, on Lower Jhelum Canal ..	796

	PAGES.
<b>HARIJANS—</b>	
Question re—	
Representation of, among Deputy Superintendents of Police ..	642
Representation of, among Kanungos ..	642
<b>HARI LAL, MUNSHI—</b>	
Adjournment motion re extension of Dr. Muhammad Ashraf ..	334-369
Adjournment motion re Legislative Assembly electoral rolls ..	190-97
Bill, Prohibition, motion for leave to introduce ..	207
<b>HARI SINGH, SARDAR—</b>	
Leave of absence of ..	82
<b>HARI PARSAD—</b>	
Question re suspension of, and Parma Nand employees of the Municipal Committee, Sadar Bazar, Ambala ..	933
<b>HARJAB SINGH, SARDAR—</b>	
Leave of absence of, ..	82
<b>HARNAM DAS, LALA—</b>	
Adjournment motion re behaviour of Police while arresting Mian Muhammad Iftikhar-ud-Din ..	647
<b>HARNAM SINGH, CAPT., SODHI—</b>	
Bill, Urban Immovable Property Tax, motion for circulation..	669
<b>HARVANSI LAL, DIWAN—</b>	
Question re appointment of Muslim officers in place of Rai Sahib Lala Natha Ram, Diwan Sukh Anand and, ..	392
<b>HAVELI PROJECT—</b>	
Question re—	
Allotment of lands in ..	925
Breaches in, ..	456
Collapse of, ..	52
Extortionate terms of the lessees on, ..	624
Grant of land in exchange for land acquired for, ..	526
Grant of land in, ..	456
Metalling of road between Jhang and headworks of the, ..	778
Sale of land on, ..	49
Sale and Lease of land on the, ..	262
<b>HAZURA SINGH—</b>	
Question re, ..	773
<b>HEAD CLERKS—</b>	
Question re, of police officers..	941
<b>HEAD CONSTABLES—</b>	
Question re—	
Communal representation among, of police in Karnal district ..	639
Representation of Achhuts among, of Police ..	643
<b>HEADMASTERS—</b>	
Question re, of high schools under local bodies in Multan division ..	640

	PAGES.
<b>HEADMASTERS—concd.</b>	
Representation of Sikhs among Assistant District Inspectors of Schools and Government High Schools ..	8
<b>HEAD MISTRESS—</b>	
Question re—	
Representation of Sikhs among, in Government High Schools ..	81
Sikh, ..	67
<b>HEALTH—</b>	
Question re poor, of people of Ilaga Beit ..	617
<b>HEALTH OFFICER—</b>	
Question re, of Lahore Municipality ..	590
<b>HET. RAM—</b>	
Question re suspension of licences for Arms of Rai Bahadur Chaudhri, M. L. A. ..	1094
<b>HIGH SCHOOLS—</b>	
Question re—	
Government, for girls at Bhiwani ..	163
Headmasters of, under local bodies in Multan, division ..	640
In Fatehabad and Sirsa tahsils ..	1232
Representation of Sikhs among Assistant District Inspectors of Schools and Headmasters of Government, ..	82
Representation of Sikhs among Head Mistresses in Government, ..	81
<b>HINDI—</b>	
Question re introduction of, as medium of instruction in middle schools in Gurgaon district ..	809
<b>HINDUS—</b>	
Question re appointment of non-agriculturist, of Ambala division as Extra Assistant Commissioners ..	1038
<b>HINDU CHARITABLE AND RELIGIOUS ENDOWMENTS BILL—</b>	
Reference to select committee ..	781
<b>HIRING—</b>	
Question re, of lorries by police for raids in pursuit of dacoits and absconders in Ludhiana district ..	932
<b>HISSAM-UD-DIN, SHAIKH—</b>	
Question re, ..	630
<b>HOLDINGS—</b>	
Question re—	
Consolidation of, ..	443
Declaration of Jumatal Wida as a public, ..	454
<b>HOSPITAL—</b>	
Question re Ludhiana district jail, ..	923

	PAGES.
<b>HOTELS—</b>	
Question re raids by police on, and, restaurants in towns under the Punjab suppression of Immoral Traffic Act ..	250
<b>HOURS OF BUSINESS—</b>	
Motion re ..	17
<b>HOURS OF SITTING.</b> ..	306, 396
<b>HUNGER STRIKE—</b>	
Question re, by prisoners ..	62
<b>HUNGER STRIKERS—</b>	
Question re, in Mazaffargah Jail ..	142
<b>HYDRO-ELECTRIC SCHEME—</b>	
Question re extension of, to Ambala ..	1037
<b>HYDRO SCHEME—</b>	
Question re, Jalalpur ..	924
<b>ILLICIT DISTILLATION—</b>	
Question re, of wine in Jhang, Lyallpur, and Multan districts ..	256
<b>IMMORAL TRAFFIC—</b>	
Question re raids by police on hotels and restaurants in towns under the Punjab Suppression of, Act ..	250
<b>IMPORTATION—</b>	
Question re, of wheat from Australia ..	1106
<b>IMPROVEMENTS—</b>	
Question re, of sanitation and water supply in urban and rural areas ..	937
<b>IMT TAX—</b>	
Question re construction of drainage of dirty water into the sacred, by the Municipal committee, Hanai ..	1100
Order prohibiting fishing in, at Hanai ..	460
<b>IN CAMERA—</b>	
Motion re proceedings ..	2
<b>INDEBTEDNESS—</b>	
Question re, of a member of the Debt Conciliation Board, Muza-fargah ..	603
<b>I. M. S. OFFICERS—</b>	
Question re, in jail department ..	1099
In medical and public health departments ..	939
<b>INDIAN PENAL CODE—</b>	
Question re prosecution under section 153-A, and under Defence of India Rules ..	791
<b>INDUSTRIAL CENTRES—</b>	
Question re visits of the Director of Industries to the, of Punjab ..	797

<b>INDUSTRIAL DEVELOPMENT—</b>	
Question re report by Professor K. T. Shah on possibilities of, in Punjab ..	623
<b>INDUSTRIAL SCHOOLS—</b>	
Question re, ..	625
Question re—	
Government, Jhang ..	461
Scheduled castes and, ..	624
<b>INDUSTRIAL SURVEY—</b>	
Question re, of province ..	702
<b>INDUSTRIES—</b>	
Question re—	
Agricultural land as security for the loans advanced in aid of, ..	1099, 1223
Central contributions towards development of, ..	797
Encouragement of, ..	537
Grant of subsidies for development of, ..	
Loans in aid of, ..	623
Resolution re loan for starting state-owned or state-managed, ..	490, 1233—36
<b>INDUSTRIES DEPARTMENT—</b>	
Question re—	
Number of agriculturists in, ..	1017
Posts in the, ..	69, 169
<b>INFECTIOUS DISEASES HOSPITAL—</b>	
Question re, at Ludhiana ..	709
<b>INFORMATION BUREAU—</b>	
Question re—	
Appointment of a Sikh as Director, Assistant Director and Superintendent in the office of Director of, ..	470
Claims of Sikhs for appointment as Director and Assistant Director, ..	80
Representation of Sikhs among employees in office of Director, ..	80
<b>INTERNEES—</b>	
Question re, ..	
And externees ..	766
Detenus, externees and, under the Defence of India Act ..	795
<b>INTERMENT—</b>	
Question re, of Persons in Province ..	1093
<b>INUNDATION CANAL—</b>	
Question re conversion of, irrigation lands in and around Kamalia into a perennial canal ..	623
<b>INSPECTING STAFF—</b>	
Question re, of the Department of Education ..	871
<b>INSPECTION—</b>	
Question re, of rural dispensaries by the Hospital Visiting Committees ..	708

	PAGES.		PAGES.
<b>INSPECTOR—</b>		<b>JALAL-UD-DIN AMBER, CHAUDHRI—</b>	
Question re appointment of a Sikh as Deputy Director of Public Instruction, Registrar, Departmental Examinations and, Vernacular Education ..	81	Bill, Criminal Law (Second Amendment) motion for circulation ..	117—19
<b>INSPECTOR, CO-OPERATIVE SOCIETIES—</b>		Bill, District Board of Gujrat (Tax Validating), motion for circulation ..	297
Question re complaints against, Shahdara ..	236	Bill, Legislative Assembly (Removal of Disqualifications) (Amendment), passing of ..	567
<b>INSPECTRESS OF SCHOOLS—</b>		Bill, Urban Immovable Property Tax, levy of tax, ..	1053-4
Question re—		<b>JAMNA DAS—</b>	
Appointment of a Sikh, ..	169	Question re death of, a Sanskrit student, under mysterious circumstances ..	327
Sikhs among, ..	161	<b>JANDANWALA—</b>	
<b>INSTITUTES—</b>		Question re metalled roads for village Nathana to village, ..	184
Question re, for the blind ..	1017	<b>JAN MUHAMMAD</b>	
<b>INSTRUCTIONS—</b>		Question re magisterial inquiry on departmental report of Mr. K. C. Chaudhri, I.C.S., against, contractor ..	612
Question re, for procession passing in front of mosques ..	1019	<b>JHANDA KHAN—</b>	
<b>INSTRUCTION—</b>		Question re complaint against, Head Constable, Fazilka ..	1101
Question re medium of, and examination at the secondary stage ..	321	<b>JOGINDARNAGAR—</b>	
<b>IRRIGATION—</b>		Question re electric energy generated at, ..	634
Question re—		<b>JOINT DEVELOPMENT BOARD—</b>	
Of lands by extension of Western Jumna Canal and Sirhind Canal ..	1222	Question re, ..	1224
Of lands in Ludhiana district ..	316	<b>JOINT PUBLIC SERVICE COMMISSION—</b>	
<b>IRRIGATION SECRETARIAT—</b>		Question re agreement with North-West Frontier Province regarding the, ..	791
Question re Amalgamation of office of Superintending Engineer, Drainage Circle, Rohtak, with Punjab ..	1016	<b>JOWALA SINGH, B—</b>	
		Question re retirement of, without pension ..	529
<b>J.</b>		<b>JUDICIARY—</b>	
<b>JAGADHRI MUNICIPALITY—</b>		Question re promotion of, ..	797
Question re representation of Mussalmans in services of, ..	616	<b>JUGAL KISHORE, CHAUDHRI—</b>	
<b>JAGIRS—</b>		Bill, removal of civil disabilities among Harijans—motion re consideration ..	790
Question re, ..	861	Resolutions re cadet for ordinary and emergency commissions ..	1267—69
<b>JAGJIT SINGH BEDI, Tikka—</b>		<b>JUMA-TUL-WIDA—</b>	
Bill, Colonization of Government Lands (Punjab Amendment)—Introduction ..	781	Question re declaration of, as a public holiday ..	454
Bill, Sikh Gurdwara (Amendment)—Introduction ..	781	<b>JUMNA CANAL—</b>	
<b>JAGRAON—</b>		Question re distribution of water from Jumna river between, and the United Provinces Government ..	47
Question re, municipal dispensary ..	872	<b>JUMNA RIVER—</b>	
<b>JAHN-PIRNAGAR ROAD—</b>		Question re distribution of water from, between Western Jumna Canal and the United Provinces Government ..	47
Question re wheeled traffic on, in Kangra district ..	1029		
<b>JAIL—</b>			
Question re Superintendents of, ..	798		
<b>JAIL DEPARTMENT—</b>			
Question re, I. M. S. Officers, in ..	1099		
<b>JAIL MANUAL—</b>			
Question re, for Jail Libraries ..	864		
<b>JALALPUR HYDRO SCHEME—</b>			
Question re, ..	924	<b>K.</b>	
		<b>KABUL SINGH, MASTER—</b>	
		Leave of absence of, ..	82

	PAGES.		PAGES.
<b>KACHA ROADS—</b>		<b>KHAKSARS—</b>	
Question re, between Sialkot and Shakargah to Narowal and Zafarwal ..	934	Question re,	518, 520-21, 795
<b>KAMALIA—</b>		Question re—	
Question re conversion of inundation canal irrigating lands in and around, into a perennial canal ..	623	Agreement between, and the Punjab Government ..	518
<b>KANGANPUR—</b>		Compromise between Government and, ..	521
Question re road between, and Chima in Lahore district ..	708	Conviction and release of, Escape from custody of Taj Muhammad, ..	39
<b>KANGRA DISTRICT BOARD—</b>		Forfeiture by Government of money belonging to, ..	454
Question re Government grants to ..	635	Police clash in Tibbi Bazar ..	593
<b>KANGRA VALLEY RAILWAY—</b>		<b>KHARIF CROPS—</b>	144
Question re, ..	635	Question re—	
<b>KANUNGOS—</b>		Damage by hailstorm to, in tahsil Talagang, district ..	926
Question re communal representation among, and Naib-tahsildars ..	946	<b>KHILAR HAYAT TIWANA, HON.</b>	
Question re—		<b>OURABLE MALIK—</b>	
Representation of Harijans among, ..	642	Adjournment motion re failure of police to arrest Ajaib Singh and other dacoits of Ludhiana district ..	133-37
<b>KAPOOR SINGH, SARDAR—</b>		Bill, District Board of Gujrat (Tax Validating), Assessment ..	351, 352
Additional Financial Commissioner and Special Enquiry Agency ..	408	Motion for circulation ..	343
Adjournment motion re—		Motion for consideration ..	293
Compelling people to buy tickets for wrestling match ..	98	Bill, Female Singers Prohibiting—	
Contributions to war fund ..	98, 186	Reference to select committee ..	789
Des Raj Chadha, undertrial prisoner under the Defence of India Rules ..	96-97	Bill, Lahore Corporation, Select Committee Report, presented ..	269
Electoral rolls of Legislative Assembly ..	191	Bill, Municipal (Amendment), Motion for consideration ..	575
Premier's speech at Ludhiana Bill, District Board of Gujrat (Tax Validating)—	97-98	Bill, Urban Immovable Property Tax, Levy of Tax ..	1042-43
Motion for circulation ..	296	Officer to administer Motor Vehicles Act ..	400
Assessment, ..	348	Resolution re cadets for ordinary and emergency commissions ..	1275-81
<b>KARAMAT ALI—</b>		<b>KIDNAPPING—</b>	
Question re theft of newly born child of, of Lahore from Lady Aitchison Hospital, Lahore ..	445	Question re cases disposed of by Special Magistrate, Lahore, relating to, of minors ..	394
<b>KARTAR SINGH, CHAUDHRI—</b>		<b>KINDERGARTEN—</b>	
Resolution re loan for starting state-owned and state-managed industries ..	501	Question re admission of, classes in schools ..	451
Adjournment motion re externment of Dr. Muhammad Ashraf ..	372	<b>KISAN MONCHA PRISONERS—</b>	
<b>KESAB MAL, LALA—</b>		Question re, ..	699
Question re election petition against, of Lyallpur ..	244	<b>KISHAN DAS, SETH—</b>	
<b>KESAB SINGH, BABA—</b>		Resolution re cadets for ordinary and emergency commissions ..	1259, 1260
Question re, ..	631	<b>KOHLIS—</b>	
<b>KEY POSTS—</b>		Question re classification of, of Ambala district as agriculturists ..	695
Question re appointment of Muslims to, ..	620	<b>KOT KAPURA BAGHAPURANA ROAD—</b>	
		Question re dangerous curve on Milestone 18 on, ..	1221
		<b>KRISHNA GOPAL DUTT, CHAUDHRI—</b>	
		Additional Financial Commissioner and Special Enquiry Agency ..	403

PAGES.	PAGES.
<b>KRISHNA GOPAL DUTT, CHAUDHRI—concl'd.</b>	<b>LAL SINGH SARDAR—concl'd.</b>
Adjournment motion re executive officer, Lyallpur Municipal Committee .. 91—96	Bill, Primary Education—
Bill, Criminal Law (Second Amendment)—Motion for circulation .. 103—111	Exemptions .. 918-19
Passing of .. 283	Recommendation by local authorities for its application .. 878, 911—14
Bill, District Board of Gujrat (Tax Validating), motion for circulation .. 294	Bill, Urban Immovable Property Tax—
Bill, Legislative Assembly (Removal of Disqualifications) (Amendment), motion for circulation .. 354, 360	Circulation .. 964—70
Bill, Urban Immovable Property Tax .. 583	Levy of Tax .. 1054-55, 1110, 1113-14
Newspapers and war publicity work .. 332	Debate on answers to questions re Sikhs in Education Department .. 184
Proceedings in Camera .. 4	Putting of question by members on behalf of members of a party which is absent .. 589
Resolution re grant of land to people whose lands have been acquired for Cantonment or military purposes .. 482	Resolution re cadets for ordinary and emergency commissions .. 1262-63
Suspension of question hour .. 395	<b>LANDS—</b>
<b>L.</b>	Question re—
<b>LADWA POLICE—</b>	Agricultural as security for loans advanced in aid of industries .. 1099
Question re Lathi charge by, .. 933	Allotment of, in Haveli Project .. 925
<b>LADY AITCHISON HOSPITAL—</b>	Area of Benami, restored to the original owners in Jhang district .. 227
Question re theft of newly born child of Karamat Ali of Lahore from, Lahore .. 445	Area of, restituted in Jhang district .. 228
<b>LADY DOCTOR—</b>	Benami transactions and restoration of, to original owners .. 695
Question re, for district board hospitals, Jaranwala .. 939	Decrease in production from, in Belt Ilaga .. 455
<b>LAHORE ALLOWANCE—</b>	Grant of, in exchange for land acquired for Haveli Project .. 526
Question re stoppage of, to officials allotted Government quarters .. 934	Grant of, in Haveli Project .. 456
Question re—	Irrigation of, in Ludhiana district .. 316
To Government servants .. 929	Sale and lease of, on the Haveli Project .. 262
<b>LAHORE CORPORATION BILL—</b>	Sale of agricultural, .. 261
Question re Report of Select Committee on, .. 704	Sale of, on Haveli Project .. 49
Select Committee Report presented .. 269	Resolution re grant of, to people whose lands have been acquired for cantonment or military purposes .. 219, 480
<b>LAHORE IMPROVEMENT TRUST—</b>	<b>LAND REVENUE—</b>
Question re, .. 607	Question re—
<b>LAHORE MUNICIPALITY—</b>	Arrest of persons for non-payment of, in famine-stricken southern districts of Punjab .. 943
Question re cut in salaries of teachers by the, .. 604	Remission in, and abiana .. 622
Question re—	Remission in, in five tahsils of Ferozepore district .. 944
Health officers of, .. 590	Remission in, on Rabi crop .. 639
Spread of education in, .. 706	Suspension of, .. 50
<b>LALAMUSA TOWN COMMITTEE—</b>	
Question re .. 160	
<b>LAL SINGH SARDAR—</b>	
Adjournment motion re externment of Dr. Muhammad Ashraf .. 377	
Bill, Primary Education, duty of guardian to send boy to school .. 920	

PAGES.		PAGES.
	LAND REVENUE (AMENDMENT) BILL—	
	Motion for leave to introduce .. 204, 213	
	LAND REVENUE SYSTEM—	
	Question re Reforms in, .. 796	
	LATHI CHARGE—	
	Question re, by Ladwa Police .. 933	
	LAWLESSNESS—	
	Question re increasing, in Jhang district .. 318	
	LAWRENCE GARDENS—	
	Question re nuisance by goondas in, Lahore .. 776	
	LEASE—	
	Question re sale and, of land on Haveli Project .. 262	
	LEAVE OF ABSENCE—	
	Deshbandhu Gupta, Lala, .. 1233	
	Hari Singh, Sardar .. 82	
	Harjab Singh, Sardar .. 82	
	Kabul Singh, Master .. 82	
	Muhammad Iftikhar-ud-Din, Mian Rur Singh, Sardar .. 647	
	LEAVE RESERVE CLERKS—	
	Question re, in Deputy Commissioners' offices .. 391	
	LEGISLATIVE ASSEMBLY—	
	Adjournment motion re electoral rolls of .. 191	
	LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) Amendment Bill—	
	Circulation .. 354, 549	
	Consideration .. 354, 554	
	Government Treasurers .. 582	
	Passing of .. 567	
	Reference to Select Committee .. 554	
	Trade union constituency .. 555	
	LEPERS—	
	Question re Asylums for, .. 1035	
	LEPER BEGGARS—	
	Question re movements of, in Lahore and other big cities and towns .. 1020	
	LESSEES—	
	Question re—	
	Extortionate terms of the, on Haveli Project .. 624	
	Rack renting by, on tender system on Burala Extensions .. 624	
	LIBRARIES—	
	Question re freedom to private schools for purchase of books for their, .. 516	
	LICENCE—	
	Question re—	
	For arms in Hissar district .. 1095	
	For guns and rifles issued in Ludhiana district .. 936	
	Suspension of, for arms of Rai Bahadur Chaudhri Het Ram, M. L. A. .. 1094	
	LIQUOR—	
	Question re—	
	Consumption of, in province .. 629	
	LIQUOR—concl'd.	
	Permission for retail sale of, within municipal limits of Chiniot, district Jhang .. 443	
	LITERACY—	
	Question re, .. 778	
	LITIGATION—	
	Question re, civil .. 317	
	LOANS—	
	Question re—	
	Agricultural land as security for, advanced in aid of industries .. 1199, 1225	
	In aid of industries .. 628	
	Resolution for starting state owned and state managed industries .. 490, 1233—36	
	LOCAL BODIES—	
	Question re—	
	Bye-elections to, .. 930	
	Suspension of, in the province .. 1020	
	LOBBIES—	
	Question re—	
	A, B, C and D stands, for, Hiring of, by police for raids in pursuit of dacoits and absconders in Ludhiana district .. 932	
	Overloading of, between Sialkot, Zafarwal and Narowal .. 1025	
	LOBBY FARES—	
	Question re, increase in, in Kangra district .. 798	
	LOWER JHELUM CANAL—	
	Question re Haq Abpashi on, .. 796	
	LUDHIANA DISTRICT—	
	Question re—	
	Crime in, .. 646	
	Crime in, and posting of the special police staff .. 631	
	LUDHIANA JAIL—	
	Question re .. 545	
	Non-official visitors to, .. 604	
	LUNATICS—	
	Question re, admitted into the Mental Hospital, Lahore .. 780	
	LYALLPUR-JHANG ROAD—	
	Question re .. 778	
	M.	
	MAGISTERIAL INQUIRY—	
	Question re, on departmental report of Mr. K. C. Chaudhri, I.C.S., against Jan Mohammad, contractor .. 612	
	MAGISTRATES—	
	Question re—	
	Cases decided in camp by Magistrates in Ludhiana district .. 453	



	PAGES.		PAGES
<b>MAGISTRATES—<i>concl'd.</i></b>			
Question re—		<b>MEDICAL DEPARTMENT—</b>	
Cases disposed of by, at		Question re—	
Ludhiana under Motor Ve-		I. M. S. officers in, and public	
hicles Act ..	394	health departments ..	939
Sub-Divisional officers and,		Representation of Sikhs	
posted at Pakpattan ..	767	among Civil Surgeons and	
Travelling allowance drawn		other officers of, ..	79
by, in Ludhiana district ..	323	Representation of Sikhs in, ..	469
<b>MALBA—</b>		<b>MEDICAL GRANT RELIEF—</b>	
Question re realisation of, with		Question re, given to district	
land revenue ..	314	board, Ludhiana ..	616
<b>MALIK RAM—</b>		<b>MEDICAL OFFICE—</b>	
Question re issue of tem-		Question re senior, in charge	
porary permits to Messrs.		of detenus in Muzaffargarh	
Narainjan Das and Dharam		Jail ..	773
Bir Singh ..	1106	<b>MEDICAL PROFESSION—</b>	
<b>MANAGEMENT—</b>		Question re, improving, ..	873
Question re—		<b>MEDICAL SCHOOL—</b>	
Settlement of disputes be-		Question re tuition fees in,	
tween, of non-Government		Amritsar ..	471
schools and members of staff		<b>MEDIUM—</b>	
Transfer of, of Rangoi canal		Question re adoption of first	
to District Board, Hissar ..	232, 526-27	Vernacular as, in Vernacular	
		Final and Middle Examination	
			451
<b>MANALA POLICE STATION—</b>		<b>MEDIUM OF INSTRUCTION—</b>	
Question re entry of army re-		Question re—	
port by Moharrir, made by		And examination at secondary	
Antoo Harijan of Ambala		stage ..	321
district ..	1106	Introduction of Hindi as,	
		in middle schools in Gur-	
<b>MANDI DABWALI—</b>		gaon district ..	809
Question re Maintenance of		<b>MEHAM MINOR JADID—</b>	
police establishment by small		Question re Bahalwa Minor	
town committee ..	1231	and, ..	522
<b>MANOHAR LAL, THE HON'BLE,</b>		<b>MEHAR CHAND—</b>	
<b>MR.—</b>		Question re Accelerated promo-	
Adjournment of the House ..	1233	tion of, clerk, Government	
Bill, prohibition, motion for		Cattle Farm, Hissar ..	602
leave to introduce ..	208	<b>MEMBERS—</b>	
Bill, The Punjab Province		Question re—	
Prisons (Amendment), motion		Of Canal Advisory Commit-	
for leave to introduce ..	200	tee, Bhatinda Branch ..	1014
Bill, Urban Immovable Pro-		Removal of, of Municipal Com-	
perty Tax, validity of, as		mittee ..	706
tax is proposed on capital		<b>MENTAL HOSPITAL—</b>	
value, point of order ..	740	Question re lunatics admitted	
<b>MAQBOOL MAHMOOD, MIR—</b>		into, Lahore ..	780
Bill, Criminal Law (Second		<b>METALLED ROADS—</b>	
Amendment), passing of, ..	276	Question re, in Ambala dis-	
Bill, Legislative Assembly		trict ..	444
(Removal of Disqualification)		<b>METALLING—</b>	
Amendment Bill—		Question re, of roads in Feroze-	
Circulation ..	550	pore district ..	1228
Government Treasurers ..	562, 564	<b>METER RENT—</b>	
Trade union constituency ..	555-60	Question re, in Amritsar ..	802
<b>BILL, Urban Immovable Proper-</b>		<b>MINIMUM AREAS—</b>	
<b>ty Tax—</b>		Question re for buildings within	
Exemptions ..	1146	Municipal limits of Lahore ..	635
Levy of Tax ..	1136, 1138	<b>MINORS—</b>	
Select Committee, recommit-		Question re cases disposed of	
tal to ..	977-88	by Special Magistrate, Lahore	
Point of order re amendment,		relating to kidnapping of, ..	394
when it involves a charge on		<b>MINISTER OF DEVELOPMENT—</b>	
revenues of province, cannot		Question re—	
be moved without recom-		Public speeches by, ..	443
mendation of the Governor	1117, 1118	Travelling allowance drawn by,	541
	1119.		

	PAGES.		PAGES.
<b>MINISTERS—</b>		<b>MOTION—</b>	
Question re tour programme of,	166	Re action taken by Govern- ment to maintain peace of the province ..	10—15
<b>MISAPPROPRIATIONS—</b>		Re adjournment of the House ..	1233
Question re irregularities and, in accounts of Famine Re- lief Department, Hissar ..	694	Re dispensing with question hour ..	17
<b>MISSIONARY SOCIETIES—</b>		Re hours of business ..	17
Question re Government help to, ..	252	Re Proceedings in camera ..	2
<b>M. L. A.'s—</b>		Re sitting on 14th December, 1940 ..	1108-09
Question re Bill defining privileges of, ..	247	<b>MOTOR ACCIDENTS—</b>	
<b>MODEL FARMS—</b>		Question re, ..	1105
Question re, at Jagraon and Samrala ..	235	Question re—	
<b>MOHAMMADPUR MINOR—</b>		In narrow public streets in Narowal ..	1025
Question re silt clearance of, Sirsa Branch ..	597	In province ..	931
<b>MOHARRIR—</b>		<b>MOTOR STANDS—</b>	
Question re entry of wrong re- port by, police station Manala made by Antoo Harijan of Ambala district ..	1106	Adjournment motion re, in Sialkot and Gurdaspur dis- tricts ..	183
<b>MOHY-UD-DIN LAL BADSHAH, SAYED—</b>		<b>MOTOR UNION</b> ..	
Resolution re grant of land to people whose lands have been acquired for cantonment or military purposes ..	486	Question re, Punjab, Lahore..	798
<b>MOLASSES—</b>		<b>MOTOR VEHICLES—</b>	
Question re feeding of bullocks on, at Government Farm, Montgo- mery ..	140	Question re—	
<b>MONEY-LENDERS—</b>		Grant of permits to, for ply- ing on hire on roads ..	1030
Question re murder of Hindu and Sikh, ..	261	Monopoly for plying, on hire on roads ..	1024
<b>MONOPOLY(IES) —</b>		Monopolies of roads for ply- ing, on hire ..	1001
Question re—		<b>MOTOR VEHICLES ACT—</b>	
For plying motor vehicles on hire on roads ..	1024	Officer to administer ..	397—400
Of roads for plying motor vehicles on hire ..	1101	Question re cases disposed of by magistrates, at Ludhiana under, ..	394
<b>MORANDA—</b>		<b>MOVE—</b>	
Question re Sub-Inspector of Police at, in Ambala dis- trict* ..	604	Question re expenditure on, of the Punjab Government to Sinds ..	27
<b>MORTGAGED LANDS—</b>		<b>MUHAMMAD ABDUL RAHMAN KHAN, CHAUDHRI—</b>	
Question re appointment of officers for disposal of appli- cations relating to Benami transactions and restitution of,	1078	Additional Financial Commis- sioner ..	416
<b>MORTGAGED LANDS ACT—</b>		<b>MUHAMMAD ASHRAF, DR.—</b>	
Question re—		Adjournment motion re exten- sion of, ..	333, 365
Disputation of, etc. ..	596	<b>MUHAMMAD HASSAN CHAUDHRI—</b>	
Restitution of, and Aliena- tion of Land Amendment Act ..	524	Adjournment motion re—	
<b>MORTGAGES—</b>		Action against police reporter for misreporting M. Abdul Ghani's speech ..	184
Question re Benami transaction and, ..	228	Failure of police to arrest dacoits of Ludhiana district ..	98—100, 124—130, 137
<b>MOSQUES—</b>		Failure to give facilities to secretary of opposition party in the Assembly ..	473
Question re instructions for pro- cessions passing in front of, ..	1019	<b>MUHAMMAD IFTIKHAR-UD-DIN MIAN—</b>	
<b>MOTA SINGH, SARDAR—</b>		Adjournment motion re be- haviour of police while ar- resting, ..	647
Question re, ..	865	Application for leave of absence of, ..	647

	PAGES.		PAGE.
MUHAMMAD NURULLAH, MIAN—		MUHAMMAD YUSAF KHAN, KHAN	
Additional Financial Commissioner ..	413	<i>concl'd</i> —	
Adjournment motion <i>re</i> applications for enlistment as voters ..	265	Resolution <i>re</i> grant of land to people whose lands have been acquired for cantonment or military purposes ..	481
Bill, Primary Education—		MUKAND LAL PURI, RAJ BAHADUR—	
Application ..	916	Bill, District Board of Gujrat (Tax Validating)—	
Recommendation by local authorities for its application ..	894	Assessment ..	349
Bill, Urban Immovable Property Tax—		Bill, Legislative Assembly (Removal of Disqualifications) Amendment—	
Appeal and review .. 1156, 1169		Passing of, ..	568
Assessing authorities ..	1165	Bill, Primary Education—	
Civil Courts, Exclusion of jurisdiction of, ..	1178	Recommendation by local authorities for its application ..	904—06
Draft valuation list ..	1155	Bill Urban Immovable Property Tax—	
Exemptions .. 1139, 1145, 1147, 1149		Appeal and review ..	1159—63
Levy of Tax .. 1040—42, 1049, 1051, 1113, 1117, 1118, 1121		Capital value, ascertainment of, Civil Courts, exclusion of jurisdiction of, ..	1151-52
—26.		Exemptions ..	1178-79
Making and operation of valuation lists ..	1155	Exemptions ..	1139-40, 1146, 1149
Motion for circulation ..	650	Motion for circulation ..	679
Passing of ..	1209—13	Passing of ..	1213-18
Penalty for default in payment ..	1173	Power of assessing authority to require return at any time ..	1175
Penalty for failure to make returns ..	1175, 1176	Power to make rules ..	1179
Schedule ..	1181-82	Select committee, recommittal to, ..	999-1004
Point of order <i>re</i> consideration of Urban Immovable Property Tax Bill under Rule 96 ..	962	Validity of, because tax is proposed on capital value of property, point of order ..	727, 732
Resolution <i>re</i> cadets for ordinary and emergency commissions ..	1266-67	References to late Khan Bahadur Ahmad Yar Khan Daulatana and Sayed Afzaal Ali Hasnie ..	23
Resolution <i>re</i> —		MULTAN RIOTS—	
Grant of land to people whose lands have been acquired for Cantonment or military purposes ..	482	Question <i>re</i> compensation to sufferers in, ..	935
Resolution <i>re</i> loan for starting State-owned or State managed industries ..	1234—36	MUNICIPAL (AMENDMENT) BILL—	
MUHAMMAD SHAFI ALI KHAN, KHAN SAKIB CHAUDHRI—		Motion for consideration ..	575
Bill, Urban Immovable Property Tax—		Passing of ..	576
Schedule ..	1181	MUNICIPAL COMMITTEE(S)—	
MUHAMMAD YUSUF KHAN, KHAN—		Adjournment motion <i>re</i> Executive Officer, Lyallpur, Municipal Committee ..	91-96
Bill, Female Singers' Prohibiting—		Question <i>re</i> —	
Reference to Select Committee ..	782-83	Amalgamation of, Sadar Bazar, Ambala with Cantonment Committee, Ambala ..	868
Bill, Suppression of Immoral Traffic (Amendment)—		Construction of drainage of dirty water into the Imti, Sacred Tank by the Hansi, ..	1100
Introduction ..	781	Elections to, Amritsar ..	836
Resolution <i>re</i> cadets for ordinary and emergency commissions ..	1269-70	Elections to Gohana ..	1101
		Of Fazilka ..	1019
		Removal of Chaudhri Ram Charan and Chaudhri Ram Singh from membership of, Rohtak and Hissar ..	1100
		Removal of members of, ..	700
		Vetoing of election of Executive Officer, Lyallpur ..	933
		Municipal Limits—	
		Question <i>re</i> Minimum areas for buildings within the, of Lahore ..	635



PAGES.	PAGES.
NAUMIHAL SINGH, MANN, LIUETTE- NANT SARDAR— Resolution re cadets of ordinary and emergency Commissions .. 1241—44	ODE COMMITTEE— Question re, .. .. 56
NEW CENTRAL JAIL— Question re employment of some inmates of Borstal Institute for levelling the ground of the house of Superintendent, Mul- tan. .. .. 140	OFFENCES— Question re trials for, under the Defence of India Act .. 923
NEWSPAPERS— Question re— Amount received by, for war publicity .. .. 166—69, 223—26.	OFFICER(S)— Question re— Air raid precautions .. 937 Appointed for enforcement of restitution of Mortgaged Lands Act and Alienation of Land Amendment Act .. 524 On deputation to various Muni- cipal Committees in the Punj- ab .. .. 150
Payment to "Tribune", "Civil and Military Gazette" and "Hindu", "Inqilab", "Zamin- dar", "Shahbaz" for adver- tisement .. .. 1221	OPPOSITION— Statement by Leader of, in Assembly .... 548, 588
Subsidy to, .. .. 619	OPPOSITION PARTY— Adjournment motion re failure to provide facilities to Secretary of, in the Assembly .. 473
Subsidies to, for war propa- ganda .. .. 611	OUTLETS— Question re— Rules for warabandi and clo- sure of, .. .. 46
Subsidy to vernacular, for war propaganda .. .. 692	Special, to a landlord in Bha- tinda Division for gardening purposes or for seed farms .. 1096
Statement re, and war publi- city work .. .. 330	OVERLOAD— Question re of lorries between Sialkot, Zafarwal and Naro- wal .. .. 1025
NIZAMUDDIN— Question re Police raid on the house of, .. .. 240	P.
NON-AGRICULTURISTS— Question re— Appointment, of, of Ambala Division as Tahsildars .. 1039	PANCHAYATS— Question re .. .. 870 In Lyallpur and Jhang Dis- tricts .. .. 799
Appointment of, Hindus of Ambala as Extra Assistant Commissioners .. .. 1038	PANCHAYAT OFFICERS— Question re— And Assistant Panchayat Offi- cers .. .. 150, 944, 946
NON-GOVERNMENT SCHOOLS— Question re settlement of disputes between management and members of staff— .. 516	Rules governing recruitment of— .. .. 805
NON-MUSLIM PRIMARY SCHOOLS— Question re amount of grant-in-aid to, .. .. 61	PAPERS— Question re warning to Daily, of Lahore .. .. 1093
NON-OFFICIAL VISITORS— Question re, to Ludhiana Jail, .. 604	PARMA NAND— Question re suspension of Hari Parshad and, employees of Municipal Committees, Sadar Bazar, Ambala .. 933
NON-SERVICE— Question re, of notices on tenants of Mauza Mangli, district Hissar .. .. 924	PARTAP SINGH, SARDAR— Adjournment motion re relief to peasants of Jullundur dis- trict .. .. 189
NOTICES— Question re non-service of, on tenants of Mauza Mangli, dis- trict Hissar .. .. 924	PARTIES— Question re of students for war publicity .. .. 32
NOTIFIED AREA COMMITTEES— Question re— Conversion of, into elective local bodies .. .. 1229	PATWAR SCHOOLS— Question re— .. .. 1223
Gujrat .. .. 160	PEACE— Motion re. action taken by Gov- ernment to maintain peace of the province .. .. 10—15
O.	
OATH OF OFFICE— Allah Yar Khan Daulatana, Mian Duni Chand, Mr. .. .. 17	
OCTROI RATES— Question re, in Gujrat .. .. 243	

	PAGES.		PAGES.
<b>PRASANTS—</b>		<b>POLICE ENQUIRY COMMITTEE—</b>	
Adjournment motion re relief to, Jullundur district ..	189	Question re reconsideration of recommendations of, ..	323
<b>PEONS—</b>		<b>POLICE ESTABLISHMENT—</b>	
Question re, ..	603	Question re maintenance of, by Small Towns Committee, Mandi Dabwali ..	1231
<b>PERENNIAL CANALS—</b>		<b>POLICE OFFICERS—</b>	
Question re Conversion of inundation canal irrigating lands in and around Kamalia into a, ..	623	Question re—	
<b>PERMANENT CERTIFICATES—</b>		Complaints of corruption against, in Jhang district ..	799
Question re endorsement on, of teachers ..	591	Suspension and dismissal of corrupt, ..	705
<b>PERMITS—</b>		<b>POLICE OFFICES—</b>	
Question re—		Question re Head Clerks of, ..	941
Grant of, to Motor Vehicles for plying on hire on roads ..	1030	<b>POLITICAL ORGANISATIONS—</b>	
Issue of temporary, to Messrs. Malik Ram, Narinjan Das, and Dharam Bir Singh ..	1106	Question re Government servants and their participation in the activities of, ..	247
Publication of applications for stage carriages and public carriers, ..	1030	<b>POLITICAL PRISONERS—</b>	
Public carriage and private carriers, ..	1104	Question re—	63
Temporary, by Regional Transport Authorities ..	1032	<b>POLITICAL WORKERS—</b>	
<b>PILGRIMS—</b>		Question re—	
Question re Sea route to Jaddah for, ..	859	Detained, ..	322
<b>PLAY GROUNDS—</b>		Restrictions on liberty of speech by, and public leaders ..	610
Question re, and games in schools ..	808	<b>POSTERS—</b>	
<b>POHOP SINGH, RAO—</b>		Question re posting of objectionable bills and, on walls in Lahore ..	608
Bill—		<b>POST(S)—</b>	
General Sales Tax, Circulation ..	835—41	Question re—	
Urban Immovable Property Tax, Validity of, as tax is proposed on capital value, point of order ..	738	In Director of Public Instruction's office ..	68
Resolution re cadets for ordinary and emergency commissions ..	1260—2	Held by Sikhs in Education Department ..	68
<b>POINT OF ORDER—</b>		In Education Department ..	67
Re amendment, when it involves a charge on revenues of the province, cannot be moved without recommendation of Governor ..	1117—19	In Industries Department ..	69, 169
<b>POISONING CASES—</b>		Preference to persons belonging to a district in appointments to, in that district ..	45
Question re, ..	775	<b>PREFERENCE—</b>	
<b>POLICE—</b>		Question re, to persons belonging a district in appointments to posts in that district ..	45
Adjournment motion re—		<b>PREMATURE RETIREMENT—</b>	
Behaviour of, while arresting Mian Muhammad Iftikhar-ud-Din ..	647	Question re resignation from service or, of European Officers since the inauguration of provincial autonomy ..	1093
Failure of, to arrest Ajaib Singh and other dacoits of Ludhiana district ..	98—100, 124—137	<b>PRESS—</b>	
Cases reported to, in the province ..	249	Withdrawal by Lala Deshbandhu Gupta of remarks about, ..	264
Hiring of lorries by, for raids in pursuit of dacoits and absconders in Ludhiana district ..	932	<b>PRIMARY EDUCATION BILL—</b>	
Increase in strength of Punjab, ..	801	Consideration ..	877—920, 947—54
Khaksars, clash in Tibbi bazar ..	144	<b>PRIMARY SCHOOLS—</b>	
<b>POLICE DEPARTMENT—</b>		Question re amount of grant-in-aid to, run by non-Muslims ..	61
Question re representation of Sikhs in, ..	69	<b>PRINTING PRESS—</b>	
		Question re application of Sheikh Abdul Ghani to start a, ..	164
		<b>PRISONERS—</b>	
		Question re—	
		Hunger strike by, ..	62
		Muzaffargarh Jail, ..	238
		<b>PRISONS OFFICERS—</b>	
		Question re association of Punjab, ..	774

	PAGES.		PAGES.
<b>PRIVATE CARRIER—</b>		<b>PUBLIC GALLERIES—</b>	
Question re public carriage and permits .. ..	1104	Question re fixing of a clock in Assembly building and walled fencing of, .. ..	239
<b>PRIVATE SCHOOLS—</b>		<b>PUBLIC HEALTH DEPARTMENT—</b>	
Question re freedom to, for purchase of books for their libraries .. ..	516	Question re—	
Unhappy plight of teachers in, .. ..	246	Representation of Sikhs in, ..	71
<b>PRIVILEGES—</b>		I. M. S. Officers in Medical and, ..	939
Bill for defining, of members of the Assembly .. ..	247	<b>PUBLIC HIGH SCHOOL—</b>	
<b>PROCESSIONS—</b>		Question re closing down of, at Sujanpur .. ..	308
Question re—		<b>PUBLIC HINDU HIGH SCHOOL—</b>	
Carrying of arms in, .. ..	1013	Question re withdrawal of recognition of, Rupar .. ..	450
Instructions, for, passing in front of mosques .. ..	1019	<b>PUBLIC INSTRUCTION—</b>	
<b>PROCESS-SERVERS—</b>		Question re representation of Sikh as Deputy Director of, ..	81
Question re, .. ..	180	<b>PUBLIC PROSECUTORS—</b>	
Representation of Achhuts among, .. ..	642	Question re, .. ..	541
Representation of Sikhs among, and bailiffs .. ..	77, 469	<b>PUBLIC SERVICE COMMISSION—</b>	
<b>PRODUCTION—</b>		Question re—	
Question re decrease in, from land, in Beit Ilaga .. ..	455	Agreement with North-West Frontier Province regarding the joint, .. ..	791
<b>PROHIBITION—</b>		Appointments made by Government on recommendation or without consulting Punjab and North-West Frontier Province, ..	42
Question re, enforcement of, in the Province .. ..	513	<b>PUBLIC STREETS—</b>	
<b>PROHIBITION BILL—</b>		Question re motor accidents in narrow, in Narowal .. ..	1025
Motion for leave to introduce, .. ..	207	<b>PUBLIC WORKS DEPARTMENT—</b>	
<b>PROMOTION(S)—</b>		Question re—	
Question re, .. ..	797	Allowances to overseers and other officers of, .. ..	640
Of judiciary .. ..	1033	Representation of Sikhs in; (Buildings and Roads) Branch .. ..	71
Rules for, transfer and dismissal of compounders .. ..	1033	<b>P. W. D. ROAD—</b>	
<b>PROSECUTIONS—</b>		Question re, between Dipalpur and Bunga Hayat .. ..	448
Question re—		<b>PUNITIVE POLICE—</b>	
Under Defence of India Rules in Jullundur Division .. ..	519	Question re, posts in Ludhiana and Ferozepore districts .. ..	776
Under section 153-A, Indian Penal Code, and under Defence of India Rules .. ..	791	<b>PUNJAB BAR CONFERENCE—</b>	
<b>PROSTITUTION HOUSES—</b>		Question re resolutions by, and action taken thereon .. ..	141
Question re, and brothels .. ..	251	<b>PUNJAB CIVIL SERVICE—</b>	
<b>PROVINCIAL AUTONOMY—</b>		Question re—	
Question re resignation from service on premature retirement of European Officers since the inauguration of, .. ..	1093	(Executive) posts .. ..	34
<b>PROVINCIAL CIVIL SERVICE (EXECUTIVE BRANCH)—</b>		Hours of Examination for, (Executive Branch) .. ..	263
Question re transfer or deputation of, officers .. ..	173	Nominations to, (Executive Branch) .. ..	63
<b>PROVINCIAL EDUCATION SERVICE—</b>		Representation of Achhuts in, (Executive Branch) .. ..	641
Question re—		Representation of Sikhs in, Executive Branch .. ..	392-393
Sikh members of, .. ..	946	Extensions to, officers of, .. ..	609
<b>PROVINCIALISATION—</b>		<b>PUNJAB COLLEGE OF ENGINEERING—</b>	
Question re, of roads in Ambala division .. ..	1023	Question re admission of students to, and Technology, Lahore, and Punjab Agricultural College, Lyallpur .. ..	261
<b>PUBLICATION—</b>		<b>PUNJAB EDUCATIONAL SERVICE—</b>	
Question re, of applications for stage carriage and public carrier permits .. ..	1030	Question re, .. ..	871
<b>PUBLIC CARRIAGE—</b>		Appointments in, .. ..	179
Question re, and private carrier permits .. ..	1104		
<b>PUBLIC CARRIERS—</b>			
Question re publication of applications for stage carriages and permits .. ..	1030		

	PAGES.
<b>PUNJABERS—</b>	
Question re compensation for, killed or wounded in Frontier Mail accident ..	246
<b>PUNJAB ENGINEERING COLLEGE—</b>	
Question re, Alumni taken into service ..	391
<b>PUNJAB GOVERNMENT—</b>	
Question re expenditure on move of, to Simla ..	27
<b>PUNJAB LEGISLATIVE ASSEMBLY—</b>	
Question re electoral roll of, ..	793
<b>PUNJAB MOTOR UNION—</b>	
Question re, Lahore ..	798
<b>PUNJAB PURE FOOD (AMENDMENT) ACT—</b>	
Question re enforcement of, ..	638
<b>PUNJAB PROVINCE PRISONS (AMENDMENT) BILL—</b>	
Motion for leave to introduce, ..	199
<b>PUNJAB RELIEF OF INDEBTEDNESS (AMENDMENT), ACT—</b>	
Question re correspondence between His Excellency the Governor-General and the Punjab Government regarding ..	614
<b>PUNJAB TRADE EMPLOYEES ACT—</b>	
Question re enforcement of, ..	1225
<b>PUNJAB UNEMPLOYMENT COMMITTEE—</b>	
Question re, report ..	702
<b>PUNJAB UNIVERSITY—</b>	
Question re—	
Representation of Sikhs among employees of, ..	73
Representation of Sikhs among Examiners of, ..	47
<b>QUESTIONS AND ANSWERS—</b>	
<b>QASSABS—</b>	
Question re—	
Expunction of the entry of profession of, in Rohtak, Hissar, Karnal and Gurgaon districts ..	311
Representation of Sheikh Qureshis for the expunction of entry of, against ..	313
<b>AJIT SINGH, SARDAR—</b>	
Question re—	
Communal representation among Kanungos and Naib-Tahsildars ..	946
Communal representation in services in Government Printing Press ..	945
Damage to cotton by <i>Tirak</i> ..	780
<b>AKBAR ALI, PIR—</b>	
Question re—	
Damage to crops in Ferozepore district ..	50
Failure of Gwara crop in Ferozepore district ..	52

	PAGES.
<b>QUESTIONS AND ANSWERS—</b>	
<b>CONTINUED.</b>	
<b>BARKAT ALI, MALIK—</b>	
Question re—	
Arrest of Chaudhri Ghulam Muhammad ..	594
Arrests of some leading citizens of Gujranwala under Defence of India Rules ..	593
Chaudhri Afzal Haq ..	704
Collapse of Haveli Project ..	53
Complaint against Sub-Inspector of Police, Tehl Singh, posted to Sukheki Mandi, in Gujranwala district ..	144
Declaration of Jumat-ul-Wida as a public holiday ..	454
Employment of some inmates of Borstal Institute for levelling ground of the house of Superintendent, New Central Jail, Multan ..	140
Forfeiture by Government of money belonging to Khaksars ..	593
Khaksars ..	518
Representation of Mussalmans in services of Jagadhri Municipality ..	618
Subsidy to vernacular newspapers for war propaganda ..	692
<b>BALDEV SINGH, SARDAR—</b>	
Question re—	
Posts held by Sikhs in Education Department ..	68, 161
Post in Director of Public Instruction's office ..	68
Posts in Education Department ..	67
Posts in Industries Department ..	69
Sikh Headmistresses ..	67
Sikhs among Inspectresses of Schools ..	161
Tahsildars and Naib-Tahsildars ..	942
Women B.Ts. ..	941
<b>BHAGAT RAM SHARMA, PANDIT—</b>	
Question re—	
Closing down of Public High School at Sujampur ..	808
Crime in Kangra district ..	1029
Grant of subsidies for development of industries ..	927
Increase in lorry fares in Kangra district ..	799
Punjab Motor Union, Lahore ..	798
Survey operations of Baleha and Nakeher Khud Bund Schemes in Kangra district ..	926
Travelling allowances drawn by Secretaries, Regional Transport Authority ..	869
Trials for offences under Defence of India Act ..	923



QUESTIONS AND ANSWERS—  
CONTINUED.BHAGAT RAM SHARMA PANDIT—  
*concl'd*

Question re—

Wheeled traffic on Jahu-Pir-  
nagah road in Kangra dis-  
trict ..

1029

DESHBANDHU GUPTA, LALA—

Question re—

Arrests under the Defence of  
India Ordinance ..

594

Assistant Sub-Inspector of  
Police, Subathu ..

153

Compromise between Govern-  
ment and Khaksars ..

321

Expenditure on war ..

610

Khaksars ..

520-21

Prosecutions against Maulana  
Ata Ullah Shah Bukhari ..

610

Representation of creditor  
class on the Debt Concilia-  
tion Board, Karnal ..

945

Subsidies to newspapers for  
propaganda ..

611

Tax on tongas ..

606

DEV RAJ SETHI, MR.—

Question re—

Absconders in Lyallpur and  
Jhang districts ..

930

Admission of students to  
Punjab College of En-  
gineering and Technology,  
Lahore, and Punjab Agri-  
cultural College, Lyallpur ..

261

Applications received by the  
Debt Conciliation Board,  
Jhang, from debtors and  
Creditors ..

252

Area of Benami lands restored  
to the original owners in the  
Jhang district ..

227

Area of land restituted in  
Jhang district ..

228

Baba Wasakha Singh, a State  
prisoner ..

631

Breaches in Haveli Project ..

456

Cases of cattle-lifting in Jhang  
district ..

705

Cases of corruption instituted  
by Anti-corruption De-  
partment ..

181

Cases of illicit distillation of  
wine in Jhang, Lyallpur  
and Multan districts ..

256

Cases of suicide ..

605

Censoring of films ..

617

Compensation for Punjabees  
killed or wounded in Fron-  
tier Mail accident ..

246

Complaints of corruption  
against Police officers in  
Jhang district ..

799

Consolidation of holdings ..

443

Consumption of liquor in the  
province ..

629

QUESTIONS AND ANSWERS—  
CONTINUED.DEV RAJ SETHI, MR.—*concl'd*.

Question re—

Convictions under the Defence  
of India Act ..

453

Dacoities and thefts in Jhang  
and Lyallpur districts ..

253

Damage by hailstorm ..

611

Death of Jumna Das, a San-  
skrit student, under mys-  
terious circumstances ..

327

Detailed political workers ..

322

Disputation of Mortgaged  
Lands Act, etc. ..

596

District Board, Jhang  
Election petition against Lala  
Kesar Mal of Lyallpur ..

866

Employment of depressed  
classes candidates in the  
departments in Lyallpur  
district ..

244

Enforcement of Trade Em-  
ployees Act, colourization  
of Vegetable Ghee Act and  
Relief of Indebtedness  
(Amendment) Act ..

247

Executive Officer, Lyallpur  
Municipality ..

612

Extensions to P.C.S. officers  
Female prisoners, Lahore  
Central Jail ..

867

Government help to Mission-  
ary Societies ..

609

Government High School for  
boys in Chinot tahsil ..

1226

Government Industrial School,  
Jhang ..

252

Improvement of sanitation  
and water supply in urban  
and rural areas ..

1034

Increasing lawlessness in  
Jhang district ..

461

Internment of persons in the  
Province ..

937

Joint Development Board ..

318

Literacy ..

1093

Motor accidents in the Pro-  
vince ..

1224

Movements of leper beggars  
in Lahore and other big  
cities and towns ..

778

Murder of Hindu and Sikh  
money-lenders ..

931

Panchayats in Lyallpur and  
Jhang districts ..

261

Payment to Tribune, Civil  
and Military Gazette, Hindu,  
Inqilab, Zamindar, and  
Shahbaz for advertisement ..

799

Permission for retail sale of  
liquor within municipal  
limits, Chinot, district  
Jhang ..

1221

Poisoning cases ..

443

..

775

## PAGES.

## PAGES.

QUESTIONS AND ANSWERS—  
CONTINUED.DEV RAJ SETHI, MR.—*contd.*  
Question re—

Punjab Civil Service (Executive) posts ..	34
Recruitment of constables in Multan Division ..	257
Recruitment of Sub-Inspectors and Assistant Sub-Inspectors ..	259
Release of communists ..	34
Report of Select Committee on Lahore Corporation Bill ..	704
Resignation from service or premature retirement of European officers since the inauguration of Provincial Autonomy ..	1093
Restitution of Mortgaged Lands Act and Alienation of Land Amendment Act ..	524
Revenue cases in Jhang ..	57
Reward grants in Rakh Pir Mahal ..	522
Scheduled caste students and industrial schools ..	624
Smuggling of unlicensed arms into Shahpur district ..	42
Standing Committees ..	1013
Suspension and dismissal of corrupt police officers ..	705
Taccavi Bad Debts ..	595
Taccavi in Lyallpur ..	226
Tenders for service contract of typewriters in Punjab Government offices ..	57
Thanas inspected by Superintendent of Police, Jhang ..	799
Transfer of State prisoners to the Deoli Camp ..	517
Teasing of school boys by Goondas ..	871
Total number of students in province ..	779
Warnings to daily papers of Lahore ..	1093
DUNI CHAND, LALA—	
Question re—	
Admission in Veterinary College, Lahore ..	466
Agitation against appointments made by Government in different departments ..	619
Allowance for Government servants drawing Rs. 30 per mensem or less ..	142
Amalgamation of Municipal Committee, Sadr Bazar, Ambala, with Cantonment Committee, Ambala ..	868
Burglaries in Ambala district ..	800
Camels grazing below Siwalik Range ..	527

QUESTIONS AND ANSWERS—  
CONTINUED.DUNI CHAND, LALA—*contd.*  
Question re—

Civic guards ..	592
Classification of Kohlis of Ambala district as agriculturists ..	695
Communal representation among Forest Rangers recently appointed ..	466
Correspondence between His Excellency the Governor-General and the Punjab Government regarding Punjab Relief of Indebtedness Amendment Act ..	614
Dacoits killed in encounters with police ..	614
Damage to crops by hail-storm ..	441
Detenus, externees and internees under Defence of India Act ..	795
Detenus transferred to Deoli ..	324
Discharge of accused in dacoity and murder cases ..	632
Employment of Unani Tabibs and Vaidis ..	617
Entry of wrong report by Muharrir, Police Station Malana, made by Antoo Harijan of Ambala district ..	1104
Executive Officer, Gujranwala Municipality ..	156
Forest Rangers ..	462
Grazing in Shivalik Hills ..	771
Gangs of dacoits at large in Ambala and its adjoining districts and States ..	546
Improving medical profession ..	873
Jail Manual for Jail libraries ..	864
Lathi charge by Ladwa police ..	933
Leave Reserve Clerks in Deputy Commissioners' offices ..	391
Maximum limit of Rs. 6,000 for grant-in-aid to educational institutions ..	1108
Overflow of Western Jumna Canal ..	770
Peons ..	603
Promotions of judiciary ..	797
Public speeches by Honourable Minister of Development ..	443
Punjab Engineering College Alumni taken into service ..	391
Re-employment of Khan Sahib Mian Hakim-ud-Din ..	452
Remission in land revenue on Rabi crop ..	639
Resumption by Government of Arya Nagar ..	456
Spread of education in Lahore Municipality ..	706

QUESTIONS AND ANSWERS—  
CONTINUED.DUNI CHAND, LALA—*concl'd.*

Question re—

Sub-Inspector of Police at Moranda in Ambala district	604
Subsidy to newspapers ..	619
Suspension of Hari Parshad and Parma Nand employees of the Municipal Committee, Sadar Bazar, Ambala ..	933
Tonga Chaudhris ..	705
Travelling allowance drawn by Minister of Development ..	541
Vetoing of election of Executive Officer, Gujranwala Municipal Committee ..	1023
Vetoing of election of Executive Officer, Lyallpur Municipal Committee ..	933
Western Jumna Canal ..	772
Central Government Road Fund ..	1030
Construction of new roads	1230
Grant of permits to motor vehicles for plying on hire on roads ..	1030
Lahore Improvement Trust..	607
Lowering of rates of freight on goods by North-Western Railway ..	1104
Monopoly for plying motor vehicles on hire on roads..	1024
Motor accidents ..	1105
Pasting of objectionable bills and posters on walls in Lahore ..	608
Playgrounds and games in schools ..	808
Public carriage and private carrier permits ..	1104
Removal of slaughter house on Sanda Road, Lahore ..	607
Teaching of economics in an Indian language ..	808
Tuition work by teachers ..	809

FAQIR CHAND, CHAUDHRI—

Question re—

Construction of wells for Achhuts in Karnal district	638
Half fee concessions to Achhut students ..	1034
Representation of Achhuts among Head Constables of Police ..	643
Representation of Achhuts among process-servers ..	642
Representation of Achhuts among Sub-Inspectors of Police ..	643
Representation of Achhuts among Tahsildars and Naib-Tahsildars ..	641
Representation of Achhuts in Punjab Civil Service (Executive Branch) ..	641

QUESTIONS AND ANSWERS—  
CONTINUED.FAQIR CHAND CHAUDHRI—*concl'd.*

Question re—

Representation of Harijans among Deputy Superintendents of Police ..	642
Representation of Harijans among Kanungos ..	642

FAZAL DIN, KHAN SANIE CHAUDHRI—

Question re—

Relief to sufferers in villages Dhayan Singhwala, Gulgarh, etc., washed away by floods in river Ravi ..	926
Settlement of debts by the Debt Conciliation Board, Amritsar ..	927

GHULAM SAMAD, KHAN SANIE KHAWAJA—

Question re—

Allotment of lands in the Hayali Project ..	925
Amalgamation of office of Superintending Engineer, Drainage Circle, Rohtak, with Punjab Irrigation Secretariat ..	1016
Amount of grant-in-aid to primary schools run by non-Muslims ..	61
Appointment of Muslim as Chief Engineer, Irrigation Department ..	1037
Appointment of Muslim Extra Assistant Commissioners in Ambala division ..	60
Appointment of officers for disposal of applications relating to benami transactions and restitution of mortgaged lands ..	1098
Appointment of persons belonging to Ambala division as Extra Assistant Commissioners ..	1036
Arrest of persons for non-payment of land revenue in famine-stricken southern districts of Punjab ..	943
Arrests and convictions under Defence of India Act ..	795
Assistant Surgeons and Sub-Assistant Surgeons in the Punjab ..	451
Benami transactions and mortgages ..	228
Civil litigation ..	317
Communal proportion in service ..	921
Communal representation among employees in office of Deputy Commissioner, Criminal Tribes and Reclamation Officer ..	940
Elections to Gohana Municipal Committee ..	1101

	PAGES
<b>QUESTIONS AND ANSWERS—</b>	
CONTINUED.	
<b>GHULAM SAMAD, KHAN SAHIB,</b>	
<b>KHAWAJA—concl'd.</b>	
Question re—	
Expenditure on famine relief measures in Rohtak district ..	229
Expunction of entry of profession of Qassabs in Rohtak, Hissar, Karnal and Gurgaon districts ..	311
Extension of Hydro-Electric Scheme to Ambala ..	1037
Extension of Western Jumna Canal ..	230
Famine relief centres in famine-stricken districts in the Punjab ..	862
Famine relief works in famine-stricken southern districts of Punjab ..	1016
Finance Department of the Secretariat ..	60
Grant-in-aid to Muslim Primary School at Bhiwani ..	61
Instruction of Hindi as medium of instruction in Middle Schools in Gurgaon district ..	809
Irrigation of lands by extension of Western Jumna Canal and Sirhind Canal ..	1222
Khaksars ..	795
Metalled roads in Ambala district ..	444
Murders and dacoities in Rohtak district ..	1102
Muslim seats in Simla Municipality ..	61
Non-service of notices on tenants of Mauza Mangli, district Hissar ..	924
Panchayats ..	870
Patwar schools ..	1223
Preference to persons belonging to the district in appointments to posts in that district ..	45
Provincialization of roads in Ambala division ..	1023
Representation by Sheikh Qureshis for the expunction of entry of Qassabs against them ..	313
Sale of land on Haveli Project ..	49
Sea route to Jaddah for pilgrims ..	859
Selection of Naib-Tahsildars in Ambala division ..	58
Supply of water to villages at the tail of Western Jumna Canal ..	1223
Suspension of land revenue ..	50
Withdrawal of recognition of the Public Hindu High School, Rapar ..	450

	PAGES.
<b>QUESTIONS AND ANSWERS—</b>	
CONTINUED.	
<b>GIRDHARI DAS, MAHANT—</b>	
Question re—	
Relief for damage to cotton crop in Nili Bar Colony ..	530
Taxation for unauthorised irrigation ..	530
<b>GOKUL CHAND NARANG, DR. SIR—</b>	
Question re conviction and sentence of Munshi Hari Lal, M.L.A. ..	1232
<b>GOPAL DAS, RAI BAHADUR, LALA—</b>	
Question re—	
Benzmi transactions rendered invalid ..	696
Debt Conciliation Boards ..	180
Government grants made to Kangra district board ..	635
Inviting applications for appointments ..	45
Kangra Valley Railway ..	635
Minimum areas for buildings within the municipal limits of Lahore ..	635
Resettlement of Kangra district ..	55
<b>GURBACHAN SINGH, SARDAR. BAHADUR, SARDAR—</b>	
Question re—	
Appointment of a Sikh as Director, Assistant Director and Superintendent in the office of Director of Information Bureau ..	470
Damage to crops in Jullundur district by hailstorm ..	597
Examiners and sub-examiners of the Punjab University ..	466
Representation of Sikhs among Forest Rangers of the Forest Department ..	468
Representation of Sikhs among process-servers and bailiffs ..	469
Representation of Sikhs in Punjab Government Printing, Lahore ..	469
Representation of Sikhs in the Medical Department ..	469
Shares of Sikhs in posts in Financial Commissioners' office ..	467
Sikhs among Chief Conservator, Deputy Conservators, Forest Department ..	467
<b>HARI LAL, MUNSHI—</b>	
Question re—	
Association of Punjab Prisons officers ..	774
Compensation to sufferers in the riots at Multan ..	935
Conversion of inundation canal irrigating lands in and around Kamalia into a perennial canal ..	623

## PAGES.

## PAGES.

QUESTIONS AND ANSWERS—  
CONTINUED.HARI LAL, MUNSHI—*concl'd.*

## Question re—

Conviction and sentence of, M.L.A. ..	1232
Deputy Superintendents of Jails ..	775
Extortionate terms of lessees on Haveli Project ..	624
Officiating Assistant Superintendents of Jails ..	775
Rack renting by lessees on tender system on Burala extensions ..	624
Strictures passed by Additional District Magistrate, Multan, against a Sub-Inspector of Police ..	150
Superintendents of Jail ..	798

HARNAM SINGH, CAPTAIN SODHI—

## Question re—

Appointment of a Sikh as Deputy Director of Public Instruction, Registrar, Departmental Examinations and Inspector, Vernacular Education ..	81
Appointment of a Sikh Inspector of Schools ..	169
Appointments in Punjab Educational Service ..	179
Cases pending and decided by Sikh Gurdwara Tribunal ..	162
Claims of Sikhs for appointment as Director and Assistants, Information Bureau Examiners of Departmental Examinations held by Education Department ..	80
Extra Assistant Commissioners on deputation ..	638
Headmasters of High Schools under local bodies in Multan division ..	44
Posts in Industries Department ..	640
Process-servers ..	169
Representation of Sikhs among Assistant District Inspectors of Schools and Head Masters of Government High Schools ..	180
Representation of Sikhs among Civil Surgeons and other officers of Medical Department ..	82
Representation of Sikhs among employees in office of Director, Information Bureau ..	79
Representation of Sikhs among employees in office of Financial Commissioners ..	80
Representation of Sikhs among employees of Punjab University ..	75
	73

QUESTIONS AND ANSWERS—  
CONTINUED.HARNAM SINGH, CAPTAIN SODHI—  
*concl'd.*

## Question re—

Representation of Sikhs among Examiners of the Punjab University ..	74
Representation of Sikhs among Headmistresses in Government High Schools ..	81
Representation of Sikhs among officers and clerks in Education Department ..	82
Representation of Sikhs among officers of Forest Department ..	76
Representation of Sikhs among officers and clerks employed in Government Printing, Punjab ..	77
Representation of Sikhs among officers of Revenue Department ..	75
Representation of Sikhs among Rangers and Deputy Rangers of Forest Department ..	76
Representation of Sikhs in Police department ..	69
Representation of Sikhs in process-servers and bailiffs ..	77
Representation of Sikhs in Public Works Department (Buildings and Roads) Branch ..	71
Representation of Sikhs in Punjab Civil Service (Executive Branch) ..	392, 393
Representation of Sikhs in Stationary Office under control of Superintendent, Printing, Punjab ..	393
Representation of Sikhs in different branches of Education Department ..	80
Representation of Sikhs in office of Rural Reconstruction Department ..	73
Representation of Sikhs in Public Health Department ..	71
Representation of Sikhs in Punjab Civil Secretariat ..	72
Sikh Gurdwara Tribunal ..	162
Sikh Stenographers in the Civil Secretariat ..	179
Sikhs in Excise department ..	173
Sikhs in Government service ..	175—77

JOGINDAR SINGH MANN, SARDAR—

## Question re transfer or deputation of Provincial Civil Service (Executive Branch) officers ..

173

JAGJIT SINGH BKDI, TIRA—

## Question re—

Damage to cotton crop in the Montgomery district ..	439
---	-----

QUESTIONS AND ANSWERS—  
CONTINUED.JAGIT SINGH BEDI TIKKA—  
*concl.*

Question re—

Public Works Department  
road between Dipalpur  
and Bunga Hayat .. 448Remission for damage to  
crops by hailstorm in  
Dipalpur tahsil .. 327Retirement of B. Jowala  
Singh without pension .. 529

KAPOOR SINGH, SARDAR—

Question re Health Officers of  
Lahore Municipality .. 590

KARAMAT ALI, SHAIKH—

Question re—

Kacha roads between Sialkot  
and Shakargarh to Naro-  
wal and Zafarwal .. 934Lahore allowance to Govern-  
ment servants .. 929Length of roads in Sialkot  
district .. 1025Motor accidents in narrow  
public streets in Narowal .. 1025Overloading of lorries between  
Sialkot, Zafarwal and Naro-  
wal .. 1025Panchayat and Assistant  
Panchayat Officers .. 946Stoppage of Lahore allowance  
to officials allotted Govern-  
ment quarters .. 934

KARTAR SINGH, CHAUDHRI—

Question re—

Alienation of lands of Brah-  
mans in Jullundur district .. 231Allotment of garden sites at  
Mandi Burewala .. 315

Floods in Dasuha .. 62

Government High School for  
Girls at Bhiwani .. 163

Hunger strike by prisoners .. 62

Notified Area Committee,  
Gujrat .. 160

Political prisoners .. 63

Rates of octroi in Gujrat .. 243

Scheduled caste representa-  
tion in District Board,  
Hissar .. 243Sehaj Dhari Sikhs in Govern-  
ment service .. 395

Water level in Doaba .. 139

LAL SINGH, SARDAR—

Question re—

Additional police .. 632

Additional police in Lahore .. 633

Air-raid Precautions Officer .. 937

Benami transactions and res-  
toration of land to original  
owners .. 695Communal representation  
among head constables of  
police in Karnal district .. 639Disaffiliation of Christian  
Medical College for Women,  
Ludhiana .. 710

## PAGES.

QUESTIONS AND ANSWERS—  
CONTINUED.LAL SINGH, SARDAR—*concl.*

Question re—

Electric power for agricul-  
tural purposes .. 139

Externees .. 692

Hazara Singh .. 773

Hunger-strikers in Muzaffar-  
garh Jail .. 142Importation of wheat from  
Australia .. 1108

Increase in crimes .. 801

Increase in strength of Punjab  
police .. 801Licences for guns and rifles  
issued in Ludhiana district .. 936

Muzaffargarh Jail .. 237

Muzaffargarh Jail prisoners .. 238

Ode Committee .. 56

Punitive police posts in  
Ludhiana and Ferozepore  
districts .. 776

Sadhu Singh Giyani .. 621

Senior Medical Officer in  
charge of detainees in Mu-  
zaffargarh Jail .. 773Unlicensed arms in Ludhiana  
district .. 935

MAZHAR ALI AZHAR, MAULANA—

Question re state of health of,  
M.L.A. .. 865

MOHY-UD-DIN LAL BADSHAH,

SAYED—

Question re—

Damage by hailstorm to  
kharif crops in tahsil Tala-  
gang, district Attock .. 926Khaksar-police clash in Tibbi  
bazar .. 144Removal of the elected mem-  
bers of the Small Town  
Committee, Makhad .. 143

MURARIK ALI SHAH, SAYED—

Question re—

Damage to cotton crop in  
Jhang district .. 772Haq Abpashi on Lower Jhe-  
lum Canal .. 796Metalling of road between  
Jhang and Headworks of  
the Haveli Project .. 778

Lyallpur-Jhang road .. 778

MUHAMMAD HASAN, CHAUDHRI—

Question re—

Abiana on wad watta .. 1098

Additional police posted in  
Jullundur, Hoshiarpur,  
Kangra, Ferozepore and  
Ludhiana districts .. 644Admission to the Tanning  
Factories of Shahdara and  
Jullundur .. 796

Adulteration of ghee .. 709

Agricultural land as security  
for the loans advanced in  
aid of industries .. 1099

## PAGES.

QUESTIONS AND ANSWERS—  
CONTINUED.MUHAMMAD HASAN CHAUDHRI—  
concl.

## Question re—

Agricultural land as security for the loans advanced in aid of industries ..	1225
Anti-Rabic Treatment ..	779
Arrest of Ajaib Singh, Dacoit Cases decided in camp by Magistrates in Ludhiana district ..	590
Cases disposed of by the Magistrates at Ludhiana under Motor Vehicles Act ..	453
Cases disposed of by the Special Magistrate, Lahore, relating to kidnapping of minors ..	394
Central contributions towards development of industries ..	797
Corruption cases in police in Ludhiana district ..	513
Crime in Ludhiana district ..	646
Crime in Ludhiana district and the posting of the Special Police Staff ..	631
Criminal cases in courts at Ludhiana ..	1228
Damage to cotton in Montgomery ..	317
Damage to crops in Ludhiana, Jullundur and Hoshiarpur districts ..	52
Demonstration by Agricultural Assistants in Ludhiana district ..	235
Decrease in production from lands in Beit ilaqa ..	455
Distribution of taccavi loans ..	43
Expenditure on move of the Punjab Government to Simla ..	27
Failure of crops in certain villages in Ludhiana district ..	1224
Government Colleges and Schools ..	780
Hiring of lorries by police for raids in pursuit of dacoits and absconders in Ludhiana district ..	932
Hours of examination for Punjab Civil Service (Executive Branch) ..	263
I.M.S. officers in Jail Department ..	1099
I.M.S. officers in Medical and Public Health Departments ..	939
Inspecting staff of the Department of Education ..	671
Inspection of rural dispensaries by the hospital visiting committees ..	708
Infectious diseases hospital at Ludhiana ..	709
Irrigation of lands in Ludhiana district ..	316

QUESTIONS AND ANSWERS—  
CONTINUED.MUHAMMAD HASAN, CHAUDHRI—  
concl.

## Question re—

Jagraon Municipal dispensary ..	872
Loans in aid of industries ..	623
Ludhiana District Jail hospital ..	923
Ludhiana Jail ..	545
Lunatics admitted into the Mental Hospital, Lahore ..	780
Medical grant relief given to District Board, Ludhiana ..	616
Model Farms at Jagraon and Samrala ..	235
Murder and dacoity cases at Ludhiana ..	1013
Murders, dacoities and highway robberies in the jurisdiction of Sidhwan Bet Police Station, district Ludhiana ..	605
Mutation cases in Ludhiana district ..	439
Non-official visitors to Ludhiana Jail ..	604
Number of agriculturists in the Department of Industries ..	1017
Poor health of the people of Ilaga Beit ..	617
Prosecutions under Defence of India Rules in Jullundur division ..	519
Punjab Educational Service ..	871
Raikot dispensary in Ludhiana district ..	1034
Realisation of malba with land revenue ..	314
Reduction in contribution to be paid by villages for subsidized dispensaries ..	616
Remission in land revenue and abiana ..	622
Subsidized dispensaries in Ludhiana district ..	608
Theft of a newly born child of Karamat Ali of Lahore from Lady Aitchison Hospital, Lahore ..	445
Travelling allowance drawn by Magistrates in Ludhiana district ..	323
Travelling allowance drawn by the Superintendent of Police, Ludhiana ..	646
Visits by Director and Deputy Director of Agriculture to Beit Ilaga ..	234
Visits of the Director of Industries to the Industrial Centres of Punjab ..	797

MUHAMMAD IFTIKHAR-UD-DIN,  
MIAN—

Question re police raid on Nizam-ud-Din's house ..	240
--	-----

QUESTIONS AND ANSWERS—  
CONTINUED.

MUHAMMAD NUBULLAH, MIAN—

## Question re—

Addition of Kindergarten classes in school ..	451
Adoption of first vernacular as medium of the Vernacular Final and Middle Examination ..	451
Adult education ..	451
Authorized full supply of water for the Western Jumna Canal ..	226

Closing of British channels on account of insufficiency of water in Western Jumna Canal ..	48
--	----

Cut in the salaries of teachers by the Lahore Municipality	604
Distribution of water from Jumna river between Western Jumna Canal and the United Provinces Government ..	47

Endorsement on permanent certificates of teachers ..	591
--	-----

Freedom of private schools for the purchase of books for their libraries ..	516
---	-----

Grant of freedom to teachers for experimentation ..	321
---	-----

Grant of full fee-concessions to the children of teachers at schools and colleges ..	592
--	-----

Grant of Senior Vernacular Certificates to Junior Vernacular trained teachers ..	591
--	-----

Grant of greater facilities for education of girls ..	515
---	-----

Medium of instruction and examination at the secondary stage ..	321
---	-----

Reorganisation of the present system of education ..	321
--	-----

Rules for warabandi and closure of outlets ..	46
---	----

Settlement of disputes between the management of non-Government Schools and the members of the staff ..	516
---	-----

Stability and efficiency wage of members of the teaching staff ..	245
---	-----

Unhappy plight of teachers in private schools ..	246
--	-----

MUHAMMAD SAADAT ALI KHAN,  
KHAN BAHADUR KHAN—

Question re metalling of Chichawatni-Kawalua road ..	395
--	-----

MUHAMMAD YUSUF KHAN, KHAN—

Question re— Asylums for lepers ..	1035
---------------------------------------	------

## PAGES.

## PAGES.

QUESTIONS AND ANSWERS—  
CONTINUED.MUHAMMAD YUSUF KHAN, KHAN—  
conold.

## Question re—

Cases reported at police stations in Rawalpindi district ..	249
---	-----

Cases reported to police in the provinces ..	249
--	-----

Institutes for the blind ..	1017
-----------------------------	------

Persons bound down under section 107, Criminal Procedure Code, in Rawalpindi district ..	152
--	-----

Prostitution houses and brothels ..	251
-------------------------------------	-----

Raids by police on hotels and restaurants in towns under the Punjab Suppression of Immoral Traffic Act ..	250
---	-----

Resolutions by Punjab Bar Conference and action taken thereon ..	141
--	-----

MUKUND LAL PURI, RAI BAHADUR—

## Question re—

Executive Officers ..	805
-----------------------	-----

Panchayat and Assistant Panchayat Officers ..	944
---	-----

Rules governing recruitment of Panchayat Officers ..	805
--	-----

PARTAP SINGH, SARDAR—

## Question re—

Firing in New Central Jail, Multan ..	141
---------------------------------------	-----

Sardar Mota Singh ..	865
----------------------	-----

State of health of Maulana Mazhar Ali Azhar, M.L.A. ..	865
--	-----

PRITAM SINGH SIDHU, SARDAR—

## Question re—

Agriculturists of the Ferozepore district in Government services ..	940
---	-----

Cases disposed of by the Debt Conciliation Board, Zira ..	864
---	-----

Complaint against Jhanda Khan, Head Constable, Fazilka ..	1101
---	------

Co-operative Societies in Fazilka, Moga, Muktsar and Nathana ..	863
---	-----

Court of Sub-Divisional Officer, Fazilka ..	928
---	-----

Dangerous curve on milestone 18 on Kotkapura-Baghapurana road ..	1221
--	------

Dispensaries in Ferozepore district ..	1033
--	------

Dispensaries in Sub-tahsil Nathana, Ferozepore district ..	1232
--	------

Head Clerks of police officers ..	941
-----------------------------------	-----

Members of Canal Advisory Committee, Bhatinda ..	1014
--	------

Branch ..	1014
-----------	------



QUESTIONS AND ANSWERS— CONTINUED.	PAGES.	QUESTIONS AND ANSWERS— CONTINUED.	PAGES
<b>PRITAM SINGH SIDHU, SARDAR—</b> <i>concl'd.</i>		<b>SAHIB RAM CHAUDHRI—concl'd.</b> <i>Question re—</i>	
<i>Question re—</i>		Appointment of persons be-	
Metalling of roads in Feroze-	1228	longing to Ambala division	
Municipal Committee of Fa-		as Extra Assistant Com-	1038
zalka ..	1019	missioners ..	
Remission in land revenue in		Communal representation	
five tahsils of Ferozepore		among Sub-Divisional Of-	
district ..	944	ficers and Assistant En-	
Sikh agriculturists of Feroze-		gineers, Buildings and	
pore district ..	859	Roads Branch, Public	
Sikh members of Provincial		Works Department ..	262
Education Service ..	946	Dispensaries in Sirsa tahsil.	1232
Special outlets to a land-		High Schools in Fatehabad	
lord in Bhatinda division		and Sirsa tahsils ..	1232
for gardening purposes or		Licences for arms in Hissar	
for seed farms ..	1096	district ..	1095
Sub-Judge's Court, Muktsar.		Maintenance charges for the	
Ferozepore district ..	928	Rangoi Canal in Hissar	
Supply of water for gardens		district ..	232
from R. M. R. Minor on		Maintenance of Police estab-	
Sirhind Canal ..	923	lishment by Small Town	
Trained dais in Ferozepore		Committee, Mandi Dabwali	1231
district ..	1107	Rangoi Canal ..	233, 863
<b>RAGHBI KAU, SHRIMATI—</b> <i>Question re—</i>		Representation of the people	
A, B, C and D stands for		of Hissar district among	
lorries ..	1032	gazetted officers ..	1096
Arrests under Defence of		Suspension of licences for	
India Act Rules ..	766	arms of Rai Bahadur	
Baba Kesar Singh ..	631	Chaudhri Het Ram, M.L.A.	1094
Damage to crops by hailstorm		Tahsildars from Ambala	
in Lahore and five other		division ..	1038
districts ..	697	Transfer of the management	
Issue of temporary permits		of Rangoi Canal to District	
to Messrs. Malik Ram,		Board, Hissar ..	232
Narainjam Das and Dharam		<b>SAMPURAN SINGH, SARDAR—</b> <i>Question re—</i>	
Bir Singh ..	1106	Abolition of chahi rates ..	612
Kisan Moreha Prisoners ..	689	Accommodation for legal	
Publication of applications for		practitioners and litigant	
stage carriages and public		public in Civil Courts,	
carrier permits ..	1030	Lahore ..	239
Road between Kanganpur		Additional police posts ..	868
and Chima in Lahore dis-		Agreement between Khaksars	
trict ..	708	and the Punjab Govern-	
Sant Baba Wasakha Singh ..	630	ment ..	518
Sheikh Hissam-ud-Din ..	630	Agreement with North-West	
Temporary permits by the		Frontier Province regarding	
Regional Transport Autho-		the Joint Public Service	
rities ..	32	Commission ..	791
<b>SAHIB DAD KHAN, KHAN SAHIB</b> <b>CHAUDHRI—</b>	10	Amendment of Election Rules	45
<i>Question re</i> return of registered		Arrest, conviction and re-	
documents produced before		lease of persons in connec-	
courts ..	929	tion with riots at Thatta..	932
<b>SAHIB RAM, CHAUDHRI—</b> <i>Question re—</i>		Arrests and convictions of	
Appointment of non-agricul-		persons under the Defence	
turbist Hindus of Ambala		of India Rules ..	618
division as Extra Assistant		Banning of cinema films in	
Commissioners ..	1038	the Province ..	765
Appointment of non-agricul-		Bhaktra Dam Scheme ..	862
turbists of Ambala division		Bill for defining privileges	
as Tahsildars ..	1039	of the members of the	
		Assembly ..	247
		Cases under the Child Mar-	
		riages Restraint Act ..	444

## PAGES.

## PAGES.

## QUESTIONS AND ANSWERS—

CONTINUED.

SAMPURAN SINGH, SARDAR—*contd.*

Question re—

Child labour in workshops ..	613
Complaints against Inspector of Co-operative Societies, Shahdara ..	236
Construction of a dam near Shivalik Hills ..	326
Conversion of Notified Area Committees into elective local bodies ..	1229
Death of accused by torture in police custody ..	241
Drilling of volunteers in private compounds or buildings ..	517
Enforcement of bills passed by the Punjab Legislative Assembly ..	592
Enforcement of prohibition in the Province ..	513
Enforcement of the Punjab Trade Employees Act ..	1225
Executive Officers' Act ..	931
Expenses incurred in connection with riots at Thatta ..	1022
Externes ..	453
Feeding of bullocks on molasses at Government Farm, Montgomery ..	140
Financial Commissioners ..	1096
Government servants and their participation in the activities of political organizations ..	247
Grant of land in exchange for the land acquired for the Haveli Project ..	526
Grant of land in the Haveli Project ..	456
Indebtedness of a member of the Debt Conciliation Board, Muzaffargarh ..	603
Industrial schools ..	625
Industrial survey of province ..	702
Jalandpur Hydro Scheme ..	924
Monopolies of roads for plying motor vehicles on hire ..	1101
New Division of Shahpur ..	597
Nuisance by Goondas in Lawrence Gardens, Lahore ..	776
Prosecutions under section 153-A, Indian Penal Code and under Defence of India Rules ..	791
Punjab Unemployment Committee Report ..	702
Reconsideration of the recommendations of the Police Enquiry Committee ..	323
Reforms in the land revenue system ..	796
Removal of distilleries from the Karnal City ..	1099
Report of the Retrenchment and Resources Committee ..	864

## QUESTIONS AND ANSWERS—

CONTINUED.

SAMPURAN SINGH, SARDAR—*contd.*

Question re—

Representation of growers and consumers on Tariff Board ..	702
Restrictions on liberty of speech by political workers and public leaders ..	610
Resin Factory at Jallo ..	772
Sale and lease of land on the Haveli Project ..	262
Sale of agricultural land ..	261
Shahpur Branch Canal ..	1016
Strictures passed by the Sessions Judge, Hoshiarpur, against Gurdial Singh, Head Constable ..	320
Supersession of local bodies in the Province ..	1020
Town Committee, Lalamusa ..	160
Tube-well irrigation ..	621

## SANT RAM SETH, DR.—

Question re—

Admission to the First Year class of the Stratford College for Women at Amritsar ..	711
Allowances to overseers and other officers of the Public Works Department ..	640
Arrests in the Amritsar district ..	35
Arrests under the Defence of India Rules ..	36
Bhakra Dam Scheme ..	622
Cholera in Panipat ..	244
Construction of a bridge over a watercourse near village Manhala Jai Singh, Tahsil Kasur ..	770
Conviction and release of Khaksars ..	39
Damage to crops in Sheikhpura and Gujranwala districts ..	768
Election of Hakim Sikander Khizar as Executive Officer, Lyallpur Municipality ..	802
Election of Mr. Ejaz Husain as Executive Officer, Municipal Committee, Gujranwala ..	805
Elections to the Municipal Committee, Amritsar ..	636
Expenditure on additional police posted at Raja Jang and Jia Bagga ..	643
Meter rent in Amritsar ..	802
Mr. Hans Raj Wireless ..	620
Relief Works in Hissar, Rohtak and Gurgaon ..	696
Removal of Additional Police Post at Sur Singh ..	869
Removal of members of Municipal Committees ..	704

## PAGES.

## PAGES.

QUESTIONS AND ANSWERS—  
CONTINUED.SANT RAM SETH, DR.—*concl'd.*

Question re—

Thal Project and Retrenchment of officers .. 769

Tour programme of the Honourable Ministers .. 166

SANTOKH SINGH, SARDAR SAHIB SARDAR—

Question re tuition fees in Medical School, Amritsar .. 471

SATYA PAL, DR.—

Question re—

Chaudhri Afzal Haq .. 639

Lady Doctor for district board hospital, Jaranwala .. 939

Transfer of Qazi Ahsan Ahmad from Rawalpindi to Multan Jail .. 810

SHRI RAM SHARMA, PANDIT—

Question re—

Accelerated promotion of Mehar Chand, Clerk, Government Cattle Farm, Hissar .. 602

Air Raid Precautions in Punjab .. 794

Air Wardens .. 794

Amounts received by newspapers for war publicity .. 166—69, 223—26.

Application of Sheikh Abdul Ghani to start a Printing Press .. 164

Bahalba Minor .. 862

Bahalba Minor and Meham Minor Jadid .. 522

Bye-elections to local bodies .. 930

Carrying of arms in processions .. 1013

Cases under the Defence of India Act .. 170

Censoring of Dak .. 610

Checking of near relatives by Government servants from taking part in subversive activities .. 30

Civil suits and civil courts in Haryana district .. 1226

Claims of different castes for Government service .. 766

Clerks in Civil Courts, Gurgaon .. 628

Complaint against Veterinary Assistant, Kalanur, district Rohtak .. 614

Construction of drainage of dirty water into the Imti Sacred Tank by the Municipal Committee, Hansi .. 1100

Corruption cases .. 171

Dacoities in Rohtak, Gurgaon, Hissar and Karnal districts .. 929

Debt Conciliation Boards .. 441

Duties of civic guards .. 683

QUESTIONS AND ANSWERS—  
CONTINUED.

SHRI RAM SHARMA, PANDIT—

*concl'd.*

Question re—

Election for Beri Circle seat in district board, Rohtak .. 930

Electoral Roll of the Punjab Legislative Assembly .. 793

Encouragement of Industries .. 537

English Boy Evacuees coming to Punjab .. 766

Escape from custody of Taj Muhammad, Khaksar .. 454

Famine Relief Work in Rohtak district .. 1222

Fixing of a clock on Assembly building and walled fencing of public galleries .. 239

Fodder supply in the Famine Relief Work .. 309, 311, 326.

Holding of the court by the District and Sessions Judge, Delhi, at Hissar, and by the Sessions Judge, Hissar, at Gurgaon .. 703

Instructions for processions passing in front of mosques .. 1019

Irregularities and misappropriations in the accounts of the Famine Relief Department, Hissar .. 694

Jagirs .. 861

Internees and Externees .. 766

Magisterial inquiry on the departmental report of Mr. K. C. Chaudhri, I.C.S., against Jan Muhammad, Contractor .. 612

Murders and dacoities in Haryana district .. 1099

Opening of a new distributary from Sirhind Canal .. 455

Order prohibiting fishing in the Imti Tank at Hansi .. 460

Parties of students for war publicity .. 32

Proclamation against begar taken from members of scheduled castes .. 247

Public Prosecutors .. 541

Removal of Chaudhri Ram Charan and Chaudhri Ram Singh from membership of Municipal Committees of Rohtak and Hissar .. 1100

Report by Professor K. T. Shah on possibilities of industrial development in Punjab .. 628

Report of the committee about riots at Sargodha .. 606

Reward for successfully resisting dacoits .. 865

Rules for the promotion, transfer and dismissal of compounders .. 1033

## PAGES.

QUESTIONS AND ANSWERS—  
CONTINUED.SRI RAM SHARMA, PANDIT—  
*concl.*

## Question re—

Rules governing holding of Darbars .. 1221

Speeches delivered in the Subjects Committee and open session of the Muslim League .. 31

Supply of canal water for tanks in Barani villages in Rohtak district .. 595

War fund subscribed by local bodies .. 448

Wells for scheduled castes .. 637

SOHAN LAL, RAI BAHADUR LALA—

## Question re—

Appointments made by Government on the recommendation or without consulting the Public Service Commission, Punjab and North-West Frontier Province .. 42

Appointment of Muslim officers in place of Rai Sahib Nathu Ram, Diwan Harvansh Lal and Diwan Sukh Anand .. 392

Appointment of Muslims to key posts .. 620

Electric energy generated at Jogindarnagar .. 634

Nominations to Punjab Civil Service (Executive Branch) .. 63

Number of persons appointed as Tahsildars, Naib-Tahsildars, Ziladars and Deputy Collectors .. 65

Officers on deputation to various municipal committees in the Punjab .. 150

Panchayat Officers and Assistant Panchayat Officers .. 150

SULTAN MAHMOOD HOTIANA,

MILN—

## Question re—

Complaints of corruption against subordinate officials .. 689

Cultivated area on Rajbaha, Ferozepore .. 623

Cultivated area on Rajbaha, Ferozepore .. 701

Damage to American cotton by *Tirak* .. 770

Enforcement of the Punjab Pure Food Amendment Act .. 638

Murder cases .. 636

Service Books of Government servants .. 692

Sub-Divisional Officers and Magistrates posted at Pakpattan .. 767

Wadh Wattar .. 763

## PAGES.

QUESTIONS AND ANSWERS—  
CONCLUDED.

SURAJ MAL, CHAUDHRI—

## Question re—

Maintenance charges for the Rangoi Canal in Hissar district .. 526

Silt clearance of the Moham-madpur Minor, Sirsa Branch. .. 597

Transfer of the management of Rangoi Canal to District Board, Hissar .. 526

Vacancies in Government High School, Sirsa .. 608

TARA SINGH, SARDAR—

## Question re—

Damage to crops by hailstorm in certain villages in Ferozepore district .. 183

Metalled roads for village Nathana to village Jandan-wala .. 184

Relief to zamindars of Bhachho and other villages in the Ferozepore district .. 184

## QUESTIONS AND ANSWERS—

Procedure relating to questions for which interim replies are given .. 242

Putting of questions by members on behalf of members of a party which is absent .. 589

## QUESTION HOUR—

Motion re dispensing with, .. 17

Whether period of adjournment for want of quorum at the commencement of a sitting should be deducted from, or from the time for regular business of the day .. 327

Suspension of, .. 395

R.

## RACK RENTING—

Question re, by lessees on tender system on Burala Extensions .. 624

## RAID(S)—

## Question re,

By police on hotels and restaurants in towns under the Punjab Suppression of Immoral Traffic Act .. 250

Police, on Nizam-ud-Din's house .. 240

## RAIKOT DISPENSARY—

Question re, in Ludhiana district .. 1034

## RAILWAY FREIGHT—

Question re lowering of rates of, on goods by North-Western Railway .. 1104

## RAJA JANG—

Question re expenditure on Additional Police posted at, and Jia Bagga .. 643

	PAGES.		PAGES.
<b>RAJBAHA—</b>		<b>REGIONAL TRANSPORT AUTHORITIES—</b>	
Question re cultivated area on, Ferozepore ..	623, 701	Adjournment motion re orders of, ..	189
<b>RAKH PIR MAHAL—</b>		Question re—	
Question re reward grants in, ..	522	Temporary permits by, ..	1032
<b>RAM CHARAN—</b>		Travelling allowances drawn by Secretaries, ..	869
Question re removal of Chaudhri, and Chaudhri Ram Singh from membership of Municipal Committees, Rohtak and Hissar ..	1100	<b>REGISTERED DOCUMENTS—</b>	
<b>RAM SARUP, CHAUDHRI—</b>		Question re return of, produced before courts ..	929
Bill, Primary Education—		<b>REGISTRAR—</b>	
Application ..	916	Question re appointment of a Sikh as Deputy Director of Public Instruction, Registrar, Departmental Examinations and Inspector, Vernacular Education ..	81
Recommendation by local authorities for its application ..	394	<b>RELEASE—</b>	
<b>RAM SINGH—</b>		Question re, of communists ..	34
Question re removal of Chaudhri Ram Charan and Chaudhri, from membership of Municipal Committees, Rohtak and Hissar ..	1100	<b>RELIEF—</b>	
<b>RANGERS—</b>		Question re—	
Question re representation of Sikhs among, and Deputy Rangers of Forest Department ..	76	For damage to cotton crops in Nili Bar Colony ..	530
<b>RANGOI CANAL—</b>		To sufferers in villages Dhayan Singhwala, Gulgarh, etc., washed away by floods in river Ravi ..	926
Question re, ..	233, 863	To zamindars of Bhachho and other villages in the Ferozepore district ..	184
Question re—		<b>RELIEF OF INDEBTEDNESS (AMENDMENT) ACT—</b>	
Maintenance charges for, in Hissar district ..	232, 526	Question re enforcement of, ..	612
Transfer of management of, to District Board, Hissar ..	232, 526—27	<b>RELIEF WORKS—</b>	
<b>RASHIDA LATIF BAJI, BEGUM—</b>		Question re—	
Bill, Urban Immovable Property Tax—		Famine, in famine-stricken southern districts of Punjab ..	1016
Circulation ..	711	In Hissar, Rohtak and Gurgaon ..	696
Levy of tax ..	1048-49	<b>REMISSION—</b>	
Power to make rules ..	1179-80, 1181	Question re—	
Select committee, recommit- ted to, ..	993—99	For damage to crops by hail- storm in Dipalpur Tahsil ..	327
Bill, General Sales Tax, circula- tion ..	847-48	In land revenue and abiana ..	622
Adjournment motion re franchise of women voters of Lahore City ..	474	In land revenue in five tahsils of Ferozepore district ..	944
<b>RATES—</b>		In land revenue on Rabi crops ..	639
Question re, of octroi in Gujrat, ..	243	<b>REMOVAL OF CIVIL DISABILITIES AMONG HARIJANS BILL—</b>	
<b>RAVI—</b>		Consideration, motion re, ..	790
Question re relief to sufferers in villages Dhayan Singhwala, Gulgarh, etc., washed away by floods in river ..	926	<b>REPORT—</b>	
<b>RECLAMATION OFFICER—</b>		Adjournment motion re wrong report of Maulvi Abdul Ghani's speech ..	87
Question re communal representa- tion among employees in office of Deputy Commissioner, Criminal Tribes and, ..	940	Question re—	
<b>RECOGNITION—</b>		By Professor K. T. Shah on possibilities of industrial development in Punjab ..	623
Question re withdrawal of, of the Public Hindu High School, Rupar ..	450	Entry of wrong, by Muharrir, Police Station Malana, made by Autar Harijan of Ambala district ..	1106
<b>RECRUITMENT—</b>		Of committee about riots at Sargodha ..	606
Question re—		Of Retrenchment and Resour- ces Committee ..	648
Of Constables in Multan divi- sion ..	257	Of select committee on Lahore Corporation Bill ..	704
Of Sub-Inspectors and Assist- ant Sub-Inspectors ..	259		

	PAGES.		PAGES.
<b>REPORT—concl'd.</b>		<b>RIASAT ALI, KHAN BAHADUR</b>	
Question re—		<b>CHAUDHRI—</b>	
Punjab Unemployment Com-		Resolution re loan for starting	
mittee, .....	702	state-owned and state-managed	
<b>REPRESENTATION—</b>		industries ..	490
Question re, of creditor class on		<b>RIFLES—</b>	
the Debt Conciliation Board,		Question re licences for guns and,	
Karnal ..	945	issued in Ludhiana district ..	936
<b>REPRESSION—</b>		<b>RIOTS—</b>	
Adjournment motion re resort		Question re—	
to ..	86-7	Arrest, conviction and release of	
<b>RE-SETTLEMENT—</b>		persons in connection with, at	
Question re, of Kangra district ..	55	Thatta ..	932
<b>RESIGNATION—</b>		Compensation to sufferers in,	
Question re, from service or pre-		at Multan ..	935
mature retirement of European		Expenses incurred in connec-	
officers since the inauguration of		tion with, at Thatta ..	1022
Provincial Autonomy ..	1093	Report of committee about, at	
<b>RESOLUTION—</b>		Sargodha ..	606
Action taken by Government on,		<b>R. M. R. MINOR—</b>	
passed by Assembly ..	83	Question re supply of water for	
Re—		gardens from, on Sirhind Canal	923
Cadets for ordinary and emer-		<b>ROAD(S)—</b>	
gency commissions ..	1237—	Question re—	
81		Between Kanganpur and Chima	
Grant of land to people whose		in Lahore district ..	708
lands have been acquired for		Construction of new, ..	1230
cantonment or military pur-		Kacha, between Sialkot and	
poses ..	219, 480	Shakargarh to Narowal and	
Loan for starting state-owned		Zafarwal ..	934
or state-managed industries ..	490,	Length of, in Sialkot district ..	1025
1233—36.		Lyalpur-Jhang, ..	778
Question re, by Punjab Bar Con-		Metalled, for village Nathana to	
ference and action taken there-		village Jandianwala ..	184
on ..	141	Metalled, in Ambala district ..	444
<b>RESTITUTION—</b>		Metalling of, between Jhang	
Question re—		and Head works of the Haveli	
Appointment of officers for dis-		Project ..	778
posal of applications relating		Metalling of Chichawatni-	
to benami transactions and,		Kamalia, ..	395
of mortgaged lands ..	1098	Metalling of, in Ferozepore dis-	
Of land in Jhang district ..	228	trict ..	1228
Of Mortgaged Lands Act and		Monopolies of, for plying motor	
Alienation of Land Amend-		vehicles on hire ..	1101
ment Act ..	524	Provincialization of, in Ambala	
<b>RESTORATION—</b>		division ..	1023
Question re benami transactions		Public Works Department, be-	
and, of land to original owners ..	695	tween Dipalpur and Bunga	
<b>RETAIL SALE—</b>		Hayat ..	448
Question re permission for, of		<b>ROAD FUND—</b>	
liquor within municipal limits,		Question re Central Government,	1030
Chiniot, district Jhang ..	443	<b>ROBBERIES—</b>	
<b>RETRICHMENT—</b>		Question re murders, dacoities and	
Question re Thal Project and, of		highway, in the jurisdiction of	
officers ..	769	Sidhwan Bet Police Station,	
<b>RETRICHMENT AND RESOURCES</b>		district Ludhiana ..	605
<b>COMMITTEE—</b>		<b>ROBERTS, SIR WILLIAM—</b>	
Question re report of, ..	864	Bill, Urban Immovable Property	
<b>REVENUE CASES—</b>		Tax—	
Question re, in Jhang ..	57	Exemptions ..	1147, 1148
<b>REVENUE DEPARTMENT—</b>		Levy of tax ..	1131-32
Question re representation of		Resolution re loan for starting	
Sikh officers in, ..	75	state-owned and state-managed	
<b>REWARD—</b>		industries ..	501
Question re, for successfully re-		<b>ROSIN FACTORY—</b>	
sisting dacoits ..	865	Question re, at Jallo ..	772
<b>REWARD GRANTS—</b>		<b>RULES—</b>	
Question re, in Rakh Pir Mahal	522	Question re—	
		For promotion, transfer and dis-	
		missal of compounders ..	1033



	PAGES.		PAGES.
<b>SANITATION—</b>		<b>SERVICE BOOKS—</b>	
Question re improvement of, and water supply in urban and rural areas ..	937	Question re, of Government servants ..	692
<b>SANTOKH SINGH, SARDAR SAEIB, SARDAR—</b>		<b>SESSIONS JUDGE—</b>	
Bill, General Sales Tax—		Question re holding of the court by the District and, Delhi, at Hissar, and by the, Hissar, at Gurgaon ..	703
Circulation ..	817—21	<b>SETTLEMENT—</b>	
Bill, Urban Immoveable Property Tax—		Question re, of debts by Debt Conciliation Board, Amritsar ..	927
Circulation ..	727, 746	<b>SHAH NAWAZ, MRS. J. A.—</b>	
Appeal and review ..	1158	Adjournment motion re—	
Capital value, ascertainment of, ..	1151, 1154	Franchise of women voters of Lahore city ..	476
Exemptions ..	1148	Legislative Assembly electoral rolls ..	197
Levy of tax ..	1039, 1060—63, 1136—37.	Resolution re—	
Point of order, re consideration of Urban Immoveable Property Tax Bill under rule 96 ..	958, 962	Cadets for ordinary and emergency commissions ..	1265-66
<b>SANT RAM SETH, DR.—</b>		Loan for starting state-owned and state-managed industries ..	505
Bill, Rural Poor and Unemployed Relief, motion for leave to introduce ..	210	<b>SHAH, PROFESSOR K. T.—</b>	
<b>SCHEDULED CASTE(S)—</b>		Question re report by, on possibilities of, industries in Punjab ..	628
Question re—		<b>SHAHNUR—</b>	
Proclamation against Begar taken from members of, ..	247	Question re New Division of, ..	507
Representation in District Board, Hissar ..	243	<b>SHAHNUR BRANCH CANAL—</b>	
Wells for, ..	637	Question re, ..	1016
<b>SCHEDULED CASTE STUDENTS—</b>		<b>SHEIKH QURESHI—</b>	
And industrial schools ..	624	Question re representation by, for the expunction of entry of Qasabs against them ..	313
<b>SCHOOL(S)—</b>		<b>SHIVALIK HILLS—</b>	
Question re—		Question re grazing in, ..	771
Government Colléges and, ..	780	<b>SHERI RAM SHARMA, PANDIT—</b>	
Government high, for boys in Chinot tahsil ..	1034	Adjournment motion re—	
<b>SCHOOL BOYS—</b>		Forcible realisation for war fund ..	83—6, 471
Question re teasing of, by goondas ..	871	Municipal voters' lists, Rewari ..	
<b>SEA ROUTE—</b>		Bill, Criminal Law (Second Amendment), Circulation ..	111—17
Question re, to Jaddah for pilgrims ..	859	<b>SIDHWAN BET—</b>	
<b>SEAT—</b>		Question re murders, dacoities and highway robberies in the jurisdiction of, police station, district Ludhiana ..	605
Question re election for Beri Circle, in District Board, Rohtak ..	930	<b>SIKANDER HYAT-KHAN, HONOURABLE MAJOR, SIR—</b>	
<b>SECONDARY STAGE—</b>		Additional Financial Commissioner ..	424
Question re medium of instruction and examination at the, ..	321	Adjournment motion re—	
<b>SECRETARIAT—</b>		Application for enlistment as voters ..	267
Question re Finance Department of, ..	60	Externment of Dr. Muhammad Ashraf ..	334, 367, 379
<b>SEED FARMS—</b>		Legislative Assembly electoral rolls ..	192—96
Question re special outlets to a landlord in Bhatinda Division for gardening purposes or for, ..	1096	Speech of, at Ludhiana ..	97-8
<b>SERAJ DHARI SIKHS—</b>		Bill, Criminal Law (Second Amendment)—	
Question re, in Government service ..	395	Circulation ..	119—23
<b>SENIOR VERNACULAR CERTIFICATE—</b>		Passing of ..	289
Question re grant of, to junior vernacular trained teachers ..	591	Bill, Legislative Assembly Removal of Disqualifications) Amendment—	
<b>SERVICE—</b>		Passing of, ..	573
Question re—			
Communal proportion in, ..	921		
Punjab Engineering College Alumni taken into, ..	391		



	PAGES.
<b>SIRANDER HYAT-KHAN, HONOURABLE MAJOR, SIR—<i>concl.</i></b>	
Bill, Primary Education—	
Recommendation of local au- thorities for its application ..	907—11
Bill, Urban Immovable Property Tax—	
Appeal and review ..	1166—68, 1169, 1172.
Capital value, ascertainment of, ..	1154, 1163
Circulation ..	755
Draft valuation list ..	1156
Exemptions ..	1139, 1142-50.
Levy of tax ..	1040, 1043—45, 1046, 1048, 1049, 1050. 1082—91, 1110, 1115-16, 1120, 1132—34, 1158. 1226—29, 1183, 1218-19.
Passing of, ..	1175, 1176, 1177-78.
Penalty for failure to make returns ..	959, 963, 964.
Point of order, consideration of, under rule 96 ..	1174, 1175 1180-81
Power of assessing authority to require return at any time ..	577, 649 1182
Power to make rules ..	1004—11 810
Reference to select committee ..	729, 733—36, 743.
Schedule ..	874-75, 876-77.
Select committee, recommitment to, ..	17, 18, 19
Select Committee Report ..	306, 396
Validity of, being a tax on capi- tal value, point of order ..	2
Government business on Thursday ..	20—2
Hours of business ..	487
Hours of sitting ..	1109-09
Proceedings in <i>Camera</i> ..	873
References to late Khan Bahadur Ahmad Yar Khan, Daulatana and Sayed Afzal Ali Hasnie ..	330
Resolution re grant of land to people whose lands have been acquired for cantonment or military purposes ..	
Sitting on 14th December, 1940 ..	
Sitting on Wednesday ..	
Statement re newspapers and war publicity work ..	

	PAGES.
<b>SIRANDER KHIZAR, HAKIM—</b>	
Question re election of as Ex- ecutive Officer, Lyallpur Municipality ..	802
<b>SIKH(S)—</b>	
Question re—	
Among Chief Conservator, Deputy Conservators and Assistant Conservators, Forest Department ..	487 161
Among Inspectresses of Schools Appointment of a, as Deputy Director of Public Instruction, Registrar, Departmental Examinations and Inspector, Vernacular Education ..	81
Appointment of a, as Director, Assistant Director and Super- intendent in the office of Director of Information Bureau ..	470
Claims of, for appointment as Director and Assistant Direc- tor, Information Bureau ..	80
Gurdwara Tribunal ..	162
Head Mistress ..	67
In Excise Department ..	178
In Government service ..	175—77
Members of Provincial Educa- tion Service ..	946
Posts held by, in Education De- partment ..	68, 161
Representation of, among As- sistant District Inspectors of Schools and Head Masters of Government High Schools ..	82
Representation of, among Civil Surgeons and other officers of Medical Department ..	79
Representation of, among em- ployees in office of Director, Information Bureau ..	80
Representation of, among em- ployees in office of Financial Commissioner ..	75
Representation of, among em- ployees of the Punjab Uni- versity ..	73
Representation of, among Examiners of the Punjab University ..	74
Representation of, among Forest Rangers and other officers of the Forest Depart- ment ..	468
Representation of, among Head Mistresses in Government High Schools ..	81
Representation of, among officers and clerks employed in Government Printing, Punjab ..	77
Representation of, among offi- cers and clerks in the Educa- tion Department ..	82

PAGES.	PAGES.
<b>SIKH (S)—concluded.</b>	<b>SINGHA, DIWAN RAHADUR, S. P.—concluded.</b>
Question re—	
Representation of, among officers of Forest Department ..	and Sayad Afzaal Ali Haemie .. 25-6
Representation of, among officers of Revenue Department ..	Resolution re cadets for ordinary and emergency commissions .. 1271-75
Representation of, among process servers and bailiffs .. 76	<b>SIRHIND CANAL—</b>
Representation of, among Rangers and Deputy Rangers of Forest Department .. 75	Question re—
Representation of, in different branches of Education Department .. 77, 4691	Irrigation of lands by extension of Western Jumna Canal and, .. 1222
Representation of, in Medical Department .. 76	Opening of a new distributary from, .. 455
Representation of, in office of Rural Reconstruction Department .. 80	Supply of water for gardens from R. M. R. Minor on, .. 923
Representation of, in Police Department .. 469	<b>SITA RAM, LALA—</b>
Representation of, in Public Health Department .. 73	Bill, General Sales Tax—
Representation of, in Punjab Civil Secretariat .. 69	Circulation .. 841-45
Representation of, in Punjab Civil Service (Executive Branch) .. 71	Bill, Legislative Assembly (Removal of Disqualifications) Amendment—
Representation of, in Public Works Department (Buildings and Roads) Branch .. 72	Circulation .. 361, 549
Representation of, in Punjab Government Printing, Lahore .. 392-93	Passing of .. 569
Representation of, in stationery office under control of Superintendent, Government Printing, Punjab .. 71	Bill, Urban Immovable Property Tax—
Schaj Dhari, in Government service .. 395	Exemptions .. 1139, 1147, 1150..
Share of, in posts in Financial Commissioners' office .. 467	Levy of tax .. 1144
<b>SIKH AGRICULTURISTS—</b>	Select committee, recomittal to, .. 988-93
Question re, of Feorzepore district .. 859	<b>SITTING—</b>
<b>SIKH GURDWARA TRIBUNAL—</b>	Motion re—
Question re cases pending and decided by, .. 162	On Wednesday .. 873-74
<b>SIKH INSPECTRESS—</b>	On 14th December, 1940 .. 1108-09
Question re appointment of, of schools .. 169	<b>SIWALIK RANGE—</b>
<b>SIKH STENOGRAPHERS—</b>	Question re camels grazing below, .. 527
Question re, in the Civil Secretariat .. 179	<b>SLAUGHTER-HOUSE—</b>
<b>SIKH GURDWARA (AMENDMENT) BILL—</b>	Question re removal of, on Sanda Road, Lahore .. 607
Introduction .. 781	<b>SLEEM, MR. M.—</b>
<b>SILT CLEARANCE—</b>	See Advocate-General.
Question re, of Muhammadpur Minor, Sirsa Branch .. 597	<b>SMALL TOWN COMMITTEE—</b>
<b>SIRSA MUNICIPALITY—</b>	Question re
Question re Muslim seats in, .. 61	Maintenance of Police establishment by, Mandi Dabwali .. 1231
<b>SINGHA, DIWAN BAHADUR, S. P.—</b>	Removal of elected members of Makhad .. 143
Bill, Urban Immovable Property Tax, Levy of tax .. 1059-60	<b>SOHAN LAL, RAI BAHADUR, LALA—</b>
References to late Khan Bahadur Ahmad Yar Khan, Daultana, ..	Bill, Primary Education—
	Recommendation by local authorities for its application .. 881, 883
	Bill, Urban Immovable Property Tax—
	Exemptions .. 1146, 1148, 1149.
	Levy of tax .. 1051-52, 1081, 1120, 1134.
	Power of assessing authority to require return .. 1174
	Resolution re loan for starting state-owned and state-managed industries .. 498
	<b>SOHAN SINGH, JOSHI, SARDAR—</b>
	Adjournment motion re confinement without trial of, .. 88-91
	Application for leave of, .. 873

	PAGES.		PAGES.
<b>SPECIAL POLICE STAFF—</b>		<b>STRATFORD COLLEGE—</b>	
Question re crime in Ludhiana district and the posting of,	631	Question re admission to First year class of, for women at Amritsar ..	711
<b>SPEAKERS, MR.—</b>		<b>STRICTURES—</b>	
Adjournment motion re Legislative Assembly electoral rolls Bill, Urban Immovable Property Tax. Validity of, as tax is proposed on capital value, point of order ..	728, 734, 745.	Question re—	
Giving of previous notice of points of order ..	283	Passed by Additional District Magistrate, Multan, against a Sub-Inspector of Police..	150
Proceedings in Camera ..	2—8	Passed by Sessions Judge, Hoshiarpur, against S. Gurdial Singh, Head Constable ..	320
Point of order re consideration of Urban Immovable Property Tax Bill under rule 96 ..	956, 957, 958, 960, 961, 962, 963, 964.	<b>STUDENTS—</b>	
Point of order whether period of adjournment for want of quorum at the commencement of a sitting to be deducted from question hour or from the time for regular business ..	327	Question re—	
<b>SPEECHES—</b>		Parties of, for war publicity ..	32
Question re—		Total number of, in Province..	779
Delivered in Subjects Committee and open session of Muslim League ..	31	<b>SUB-ASSISTANT SURGEONS—</b>	
Public, by Minister of Development ..	443	Question re Assistant Surgeons and, in the Punjab ..	451
Restrictions on liberty of, by political workers and public leaders ..	610	<b>SUB-DIVISIONAL OFFICER(S)—</b>	
<b>STAGE CARRIAGES—</b>		Question re—	
Question re publication of applications for, and public carrier permits ..	1030	And Magistrates posted at Pakpattan ..	267
<b>STANDING COMMITTEES—</b>		Communal representation among, and Assistant Engineers, Buildings and Roads Branch, Public Works Department ..	262
Question re,	1013	Court of, Fazilka ..	928
<b>STANDS—</b>		<b>SUB-EXAMINERS—</b>	
Question re A, B, C and D, for lorries ..	1032	Question re Examiners and, of the Punjab University ..	466
<b>STATEMENTS—</b>		<b>SUB-INSPECTOR(S)—</b>	
By Leader of Opposition ..	548, 588	Question re—	
Re newspapers and war publicity work ..	330	Complaint against, of police, Tehl Singh, posted at Sukheski Mandi, in Gujranwala district ..	144
Showing action taken by Government on resolutions passed by Assembly ..	83	Of police at Moranda in Ambala district ..	604
<b>STATEMENT OF EXPENDITURE—</b>		Recruitment of, and Assistant Sub-Inspectors ..	250
Supplementary, authenticated by Governor ..	648	Representation of Achhuts among, of police ..	643
<b>STATE PRISONERS—</b>		Strictures passed by Additional District Magistrate, Multan, against a, of police ..	150
Question re transfer of, to Deoli Camp ..	517	<b>SUBJECTS COMMITTEE—</b>	
<b>STATIONERY OFFICE—</b>		Question re speeches delivered in, and open session of Muslim League ..	31
Question re representation of Sikhs in, under control of Superintendent, Government Printing, Punjab ..	393	<b>SUB-JUDGE'S COURT—</b>	
<b>STENOGRAPHERS—</b>		Question re, Muktsar, Ferozepore district ..	928
Question re Sikh, in the Civil Secretariat ..	179	<b>SUBORDINATE OFFICIALS—</b>	
		Question re complaints of corruption against, ..	689
		<b>SUBSIDIZED DISPENSARIES—</b>	
		Question re, in Ludhiana district	608
		<b>SUBSIDY(IES)—</b>	
		Question re—	
		Grant of, for development of industries ..	927
		To newspapers ..	619
		To vernacular newspapers for War propaganda ..	692

PAGES.		PAGES.
	<b>SUBVERSIVE ACTIVITIES—</b>	
	Question re checking of near relatives by Government servants from taking part in, ..	30
	<b>SUICIDE CASES—</b>	
	Question re, ..	605
	<b>SUJANPUR—</b>	
	Question re closing down of Public High School at, ..	808
	<b>SUKH ANAND, DIWAN—</b>	
	Question re appointment of Muslim officers in place of Rai Sahib Lala Nathu Ram, Diwan Harwanah Lal and, ..	392
	<b>SULTAN MAHMUD HOTIANA, MIAN—</b>	
	Bill, Urban Immovable Property Tax—	
	Circulation ..	677
	<b>SUMER SINGH, CHAUDHRI—</b>	
	Bill, Primary Education—	
	Re application ..	914, 915, 917, 918
	Exemptions ..	918
	Re penalty for neglect by guardians ..	951
	Recommendation by local authorities for its application ..	878-79, 882, 895, 949
	Remission of fees ..	1138
	Bill, Urban Immovable Property Tax—	
	Exemptions ..	876
	Government business on Thursday ..	876
	<b>SUPERINTENDENTS OF JAILS—</b>	
	Question re, ..	798
	Question re employment of some inmates of the Borstal Institute for levelling the ground of the house of, New Central Jail, Multan ..	140
	<b>SUPERINTENDENT OF POLICE—</b>	
	Question re—	
	Thanas inspected by, Jhang ..	709
	Travelling allowance drawn by, Ludhiana ..	646
	<b>SUPERINTENDING ENGINEER—</b>	
	Question re amalgamation of office of, Drainage Circle, Roh-tak, with Punjab Irrigation Secretariat ..	1016
	<b>SUPERSESSION—</b>	
	Question re, of local bodies in the province ..	1020
	<b>SUPPLEMENTARY DEMANDS ..</b>	396-438
	<b>SUPPLEMENTARY ESTIMATES—</b>	
	Presentation ..	269
	<b>SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL—</b>	
	Introduction ..	781
	<b>SURVEY—</b>	
	Question re, operations of Baleha and Nakohar Khud Bund Schemes in Kangra district ..	926
	<b>SUSPENSION—</b>	
	Question re, of Hari Parshad and Parma Nand, employees of the Municipal Committee, Sadar Bazar, Ambala ..	933
	<b>T.</b>	
	<b>TACCAVI—</b>	
	Question re—	
	Bad debts ..	595
	Distribution of, loans ..	48
	In Lyallpur ..	226
	<b>TAHSILDARS—</b>	
	Question re—	
	And Naib-Tahsildars ..	942
	Appointment of non-agricul-turists of Ambala division as, ..	1039
	From Ambala division ..	1038
	Number of persons appointed as, Naib-Tahsildars, Zilla-dars and Deputy Collectors ..	65
	Representation of Achhuts among, and Naib-Tahsildars ..	641
	<b>TAIL—</b>	
	Question re supply of water to villages at the, of Western Jumna Canal ..	1223
	<b>TAF MUHAMMAD—</b>	
	Question re escape from custody of, Khaksar ..	454
	<b>TAKES—</b>	
	Question re supply of canal water for, in barani villages in Rohtak district ..	595
	<b>TANNING FACTORIES—</b>	
	Question re admission to the, of Shahdara and Jullundur ..	796
	<b>TARA SINGH, SARDAR—</b>	
	Resolution re cadets for ordinary and emergency commissions ..	1237-39, 1275, 1281.
	<b>TARIFF BOARD—</b>	
	Question re representation of growers and consumers on, ..	702
	<b>TAWAN—</b>	
	Question re, for unauthorised ..	530
	<b>TAX—</b>	
	Question re, on tongas ..	606
	<b>TEACHERS—</b>	
	Question re—	
	Endorsement on premanent cer-tificates of, ..	591
	Grant of freedom to, for experi-mentation ..	321
	Tuition work by, ..	869
	Unhappy plight of, in private schools ..	246
	<b>TEACHING STAFF—</b>	
	Question re stability and efficiency wage of members of, ..	245
	<b>TEHL SINGH—</b>	
	Question re complaint against Sub-Inspector of Police, posted at Sukheki Mandi, in Gujran-wala district ..	144
	<b>TEMPORARY PERMITS—</b>	
	Question re—	
	By Regional Transport Authori-ties ..	1032
	Issue of, to Messrs. Malik Ram, Narinjan Das and Dharam Bir Singh ..	1106



	PAGES.		PAGES.
VERNAICULAR—		WASAKHA SINGH, SANT BABA—	
Question re adoption of First, as medium in Vernacular Final and Middle Examinations ..	451	Question re, ..	630
VERNAICULAR EDUCATION—		WATER—	
Question re appointment of a Sikh as Deputy Director of Public Instruction, Registrar, Departmental Examinations and Inspector, ..	81	Question re—	
VERNAICULAR FINAL AND MIDDLE EXAMINATION—		Authorized full supply of, for the Western Jumna Canal ..	226
Question re adoption of First Vernacular as medium in, ..	451	Distribution of, from Jumna river between Western Jumna Canal and the United Provinces Government ..	47
VETERINARY ASSISTANT—		Supply of, for gardens from R. M. R. Minor on Sirhind Canal ..	923
Question re complaint against, Kalanaur, district Rohtak ..	614	Supply of, to villages at the tail of Western Jumna Canal ..	1223
VETERINARY COLLEGE, LAHORE—		WATER LEVEL—	
Question re admission in, ..	466	Question re, in Doaba ..	139
VOLUNTEERS—		WATER SUPPLY—	
Question re drilling by, in private compounds or buildings ..	517	Question re improvement of sanitation and, in urban and rural areas ..	937
VOTERS—		WELLS—	
Adjournment motion re—		Question re—	
Applications for enlistment as, Franchise of women, of Lahore City ..	265	Construction of, for Achhuts in Karnal district ..	638
VOTERS' LISTS—		For scheduled castes ..	637
Adjournment motion re Municipal, Rewari ..	471	WESTERN JUMNA CANAL—	
W.		Question re, ..	772
WADH WATTAR—		Question re—	
Question re, ..	769	Authorized full supply of water for the, ..	226
Question re abiana on, ..	1098	Closing of British Channels on account of insufficiency of water in, ..	48
WAR		Extension of, ..	230
Question re expenditure on, ..	610	Irrigation of lands by extension of, and Sirhind Canal ..	1222
WAR FUND—		Overflow of, ..	770
Adjournment motion re—		Supply of water to villages at the tail of, ..	1223
Contributions for, ..	98, 185	WHEAT—	
Forcible realization for, ..	83—86	Question re importation of, from Australia ..	1108
Kangra district ..	190	WHEELED TRAFFIC—	
Question re, subscribed by local bodies ..	448	Question re, on Jahu-Pirnagah road in Kangra district ..	1029
WAR PROPAGANDA—		WOMEN B.Ts.—	
Question re—		Question re, ..	941
Subsidies to newspapers for, ..	611	WOMEN VOTERS—	
Subsidy to vernacular newspapers for, ..	692	Adjournment motion re franchise of, of Lahore city ..	474
WAR PUBLICITY—		WORKSHOPS—	
Question re—		Question re child labour in, ..	613
Amount received by newspapers for, ..	166—69, 223—26, 32	Z.	
Parties of students for, ..	32	ZAMINDARS—	
Statement re newspapers and, ..	330	Question re relief to, of Bhachho and other villages in the Ferozepore district ..	184
WARABANDI—		ZILADARS—	
Question re rules for, and closure of outlets ..	46	Question re number of persons appointed as Tahsildars, Naib-Tahsildars, and Deputy Collectors ..	65
WARDENS—			
Question re Air, ..	794		
WARNINGS—			
Question re, to daily papers of Lahore ..	1093		
WASAKHA SINGH, BABA—			
Question re, a State prisoner ..	631		